



GLION HUMAN RIGHTS DIALOGUE

REFLECTIONS ON THE FUTURE
OF THE UN HUMAN RIGHTS PILLAR



PERMANENT MISSION OF NORWAY



UNIVERSAL RIGHTS GROUP



Schweizerische Eidgenossenschaft
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Unies et des autres organisations internationales à Genève

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On 13th to 14th May 2014, the Governments of Norway and Switzerland, supported by the Universal Rights Group, organised a two-day retreat involving a number of international human rights experts in Glion, Switzerland. The 2014 Glion Human Rights Dialogue was entitled: 'OHCHR and the International Human Rights System: The Next 20 Years'. The dialogue was meant to be a starting point for a wider process of informal reflection on ways and means of enhancing the effectiveness and impact of the human rights system.

On 20th December 1993, the General Assembly voted to create the post of UN High Commissioner for Human Rights, acting on a recommendation from delegates to the World Conference on Human Rights held in Vienna earlier the same year, and on 5th April 1994 the first High Commissioner was appointed, charged with promoting and protecting all human rights in all countries. Twenty years on from these momentous events, the Office of the High Commissioner for Human Rights (OHCHR) has changed considerably, as have the scale and complexity of the tasks it performs.

The evolution of OHCHR has come against a backdrop of equally significant changes to the wider international human rights system. In 2006, member States took a significant step in strengthening human rights as one of the three pillars of the United Nations Charter and established the Human Rights Council as the UN's apex human rights body. Since then, the Council has grown significantly in confidence and stature, as have its mechanisms. Meanwhile, the international community has further elaborated the already comprehensive global code of human rights norms, and has established new Treaty Bodies to promote compliance with them. And all the time, the UN is expanding its capacity and ability to reach out beyond Geneva and New York to promote human rights at the regional and national level.

Against this background, the 20th anniversary of the appointment of the first High Commissioner and the upcoming 10th anniversary of the Human Rights Council (2016) offer an important opportunity for all stakeholders to reflect on the

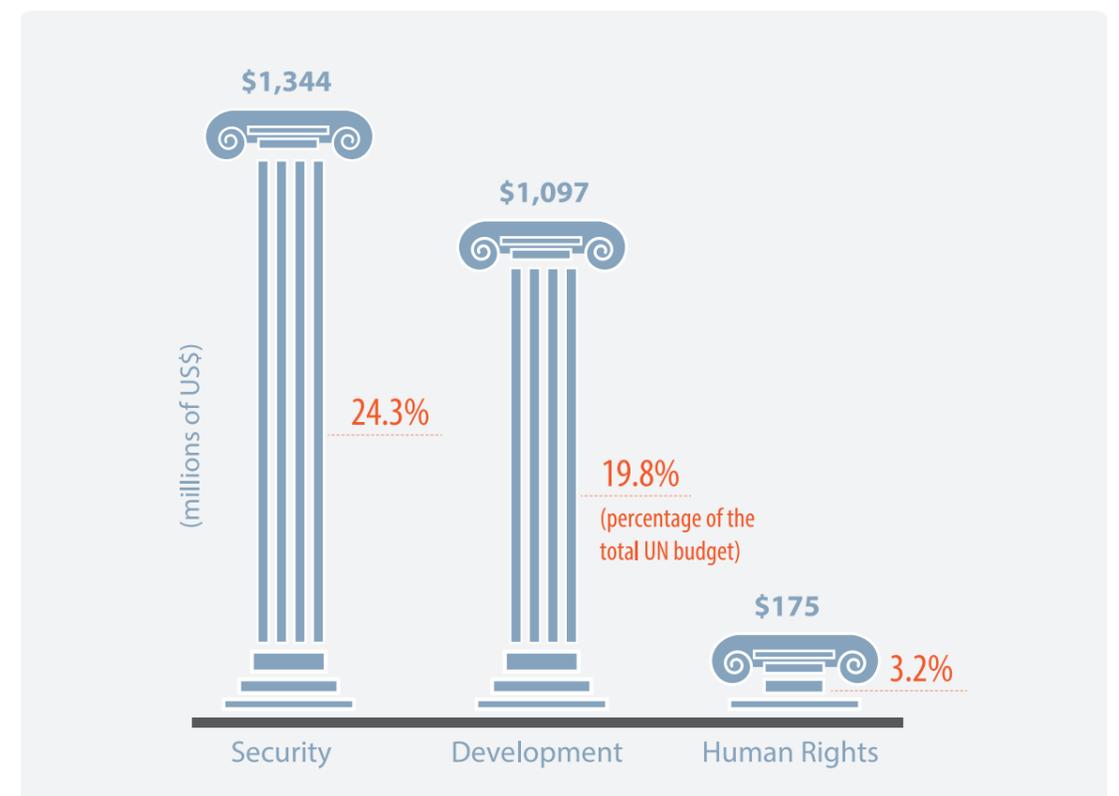
Office's and the wider human rights system's achievements, to identify key challenges, and to find new and innovative solutions to address those challenges in the years to come.

