

# Foreign Affairs Committee

## Oral evidence: The UK's role in strengthening multilateral organisations, HC 513

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Members present: Tom Tugendhat (Chair); Alicia Kearns; Stewart Malcolm McDonald; Bob Seely; Henry Smith; Graham Stringer.

Questions 117-148

### Witnesses

**I:** Benjamin Ward, Director, Human Rights Watch UK, Fred Carver, United Nations Association UK Adviser, and Hillel Neuer, Director, United Nations Watch.

**II:** Peggy Hicks, Director, Thematic Engagement, Special Procedures and Right to Development Division, Office of the United Nations High Commissioner for Human Rights, and Mahamane Cissé-Gouro, Director, Human Rights Council and Treaty Mechanisms Division, Office of the High Commissioner for Human Rights.



## Examination of witnesses

Witnesses: Benjamin Ward, Fred Carver and Hillel Neuer.

Q117 **Chair:** Welcome to this afternoon's session of the Foreign Affairs Committee. Thank you very much to our witnesses for joining us. Can I ask them briefly to introduce themselves for the record?

**Fred Carver:** Hi, my name is Fred Carver. I am a writer and researcher working for the United Nations Association UK, an independent think-tank and charity that works to build bridges between the UN and the UK.

**Hillel Neuer:** My name is Hillel Neuer. I am the executive director of United Nations Watch, an independent, non-governmental human rights organisation based in Geneva, Switzerland.

**Benjamin Ward:** Hello, my name is Benjamin Ward. I am the UK director of Human Rights Watch.

Q118 **Chair:** Thank you very much, each of you, for joining us. May I kick off by addressing you, Mr Carver, and asking what would be considered a successful outcome for a United Nations human rights programme?

**Fred Carver:** You have to divide United Nations human rights programmes into two parts. There is the political process—the Human Rights Council, the member states and their approach to human rights—and then there is the secretariat, and what the staff and the bureaucracy can offer for human rights.

When it comes to the secretariat, what they offer is to be a totally unique voice within the UN system. The High Commissioner for Human Rights has a completely unmatched platform to take states to task, and it is the only part of the UN system that has either the willingness or the ability to take on the major powers and offer criticism of some of those great powers. Success there looks like speaking truth to power and talking about the things that no one else within the UN system will talk about.

The Human Rights Council, in contrast, is where the states of the world meet to talk about human rights. The real value that I see in the Human Rights Council is its universality and the fact that it is every state in the world, and thus the conception of human rights that they put forward is human rights as it is understood by the entire world. It is not the agenda of any one state or any one group of states.

Success there consists of driving up standards, norms and our idea of what human rights is, and this idea that there is a system that almost every country in the world is brought into, in particular the universal periodic review process, which is the process of peer reviewing member states. It is a system that has near universal buy-in from every Government in the world and they understand that they can and should be peer reviewed when it comes to human rights.



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Q119 **Chair:** Clearly, you are speaking a strong game for the role of the organisation. What proportion of human rights abuses do you think the UN human rights organisations are able to effectively resolve? I raise this because it is much easier to talk tough against some countries than against others. Most obviously, the world has been very clear in calling out human rights violations in countries like Saudi Arabia or Syria and much slower in calling them out in places like China.

**Fred Carver:** It depends a little bit on whether you are talking about the political United Nations and member states or about the secretariat. The secretariat has made a number of substantial inputs with respect to Hong Kong in China. What they have maybe done less than they should have is to talk about Xinjiang. Part of that is about the very high levels of corroboration and authentication of information that the Office of the High Commissioner for Human Rights feels they need, because they take a very cautious approach to such questions.

The answer to your question is that when it comes to speaking out, obviously that is something that should be done in every case, but when it comes to having impact and outcomes, I think you are right. There is a sort of middle layer of states where they are going to be more effective. Where states throw up impenetrable barriers and do not allow access for the Office of the High Commissioner for Human Rights staff and do not engage at all with special procedures mechanisms, all we can really do is bear witness. Without actually invading those countries, it is very hard to see how one can have impact in those spaces. We can simply bear witness.

There are other places. The great success in the Office of the High Commissioner for Human Rights recently has been in Colombia in the human rights elements of the peace process. Where countries are willing to open their borders to OHCHR staff and willing to have a constructive engagement with member states, absolutely one can have more impact there.

Q120 **Chair:** What proportion of the abuses do you think the UN rights organisations are able to effectively resolve? Highlighting is one thing, but resolution is another.

**Fred Carver:** It very much depends what you mean by resolve. The truth of the United Nations being a system of sovereign member states is that resolution is by and large a process for sovereign Governments. The role of the United Nations is to support sovereign Governments in their own attempts to resolve human rights processes. If you are talking about what proportion, then you are dealing with the problem of data, because there are some places that have much more open books and we have a much greater sense of what human rights violations have taken place. I am sorry, but I am not really able to answer the question in those terms.

Q121 **Chair:** Thank you very much. Perhaps I can turn to Mr Neuer and Mr Ward; Mr Neuer first. What impact does the presence of states with very poor human rights records have on the vulnerability of the HRC to



unacceptable interference?

**Hillel Neuer:** The membership of non-democracies, and in many cases tyrannies, has an enormous, deleterious impact on the functioning, effectiveness and credibility of the Human Rights Council. Indeed, when Kofi Annan famously asked in February 2005 to scrap the old Commission on Human Rights, he pointed to the fact that human rights abusing countries were joining not to promote human rights, but to defend their own records, and the Human Rights Council was meant to remedy that with a whole process of elections and so forth.

However, if we look around today at the members, they include countries like DR Congo, which is neither democratic nor a republic; the Philippines; Mauritania, which has slavery; Venezuela, which the Human Rights Council's own investigators have just found is committing crimes against humanity; as well as Cameroon, Pakistan, Somalia, Eritrea, Qatar and Libya. Some of the world's worst human rights violators sit on the council as members. Each year, we go with victims from these countries to plead with the United Nations not to elect them. I would say that in 95% of cases, if not more, they then get elected.

The impact that you asked about is very significant. It is no accident that there are zero resolutions on serial human rights abusers. For example, the human rights situation in Russia has never been the object of a single resolution, commission of inquiry or special session. That includes assassinating dissidents and a whole range of other human rights abuses. In Saudi Arabia, women's rights activists are being arrested and tortured—that has never been the subject of a single resolution. In Pakistan, where a Christian mother of five was on death row for nine years for blasphemy—that has never been the object of a single resolution. Cuba, Zimbabwe, Cameroon, Egypt—the list goes on. Many—not all, but many—of the world's worst human rights abusers have never been subjected to a resolution, a commission of inquiry or a special session.

The reason is not that we are not talking about it; my colleagues on this call have talked about the human rights violations of these countries. But when you have members like Eritrea, Venezuela and the others that I mentioned, their primary objective is to deflect attention from their own crimes and those of their allies.

I would say both that country abuses get ignored—not all, but too many—and that thematic resolutions dealing with freedom of speech and other issues too often get subverted. I will just mention one example. There is a constant theme that sanctions against dictatorships like Iran, Syria or other human rights abusers are a violation of human rights, which they call at the UN "unilateral coercive measures". The worst dictatorships block resolutions and they adopt resolutions that say that putting sanctions on dictatorships to help victims is itself a human rights violation.

Q122 **Chair:** That is pretty extraordinary. Do you want to come back in, Mr Carver, and then I will turn to Mr Ward?



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**Fred Carver:** Very quickly, I think it is absolutely true that the membership of the Human Rights Council is not what it should be, but I think we need to look at the reasons why that is. Far too often, blank slates are fielded for elections. This is where there are the same number of candidates standing as there are places to fill. The reason why some of these countries get in is because they are unchallenged. Generally speaking, we have seen that where there is competition, you get better outcomes. When Russia was challenged for its seat, it did not win.

