



**First Intersessional seminar on the contribution of the Human Rights Council to the prevention of human rights violations (resolution 38/18) – April 2019**

Please let me start by thanking the organizers for inviting the Quaker United Nations Office to speak on this very important subject. Thank you also to our Chair, Mr. Magazzeni, my co-panellists and you all for being here today.

Human rights violations are both the cause and effect of destructive conflict and therefore also play a central role in early warning, prevention of destructive conflict, and in providing the basis for accountability through to rebuilding societies. QUNO has for several years been exploring how the role of human rights generally<sup>1</sup>, and the UN human rights mechanisms, are central throughout the peace/conflict continuum. We have more recently been focussing “the human rights dimensions of peacebuilding” throughout the UPR process as called for by the twin resolutions on sustaining peace.<sup>2</sup>

I was pleased to see the sustaining peace twin resolutions referenced in resolution 38/18 on prevention. And the understanding of it as part of the emphasis on the interlinkages between development, peace and security and human rights.

My intervention today draws on our 2018 report on integrating human rights and sustaining peace through the UPR that I’ve brought with me today.<sup>3</sup> I will build on this from our learning as we continue to integrate peacebuilding perspectives and peacebuilding actors in three pilot countries undergoing their 3<sup>rd</sup> UPR review in 2020.

My observations will be twofold: firstly, looking at it as a process for opening dialogue, a key feature of peacebuilding; and secondly, as a platform for inclusive context analysis through the universality of themes it covers, lending itself to bridging between human rights and sustaining peace.

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<sup>1</sup> <https://quno.org/areas-of-work/natural-resources-conflict-and-cooperation> & <https://quno.org/areas-of-work/building-peace>

<sup>2</sup> ‘Twin’ General Assembly resolution 70/262 & Security Council Resolution 2282, April 2016. Full text available here: <https://bit.ly/2xb873g>

<sup>3</sup> QUNO, April 2018, Integrating Human Rights and Sustaining Peace Project Report: Exploring the Universal Periodic Review <https://bit.ly/2NA2WnU>

## The UPR Cycle as a process for engagement and dialogue

The universality and peer nature of the process has not only created a high level of acceptance and legitimacy but also opportunities for additional exchanges focused on human rights in the State under Review and at the multilateral level.

The three-strand input approach from the national level has broadened participation and increased the exchange between the country and multilateral levels.

The opportunity in this process for building bridges between silos therefore multiplies spaces for dialogue, enabling relationship and trust building – as much between communities of practice – civil society, UN and State, thematic pillars and between the country level and the multilateral.

Relationships and trust are crucial to addressing complex issues so as to sustain peace at all levels.

In examples of these spaces for dialogue that the UPR process can enable I would include:

- in-country consultations
- joint submissions processes
- exchanges between representations in all hubs (in country, Geneva, New York, Brussels or Vienna)
- in-country and in Geneva pre-sessions
- questions in advance processes
- the UPR Working Group Session when national level actors meet multilateral actors
- post working group national consultations
- in country bilateral between recommending and under review states prior to the adoption
- and the adoption of the UPR outcomes during the Council Session

The High Commissioner for Human Rights letters, which do not necessarily open a physical space for dialogue per se, has however added an additional channel of communication and prioritisation.

Those are all moments created by the UPR that are not fully leveraged – and are therefore missed opportunities for exchange, understanding and relationship building between parties and partners that need to hear each other and work together for the benefit of prevention and sustaining peace.

## UPR as an inclusive thematic platform to bridge between human rights and peacebuilding

The value of the UPR also lies in the universality of rights covered – as such all dimensions of rights can be explored through the UPR, lending itself to bridge between human rights and peacebuilding. However, our work has demonstrated that only a few of the UPR elements intentionally address human rights violations with the aim of “sustaining peace” despite the UPRs unique advantages to do so – let me give you a few examples of those opportunities.

We acknowledge that the UPR may be ill suited for fast changing crisis situations or outright conflict<sup>4</sup>, the varied input to the UPR directly translates into valuable output that could and should be better used as a source of early warning and to inform prevention activities.