In this spirit, the Glion Human Rights Dialogue aimed to provide an informal, non-attributable platform for forward-looking and solutions-focused discussion and debate on the key challenges facing OHCHR and the UN human rights system, and how to address those challenges in order to strengthen the system's impact worldwide.

The present document is an informal document summarising (in a non-attributable manner) some of the key ideas raised during the retreat. The document does not represent the position of Norway or Switzerland, nor any of the participants, but rather is a non-exhaustive collection of ideas generated at the meeting. It is the hope of the organisers that these ideas and proposals will encourage and contribute to wider consideration by all stakeholders from all regions, thus making the Glion Dialogue a starting point for a fruitful inclusive process.

The report is divided into four parts. The first presents ideas generated during the opening plenary of the Glion Dialogue, which addressed the broad question of how to construct a strong and equal human rights pillar at the UN. The next three sections present key ideas raised during more detailed discussions on: the international human rights mechanisms; human rights field operations; and human rights mainstreaming.

HUMAN RIGHTS: CONSTRUCTING A STRONG AND EQUAL PILLAR



REGULAR BUDGET ALLOCATIONS TO THE THREE PILLARS OF THE UN SYSTEM (2014-2015)*

* Data from "Programme Budget for the Biennium 2014-2015" (A/68/6/Add.1). An additional 8.44% of the Budget (\$467m) went to areas not clearly falling into any of the three pillars, and the remaining 44.26% (2,448m) on general administrative costs.

WHERE ARE WE TODAY ?

In 2014, twenty years after the establishment of the Office of the High Commissioner for Human Rights (OHCHR), one cannot read a newspaper, a blog, or switch on a TV channel without hearing about human rights. "The emergence and predominance of the human rights narrative has been one of the most remarkable geopolitical developments of the past two decades". Despite some pushbacks, individuals and groups feel empowered to demand greater equality, participation, accountability and freedom. Respect for human rights bestows legitimacy on leaders. Those who ignore this imperative are beginning to realise that sooner or later they may be called to account.

However, as the global prominence of the human rights has risen and the appeal of human rights as a language of change and justice has increased, so, automatically, has the 'push back', leading to a shrinking of the 'human rights space' in many countries from both the global North and the global South, and a backlash against civil society.

Together, these two dynamics - the emerging prominence of human rights and the reaction this can engender - combine to place ever-higher demands and expectations on the international human rights system.

In principle, the contemporary human rights system is well placed to respond to such expectations and aspirations. Since the creation of the OHCHR, a strong and comprehensive framework of international human rights law has been consolidated, and a flexible and interlocking structure built to assist states to comply with their human rights obligations. The establishment of the Human Rights Council in 2006 has brought this structure - the UN's human rights pillar - strength and efficacy.

Yet in practice, the promise and potential of the human rights pillar are not always matched by its on-the-ground relevance and impact. For those people whose rights are being downtrodden and who look to the international community for support and

protection, the UN human rights machinery can often seem remote and inaccessible, and the comprehensive global code of human rights norms can seem but a collection of words with little meaning in the real world.

And all the while, the nature of the human rights challenge is shifting. For example, in a globalised, digitalised and increasingly inter-dependent world, can human rights remain solely about a state's relationship with people in its jurisdiction, or are there not cases where a state's obligations extend beyond its territory? What of the role of the UN human rights machinery? Is it there to monitor and offer a critique of states' human rights records, or is it a 'service provider' there to help governments through technical assistance and training? And what is the role of private sector and non-State actors?

