

# Why the U.N. is making a mockery of human rights

*A body built on the moral relativism inherent to any all-inclusive, multilateral system is bound to fail.*

By Aaron Rhodes

WSJ (18.10.2020) – <https://on.wsj.com/348m2ZC> – China, Cuba, Pakistan, Russia and Uzbekistan—all notorious for abusing human rights—were among the 14 states elected to the United Nations Human Rights Council on Oct. 13, bringing the proportion of nondemocratic states on the world’s top human rights-promoting body to 60%. Cuba received 170 votes, or 88%, in the secret-ballot General Assembly vote.

But the Human Rights Council’s problem isn’t simply the presence of bad actors. The real issue is the intrinsic moral relativism embedded in any all-inclusive, multilateral human-rights system.

Human-rights organizations have denounced the predictable result: an ineffectual body that gives cover to authoritarian states. Observers say that one key fault lies with the council’s rules apportioning membership on the basis of regional groups. Critics complain that members of these groups conspire to nominate only as many candidates as can be elected (in the recent election, there were 16 candidates for 15 seats). This practice makes elections mostly noncompetitive and is “undermining” the council’s “credibility” and

“effectiveness,” in the words of Human Rights Watch.

Also, U.N. members are accused of ignoring criteria for election to the council when they vote. According to U.N. General Assembly Resolution 60/251, which established the council, membership “shall be open to all States,” but “when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights.

“These criticisms reflect a naive denial of international realpolitik and the deep-rooted dysfunction of international human-rights institutions. The key to protecting human rights, transnational progressives argue, lies in adhering to the “rules-based international order.” But that is exactly what produced a Human Rights Council dominated by human-rights abusers.

As a Chinese government propagandist observed, the election results reflected “the will of the global community.” Why shouldn’t unfree states be expected to work together to place themselves and like-minded regimes on a body that defines their legitimacy to their citizens and the world? Roland Gomez, who serves as president of the council, noted that its legitimacy derives from its diversity, and expressed satisfaction that, with installation of the new cohort, a majority of U.N. members will have served on the body.

As for election criteria, all those newly elected members can fairly claim to have met the necessary standards of Resolution 60/251, according to the U.N.’s own inflated and politicized

definitions. They all regularly brag about being “democratic,” about having constitutions that nominally guarantee freedoms, about protecting various economic and social human rights, and about services to vulnerable groups. When their records have been reviewed in U.N. forums, they have all been widely praised for upholding human rights, often by leading democracies hoping praise will make them improve.

When China’s human-rights record was last examined, the delegation cited economic growth as evidence of human-rights compliance and described concentration camps where as many as three million Muslims are incarcerated as “vocational skills education and training institutions.” At the end of the meeting, Beijing was loudly applauded, and Chinese diplomats praised the meeting format as one based on a cooperative, nonselective and nonconfrontational approach.

The international community is getting exactly what it paid for in the Human Rights Council. It is a body operating according to the rules of multilateralism: inclusivity, imposed and regulated diversity, and equality among nations. These rules may be appropriate for governing international cooperation aimed at addressing specific policy problems like environmental protection, public health and poverty relief.

But when applied to protecting basic political freedoms, they are a recipe for the kind of toxic hypocrisy seen in the council’s election and, more generally, for irresponsibility, bureaucratic paralysis, compromised principles and technocratic dissociation from the immediacy of life under tyrannies. Meaningful action to protect human rights is rare, and the collectivist approach, which disdains unilateralism, keeps forceful sovereign responses at bay. Human-rights-

denying regimes have thus come to understand that multilateral human-rights institutions work in their favor.

Human rights cannot be subjected to a multilateral definition and consensus and survive intact as a moral principle. In the internationalist era, free and democratic states have conflated the universality of human rights with universal entitlement to membership in human-rights bodies. Democracies that defend liberty must recover their unilateral sovereignty—politically and philosophically—if they want to promote the universality of human rights and defend the growing number of victims denied them.