In bringing in peacebuilding narratives for example, it could be more easily brought to the fore which violations if left unaddressed could lead to violence – for instance how in some contexts the toxic addition of patterns of discriminatory police violence, inequality in access to food and limitations on freedom of expression for particular groups could be indicators of root causes of aggravating grievances and potential precursors of destructive conflict.

The opportunities for including peacebuilding perspectives could also enable recommendations, of a human rights nature, to include specific action-oriented solutions of a peacebuilding nature or soft law pathways. That is, processes, tools or approaches that complement a legalistic human rights solution. For instance, in recommending the implementation of an environmental law, participatory consultations could be proposed. This would enable state actors, businesses and communities to come together, exchange and build relationships and understanding around a law that might affect them differently. The process could also identify risks and pathways for mitigation, prevent misunderstandings and manage expectations further down the line.

Integrating peacebuilding perspectives can also increase the attention given to economic social and cultural rights violations – as violations of that nature are often causes, consequences and even predictors of violence, social unrest and conflict, and by that virtue enhance the preventative nature of the UPRs outputs.<sup>5</sup> This could rebalance a historic prioritization of civil and political rights over economic social and cultural rights.

Similarly, the foreign policies of States under Review, their arms trade or even the ways in which businesses operate transnationally are not frequently addressed but are relevant in terms of sustaining peace – complementing existing processes and mechanisms that address these issues but where a treaty may not exist or if states may not be signatories to the existing bodies.

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<sup>4</sup> The need to maintain the review of those situations however is crucial in the name of universality and non-selectivity of the mechanism but also of the message that would be sent out if the review were to be suspended.

<sup>5</sup> <https://www.ohchr.org/EN/Issues/ESCR/Pages/Earlywarning.aspx>

Here are few more recommendations, beyond those already inferred in my presentation, on how to move forward towards better leveraging the UPR's prevention potential:

- OHCHR and UPR info should increase participation of peacebuilding and social cohesion actors throughout their Standard operating Procedures when supporting civil society, UN as well as Governmental preparatory and implementation processes – *this would enable compilations, recommendations and implementation activities to have a prevention lens.*
- OHCHR should make a similar explicit mention of this inclusive participation in the directives sent out to state officials, UN Country Teams and Resident Coordinators.
- UN and Member States counterparts from the in the development and peace & security spheres in New York should be made aware of the UPR and its value added to prevention across the system.
- Recommending States should reach across the Atlantic and to their in-country representation systematically throughout the UPR Cycle to bridge silos and enable a holistic approach that draws on conflict analysis and peacebuilding practices to sustain peace.
- Throughout the system, actors should leverage the moments the UPR offers for exchange *AND* use the information in the UPR compilations for early warning of risks of violent conflict across the system. The Peacebuilding Commission could for instance create a space for informal discussions, using the country cycles of the UPR and leverage that opportunity to further their own analysis and processes, and explore how the peace and security pillar could support in the implementation of certain recommendations. The Caucus group of member states could also facilitate more of these discussions in both Geneva and New York.

In closing, I'd like to also highlight that the effectiveness of the UPR to help sustain peace more broadly continues to be hampered by concerns about the motives of closer coordination between human rights and peacebuilding that need to be overcome.

The lack of understanding across silos also continues to undermine work on prevention, through the UPR but also more broadly throughout the system.

Concerns about additional workloads in light of current limited resources present a barrier that compounds the challenges ahead to shift mindsets. *All these have been in one way or another been voiced throughout the day.*

But let me end with a more positive twist - and quote one of my favorite proverbs - « SEUL ON VA VITE, ENSEMBLE ON VA LOIN ». So, to bring it back into this room today - to realize the prevention potential of the Human Rights Council and the role of the UPR in meeting that potential we have far to go, so let's at least go together.

**\*ENDS\***

**Delivered by Florence Foster, Peace & Disarmament Representative**