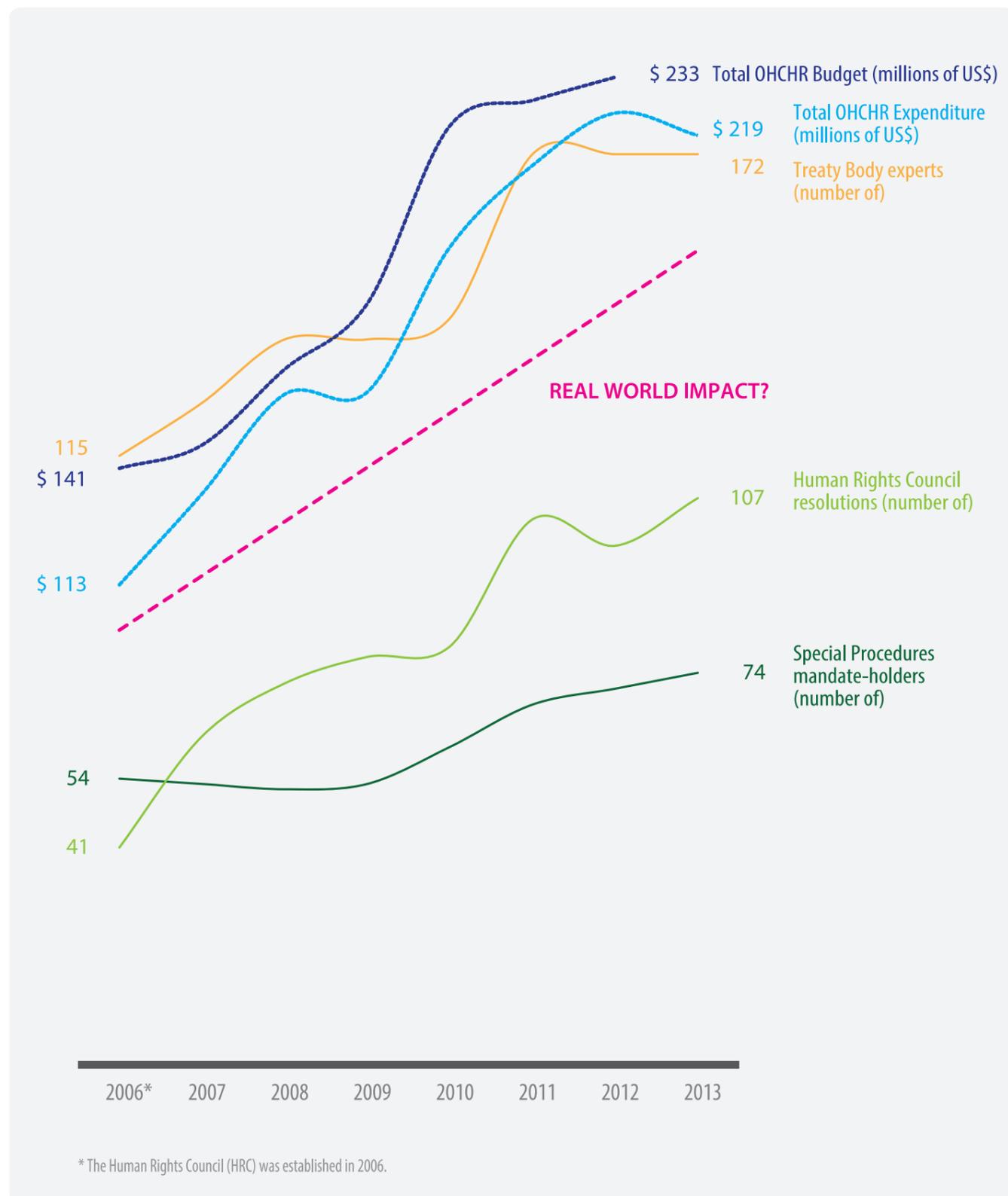
As the world celebrates the 20th anniversary of the OHCHR, and as it looks ahead to the 10th anniversary of the establishment of the Human Rights Council, it is important to reflect on OHCHR's and the wider human rights pillar's many achievements, to consolidate gains - to "push back against the push back", and to uphold the principle that "all human rights are universal, indivisible, interdependent and interrelated". But it is also important to use the occasion "to step back and to think big": to generate fresh thinking and new ideas for how the human rights pillar can be strengthened in the years to come so as to better meet the needs and aspirations of the 'Peoples' of the United Nations.