*Mr. Rhodes is president of the Forum for Religious Freedom-Europe and author of "The Debasement of Human Rights." He was executive director of the International Helsinki Federation for Human Rights, 1993-2007.*

---

## **WORLD: Protect intersex persons' rights, 34 states tell the United Nations**

*In a historic first, 34 States from all regions of the world called on the UN Human Rights Council to urgently protect intersex persons in their bodily autonomy and right to health, 8 NGOs said today.*

By Daniele Paletta

ILGA World (01.10.2020) – <https://bit.ly/3nthzZ4> – Intersex people are born with diverse sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies. Up to 1.7% of the global population is born with such traits; yet, because their bodies are seen as different, intersex children and adults are often stigmatised.

“In many countries around the world,” Austria told the Human Rights Council today on behalf of 34 states, “intersex people are subjected to medically unnecessary surgeries, hormonal treatments and other procedures in an attempt to change their appearance to be in line with gendered societal expectations of male and female bodies without their full and informed consent.”

“Governments should investigate human rights violations and abuses against intersex people, ensure accountability, reverse discriminatory laws and provide victims with access to remedy.”

“This is an historic step forward for the global intersex community”, says Tony Briffa, Chair of the Intersex Committee at ILGA World and a Co-Executive Director of Intersex Human Rights Australia. “For the first time States have taken the lead, recognised the historic injustice that people with diverse sex characteristics are still facing every day, and are pushing their own governments and others to work with civil society to raise awareness.”

Civil society has indeed worked for years to make sure that intersex stories could be heard. Their voices highlighted how being denied their bodily autonomy has had a ripple effect on people's health outcomes, education and employment opportunities, as well as their possibility to compete in sports – often without even being able to access remedies and justice.

Slowly, the world has begun to acknowledge these realities and lives. In 2019, the UN passed a resolution calling for an end to discrimination of women and girls in sports – including women born with variations of sex characteristics. This represented the first UN resolution on the rights of intersex persons. Earlier in 2020, then, a children's hospital in Chicago became the first in the United States to publicly apologise for the harm it caused to intersex people, and announced it would stop medically unnecessary “normalising” surgeries. More and more voices have spoken up against regulations that keep excluding top female athletes from the Global South from international sport competitions.

Civil society has also spoken today at the UN Human Rights Council: 33 organisations welcomed the recent initiative by States, and encouraged them to “take further action in protecting intersex persons' autonomy, rights to health, to physical and mental integrity, to live free from violence and harmful practices and to be free from torture and ill-treatment”.

“Our bodies were born whole, and only we should have had the right to decide what happened to them”, said Mauro Cabral Grinspan of GATE. “Violations against our bodies that only seek to make us fit the binary model of how women and men

should look like are still the norm rather than the exception. We hope that today's words at the United Nations will push States to finally take action and restore justice towards us".

*This is a joint statement by: ILGA World – The International Lesbian, Gay, Bisexual, Trans and Intersex Association; Tony Briffa and Morgan Carpenter, Intersex Human Rights Australia; GATE; OII Europe; SIPD Uganda; Intersex South Africa; Intersex Asia; and OII Chinese.*

**Read the statement delivered by the States here.**

**States who joined the statement:**

Albania, Argentina, Australia, Austria, Belgium, Canada, Chile, Costa Rica, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, India, Ireland, Israel, Italy, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Pakistan, Panama, Portugal, South Africa, Spain, Sweden, Uruguay.

---

**SPAIN: High rates of poverty a political choice, says UN**

# rights expert

MADRID (7 February 2020) – Spain is utterly failing people in poverty, whose situation now ranks among the worst in the EU, said the UN Special Rapporteur on extreme poverty and human rights, Philip Alston, at the end of his official visit to the country.

“Although Spain is thriving economically, far too many people are struggling,” Alston said. “The post-recession recovery has left many behind, with economic policies benefiting corporations and the wealthy, while less privileged groups suffer fragmented public services that were severely curtailed after 2008 and never restored. The bright spot in the situation is that the new coalition Government is firmly committed to achieving social justice, but the challenges are great.”

26.1 percent of people in Spain, and 29.5 percent of children, were at risk of poverty or social exclusion in 2018. More than 55 percent had some degree of difficulty making ends meet, and 5.4 percent experienced severe material deprivation. The unemployment rate of 13.78 percent is more than double the EU average, and has topped 30 percent for those below age 25.