I think that the real challenge for a country like the UK is encouraging allies and states that it would like to see on the Human Rights Council to challenge and to make sure that these elections are contested. I also think that there is work that could be done on capacity building on small island development states, just to encourage more candidates to stand.

Also, we could set an example. Why is it that the western European group always just runs exactly the correct number of candidates, so that there is no competition? I think we should be encouraging competition, and if that happens we will see Kofi Annan's promise being realised and those states that were mentioned before not getting elected.

Q123 **Chair:** That is absolutely fascinating, and one could argue that it speaks to a failure of UK diplomacy to encourage partners and allies to play their part in the international rules-based system. Perhaps, Mr Ward, you would like to comment on any of that?

**Benjamin Ward:** Yes. Mr Carver's point about there not being open slates for elections was one of the points I was going to raise. It is very difficult to create an incentive for states to improve their human rights record and keep the pledges they make as candidates for membership if they then do not face any competition against other states when they run. As Mr Carver said, when there is competition, that is possible, and Human Rights Watch has been involved in work around this, to squeeze out some of the most abusive countries.

Another really important issue is transparency around voting. States often say that they are going to vote against a candidate country with a record of abuse, but then in the end they back it. An example that a colleague of mine gave me was that when China ran for election five years ago, a number of states said that they would not vote for it, but in the end it received 180 votes. I think greater transparency in the process would be helpful in trying to create a more competitive process—that is a recommendation for the UK Government.

As Mr Carver says, very often in the western European group, there is not a contested slate. While there is an opportunity for democratic states like the UK and others to set a good example by having an open and competitive process, they are not doing so, and that really does undermine the efforts of civil society organisations and others to encourage other country groups to have competitive slates.

**Chair:** Thank you. That is fascinating. Alicia, you wanted to come in.



Q124 **Alicia Kearns:** Thank you, Chair, and thank you to all the witnesses. I agree wholeheartedly with Mr Neuer that the HRC has become a sham and a shield for genocidal tyrants essentially to have a puff piece to say that they sit on the Human Rights Council while they go around the world and home committing appalling atrocities.

Mr Carver and Mr Ward, it was incredibly refreshing to hear sensible points about things the UK Government can do to achieve change. That is why we are holding this inquiry. I have to say that I have enormous sympathies with the US about withdrawing from the Human Rights Council—I never thought I would have—given that sitting alongside these tyrants is something I cannot imagine having to do myself, having previously sat at peace talk tables.

My question is: in addition to elections, how else do we ensure that we stop this absolute nonsense and farce, if we are frankly honest with ourselves? Moreover, how do we stop superpowers? I have not seen the HRC as yet do anything effective to stop superpowers from committing genocides or human rights abuses.

**Benjamin Ward:** I am happy to make a start on that. Those are really important questions. I think it is worth noting that the Human Rights Council has done some very important things in recent years, including creating accountability mechanisms and accountability processes around Libya, Yemen and Sri Lanka. Those are very important.

I know that China is a particular theme of our discussion today. The very strong statement—not resolution, unfortunately—that was agreed at the last Human Rights Council session, which the UK played a leading role in, condemning China’s abuses not only in Hong Kong but also in Xinjiang was a very important moment of criticism. Its importance is evidenced by the fact that China worked incredibly hard to encourage states to vote in a counter-resolution. Actually, the number of states it was able to persuade decreased and the number of states who voted for the statement that the UK supported increased.

There is a lot more that can be done, however. We can perhaps talk about specific actions in relation to China later, but there are a couple of other areas where I think the UK could be doing more. One is really making sure that it is supporting consistently action on grave situations, as it has in China, Saudi Arabia and Belarus recently, and also that it works really hard with other states to address situations where resolutions or statements that are intended to be very critical end up being watered down and, in fact, in some cases captured. There was an example of this in Sri Lanka. More recently, an effort to try to hold the Philippines Government to account has come undone because essentially the Philippines has agreed to co-operate with the process, and in doing so it takes all the force out of the criticism.

One thing that we have recommended, and that we recommended in our submission, is that the UK should consider creating a group of like-minded states—democratic states—to help both the Human Rights Council and the Office of the High Commissioner to maintain their independence and



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protect their staff and institutions from undue interference by member states. One of the things that we have worked a lot on is interference in both bodies—particularly the Office of the High Commissioner and Human Rights Council processes—by China. That goes well beyond seeking to mute criticism of its own record, which is what a number of states do, and really is aimed at trying to empty out those institutions of their ability to do their work.

One last point on the US. I can perfectly understand why one might be somewhat sympathetic to the idea that the US felt that the institution was beyond reform, but that is not our experience. Frankly, when you look at the people who were advising the Administration on that, including, at the time, John Bolton, it was motivated at least in some way by a desire to weaken that institution, rather than as a protest against its weakening.

**Fred Carver:** If I can come in on the back of that, when you talk about the United Nations and United Nations reform, I think there is a danger that the cup gets blamed for the liquid within it. We have to look at the world we live in—the tyrannies and the human rights violators around the world—and acknowledge that that is our world, and that the United Nations cannot but reflect that in some senses.

There is a real danger in trying to create too pure a mechanism within the United Nations. What you end up with is two-streamed global governance. We already have a situation where many people and states around the world are disengaging from our global system. If we divide our global system further, into two streams, I think that is a very real risk. At the same time, as Alicia Kearns just said, it is important that these mechanisms do not give undue credence to human rights violators.

I have three suggestions in addition to the point about elections. One is about political leadership. Rather than trying to reform the institution, we have to try to reform the politics of the states within the institution. There is a good process called the Irish principles, which is about establishing objective criteria for how the Human Rights Council should act. The criteria are about the extent to which the United Nations bureaucracy perceives there to be a problem and, crucially, how member states react to that—if they are effectively engaging with UN mechanisms or shutting them out. The Irish principles give an objective way for member states to approach country-specific situations—something that I think we can all agree the Human Rights Council has been missing.

It is important that we strengthen the bridge between UN processes in Geneva and in New York, in the UN Security Council, where the UK has a seat, and in the UN General Assembly, which is so important because that is where the money is decided. It is also where human rights are integrated into other elements of UN processes, such as peacekeeping and development work. It is at the Fifth Committee of the UN General Assembly, rather than at the Human Rights Council, where you see states like China having a deleterious effect in terms of stripping away roles and funding for human rights processes.



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I echo Benjamin Ward's call. There is a horrible group called the Like-Minded Group of states at the United Nations. The only thing that they are like minded about is that they hate human rights. Some similar initiative to corral states to defend funding for human rights organisations across the UN system, particularly at the Fifth Committee of the UN General Assembly, would be great.

I understand that a report on reprisals is going to come out tomorrow. One of the sad truths about the Human Rights Council is that it is one of the only places in the United Nations system that gives civil society the opportunity to talk to member states, but then many civil society activists go home and are subject to reprisals because they spoke to the Human Rights Council. If the UK had a joined-up strategy for ensuring that its missions and embassies around the world were keyed into what is going on in Geneva, and were ready to offer support, protection and safeguarding against reprisals, that would be hugely powerful. The Chair knows I am particularly interested in the idea of an atrocity prevention strategy, this could be part of that. That was something the United States did reasonably well until the Trump Administration and has done much less well recently. It is a gap that needs filling. Those are just some suggestions.

