

Déjà vu all over again at the Human Rights Council

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A new initiative on 'people-centred approaches' offers little that is truly new. Human Rights Council members should see this for the distraction it is, reject it, and put their energy elsewhere, says ISHR.



A new resolution led by China - with a core group and co-sponsors including Pakistan and Bangladesh, Belarus, Egypt, Nepal, Russia and Venezuela - will be considered by the UN Human Rights Council this week.

Tabled under the title '[People-centred approaches in promoting and protecting human rights](#)', the text is an agglomeration of disparate, largely innocuous concepts. The text seems to be a restatement of a widely-accepted concept - that inequalities and discrimination are major challenges to realizing all human rights for all - but does not go much further. It also draws heavily from a range of development-orientated General Assembly resolutions, exacerbating the lack of coherence.

Under normal circumstances, such a resolution may have flown under the radar or simply been approached with an eye to ensuring balance; **in the current context, however, the resolution should be squarely rejected.**

To understand why, it's important to revisit past Council negotiations. The resolution on '[Promoting Mutually Beneficial Cooperation in the Field of Human Rights](#)', affectionately referred to by its original title of 'win-win', was adopted by a highly-skewed vote in 2018 - with only one Council member voting 'no'. [Its successor resolution](#) was adopted in June of this year, but without nearly the same support. It was voted through by one of the narrowest historical margins for a thematic text, with only 23 States supporting it and 16 against.

In making many of the same arguments as the 'win-win' resolution did, the current text is the diplomatic equivalent of a re-do. Over the evolution of multiple drafts and during three informal negotiations, it became clear that a core set of concerns central to the negotiations in June of this year remain unaddressed, including:

- Ambivalence towards, or outright misinterpretation of, agreed UN language on the Vienna Declaration and Programme of Action, which established a touchstone of international human rights law - namely, the universality, interdependence, indivisibility and interconnected nature of rights. In practical terms: a slippery slope towards conditioning protection of human rights on development progress.
- Explicit and exclusive emphasis on the UN's role in promoting human rights through dialogue and cooperation, which ignore the equally important role of accountability.
- Instrumentalisation of the Advisory Committee, the Council's internal 'think tank'. As in the 2018 resolution on mutually-beneficial cooperation, the Advisory Committee is being asked to adjudicate the meaning of an inherently political term and, thus, imbue it with a meaning that is not present in human rights law and jurisprudence.
- Elision between 'individuals', 'persons', 'people' and 'peoples', which lead to concerns about the core premise of international human rights law, that all human beings are born free and equal in dignity and rights. The text does not argue for upholding collective rights, for example of a community or of a group of indigenous persons - for many defenders, this would in fact be a welcome shift from the atomized focus of many Northern governments in individuals. Instead, it seems to be a studiously careless approach that could imbue other entities (for example, sovereign states or 'societies') with rights as well.

In addition to these unresolved issues, the backdrop of the current negotiations should encourage States to consider carefully their approaches to the draft resolution.

First, the budgetary crisis facing the UN, and in particular its human rights pillar, is dire. High Commissioner Bachelet has already briefed States through letters, dedicated meetings and her update to the Council about the kinds of decisions that the Office must take to prioritize work across its mandate. With the possibility that many longstanding and well-defined areas of work will be on the chopping block, is this the time for States to

call for new, poorly-understood and overly-broad mandates?

Second, and relatedly, many States and the Council President urged discretion, encouraging states to limit new initiatives, and to delay or biennialise existing initiatives. With the constraints of COVID-19 health measures, including shifts to remote work across the Council's agenda, it would have been good for the co-sponsors to reconsider the necessity and urgency of this initiative.

Finally, the resolution appears to give lip-service to many of the most pressing issues confronting communities around the world – extreme poverty and economic injustice, gender inequality, systemic racism, the climate crisis, precarious work – and the ways in which the COVID-19 pandemic has laid them bare. Yet instead of proposing meaningful shared conclusions for the Council, or advancing any aspect of the meaningful work done by the UN human rights system to provide practical tools to uphold rights during times of crisis, the resolution simply asks for 'a study on ... pursuing people-centred approaches in promoting and protecting human rights'.

This tautology – human rights being, by definition, centred on the human being – not only fails to deliver real solutions for the broad range of deep, substantive issues the drafters have treated as items to tick off their list. It also fails to recognize one of the most foundational principles of the Council itself.

Council members should not support this resolution; instead, they should direct their efforts and the Council's limited resources to fulfilling the important mandates it mentions: the fight against racism and xenophobia; the work to build social safety nets and combat precarity and economic inequality; and the need for active participation in public affairs, including of women and girls.

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