“Spain today needs to take a close look in the mirror,” Alston said. “What it will see is not what most Spaniards would wish for nor what many policymakers would intend. Deep widespread poverty and high unemployment, a housing crisis of stunning proportions, a completely inadequate social protection system that leaves large numbers of people in poverty by design, a segregated and increasingly anachronistic education system, a

fiscal system that provides far more benefits to the wealthy than the poor, and an entrenched bureaucratic mentality in many parts of the government that values formalistic procedures over the well-being of people.”

“People in poverty have been largely failed by policymakers, and social rights are rarely taken seriously. Low cost housing is almost nonexistent and the system for providing social assistance is broken, impossible to navigate, and leads to wealthy families benefitting more from cash transfers than poor families. Meanwhile companies are paying half as much in taxes as they did before the crisis despite strong profits.”

“I visited areas I suspect many Spaniards would not recognize as a part of their country,” Alston said. “A shantytown with far worse conditions than a refugee camp, without running water, electricity, or sanitation, where migrant workers have lived for years without any improvement in their situation. Neighborhoods of concentrated poverty where families raise children with a dearth of state services, health clinics, employment centers, security, paved roads or even legal electricity.”

“The word I heard most frequently over the past two weeks is ‘abandoned,’” the expert said. “I met people who lost their savings during the crisis, who have to choose between putting food on the table and heating a home, and who are staring down the prospect of eviction, unable to find affordable housing. Almost everyone I met was avidly seeking decent work.”

“Certain groups are particularly neglected by policymakers,

impacted by structural discrimination and experience disproportionately high rates of poverty. Spain has one of the largest Roma communities in the EU, nearly half of whom are in severe poverty. Women, people in rural areas, migrants, domestic workers, and people with disabilities are all extremely underserved by current policies and unfairly impacted by poverty.”

The UN expert travelled to Madrid, Galicia, Basque Country, Extremadura, Andalucía and Catalonia, and met with individuals affected by poverty, government officials at the municipal, autonomous community and central level, as well as activists, academics and representatives of civil society organisations. He visited numerous community centers and schools, NGO offices, a center for people with disabilities, a social services office, an informal settlement for migrant workers, a privatized housing block, a domestic worker center and several Roma communities.

“Spain now needs innovative leadership at the national level, backed up with resources to encourage the autonomous communities to support far-reaching reforms. With its embrace of social rights and fiscal justice, and prioritization of the most vulnerable, the new government’s message is a welcome one, but its actions must live up to that rhetoric,” Alston said. “Poverty is ultimately a political choice, and governments can, if they wish, opt to overcome it.”

His final report will be presented to the UN Human Rights Council in Geneva in June 2020.

**Photos** from the Rapporteur's visit are available for press use here.

ENDS

**Philip Alston** (Australia) took up his functions as the Special Rapporteur on extreme poverty and human rights in June 2014. As a Special Rapporteur, he is part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures' experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

*Follow the Special Rapporteur*

on **Twitter** @Alston\_UNSR and **Facebook** at [www.facebook.com/AlstonUNSR](http://www.facebook.com/AlstonUNSR)

*UN human rights, Country Page: Spain*

For more information and **media requests**, please contact: Junko Tadaki (+41 79-201-0123; [jtadaki@ohchr.org](mailto:jtadaki@ohchr.org)) and Bassam Khawaja (+1 646 886 7211; [bassam.khawaja@nyu.edu](mailto:bassam.khawaja@nyu.edu))

*For media inquiries related to other UN independent experts:*

*The Media Unit (+ 41 22 928 9855 / [mediaconsultant2@ohchr.org](mailto:mediaconsultant2@ohchr.org))*

*Follow news related to the UN's independent human rights experts on Twitter [@UN\\_SPExperts](https://twitter.com/UN_SPExperts).*

---

## **WORLD: The UN unveils 6 themes in a big year pushing for women's rights**

By Stéphanie Fillion

PassBlue (20.01.2020) – <https://bit.ly/2TJAani> – As the countdown to this year's main events celebrating the 25th anniversary of the Fourth World Conference on Women has begun, UN Women has announced six themes to anchor the two Generation Equality forums to be held in May and in July. While many women's groups applaud the broad themes, some have serious qualms about one topic in particular.