**Hillel Neuer:** Coming back to the elections, one of my colleagues commented that some democracies make promises about how they will vote but do not follow through with that. There are almost no promises that are public, which means that very few if any of our democracies have said a word about the fact that China, Russia, Cuba and Saudi Arabia are about to be elected next month. We have pleaded with them, and questions have been asked in the House of Lords. Lord Polak asked about that; Lord Ahmad responded, and did not commit that the UK will not vote for China, for example, or any of the other countries. We are not even getting pledges. Maybe some private comments are made, but we are not even getting public pledges. The last time a public pledge was made was maybe nine years ago, when Syria ran for the Human Rights Council; since then, we cannot even get a single word.

The fact is that the election system is a total failure. Mr Carver referred to the fact that the council needs to be universal and not too pure. Actually, Kofi Annan said—this is built into resolution 60/251 from March 2006—that members “shall uphold the highest standards” of human rights. They are supposed to be elected based on criteria, and if they commit gross abuses, under article 8 they can be removed. The idea of criteria—that the worst abusers should not be there and that members should uphold the highest standards—is built into the council. We had that debate in Geneva, and it was resolved that there should be criteria. The fact is that no one is upholding the criteria. Not a single EU country is saying a word about the fact that dictators should not be elected. I believe that if you have criteria, but they are completely violated, and the worst abusers get in and use the membership as a false badge of international legitimacy, the criteria and the elections have only a negative effect.



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I think we should scrap the elections. They are a complete failure. Even the notion that WEOG should have elections is, let's face it, a paradox. Canada—my country—just ran for the Security Council. They didn't get elected, but in order to try to get elected, as several academics in Canada have mentioned, they had to curry favour among many unsavoury regimes for several years. Do we necessarily want the UK and France, in order to be elected, to be currying favour with tyrannies? That is a paradox that has not been resolved.

I think we should scrap the elections. They are a total failure. We should move to the way it works in the Third Committee in New York, where every country is automatically a member. That would mean that China, Cuba, Russia, Saudi Arabia and Venezuela would not be able to walk around next year and say, "Look at me. I've been elected to the Human Rights Council," because that is what they will be saying if we don't change it.

Q125 **Stewart Malcolm McDonald:** Thank you for your thoughts so far, gentlemen. I apologise, because I will have to leave the session slightly earlier than normal. Mr Carver, you gave some good, practical evidence earlier. You mentioned—I wrote down the phrase that you used—the like-minded states: the ones that are against human rights and want to shield themselves. Can you talk the Committee through how organised these like-minded states actually are?

**Fred Carver:** There are a number of formal and informal groupings at the United Nations with overlap, and they make themselves known through joint statements. What will normally happen is that a lead state will make a speech on behalf of a selection of groupings<sup>1</sup>. Some of these groupings are very effective and quite well organised. The G77, for example, is an incredibly effective grouping of global south organisations.

The Like-Minded Group is a hat that is only ever really put on in order to traduce human rights, and that is my problem with it. It comes from a position of absolutist state sovereignty and the suggestion that the United Nations is overstepping its bounds when it critiques the human rights of a member state. Of course, the charter of the United Nations tasks the United Nations with upholding human rights, so I don't buy the logic. In terms of how organised they are, these networks exist, but they come together for specific purposes—normally around specific issues.

When it comes to particular conversations around funding in New York—not always, but in general; there was a really wonderful victory, which the UK was a major part of, in safeguarding the budget of the special ~~independent expert~~ on sexual orientation and gender identity—the

<sup>1</sup> Note by witness: In referring to "What will normally happen is that a lead state will make a speech on behalf of a selection of groupings" I misspoke. I meant to say: "What will normally happen is that a lead state will make a speech on behalf of a selection of states under the label of one of these groupings."



opponents of human rights funding can be better organised than those who wish to support the funding of human rights. You see, in particular in peacekeeping missions, human rights posts getting deleted due to organised lobbying by those in whose interests it is to delete human rights posts.

**Benjamin Ward:** I think that is right. It certainly underscores the idea that it would be helpful if there were a more organised counterweight of states that are committed to human rights, democracy and the rule of law, to try to counter some of those efforts and to avoid the need for the kind of ad hoc coalition building that we see.

Q126 **Stewart Malcolm McDonald:** Are you saying that that does not exist right now?

**Benjamin Ward:** No, it is much more ad hoc. Obviously, the European Union plus other like-minded states do work together—I would not suggest that they do not—but I do not think that there is anything like the kind of countervailing co-ordination that is needed. When we come on to talking about China, this is absolutely vital, because there we are not talking just about, “If you help me to mute criticism of my human rights record, I’ll help you to mute criticism of your human rights record.” What China is seeking to do is something much more profound and pernicious, which is not just to mute criticism of its own record, but effectively to render the Human Rights Council and the Office of the High Commissioner unable to function and perform their mandate at all.

For instance, China has worked to make it difficult for human rights organisations that do not work on China to be able to be accredited. It has put enormous pressure on the UN experts who are critical of it. Of course, this comes at a moment when we see China really seeking to exercise its power and its influence around the world, with its human rights record moving in a very bad direction in multiple ways, so it really matters. One very concrete example of its approach that I came across recently was that, when it comes to the counterstatements that China will always put together when it is subject to a critical statement, it apparently has the practice of adding to the list of countries that support the statement countries that it has had support from in the past, without asking them; those countries then have to go and ask China to be removed from the list. That is the kind of bullying approach that it also employs in relation to the institutions.

Q127 **Stewart Malcolm McDonald:** There are councils that do not even operate in that fashion. In terms of the counterweight, it sounds to me like those who want to undermine human rights are way better organised than those of us who want to uphold them. If it is the UK, tell me what it is doing, but which country is getting this right and is really bringing forward some of the stuff that Mr Carver mentioned earlier on how to fix this? What country is nimble and making its voice heard and we need to hook up with it? Or is it the UK?



**Benjamin Ward:** I think the UK has a really important role to play. The UK does, in general, play a very positive on the UN Human Rights Council; it is a respected actor and its voice would carry weight. The key thing is that this institutional effort needs to be done in a more co-ordinated way. Separately, there is a need for a really serious co-ordinated effort to resist China's efforts to capture the institutions. There was recently a call by 50 UN experts, which has now been backed by more than 300 civil society organisations, calling for a special session on China at the Human Rights Council and for a dedicated expert on China—I know the Chair has called for something similar. I think that is the kind of effort that will be needed to curb China's influence.

**Stewart Malcolm McDonald:** Chair, I will leave it there—I am afraid I have to leave, as I mentioned. Gentleman, thank you so much.

Q128 **Graham Stringer:** I was going to ask how the Human Rights Council can be strengthened, reformed and improved, and in a sense, you have answered that question already by saying that the members of the UN have to organise in a different way. Is there anything that can be done in the actual organisation of the Human Rights Council that would strengthen it?

**Fred Carver:** I am happy to take that if you want. In short, I am not sure that is where I would invest my political capital. There are always reforms that will help; it is just that personally, I feel the political capital is better invested in the actual content—the substance and the human rights situations the council faces—rather than the process itself. In terms of process though, the UN General Assembly is tasked with reviewing the Human Rights Council at some point between 2021 and 2025, and one of the things they will be looking at is whether the Human Rights Council, which is technically a sub-committee of a sub-committee, should be elevated to core body status within the United Nations.

My issue there is that, if we were starting from a blank slate, of course it should be, but from where we are now, I am not sure there are any powers that the Human Rights Council needs that it does not have. The Human Rights Council's problem is that it is not using the powers it does have, and, if we are going to invest time and effort, I would much rather we invested it directly into those political situations. I am happy to come back a bit on what the UK should be doing, if that is helpful, or we can leave that for later.

Q129 **Graham Stringer:** Come back if you wish; I have one follow-up question, but certainly say what the UK should be doing.

**Fred Carver:** If we are looking at other states that do it well, I think the Scandinavians are the states to emulate. What they do is essentially to speak softly and carry a big wallet. There is this case that it is very difficult for the UK, with its historical baggage, to avoid being too presumptuous about redesigning the global system. What the Scandinavians do very well, and why their reform agendas are so much more successful, is that



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they make sure that they have earned their right to speak and their right to reform.

