Glion Human Rights Dialogue 2019 (27-28 May 2019)

Towards 2026: Perspectives on the future of the Human Rights Council

Concept Note

The Glion Human Rights Dialogue is a retreat-style event bringing together around 60 human rights practitioners and thinkers. It is designed to provide an informal setting for honest and frank exchange, as well as new and innovative thinking. The meeting is held under the 'Chatham House rule.'

The sixth Glion Human Rights Dialogue (Glion VI), which is organised by the Swiss Federal Department of Foreign Affairs and the Universal Rights Group, in partnership with the Permanent Missions of Botswana, Fiji, Iceland, Mexico, Senegal, and Thailand, will be held on 27-28 May 2019 and will focus on the topic: *'Towards 2026: Perspectives on the future of the Human Rights Council.'* The Glion retreat itself will be preceded by four preparatory policy dialogues held during the month of April (three in Geneva and one in New York).

Towards 2026: Perspectives on the future of the Council

The Human Rights Council has secured a number of significant achievements since its establishment in 2006. It has continued much of the important work of the former Commission on Human Rights by, for example, providing a forum for debate, maintaining a system of Special Procedures, and widening the global framework of human rights norms and standards. At the same time, it has taken further steps to strengthen the relevance and delivery of the UN's human rights pillar, including by: building a powerful new peer-to-peer review mechanism (the Universal Periodic Review - UPR); focusing to a greater degree on supporting, and following-up on, the domestic implementation of States' human rights obligations and commitments; taking steps towards the effective prevention of human rights violations and crises; promoting accountability for serious violations through the creation of commissions of inquiry (COIs), fact finding missions and an international, impartial and independent mechanism (IIIM); and forging strengthened links with the UN's other two pillars – the development pillar and the peace and security pillar.

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Yet the Council has also faced important challenges to the effective delivery of its mandate as set by the General Assembly (GA) in resolution 60/251.

The GA's upcoming review of the Council's status (due to take place between 2021 and 2026) offers a possible opportunity for State delegations and other stakeholders in Geneva to reflect on these achievements and challenges, and consider how the body and its mechanisms might strengthen their effectiveness and impact, both in their own regard and in combination with the other two pillars of the UN. Moreover, the '2021-2026 review' also offers a chance for the international human rights community to look ahead and reflect not only on how the international community might better respond to *today's* human rights challenges, but also on how to respond to the new and emerging issues of *tomorrow*.

The 2021-2026 review

At the 2005 World Summit, UN Member States decided to strengthen the human rights pillar by creating the Human Rights Council in replacement of the Commission on Human Rights.[1] This decision was taken on the basis of proposals contained in the-then UN Secretary-General's report 'In larger freedom: towards development, security and human rights for all.'[2] The report called for the establishment of a smaller standing Human Rights Council that 'would accord human rights a more authoritative position, corresponding to the primacy of human rights in the Charter of the United Nations.' The report left it to States, however, to decide whether they would want the new Council 'to be a principal organ of the UN or a subsidiary body of the General Assembly.'[3]

In March 2006, States adopted GA resolution 60/251 formally establishing the Council as a subsidiary organ of the GA. With this resolution, they decided that 'the General Assembly shall review the status of the Council within five years.'[4] At the same time, the GA called upon the Council to 'review its work and functioning five years after its establishment and report to the General Assembly.'[5]

In March 2011, after completing the review of its work and functioning as requested in GA resolution 60/251, the Council adopted resolution 16/21.'[6] Subsequently, the GA recognised this outcome in resolution 65/281 and decided to maintain the status of the Council as a subsidiary body. It further decided 'to consider again the question of whether to maintain this status […] at a time no sooner than ten years [i.e. 2021] and no later than fifteen years' [i.e. 2026].[7]

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[1] GA resolution 60/1 on '2005 World Summit Outcome,' 24 October 2005, paragraphs 157-158
[2] In larger freedom: towards development, security and human rights for all; Report of the Secretary-General, A/59/2005, 21 March 2005, pp41-46
[3] *Ibid*
[4] GA resolution 60/251 on 'The Human Rights Council,' 15 March 2006, operative paragraph 1
[5] *Ibid*, operative paragraph 16
[6] Human Rights Council resolution 16/21 on the 'Review of the work and functioning of the Human Rights Council,' 25 March 2011
[7] GA resolution 65/281 on the 'Review of the Human Rights Council,' 17 June 2011

On this occasion however, the GA did not request the Council to conduct a (further) review of its work and functioning.

During Glion V in 2018, States and other stakeholders had an early opportunity to look ahead to the '2021-2026 review,' and consider the important question of whether and how the Council and 'Geneva' should contribute to that review. The strong view of participants was that 'Geneva' should indeed provide a contribution to help inform the GA's deliberations. However there was no consensus over the preferred nature or form of that contribution.