The Generation Equality Forum is a civil society-led global gathering, officially announced last June, that will play a major role in the Beijing+25 commemorations. They officially start with the annual Commission on the Status of Women, or CSW, in March at the United Nations, where a review of the progress and gaps of the 1995 Beijing agenda will be made to inform the two forums later in the year as well as a UN General Assembly session in September.

The new “action coalition” themes are: gender-based violence, economic justice and rights, bodily autonomy and sexual and reproductive rights, feminist action for climate justice, technology innovation for gender equality and investing in feminist movements and leadership.

UN Women leads the Generation Equality forums with France and Mexico, where women-centered groups, “allied countries” and other partners will convene from May 7-8 in Mexico City and July 7-10 in Paris. Their goal is to further define the blueprint hammered out at the New York conference on how to achieve gender equality – especially for young women – by 2030.

The Beijing Declaration and Platform for Action was adopted by 189 countries at a conference held in 1995 to achieve gender equality and women’s rights. Hillary Clinton, the United States first lady at the time, famously declared at the Beijing meeting, “human rights are women’s rights and women’s rights are human rights. . . .”

Despite progress on some fronts, no country has achieved gender equality since that bold declaration. In the current political environment, growing nationalism and populism in certain countries, such as the US, pushback against ensuring full rights for women has been powered by the highest levels of governments.

“The themes for the action coalitions were finalized through a thorough analytical process of reviewing evidence and data to

assess the nature of need, the degree of readiness and the action coalition's ability to deliver game-changing results within five years," said Julien Pellaux, the strategic planning adviser to the executive director of UN Women, Phumzile Mlambo-Ngcuka.

Each coalition will be led by a group of partners, including UN member states, women's movements, civil society organizations and corporations as well as some UN agencies. The themes were chosen by a 52-member Generation Equality Strategic Planning and Leadership Group, formed by UN Women.

In addition, the coalitions will work on a plan toward the UN Decade of Action, which aligns with the Sustainable Development Goals.

This year is also an important marker for commemorating UN Security Council Resolution 1325, on women, peace and security, a 20-year-old landmark document ensuring women's rights in conflict. It has made scant progress in guaranteeing that women are equally represented at peace negotiations, to the disappointment of many women's groups.

While some themes chosen by UN Women echo traditional ones on gender issues, the one on technology innovation reflects more recent realities.

Technology holds significant potential to improve women's and girls' lives, Pellaux from UN Women told PassBlue. "The diverse ways in which technology is impacting on gender

equality shows that rather than being an unstoppable force, technology is malleable and can be geared towards the achievement of social goals with the right interventions and levers.

“Interventions and investments should support technological development and innovation and ensure that technology serves the purpose of advancing gender equality,” he said.

### ***‘Bodily autonomy’***

The reaction to the announcement of the themes has not been roundly praised. Some women’s groups around the world are dismayed about the process behind the choice of themes and the results, saying the decision-making has been dominated by Western organizations favoring decriminalization of prostitution.

In November, PassBlue published a story about UN Women having just declared its neutrality in the battle among global feminists over whether sex work should be decriminalized. At the time, a statement from Mlambo-Ngcuka, the head of UN Women, overruled a 2013 memo that the agency would “recognize the right of all sex workers to choose their work or leave it and to have access to other employment opportunities.”

The move to neutrality by UN Women, possibly to avoid fearsome squabbles on the topic during 2020 commemorations, seemed to surprise advocates of decriminalization.

“We are aware of the different positions and concerns on the issue of prostitution/sex work and are attentive to the important views of all concerned,” Mlambo-Ngcuka wrote in her statement. “UN Women has taken a neutral position on this issue. Thus, UN Women does not take a position for or against the decriminalization/legalization of prostitution/sex work.”

Mlambo-Ngcuka was responding to a letter she had received days earlier, signed by more than 1,400 individuals and organizations, who were concerned that UN Women was allowing civil society groups advocating for decriminalization of buyers and sellers of sex to influence future debates about women’s equality and rights. Those debates included the Generation Equality forums and the Commission on the Status of Women meeting. Last week’s announcement on the action themes, however, is keeping the debate around UN Women’s neutrality alive.