The UK gives a lot of money to human rights, but it is only the ninth biggest donor. The amount of money that is given to human rights is very small: the UK gives \$10 million and the largest donors, the EU and Norway, only give \$20 million. If there was anywhere in our global system where £10 million would make a huge difference it is in the budget of the Office of the High Commissioner for Human Rights. If UK wants to push a reform agenda, it needs to earn that right.

I would say that I do not fully accept the Manichaeian division of the world into human rights violators and non-human rights violators. That is quite a dangerous dynamic and leads us in some quite unhelpful directions, which is what has led to human rights being rejected in the past. We need to recognise that there is a range of positions on human rights, from the best to the worst. We are towards the better end, but we need to earn our right to talk on these issues by ensuring that our own behaviour is beyond reproach, by paying our way and by building coalitions on these issues, which have to include the global south.

**Q130 Graham Stringer:** It is sometimes helpful to ask the questions the other way around to get a real insight into what is happening. What would be the consequences if the Human Rights Council failed to exist?

**Fred Carver:** I think human rights would not register in the global geopolitical conversation at all. Already, of the three pillars of the UN's work—development, peace and security and human rights—it always consistently comes third of the three. It only receives about 3% of the United Nations budget, but I think it is only because of the existence of the UN's human rights mechanisms that it has registered at all. We have been talking about China: if you had a system that did not have human rights integrated into it in the way that the UN systems do, you would end up with a system that was purely about development without a human rights component, which is very much the Chinese model for how they would like to see our global system operate.

**Q131 Alicia Kearns:** Mr Ward, I guess you cannot call them anything but shamelessly systematic attempts by China to avoid scrutiny by the Human Rights Council and by the Office of the High Commissioner. There is no question but that is nefarious interference, but it would be really helpful for us to understand as a Committee the types of interference in actual detail, beyond whether people are signing up to statements or not, which is absolutely one form. Also, beyond China, which other nation states are specifically trying to obfuscate human rights atrocities that they themselves are conducting, or indeed those of others? It is specifically about understanding the types of interference taking place, particularly in the Office of the High Commissioner, so that we can work out how we tackle these.

**Benjamin Ward:** I am happy to speak to that. Lots of governments are interested in trying to mute criticism of their own human rights records,



including at times—honestly—this Government: the UK Government and previous UK Governments. Obviously, there is a matter of degree about that. What is unusual about China is the fact that it is seeking to undermine the institutions themselves. Other states are also seeking to undermine the institutions: one example highlighted for me by colleagues is the efforts made by Russia in recent years to try to undermine the idea of the rights of LGBT people and gender equality as human rights—to relativise rights, and to enlist the support of other states for this kind of re-conception of rights. In fact, the US Government have tried to do something similar with their Commission on Unalienable Rights, not in the context of the UN so much. So that is certainly happening.

In terms of what China is doing and what we have seen, Human Rights Watch published a detailed report on this a few years ago and I am happy to send a copy of the report to the Committee for distribution. One issue is not allowing scrutiny of its records, so denying most UN experts access to China to look at what is happening. That has been a particular issue in Xinjiang. I know colleagues from the Office of the High Commissioner are appearing after us, and they can talk about this: an offer has been made for the High Commissioner to go, but it would not be a meaningful exercise without any of the work of her staff to prepare the ground, prepare the mission and be able to speak to people. They have been willing to allow some experts to come in on issues where they feel they would get a better account. That has been a real problem. Our report documents incidents of harassment and intimidation of UN staff by Chinese officials in Geneva to try to put pressure on them to water down and mute criticism. There is the issue I mentioned earlier about pressure to try to remove accreditation from civil society organisations, including some that do not work on China.

Another issue, of course is the enormous pressure put on other countries to support its own counter-resolutions that I was referring to, and that is not unique to China. That is the practice of adding states and then forcing countries that may have trading and other relationships with China to have to go to the permanent representation and say, "Please take us off this list." That is a form of bullying that we see in terms of China's approach more generally. That is deeply problematic on its own terms and in terms of the ability of these two institutions to function, but of course it is then doubly difficult and problematic when we face a situation where, through the security law in Hong Kong and through what is happening in Xinjiang and now, increasingly, in Tibet as well, we have some very grave human rights issues in China that require the attention of the UN human rights system and are not able to get that.

**Q132 Alicia Kearns:** Beyond Russia and China, are there any other countries that should be on our list of those we should be most concerned about, in terms of actively seeking to undermine those two organisations? Which key countries are the unwitting—if we want to be courteous—or witting obfuscators of human rights atrocities where UK or western diplomacy is failing to prevent them from supporting those countries and those nefarious actions? Why are we failing in that? What is the UK failing to



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offer or do that means that we are not getting support and that nefarious countries are?

**Benjamin Ward:** I am not a UN Geneva expert, so I am not necessarily able to give you a detailed list of countries that are specifically problematic on particular issues. In relation to UK diplomacy, I have a couple of things to say.

First, we have already talked about the issue of competitive slates and also transparency about voting. Who is the UK going to support? Is the UK not going to vote for China, for example, in the upcoming Human Rights Council elections? Another issue that is really important is the issue of UN experts. The UN experts I described—the UN special procedures, experts on torture, housing, gender or many other things, such as racism—come to the UK from time to time and, honestly, the reception they get from the UK Government is often pretty derisory. That then makes it much more difficult for the UK to credibly call on other states to accept those mechanisms.

What people might say is that in the case of the UK and perhaps in the case of Europe, there are other mechanisms that can hold us to account in terms of our human rights record. We have a functioning judicial system, we have Parliament, we have the European Court of Human Rights and so on. Obviously, there are other parts of the world where you do not have any of that, where those UN systems are the only way of shining a spotlight on to their human rights record and delivering change. In that context, it is incredibly important for the UK to set a positive example and show a willingness to engage constructively with criticism that is offered.

**Hillel Neuer:** I would like to answer your question. You asked about countries that are particularly nefarious in trying to obstruct a positive human rights action. First, there are groups and those groups can change their chairpersons. Certainly, one of the most active nefarious actors is Cuba. Cuba is hyperactive at the Human Rights Council. It may, in a given session, sponsor anywhere from 30% to 50% of the resolutions and those resolutions are counterproductive—either designed to blur the very language and idea of human rights or to promote a narrative that the west is seeking to exploit the rest.

The question was asked by a previous member of the Committee about what if there were no Human Rights Council. We would miss a number of positive resolutions that we have had on Syria, Sri Lanka, and others, but we would also get rid of—I am not advocating getting rid of the Human Rights Council; it is not going to happen—the things Cuba puts in, which are entirely counterproductive. Those would include, as I mentioned before, resolutions—a very strong theme at the Human Rights Council—called unilateral coercive measures. Again, Cuba helped create a mandate, a special rapporteur on unilateral coercive measures. That means that any sanctions against Syria or Russia or Iran or Venezuela are necessarily a human rights violation, according to that narrative, which has been adopted by the council. The first thing this special rapporteur, who was appointed about three or four years ago, did was go to Syria to say that



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Syria is a victim of human rights violations because we subject it to sanctions. He went to Russia, Sudan and to other human rights abusers. We would not have that mandate.

We also would not have mandates that have been misused. The mandate on the right to food was created by Cuba in 2000 and the person who held it is a man named Jean Ziegler. He was the creator of the Muammar Gaddafi human rights prize, created by the former dictator of Libya, that was given to Hugo Chávez, Fidel Castro, the antisemite Louis Farrakhan and, in 2002, to Jean Ziegler himself, who received it in Libya. One of the most notorious apologists for war criminals was sitting here at the UN as a special rapporteur on the right to food, which he politicised in a very extreme way. A number of his successors did the same thing, and he was then sitting on the advisory committee. Again, he was put in there by Cuba.