ISSUES FOR REFLECTION AND OPPORTUNITIES FOR CHANGE¹

- Undertake an inclusive 'bottom-up' process of reflection on how to strengthen the human rights pillar to meet the challenges of the 21st century, for instance through launching processes of national and regional consultations.
- States and other actors should be more confident and assertive in communicating about the importance of the human rights pillar, for instance through a communication campaign showing on-the-ground impact: "Leveraging the human rights pillar is not a weak means of soft security, but a strong means of smart security".
- States and relevant UN actors should begin active consideration of the merits of and challenges involved in making the Human Rights Council a main body of the UN - in-line with the bodies representing the other two pillars.
- States should increase the share of the UN's regular budget devoted to human rights to 5% in five years, and 10% in ten years: "with less than 3%, is it a pillar or a single brick?" To help inform such a drive, OHCHR should calculate and provide precise guidance on the cost of financing all mandated human rights activities from the UN's regular budget.
- It is useful to continue the debate on the relative merits of an international human rights court, while bearing in mind political disagreements around the issue. "The need for judicial determination of complaints of human rights violations is as great today as it was in 1945".
- All actors should reflect on how to strengthen cross-pillar coordination and cooperation, especially in the context of Human Rights Council-Security Council relations, including by building on the positive experience of briefings by the High Commissioner for Human Rights and the Assistant Secretary-General for human rights to the Security Council, and occasional Special Procedures briefings under the 'Arria Formula'.

THE HUMAN RIGHTS MECHANISMS



EVOLUTION OF THE INTERNATIONAL HUMAN RIGHTS SYSTEM (2006-2013)

WHERE ARE WE TODAY ?

The elaboration of a comprehensive global code of human rights norms has been one of the major success stories of the international human rights system. However, securing State compliance with those norms has consistently proved more difficult. To address this challenge, and in the absence of an international court of human rights that could issue binding judgements, the international community has established a number of mechanisms to promote compliance through political and moral suasion, peer pressure, transparency and cooperation. The most prominent of these are the Universal Periodic Review (UPR), the Special Procedures and the Treaty Bodies - although new mechanisms such as Commissions of Inquiry are increasingly influential.

These mechanisms have grown in both scale and sophistication over the past twenty years. The UPR, established as a new mechanism of the Human Rights Council in 2006, has overseen the peer review of the human rights records of all UN member states and is now conducting a 'second cycle' to assess progress. The Special Procedures have evolved from an ad hoc mechanism established to address human rights violations in apartheid South Africa into a comprehensive system able to address a wide range of country-specific and thematic human rights issues. Today there are over fifty Special Procedure mandates and 74 mandate-holders. The Treaty Body system has likewise witnessed exponential growth over recent years. Since 2004, the system has doubled in size with the creation of four new Treaty Bodies, and there has been a corresponding increase in experts from 74 in 2000 to 172 today.

There is no question that these mechanisms have had a profound positive impact on the promotion and protection of human rights in specific cases. This impact has been further strengthened by the complementary and mutually reinforcing (but distinct) nature of the mechanisms. What is less clear is the degree to which the expansion of the mechanisms over the past two decades has led to a corresponding strengthening in terms of their impact on the ground.

Addressing this question and strengthening impact should be a key contemporary priority for States, OHCHR and the human rights mechanisms. In this regard, three points are particularly important. First, the resources deployed in support of the mechanisms have not kept pace with their growth. Second, there is scope to improve the 'systemisation' of the mechanisms (in the case of Special Procedures and Treaty Bodies), as well as synergies between all three mechanisms. And third, and linked with the previous point, all the mechanisms should strengthen follow-up on the implementation of recommendations (as noted in the previous section, this also entails responsibilities for states).

ISSUES FOR REFLECTION AND OPPORTUNITIES FOR CHANGE

Resources

- The Secretary-General's Budget Outline for the 2016-2017 biennium (2016 being the 10th anniversary of the Council), expected to be published in 2015, should include provision to cover all mandated activities (e.g. the human rights mechanisms) under the UN's regular budget.

Strengthen systemisation and synergies

- "Both Special Procedures and Treaty Bodies have made significant progress, over recent years on internal systemisation. But more can be done". Stakeholders should further strengthen synergies and 'systemisation', for instance by recognising the Special Procedures Coordination Committee and by working to ensure the effective implementation of General Assembly resolution 68/268 on 'strengthening and enhancing the effective functioning of the human rights treaty body system'.
- Stakeholders should reflect on how to strengthen coordination between mechanisms (while safeguarding their distinctiveness and independence), for example by creating a cross-mechanism

coordination meeting comprising the Chair of the Special Procedures Coordination Committee, the Chair of the Meeting of Treaty Body Chairpersons, and the President of the Human Rights Council: “a kind of inter-ministerial mechanism at international level”.