Taina Bien-Aimé, the executive director of the New York-based Coalition Against Trafficking in Women, which opposes the legalization of prostitution/sex work, denounced the wording of the theme on “bodily integrity.” She says it favors one side of the debate.

The letter sent to UN Women last fall was written by Bien-Aimé’s organization. She is a former Wall Street lawyer and a founder of Equality Now.

“The concern is that,” Bien-Aimé told PassBlue, “while respect for SRHR [sexual and reproductive health and rights] is key to

all women's fundamental rights to health and equality, it has, incomprehensibly, become a vehicle to push to legalize the global multi-billion-dollar sex trade and redefine prostitution as labor."

Pellaux of UN Women said the wording of the themes "was kept general for now with the expectation that Coalition leaders will have [to] further refine the titles as part of the Action Coalition blueprints."

"This includes the coalition on 'bodily integrity and sexual and reproductive health and rights,' " he said.

---

## **Belarus: UN human rights experts denounce execution**

OHCHR (01.07.2019) – <https://bit.ly/2xHj1NA> – Belarus must halt the executions of individuals who have submitted complaints to the Human Rights Committee, UN human rights experts said today upon being informed about the execution of Aleksandr Zhilnikov whose case is being examined by the Committee.

The Human Rights Committee, together with the UN Special Rapporteur on the situation of human rights in Belarus and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, strongly condemn Belarus for its continued use of the death penalty, following local news reports that the country had defied the Human Rights Committee's requests for a

stay of execution for Aleksandr Zhilnikov. To date, Belarus has disregarded every Committee request for interim measures not to execute individuals while their cases were under the Committee's consideration. The Committee's procedure known as *interim measures* aims to stop the State from taking any action that would have irreparable consequences. Non-compliance with that procedure constitutes a serious violation by Belarus of its international obligations under article 1 of the Optional Protocol to the International Covenant on Civil and Political Rights, to which Belarus acceded in 1992.

"By not complying with the requests of the Committee to stay execution until the allegations of due process violations are examined, Belarus not only shows disrespect to the Committee, it also shows lack of respect toward the right to life itself", said Yuval Shany, Vice-Chair of the Human Rights Committee and one of the Special Rapporteurs on new communications and interim measures.

"Capital punishment may only be carried out after a legal process that gives all possible safeguards, including those provided for in international human rights law, to ensure a fair trial and pursuant to a final judgement", said Agnes Callamard, the Special Rapporteur on summary executions. "We remind Belarus that the only thing that distinguishes capital punishment from arbitrary execution is full respect for stringent due process guarantees."

Mr. Zhilnikov became the 14th person whose execution was carried out despite his pending case before the Human Rights Committee, in disregard of the Committee's request to halt the execution while the independent experts examined his allegations of human rights violations. He was initially sentenced to life in prison, however upon re-trial was sentenced to death in 2018. His pending complaint before the UN Human Rights Committee alleges that he was tortured in detention, denied access to legal assistance, and was subjected to an unfair trial.

“It is time for Belarus to show political will and leadership on the question of the death penalty and review its retentionist stand. The official line that the death penalty should be maintained until a majority of the population supports its abolition should be reconsidered. It is up to the Government to lead the debate and actively work to change mentalities in favour of abolition,” said Anaïs Marin, Special Rapporteur on the situation of human rights in Belarus.

Belarus remains the last country in Europe and Central Asia that applies the death penalty. In its last report on the Republic of Belarus published in November 2018 (available in English and in Russian), the Human Rights Committee emphasized that Belarus “should consider establishing a moratorium on executions as an initial step towards legal abolition of the death penalty and ratification of the Second Optional Protocol to the Covenant, commute all pending death sentences to imprisonment and increase efforts to change public perception about the necessity of maintaining the death penalty”.

Despite Mr. Zhilnikov’s death, the Human Rights Committee will, per its usual practice, fully examine his case.

.....

**If you want to be regularly informed about different violations of human rights in the world, click here for a free subscription to our newsletters!**

***Also:***

**HRWF database of news and information on over 70 countries: <http://hrwf.eu/newsletters/human-rights-in-the-world/>**

**List of hundreds of documented cases of believers of various faiths in 20 countries: <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-li>**

st/