I will just mention one other—a gentleman named Alfred-Maurice de Zayas, who held the position of the independent expert on ensuring a democratic and equitable international order. That is a mandate which quite specifically promotes a narrative, as I said, that the west is exploiting the rest. The first thing he did as rapporteur of this Cuban-sponsored mandate was to visit Venezuela, a country that refused visits by any proper expert on arbitrary detention or other abuses. He went to Venezuela and he was tweeting pictures of how wonderful it was—a complete apologist and a propaganda visit.

So I would say that Cuba is one of the leading instigators of counter-resolutions, of which there are many. You wouldn't know it if you were to read the FCO summaries of the Human Rights Council sessions that mention the good things, which is fine, but do not mention any of the negative things on the ledger—and there are many. China is now adopting harmful resolutions that seek to dilute notions of accountability. Iran was chairman of the Non-Aligned Movement, adopting, also sponsoring, many resolutions. So there is a whole host of major human rights abusers—I am not talking about minor, but serial, human rights abusers who sponsor all kinds of negative resolutions. Cuba is one of them but I would say the Non-Aligned Movement is certainly, as a movement, the actor behind these.

**Q133 Chair:** Before we move on and have to go to the next panel, may I come back on two points? Mr Ward and Mr Neuer, I would be interested in your feedback. It is the same point, really, but I would be interested in the different feedback. We have had visits in recent years to the United Kingdom where clearly political statements have been made couched as human rights statements—comments about the UK welfare system, for example. There are legitimate and justified criticisms of how it works, but the idea that it is a human rights violation in any way to the same degree as the mass detention, forced sterilisation of people in Xinjiang, the mass arrests of political opposition in Venezuela, or, indeed, many other things around the world, is clearly completely absurd. Yet we have seen a politicisation which seems to run in track with some of the points that Mr



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Neuer was making, where we see laughable attempts to devalue the term “human rights” being attempted on the UK. So when the UK Government does treat these groups with disdain—and by the way it has done so under Labour Administrations, it has done so under Conservative Administrations—why do you think that undermines the UN process, or the UN human rights process, rather than recognising that the very nomination, the very reports, are so absurd that they themselves undermine it, and actually the correct thing for the UK to do is to treat them with the disdain that they deserve?

**Benjamin Ward:** Well, I think what we are talking about here primarily is a question of whether economic and social rights are human rights or not.

Q134 **Chair:** No, sorry; we are not. That is not what we are talking about. We are recognising that.

**Benjamin Ward:** If we accept that they are, then I would certainly argue that the visit of Professor Philip Alston, who is a very well respected law professor—it may be that Professor Alston made some intemperate remarks but his report and his work, which was very methodical and detailed, deserved to be engaged with constructively, in my view. I don’t think that he in any way deserves the sort of characterisation that Mr Neuer was making about others. I am not in a position to judge some of those others because I am not familiar with them. What I would say is nobody is suggesting that the problems in the UK social security system that lead families to go hungry, which is something my own organisation has done work on, are comparable to enforced disappearances and mass torture. They are different things—we are not suggesting they are the same—but those are real issues that merit discussion, conversation and engagement, and are indeed the subject of that engagement by domestic human rights organisations. I just think it is important that the UK thinks about how it engages with them. Again, there may be times when UN experts make intemperate remarks, but fundamentally, if the UK wants to encourage other states to engage—

Q135 **Chair:** Sorry, Mr Ward, I am going to pick you up on that again. Whatever you think of human rights and wherever you draw the line—I accept that some people draw their lines in different places from others—surely there is universality about principles such as forced detention, sterilisation, or whatever else we are seeing around the world. These other things are political decisions: how much of your GDP you wish to spend on certain aspects and what the implications are for the growth of your economy, the future wealth of your nation and the future prosperity and happiness of your people, and whether or not, in fact—it is a debate that people have—welfare programmes lead effectively to the enslavement of large areas of your population, and the end of economic opportunity for others. I am not arguing either of those points; what I am saying is that there is a debate in that, but there is no debate as to whether arbitrary detention is legal. It is not legal: it is a violation of human rights.

There is no debate as to whether compulsory sterilisation is a violation of human rights. It is: there is no question about it, but where the line is



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drawn on welfare or housing in a state that, frankly, by any international definition is generous is a political question, so this strikes me as a very odd thing for a human rights organisation to claim to do. What it should be arguing, quite rightly, as a UN body is that these are political decisions on which you can take a view, and the British people vote every few years—in fact, these days, it seems to be rather often—on what view they take, but these are not human rights questions in any way like the mass execution of Uyghur Muslims.

**Benjamin Ward:** They may be more difficult to delineate, but they are not just questions of politics: they are also questions of law, and human rights law. The UK is bound by the UN economic and social rights covenant, which obliges it to respect basic rights including the right to an adequate standard of living, the right to food and the right to adequate housing.

Q136 **Chair:** Sure, but you are making the argument that the state has to be the provider of that adequate standard of living.

**Benjamin Ward:** The guarantor, not the provider, but the key thing is that in many parts of the global south, that panoply of rights is regarded as much more fundamental than the panoply of rights we are talking about today. There is the argument that one cannot eat rights, and therefore I think that if part of the intention of the UK—I know this is its intention—is to promote international respect for human rights and the human rights system, even if there were a disagreement about where the delineation is, a different kind of engagement would send quite a powerful message, and would make it much easier for the UK to stand up for access to repressive countries for other kinds of UN experts.

Q137 **Chair:** Before I come to Mr Neuer, I will merely say that it was the communist states that pushed those rights into the UN charter, by and large, and their pushing of similar rights at home led to mass poverty, tyranny and gross human rights violations of almost every other form, so there is a balance here. Mr Neuer, perhaps you would like to come in.

**Hillel Neuer:** I think Mr Ward is right that there are countries in the so-called global south that claim that they prioritise social and economic rights over political and civil rights. In fact, many of these countries deny both to their citizens. Countries like Zimbabwe, Cuba and Venezuela that claim to prioritise social and economic rights have some of the worst conditions for their people, whether it is access to food, drinking water, or jobs and so forth, because of those Governments. I think it is a lot of rhetoric, and in the end, if you deny freedom of speech and freedom of association to your people, they are not able to advocate for the necessities of life that they need.

Coming to Mr Alston, I would agree that—as Mr Ward said before—he is certainly not in the category of the individuals that I mentioned before who are outright propagandists for dictatorships.

**Chair:** Just to be clear: I was not referring to Mr Alston.



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**Hillel Neuer:** No, of course not. I want to state that he is absolutely not in that category; he is an eminent law professor at New York University and the author of distinguished textbooks. Whether he knows the best way to ensure jobs for people is a separate question. I spent a lot of time in law school; I am not sure that my law professors were necessarily the best experts on the right economic situation. I would agree that that is a matter of controversy and populations will veer one way or the other, and I am not sure that that is really his expertise.

He was put into a position called “expert on extreme poverty”—he was supposed to investigate extreme poverty—yet he did not even visit the 10 poorest places on the planet. He did not investigate or visit Yemen, Burundi, Malawi, Central African Republic, Liberia, Niger, Madagascar, the Democratic Republic of Congo, Gambia or Mozambique. The 10 poorest places on the planet, he ignored. Instead, the two places that he prioritised with visits were the United States and the UK. That does not mean that those places should not be visited, and that there are not very poor people there, but the percentage of people who are literally dying from poverty in the United States and the UK is obviously much lower than in the 10 countries that I mentioned before.