- Concerted effort should be made to better leverage information technology and social media in order to make the mechanisms more accessible, user-friendly, responsive and efficient.

Strengthen implementation and follow-up: “promoting complementarity and coherence”

- “In order to remain relevant and credible the human rights pillar must, as a matter of urgency, address the long-standing implementation gap through more systematic follow-up, focus, coordination and cooperation”. Addressing this gap should be a priority for States and the whole UN system, for instance through a “coherent, cross-mechanism, system-wide strategy to improve support to states on implementation and follow-up”
- “Bring together and streamline all the recommendations from all the mechanisms”, for instance through strengthening the Universal Human Rights Index to provide a one-stop-shop, consolidated, clustered and streamlined summary of all recommendations (from UPR, Special Procedures, Treaty Bodies and regional mechanisms).
- “Find ways to support implementation at national-level”, for example, by continuing and expanding the pilot project under which OHCHR is working with countries, upon their request, on the implementation of ‘comprehensive national follow-up strategies’.
- ‘Regionalise’ implementation by building on “successful examples of international level – regional level coordination such as the Addis Ababa agreement between UN and African Union Special Procedures”.
- States should consider ways to measure implementation and impact, including through relevant human rights indicators, and develop best practice case studies to showcase and learn from experiences.

BRINGING HUMAN RIGHTS PROMOTION AND PROTECTION INTO THE FIELD

WHERE ARE WE TODAY ?

One of the most significant developments of the past 20 years has been OHCHR’s evolution into an operational and field-based organisation, with 58 human rights presences worldwide, and increased engagement in the context of crises.

It has become common practice to include human rights components in any **peace mission deployment** – for example, three new missions were created between 2013 and 2014 in Somalia, Mali and the Central African Republic, and all included a human rights division.

The creation of the UNDG Human Rights Mainstreaming Mechanism and Trust Fund has led to the deployment of an increased number of **human rights advisors** – individuals in charge of supporting UN Country Teams in their human rights-related engagement with host governments. By the end of 2014, there will be a total of 30 human rights advisors deployed throughout the world.

And finally, today there are 13 **OHCHR country offices** (the most recent ones opened in Mauritania, Tunisia and Yemen in 2009, 2011 and 2012), and 12 **OHCHR regional offices**. Notwithstanding, in recent years OHCHR has been unable to significantly increase its own field presence. The two main obstacles to further expansion are lack of agreement from prospective hosts, and a general lack of funds. In recent years, OHCHR income has not kept up with demands, resulting in a financial shortfall that drastically reduces the opportunity to undertake new activities. To illustrate the latter point, recent requests from the governments of Paraguay, Honduras and Chad for OHCHR to open Country Offices had to be turned down because OHCHR was not able to secure the necessary funding.

Turning to qualitative considerations, it is clear that OHCHR field operations can play a crucial role in assisting States, upon their request, to strengthen human rights in-country and support peaceful development, a point demonstrated by the Office’s track record in countries including Togo, Colombia, Mexico.

But when the UN gets it wrong, the consequences can be severe, as was seen in Sri Lanka and, more recently, in South Sudan where human rights officers were side-lined and their concerns ignored. In late 2013, acknowledgment of the UN’s failings in Sri Lanka led to the publication of the ‘Rights Up Front’ action plan which seeks to place human rights at the heart of UN field operations.

ISSUES FOR REFLECTION AND OPPORTUNITIES FOR CHANGE

Future expansion

- Medium-term: ‘No country turned away’ - OHCHR should be in a position to respond positively to any request, by a State, to establish a local presence. “This would send a clear message that many governments see a OHCHR presence as helpful and even necessary to support human rights and sustainable development”.
 - Long-term: universal field coverage. By 2024, every country (developed and developing) interested in receiving human rights support (and where OHCHR considers that such support would be useful) should be covered by a regional office, a country office or a human rights advisor in the UN Country Team (with the model and mandate calibrated to the situation and need).
- ### An equal pillar at global level and local level
- Ensure the full and effective implementation of the ‘Rights Up Front’ action plan in order to confirm the centrality of human rights to UN engagement with all countries, including all UN field operations, and to ensure that UN decision-making at the country level takes into account human rights considerations.

