

Global Human Rights – A Scots View from the UN

Andrew Gilmour

Much attention is rightly focused on the current state of the world: the climate and pollution crisis; the extinction crisis; the democracy crisis; the migration crisis; the security crisis. Less well known – but no less alarming – is the human rights crisis.

Last year saw the 70th anniversary of the landmark Universal Declaration of Human Rights. At the risk of sounding nationalistic, it is remarkable how many of the ideas contained in it were expounded nearly two centuries before by the thinkers of the Scottish Enlightenment.

Most people accept that the period between the late 1970s until the early 2010s saw an uneven, but nevertheless pronounced advance in several areas of rights, in much of the world. To take one example, in 1977 just 16 countries had abolished the death penalty; the figures now stands at 140.

But for many reasons - including the financial crisis and austerity policies; the growth of international terrorism following the Iraq war and the counter-terrorist reaction; and the rise of populism, nativism and xenophobia in the wake of increasing arrivals of refugees and migrants – that progress has now stalled, giving way to a pronounced push-back against the human rights agenda. Two areas where this is especially evident are women's sexual and reproductive rights, and LGBTI rights. Violent homophobia and other forms of intolerance are on the rise, even at a time when the acceptance of same-sex marriage has significantly advanced in North and South America and Western Europe.

Counter-terrorism

Terrorism and counterterrorism are twin sources of growing violations. In many countries confronting a terrorist threat, the greatest recruiting tool for extremist groups turns out to be the brutal and illegal responses to that threat by governments. Targeting and violating the rights of minority groups suspected of sympathizing with terrorists is desperately short-sighted, as it only increases their sense of exclusion and alienation, from which it is sometimes only a short leap to embracing violent extremism. This is so obvious, and yet many governments - Western, African, Arab, Asian and others - persist in policies that lead to the creation of more terrorists.

In addition, we see another tendency. That of governments (often the same ones) to try to tarnish – through specious accusations of “terrorism” – any opposition to their rule or occupation. Thus, peaceful opposition and genuine human rights defenders are regularly arraigned on terrorism charges in China, Israel, the Gulf states, Egypt and many other countries.

To be successful, preventing violent extremism requires addressing the root causes and in strict adherence to the rule of law. One part of the world where the UN Human Rights Office is actively pushing this North and West Africa, where a number of governments are confronting the gravest threats from terrorist groups. With the financial support of the European Union and others, we are working with the militaries of the five concerned countries on a “human rights compliance framework” in the Sahel. The purpose of this compliance framework is to enable those countries’ security forces to fight terrorist groups in a more effective way, reducing human rights

violations committed by those forces and thereby also gaining the support of the civilian population in the areas affected. The adoption of a rule of law approach also enables international donors to feel more confident that the assistance they are providing these security forces (because Europe has a huge vested interest – both in terms of security and migration – in defeating the extremist groups) is not used to commit atrocities. Screening of troops to prevent those known to have committed violations in the past, training, planning and rules of engagement to protect civilians, are all key to the compliance framework. So is accountability, and here it is crucial that the military recognize mistakes they have committed, take action against those responsible, and allow access to justice for individuals and communities who have been wrongly targeted or abused by the security forces.

Access to justice

While this work in the Sahel is a new approach for the UN Human Rights Office, improving access to justice in general has long been a priority. We see it as an essential method of addressing key drivers of poverty and inequality, and therefore also violent conflict. Similarly, access to justice helps governments achieve the UN's Sustainable Development Goals, for which “leaving no one behind” is a cardinal precept. If women, children, those living in poverty, and various minorities, are unable to have access to justice systems that work for them, then the goal of not leaving them behind cannot be met.

I was recently in Kenya, where I met leaders of new Social Justice movements representing millions of slum-dwellers. Though they lack access to water, decent housing, schooling, healthcare, and live in some of the worst conditions I have ever seen, their primary concern - as they repeatedly expressed it to me - was not their poverty. It was fear of police brutality, even extra-judicial killings, committed with total impunity - and lack of access to justice. In this atmosphere, they felt unable even to demonstrate to improve their miserable living conditions, as they feared it would mark them out as community activists who might be targeted by the police. For me, this was one of the clearest examples of how lack of accountability and access to justice are directly linked – in a vicious cycle of cause and effect – with deep poverty.

One way our office promotes human rights and access to justice is through the monitoring of trials through our field presences either on specific cases of concern or more systematically. Examples include Cambodia, Libya, South Sudan, Iraq, Tunisia, Guatemala, where the goal is to ensure due process for the guilty, as well as the innocent. It can help to identify weaknesses in the judicial system, such as bias or stereotyping, police brutality, and inhumane prison conditions.

Countering torture

Another priority is to achieve greater recognition that torture is not just inhuman, illegal and immoral, but also useless - indeed counterproductive. There is so much evidence that information received under duress is unreliable, and can even set back efforts to prevent future crimes and terrorism, because people undergoing torture are liable to say anything that they

think could reduce the indescribable pain and humiliation, regardless of whether there is any truth to it. What we are seeking is increased understanding from beyond our usual supporters: the human rights movement and parts of the legal profession. Until interrogators and the people to whom they report also understand that non-coercive interrogation is likely to lead to more actionable information than torture, and that widespread torture not only undermines the search for truth but also discredits the entire police and justice system of a country, then the brutal methods will continue.