So, there were suggestions of a political agenda; his decision to go to the US and the UK obviously gets a lot of media and it is a fashionable thing to do, but I think it harmed the credibility of the United Nations. All countries should be criticised—no one should be immune—but I think his repeated choice of going to specific countries and the narrative that he articulated undermined the credibility of the human rights system. There should be some methodology—the people who most need help should be getting it—and it is not necessarily clear how he chose to go to the US or the UK. Frankly, his visits did not get very much serious attention. A few comments were made, but a more thorough critique of some of his premises and methods would have been appropriate. I asked him, for example, when he visited Saudi Arabia, if he had a problem with the fact that Saudi Arabia was on the Human Rights Council a couple of years ago. He criticised me for that, here in Geneva—in the plenary, he said that it was simplistic to talk about that. Saudi Arabia is up for re-election. I do not know if his position is still that it is simplistic to oppose their membership of the Human Rights Council.

**Fred Carver:** These are questions upon which one can reasonably disagree, but the important is to keep the disagreement reasonable. It is important to not set a precedent that can be abused elsewhere. Both political rights and economic rights are questions of politics in the middle and questions of law and right in the extreme.

I just want to thank you so much for inviting me on. I also want to say that we have a policy of not participating in all-male panels. I have had to take a rather generous interpretation of what constitutes a panel in order to participate today. I say that with no criticism—I know that the Clerks worked very hard to assemble the panel that they have—but I wanted that on the record because I do think it is a shame. We work in a sector in



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which there are many brilliant women, and I am looking forward to hearing one speak almost immediately after me.

**Chair:** We actually do have a mixed panel, and we include the Committee in that as well. We have some very strong female voices on the Committee, as anybody who has followed it even for five minutes will have noticed. Thank you very much indeed to Mr Carver, Mr Ward and Mr Neuer. I am very grateful for your contributions.

### Examination of witnesses

Witnesses: Peggy Hicks and Mahamane Cissé-Gouro.

Q138 **Chair:** We will move straight on. Just as we did with the first three witnesses, I will ask our next two witnesses to introduce themselves very briefly for the record with a short sentence.

**Peggy Hicks:** Thank you very much. I am Peggy Hicks, director of thematic engagement, special procedures and the right to development Division at the Office of the High Commissioner for Human Rights in Geneva.

**Mahamane Cissé-Gouro:** My name is Mahamane Cissé-Gouro, director of the Human Rights Council and Treaty Mechanisms Division at the Office of the High Commissioner for Human Rights.

Q139 **Chair:** Thank you both very much for joining us. It is extremely good to have you here. I am grateful to you for taking time out of your busy schedules to join us. With reference to the objectives of your respective divisions, what would be considered a successful outcome for a human rights programme? We will start with you, Ms Hicks. We are going in alphabetical order.

**Peggy Hicks:** I hope you will allow me to give our usual statement at the beginning of my testimony. I am here to provide an informal, unsworn oral briefing to the Foreign Affairs Committee of the House of Commons on the topic of the UK's role in strengthening multilateral organisations, and nothing in my remarks should be understood as a waiver, express or implied, of the privileges and immunities of the United Nations under the 1946 convention on the privileges and immunities of the United Nations.

**Chair:** We are delighted to have you on those terms.

**Peggy Hicks:** On your question about how we look at success, ultimately success is defined by making a difference in the lives of people suffering from human rights abuse on the ground. We need to always bring ourselves back to that reality of why we are doing this, why it matters, and how it matters. One thing that is encouraging to us is that those people are often the ones who are the most adamant about the need for the Human Rights Council or my office to engage, because they see us as playing an important role in contributing to improving their situation on the ground. When we speak out about abuses, engage, and investigate



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them, they do think it makes a difference, but getting that type of change is a difficult thing to do.

What we do is look at the markers along the way that lead us there. We look for changes in law in practice. How can we adapt or change laws, or advise Governments, in ways that can improve these people's lives? How do we change the visibility of a human rights issue that may have been hidden? Our work on LGBTI is an example of this. The dimensions of LGBTI abuse globally that were not really talked about for many years have, as the previous panel noted, been looked at much more substantially, even within the Human Rights Council, at this stage.

We look at the extent to which recommendations that are made by treaty bodies, through special procedures, and within the UPR are adopted and acted on by Governments. We also look very critically at justice and accountability. When has there been accountability for abuses, and how is it delivered? Those are some of the key things that we look at when determining success.

**Chair:** Thank you. Mr Cissé-Gouro, would you care to comment?

**Mahamane Cissé-Gouro:** I will follow my colleague Peggy Hicks' lead and ask you to allow me to read the disclaimer. My attendance here today before the Foreign Affairs Committee of the House of Commons is in my capacity as director of the Human Rights Council and Treaty Mechanisms Division at the Office of the United Nations High Commissioner for Human Rights. I am here to provide an informal, unsworn oral briefing to the Foreign Affairs Committee of the House of Commons on the topic of the UK's role in strengthening multilateral organisations, and nothing in my remarks should be understood to be a waiver, express or implied, of the privileges and immunities of the United Nations under the 1946 convention on the privileges and immunities of the United Nations.

**Chair:** We are delighted to have you on those terms.

**Mahamane Cissé-Gouro:** Thank you very much indeed. To pick up on what Peggy said, as you know, the nature of the work of the office is to promote and protect all human rights of all people. That means that we need to work with rights holders to empower them to claim their rights, but also help duty bearers to support those rights and make sure that they are implemented.

Success very much depends on how you define your project. For us, the end result should be an improvement of the human rights situation in the daily lives of the people on the ground. That requires that both the Government and the people are happy with the project. Of course, our compass is always international human rights standards. If we are looking at success from the perspective of the duty bearers, maybe it will be that a problem is fixed that was identified—it could be to do with the level of compliance with international human rights standards, or the mainstreaming of human rights standards in national legislation, as Peggy



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said. From the perspective of the rights holders, some of those rights will have been realised, so they feel the impact on their daily lives.

Q140 **Chair:** Thank you very much. We asked a similar question of the last panel: I would be very grateful to hear your impression of what proportion of human rights abuses the UN human rights organisations are able to resolve effectively.

**Peggy Hicks:** That is an amazing question and obviously a difficult thing to quantify; I didn't catch that part of the prior panel, but I am curious as to what their answers were.

**Chair:** It is public record; you will be able to see it.

**Peggy Hicks:** The reality is that we engage on, and address in one way or another, on most significant human rights abuses, far more than half of the issues or situations overall, but it is not just an effort by our office. We have to recognise that our office is one piece of a broader system that addresses these issues. We have our colleagues in UNHCR, the refugee agency, who work on protection, and our colleagues in UNDP who work on the development side; there are a lot of different actors in this who work on human rights from different perspectives.

The reality, of course, is that engaging with it and changing it are not always the same thing. We must be realistic: the toolbox that we have and the resources we put in do not allow us to achieve results in maybe even the majority of those cases. On the issues that we engage with, devote concerted attention to and have sustained engagement on, with political will and resources, we do deliver impact, and I think it is quite notable. We can give you a panoply of examples of where we have made a difference, but still too much goes unaddressed, and even when things are addressed, too much does not get resolved.

**Mahamane Cissé-Gouro:** To complement what Peggy said, perhaps we do not have a percentage, but for me, even one case is worth mentioning. Of course, we are not the only ones working on the ground on the promotion and protection of human rights; we have our sister agencies, national institutions and civil society organisations. From my experience of being in the field for a long time, if, on the ground, you ask people which institutions they think are most visible, they will tell you, "The human rights workers," because they are in daily contact with them. Sometimes it is difficult to keep statistics, because they depend on what you put in them, but daily contact has great value and increases the protection of the people, particularly in a conflict zone.