In February 2019, these issues were raised again in a 2019 Council Bureau 'Roadmap for 2019.'[8] The paper notes that the absence, in GA resolution 65/281, of an explicit request for the Council to conduct a review of its work and functioning has led to discussions over: '(1) whether the Council should contribute to the GA review as it did in 2011, and if so, how it should do so; and (2) whether a review of the Council's work and functioning should be undertaken, and in the affirmative, when this should take place.'

New and emerging issues

In addition to offering a chance for States and other stakeholders to reflect on how the Council and the wider human rights pillar might respond to *today's* human rights challenges, the upcoming 2021-2026 review also provides an opportunity to consider new and emerging human rights issues that may well occupy the Council's attention – and demand effective responses – by 2026.

That may include developing effective human rights responses to, for example: the impacts of climate change, environmental degradation and biodiversity loss; the development and use of digital technologies and fora (e.g. big data, artificial intelligence); transnational crime and corruption; global inequality (both between and within States); the growing power and wealth of private – as opposed to State – actors (e.g. wealthy individuals, companies, armed groups); population growth and increased competition for natural resources; mass population movements; and resurgent authoritarianism and nationalism.

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[8] Letter from H.E. Mr Coly Sek, President of the Human Rights Council, to all Permanent Representatives, 12 February 2019

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Addressing these emerging issues will require the international human rights community to effectively use existing instruments and mechanisms, including in respect to support for and follow-up to the domestic implementation of universal norms; *and* to 'think outside the box' by confronting questions about the very nature of international human rights law, and the current multilateral system. For example, the fact that the human rights impacts of climate change or transnational crime do not respect national borders and may be caused by private as well as public action/inaction, raises questions about the extraterritorial application of human rights law and the role of business in upholding universal norms. In another example, the recent reports of the UN Commission on Human Rights in South Sudan and the Fact-Finding Mission on Myanmar have both taken important strides towards establishing individual criminal accountability for serious human rights violations, thus moving beyond the traditional State-centric understanding of human rights duty-bearers.

Sixth Glion Human Rights Dialogue

Against this backdrop, the sixth Glion Human Rights Dialogue (Glion VI) and its preparatory policy dialogues will seek to provide an informal 'Chatham House' space for States and other stakeholders to consider a number of important themes/sub-themes:

1. **The contribution of the Human Rights Council to the General Assembly's 2021-2026 review of the Council's status**
    a. Does the broad sense, evident at Glion V, that the Council and 'Geneva' should contribute to the GA's '2021-2026' status review still hold and, if so what should be the nature of that contribution?
    b. How should such a contribution be elaborated and made available to the GA?
    c. What are the main messages the Council and 'Geneva' would like to communicate to the GA?

2. **Implementation support and follow-up by the international human rights system**
    a. How do Special Procedures currently follow-up on the implementation of their recommendations, track and measure progress, and mobilise 'implementation support' to those States that so request it?

b. How is the UPR's 'in-built' follow-up mechanism working in practice (i.e. subsequent UPR reports updating the UPR Working Group on the implementation of previous recommendations)? Are national reports, UN system reports, and 'other stakeholder' reports proving equally effective as follow-up mechanisms? How do reviewing States follow-up on and, potentially, support the implementation of recommendations they have extended?

c. Is the UN human rights system well equipped to ensure follow-up to the important quantity of thematic and country-specific resolutions adopted at each session?

d. How do OHCHR and other relevant UN programmes and agencies follow-up with States to support them, where requested, with the domestic implementation of recommendations from the Council's two main mechanisms – Special Procedures and the UPR, (perhaps also in combination with Treaty Body recommendations)? How do different UN programmes and agencies ensure coherence and avoid duplication in the delivery of implementation support?

3. **Emerging issues and developing effective Council responses**
    a. What are the key human rights trends, and emerging issues and challenges likely to occupy the Council's attention by 2026?
    b. Has the Council already considered [some or all of] these issues, what responses has it designed to address them, and how effective have those responses been?
    c. Is there a need to think 'outside the box' with regard to the human rights dimensions of these issues, and develop new mind-sets and approaches?
    d. What is the impact of new trends, such as the further development and spread of digital technologies and fora (e.g. big data, artificial intelligence), on the Council's agenda and functioning?

For Glion VI a further policy dialogue will be held in New York on the following theme:

4. **New York perspectives on the General's Assembly's 2021-2026 review of the Human Rights Council's status**
    a. What is the 2021-2026 review? How will it be conducted?
    b. What does 'New York' expect from the review?
    c. What kind of contribution, if any, does 'New York' expect from the Human Rights Council ahead of the review? What kind of contribution would be useful?