- The UN should secure a field environment in which staff are able to report on problems as well as successes (“bad news as well as good news”), and in which their concerns are effectively fed into UN decision-making processes.
- Strengthen accountability for human rights in UN field operations, for instance through creating effective incentive and accountability structures for all staff, in order to ensure a coherent response to human rights issues.



HUMAN RIGHTS MAINSTREAMING

WHERE ARE WE TODAY ?

Human rights is increasingly being mainstreamed across the other two pillars of the UN’s work (security and development) based on the simple truth that “we will not enjoy development without security; we will not enjoy security without development; and we will not enjoy either without respect for human rights”². This ‘mainstreaming’ of human rights principles across the broader work of the UN has been given added impetus by the Secretary-General’s ‘Rights Up Front’ plan of action which seeks to place human rights concerns at the centre of the work of UN

field operations and country offices; the increasingly assertive role of the human rights pillar in matters of international security, both in terms of catalysing action (e.g. Libya) and in terms of establishing a framework for eventual accountability and remedy (e.g. Syria); and international attempts to learn from the experience of the Millennium Development Goals (MDGs) by ensuring the mainstreaming of human rights principles in the post-2015 development agenda.

The importance of mainstreaming has been recognised and emphasised at the highest political levels. In General Assembly resolution 60/1 presenting the outcome of the 2005 World Summit, Heads of State pledged to 'support the further mainstreaming of human rights throughout the United Nations system', while General Assembly resolution 60/251 establishing the Human Rights Council mandated the new body to 'promote effective coordination and the mainstreaming of human rights'. Notwithstanding, there remains significant confusion, across the UN, as to what 'human rights mainstreaming' is, and why it is important and useful.

And yet, in a situation where the human rights pillar receives only 3% of the UN's regular budget, human rights mainstreaming is incredibly important as a 'multiplier' of influence. "Successful human rights mainstreaming is about making sure that the 3% of the UN's regular budget dedicated to the human rights pillar is transformed into 97%+3%, meaning that the whole UN system works to promote and protect human rights".

Despite these challenges, there has been steady progress in mainstreaming human rights across the other two UN pillars since the launch of OHCHR's mainstreaming work in 1997. Initially, progress was focused on the security pillar (peacekeeping operations) but then, after the 2005 World Summit, human rights were increasingly mainstreamed across UN development policy and programmes. In 2010, the UNDG Human Rights Mainstreaming Mechanism was established; in 2011 a new policy was adopted on the role of human rights in peacekeeping operations; and between 2012 and 2013 OHCHR worked to integrate human rights standards into the work of all UN agencies. These processes have been given added impetus by the 'Rights Up Front' action plan, as well as by policies on 'human rights screening' and 'human rights due diligence'.

Today, human rights is a standing agenda item during the meetings of the principals of UN agencies and programmes;

human rights responsibilities are included in the terms of reference of Resident Coordinators; more and more human rights advisors are being posted within UN Country Teams; and human rights components are now routinely integrated in UN peacekeeping missions. And the international human rights system "is now increasingly influencing the political culture and decision-making of regional organisations, by introducing human rights into policy dialogues on a vast range of topics".

ISSUES FOR REFLECTION AND OPPORTUNITIES FOR CHANGE

- "Seize the moment at international-level": make the most of important UN-level debates, for example on the Sustainable Development Goals targets and indicators, to push for the mainstreaming of human rights.
- Mainstreaming at the regional level: "Human rights mainstreaming is not only important at UN level; there are significant opportunities to mainstream at regional level" through, for example, stronger coordination between the secretariats of international and regional mechanisms.
- Mainstreaming at the local level: ensure that UN Resident Coordinators, Country Teams, SRSGs, peace operations, and UN departments and agencies are mainstreaming human rights into all relevant national-level advocacy, engagement and programming, and that they 'speak the language of human rights' in all of their interactions with host governments in all regions.
- Leverage all parts of the human rights pillar. "Mainstreaming is the responsibility of all stakeholders in the human rights pillar, including all Special Procedures and Treaty Bodies, not just OHCHR".
- "Be practical and concrete": Translate human rights norms into practical tools and incentives, in accessible and simple language, so that human rights principles can be successfully integrated into other UN policy areas.



working together to protect universal human rights



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