Q141 **Chair:** Thank you very much indeed. What are the most common factors that prevent the UN from preventing and addressing human rights violations?

**Peggy Hicks:** We would look to a number of factors, beginning with the ability to have sustained engagement over a period of time that is properly resourced. We on the human rights side often feel that we have been trying to bring attention to issues for a long time, and then people come in



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late, and not necessarily with sufficient impact and ability to engage. It is obviously much harder to address a problem when it has turned into a full-blown crisis than when you take it up earlier and address an ongoing nipping at or breaking away of rights.

Another factor that interferes with success is unwillingness to build alliances to address problems, and to engage constructively across groups. This came up in the earlier panel. What we find makes us most successful is when we engage with a variety of actors and come up with good practices—regionally, for example. My colleague can say more on that. We want to also support the change that we need with evidence, and we want the access necessary to make that change.

We also need to be really clear about not trying to have a one-size-fits-all approach. We cannot assume that one type of intervention will be successful in every case; we need to understand the context in which we are working, and think about what makes change happen in different places. Sometimes—often, in fact—that even means needing to take a back seat to local actors, because they will understand the context and what makes change happen most effectively in that context. We need to listen more and engage in a more constructive way to help push things forward.

**Mahamane Cissé-Gouro:** I fully agree with Peggy. A one-size-fits-all approach does not work, particularly in our area of work. This is where understanding the sociology of the country or situation comes in. Who are the main actors? What are the changes we would like to see? Who are our allies? How do we approach a specific issue, and how do we get there, because some of the issues tend to be very sensitive, depending on who you talk to? Those are things that we really need to integrate in our planning when we start implementing a project. That is why I said that success very much depends on how you design your project, and on getting everybody's role clarified.

One important element is the political will. Sometimes, there are very tricky issues. Of course, you don't know who to believe, and sometimes even reading the political landscape is a challenge. However, we are trying, and through contact, and sometimes networking, we come to the heart of the problem very quickly.

We work with our partners in a transparent way. We need to integrate transparency in what we are doing, as well as being resilient. We need to be transparent, because if you are saying a different thing to your constituency and to your partners at different moments, you lose credibility, and there is no way for you to make any progress.

Of course, we need to promote partnership with groups and organisations. Human rights is everyone's business, and sometimes, regional organisations or bodies joining force and working in synergy and in complementarity can lead to great results. We have seen it on the ground. A case in point is what the office is doing now with the African Union. The African Union has structures that have a human rights mandate, be it the



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African Commission on Human and Peoples' Rights or the African Court, so there is an exchange of information, and we are working together on joint advocacy. Sometimes, those things are not visible, but on the ground, they are bringing changes.

Q142 **Alicia Kearns:** Thanks to both the witnesses for appearing today. Ms Hicks, what mechanisms are there to compel member states to comply with special procedures and other activities of the OHCHR, and can you give any examples of when those have been deployed?

**Peggy Hicks:** Sure. Thank you, Ms Kearns, for the question. We have a number of tools in the toolbox that we use. We have gotten better at putting on pressure by making it clear who is co-operating and who isn't. If you look back 10 years, there were not readily available statistics on which states had allowed which visits, and we often got complaints that the states that were co-operating weren't getting credit for being part of the system and going along with it. There is now a much clearer record on that, and we speak out about it as much as possible.

We also engage with Governments to try to encourage them to co-operate more; we use the leverage that we have through diplomacy on the ground. I think it has been pretty successful so far: 126 countries have standing invitations for special procedures, and we added seven more to that list last year.

Of course, not every country that has a standing invitation lives up to it, and we need to make it clear to them that not living up to it doesn't get them off the hook. The best way to compel—to use your word—their compliance is to make it clear that failure to allow in a special rapporteur, or to engage, won't mean that they do not get the attention. It just means that their perspective may not be heard as well. I think we have done a good job on that.

We have remote monitoring capabilities, and our special procedures even report and engage in communications on places to which they do not have access. The best lever we have is to say, "Even if you don't co-operate, you're still going to be in the spotlight."

Q143 **Alicia Kearns:** Do you think you have sufficient powers? If not, what additional powers do you lack? What can the UK do to help enforce compliance? How can member states support the UN, so that we see that compliance?

**Peggy Hicks:** On the powers, I do not have any magic tool that would allow that to happen. Under resolution 60/251, which set up the council, its members are supposed to co-operate with it, so the council should take steps to ensure, and publicise to us, that level of co-operation. The more we give on that front, the better it will be.

On the UK's role, member states in general could do much more to lobby other member states on these issues, and could engage directly with them when they know that a country is on the list of countries where an outstanding visit has not been allowed. If states talked to the state at



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issue, rather than leaving it to the UN or our office to engage on that, that would be very helpful. Of course, the UK, as a state that allows in rapporteurs consistently, would be in a good position to say, “We’ve done it; you should do it as well.”

**Mahamane Cissé-Gouro:** If I may complement what Peggy said on mechanisms, including Human Rights Council mechanisms, in addition to the special procedures, we can use the UPR. That is a big pressure point. The treaty body recommendations are also very helpful in that sense.

When I joined UN 25 years ago, it was very difficult to get a reference to human rights in Security Council resolution establishing a peace mission, but today, it is recognised that human rights are one of the root causes of instability and insecurity in many countries. Human rights are part and parcel of the resolution. A strong mandate with a human rights component is crucial in terms of monitoring, reporting, promoting accountability and dealing with awful issues like sexual and gender-based violence, so the Security Council can also play a role. Even the UNGA resolution that referred to the sustainable development goal makes it clear that human rights have to be front and centre of the implementation of the 2030 agenda. So these are important mechanisms to put pressure on member states.

On the role of the UK, yes, I think that leading by example, putting pressure on member states, joining groupings and trying to identify common areas of co-operation—issues that you can champion or spearhead together—is one way to go.

Q144 **Alicia Kearns:** A final question to both of you. You both observed the previous panel. Do you recognise the claim that certain nation states are seeking to nefariously interfere with and undermine the Office of the High Commissioner? Are you aware of any sanctions being imposed on nations that have sought to undermine or interfere with the office in some way?

**Peggy Hicks:** That is not how we characterise that, although I did hear the earlier conversation. To some extent, I think that all states have an interest in trying to influence the office, and its ability to withstand that kind of influence is part of what makes it as credible and successful as it is. Even when states have particular interests that they want to pursue, we have been able to show that that way of engaging with our office does not work.

In every aspect of our work, we set our agenda and the terms on which we engage; we prioritise what we work on; and we make sure the views, statements and reports that we issue reflect the best effort on human rights that we can put forward as an office.

I heard quite a bit of the earlier conversation about the special procedures, and one of the fundamental things that did not come in as carefully within that conversation as it might is the fact that the Human Rights Council appoints the special procedures—let me point out that there are 80 mandate holders including 56 special rapporteurs or independent



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experts—and the mandate holders are appointed as independent experts. Independence comes with the ability to speak out frequently on human rights situations in ways that more political actors—even the UK Government—are not able to do. It also means that, if they are truly independent, they will sometimes not hold the line or engage in ways that we all might see as the most constructive and effective. If you look at the system as a whole, their independence is part of what allows them to have their impact, which I see as really profound globally.

**Q145 Alicia Kearns:** To clarify, you are not aware of the office having to take any sanctions or actual action? We all recognise that there is a difference between lobbying and nefarious interference. For example, when the Syrian Government tried to get me banned from the UN building because they said that I was distracting them during their press conferences, I am pretty sure that was a tactic of nonsense. They tried to get various other UN representatives and other Governments banned from the UN for similar reasons. Have you had to take any meaningful action against those who are genuinely trying to pursue nefarious actions?