There are moves afoot to secure agreement on a set of international guidelines that could bring practical guidance on how to implement international human rights instruments. In this instance, we will be working with a broader coalition of justice, police and interrogation officers who can see that human rights are not an impediment to them in how they are used to going about their work. Rather, a more humane approach based on respect for human rights – apart from being more civilized – would enable law enforcement officers and other authorities to secure better information, while also creating greater legitimacy for the police and justice sectors they work for.

New challenges

In a world where the rate of change has dramatically increased, human rights need to evolve like everything else. Although George Orwell was writing 1984 on the island of Jura at the exact time Eleanor Roosevelt, Charles Malik, Hansa Metha and others were putting their signatures to the Universal Declaration of Human Rights, the latter probably could never have imagined the human rights challenges that we are currently seeing with artificial intelligence, social media, and cyber-security. It is true that some of these advances represent new tools for human rights defenders – whether it is US police in some states being obliged to wear body-cameras, or real-time twitter calls for mass demonstrations for freedom in Khartoum.

But new technology also presents tremendous opportunities for big violators of rights too. On the one hand, it is possible to whip up violent pogroms through social media – and we saw this with Facebook prior to the massive explosion of bloodletting, rape and expulsion of the Rohingya from North-western Myanmar in 2017. Similarly, governments like China and others have mastered the arts of the Great Firewall, all-embracing on-line censorship, as well as facial recognition and internet surveillance.

Another relatively new area for human rights concerns climate justice. As the planet hurtles towards unprecedented warming, it is remarkable how little understood are the implications on the rights of tens of millions of people affected. Access to the most basic human rights – to life, food, water, health, housing, livelihoods – will likely be severely curtailed in the coming years. It will also lead to vastly greater migration flows – and even now the response to migration on both sides of the Atlantic is frequently shameful: whether it is the separation of children from their families on the southern border of the United States, or the drowning of tens of thousands of African refugees and migrants in the Mediterranean or exposure to systematic torture and rape in Libyan detention centres.

The squeeze on human rights and their defenders is evident on many levels. Several countries have over the past seven years passed harsh laws designed to limit the activities, funding and effectiveness of civil society and non-governmental organizations, especially human rights ones. In an even larger number of countries we are finding that state agents practice various forms of reprisals against human rights defenders, a phenomenon we find especially troubling.

Within the United Nations itself, one can see a trend of trying to silence human rights defenders and even of UN human rights staff in such forums as the Security Council, as well as incessant efforts to cut the small funding (human rights accounts for less than 4% of the total UN budget) available. Amongst the membership itself, there seems to be increased politicization of human rights – with, for example, some countries very willing to criticize the atrocities committed by the Syrian and Myanmar governments, but refusing to do the same with violations carried out by, for example, the Israelis and Saudis. Or vice versa. Such obvious double standards on the part of governments undermine the legitimacy of human rights work everywhere.

Humankind is living through a very difficult period. Of the many challenges we are facing, probably the second biggest threat (after climate change) is the one represented by the rise of cynical populist leaders who almost invariably blame the ills of society on vulnerable minorities – whipping up further hatred and discrimination, and then often issuing threats against the press, the judiciary and NGOs.

Human Rights defenders I have spoken to in many parts of the world acknowledge greater threats to their security, and more hostility to their agenda (which critics claim is used to promote “terrorism”, “treachery” or “debauchery”), than they have seen in years. Meanwhile, many governments increasingly seem reluctant to challenge the world’s greatest human rights violators, and indeed have retreated into a much more negative stance on domestic rights and freedoms, including hostility to migrants and refugees.

If governments are not ready to do more, then concerned citizens need to use their collective power – as voters, consumers, investors or even just voices – to stand up to defend the defenders, to speak out against violations, and draw a line against creeping authoritarianism, discrimination and brutality. It is noteworthy that in the United States it is at times like this that we see a surge in activism, whether Black Lives Matter (against police violence), Me Too (against sexual harassment), or Enough (against unrestricted gun ownership). Equally noteworthy, on the global stage, is the inspirational and courageous visibility of three young women campaigning for rights: Malala (right to education), Nadia Mourad (accountability for sexual violence); Greta Thunberg (on climate). There is much to be emulated here. These and others of their ilk can play a major role in what the UN Secretary-General has said needs to be a “push back against the pushback”.

As a Scot with an international perspective, I can say – as I have been doing at the UN over the past two years – that the vocal position of the Scottish Government on a number of acute contemporary human rights issues is a matter of pride. All the more so, as it seems to be bucking the trend in so many countries of Europe and the wider world. The giants of the Scottish Enlightenment – Gershom Carmichael, David Hume, Adam Smith, Adam Ferguson and others – would presumably have been gratified to know that their human rights legacy was being sustained at a time when it is needed most. In a global context of myriad interlocking crises, that seems to me to present us some sliver of hope.

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