**Peggy Hicks:** I am aware of no such actions needing to be taken. In fact, I can attest to the fact that the office engages with all member states that are present here in Geneva.

**Q146 Graham Stringer:** We have noted that an increasing proportion of funding is earmarked and is coming as voluntary donations. What impact does that have on different areas of work?

**Peggy Hicks:** That goes to the question that was just asked. One of the issues that is raised around the percentage of earmarking and voluntary contributions, compared with our regular budget, is how it affects the credibility of the office, our independence and perceptions of our credibility. For those who might not have the facts in front of them, more than 60% of our budget is from voluntary contributions, as opposed to the regular, assessed budget of the United Nations, which is about 40% of our overall budget. Within those voluntary contributions, an increasing percentage—it has gone from about 50% to 70% in the course of the last 10 years—is earmarked. That means that Governments are giving us a specific demand as to what types of work we should be engaging in, and what types of issues or countries we are working on.

The types of earmarking vary a great deal. It could be what we call a light earmark, where it is a list of things that we could work on and we can decide which of them we do. To be frank, the list is derived directly from our strategic plan, with all the stuff we are already doing, so it doesn't actually constrain us, but it can also be a specific earmark of a specific sum that is going to fund our work in a particular field office or country context. My colleague can say more about that.

The issue of how it constrains our credibility and independence ultimately depends on the office and how we manage that earmarking. We have numerous conversations about that, and we engage very clearly about it in our monthly meetings for our budget review process. We review every



type of incoming funding and earmarking of that sort, and we evaluate it based on whether it is a project that is consistent with our strategic plan—what we believe is the mandate of the office and our responsibilities to the United Nations and member states overall. If it is consistent with our plans, it makes sense for us to take the funding and proceed. I do think that we uphold that very well, and overall we do not think that the earmarking approach should damage our credibility and independence.

Where this has an impact, though, is that it's obviously the case that Governments—I understand the motivation for this—want to be able to say, "We supported this particular project," as opposed to, "We supported this overall work," but as you all would recognise, that does sometimes mean that the areas of work that support all of that happening, the functionalities that may not be as easy to fundraise for, don't necessarily get the level of support that they need. And sometimes, of course, the things that are a bit more controversial or more difficult may not be as easy to get earmarking for. The example that we always used to use was that it may be easier to fundraise for children's rights than something else. Here, we actually don't get much money for children's rights, so that is probably not a great example in my current context. But the reality is that the earmarking does sometimes mean that we are struggling to make sure that we maintain the funding necessary to keep all the pieces in place. And too much project-based funding is actually ineffective and inefficient. What we see is that some of those earmarked projects are short-term projects that don't give us the ability to have the sort of sustained impact that is necessary to really pursue human rights objectives most effectively.

**Mahamane Cissé-Gouro:** If I may, I will just add something; Peggy has covered it all. Of course, ideally, all the programmes and activities that we are implementing on the ground should be covered from our regular budgets. This is maybe where we need support and push from the UK. But we really need those funds. Of course, if they are lightly earmarked, that might be easier, because sometimes there are some political connotations on the funding and influence how we implement the project. We see this time and again on the ground when we start discussing a specific project for a country and how to implement it. They always ask us where this funding is coming from. So, you have to somehow fight the perception of being biased or being donor driven. We would definitely encourage less earmarking. But we need the funds. In whatever form they are coming, we really need them.

Q147 **Chair:** First of all, I thank both of you enormously. This has been hugely helpful. Before we close, let me ask just one final question because, Ms Hicks, your work on digital rights has been so defining. Could you talk a little bit about how you see particular challenges going forward, particularly on digital rights, and perhaps touch on the right to be forgotten or other such aspects as you may wish to cover?

**Peggy Hicks:** Thank you very much, Chair. Yes, the work that we have really been focusing on with regard to the impact of technology on human rights parallels what we all see in our day-to-day lives. We see that the world that we face from a human rights perspective is fundamentally



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changed by the digital revolution. That, of course, as is commonly said, is a double-edged sword.

There are huge opportunities for us to have a greater impact on human rights because of the availability of digital technologies. We as an office really need support to be able to maximise our ability to take up those opportunities. We have just completed, for example, a project with the University of California, Berkeley, about how to use open sources—information that is available online—to document human rights situations, and a protocol about what the best practices are in doing that. How do you make sure that you are using open sources correctly?

We need support in looking at how we take up those opportunities, but I have to say that we spend a lot of our time thinking about how the digital revolution and digital change is affecting the full range of human rights that we deal with. We are very engaged, for example, on issues like hate speech, online content moderation and how we, as people who want to protect human rights, deal with what are very complex and challenging questions about how we don't over-regulate but find the right way to make sure that these platforms are not being used in a way that fundamentally undermines human rights. That's where I think human rights really can be very important and helpful.

We have tried to emphasise that one of the things that is needed in this digital space is a common understanding of some of the rights that are affected, because that provides a base. It is a universal and global question that we can push others to support and to engage on. On rights to privacy, on data and on hate speech, there is a well-developed set of UN treaty body and special procedures work. Engagement around those issues can inform the work that is being done by Governments. Part of our work with the Secretary-General, on his process and the road map on digital co-operation, is to find ways to bring that guidance into both the UN system and into member states in a more effective way.

One of the key elements here is the role of business. We on the human rights side have always focused on a fairly state-centric approach to addressing human rights. The UN "Guiding Principles on Business and Human Rights" is a document that has already yielded enormous results in areas such as the extractive sector and in supply chains for apparel, and other things. Now is the moment when we need to look at how those principles apply to the work that companies are doing with regards to new technologies, such as facial recognition.

We are looking at how we can do human rights impact assessments and human rights due diligence. We have a partnership with a large group of companies, states and civil societies to unpack those issues, to hold the companies accountable to their obligation to respect human rights and to have states fulfil their responsibility to protect human rights in the digital sphere.

Can I close with one point about that? One of the threshold issues for the office that we have not talked about is protecting so-called civic space.



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The ability of people throughout the globe to engage on human rights issues on their own, in groups and through civil society, in order to protect human rights, is a fundamental, threshold issue. All the work that we do is supported when there is that civic space for it to happen.

We have seen the same sorts of threats to civic space that we have been trying to counter globally—and that we have seen a downward trend in globally—move over to the digital space. The digital space is now where groups and individuals are being threatened and attacked, and their space and ability to engage on human rights is being closed off. We need to be aware of that and engage in how we can better protect civic space, human rights defenders and their ability to play the crucial role that they do online.

**Q148 Chair:** Are you going to be sending an envoy to Tencent any time soon, to talk about the silence that comes through from Weibo? Are you going to send one to Alibaba, to see how Alipay is used to disenfranchise activists? Or, indeed, to Facebook, while we are at it?

**Peggy Hicks:** That is a really important question. That is an area where human rights are the crucial element.

Those companies, and the Governments where they are based, have agreed to the human rights principles that are part of the framework that we are using. The ultimate solution, and how we get companies to do this, is through making the companies engage. There are all sorts of ways that companies can put pressure on, even if they don't pull out of a context altogether. The companies can put on more pressure to protect rights and to not have legislation that has the long arm reaching outside of a country and impeding human rights activism and the free speech of people even outside of a country's borders, for example.

We can depend on the companies to do that, but we also need the multilateral system. There are a lot of questions about how effective that system can be. One of the ways we have to do that is by engaging not just in a western sphere. The EU, the UK and the US are leading actors in the digital space, but if we do not take up the challenge that you just brought up, we will have a system with two parallel tracks that will undermine human rights globally. The human rights framework allows us to cross that divide and we need to take it up.

**Chair:** Thank you very much indeed for your contributions, Mr Cissé-Gouro and Ms Hicks. I am extremely grateful to you both for being with us today and for your work on our behalf through the United Nations.