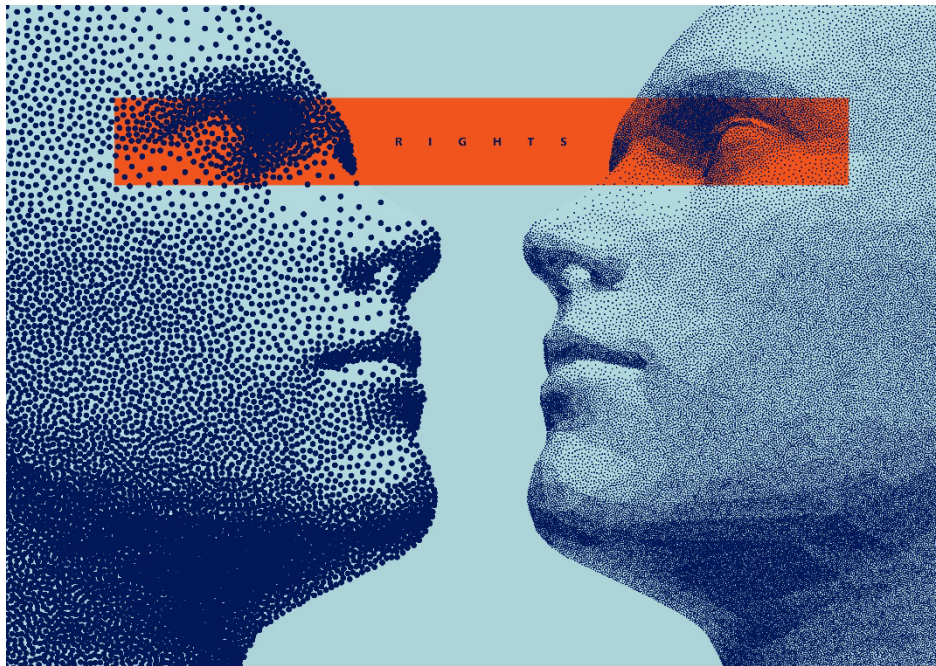


IN-DEPTH ANALYSIS

Requested by the DROI Subcommittee



The opposition of models and narratives in the field of human rights



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ABSTRACT

This In-depth analysis focuses on competing human rights narratives, particularly those that challenge or undermine the priorities set out in the European Union (EU) Action Plan on Human Rights and Democracy 2020-2024. It identifies the strategies deployed to advance those narratives internationally, some of the main proponents of those narratives and key motivations for those agendas. The paper provides evidence-based recommendations for ways in which the EU may counter those narratives. In particular, it highlights the need for the EU to advance a human rights-centred approach to development and preventing economic insecurity. Human rights should be prioritised across all EU activities with third parties. Moreover, competing human narratives should be countered by strengthening civil society and seeking new ways to oppose the soft power initiatives being deployed to advance competing narratives globally.

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List of abbreviations

BRI	Belt and Road Initiative
BRICS	Brazil, Russia, India, China, South Africa
CHR	Commission on Human Rights
CIS	Commonwealth of Independent States
CPRs	Civil and Political Rights
ECtHR	European Court of Human Rights
ESCRs	Economic, Social and Cultural Rights
EU	European Union
HRC	Human Rights Council
LMG	Like-Minded Group of Developing Countries
NAM	Non-Aligned Movement
NGO	Non-Governmental Organisation
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
SDGs	Sustainable Development Goals
SCO	Shanghai Cooperation Organisation
SOGI	Sexual Orientation and Gender Identity
TGRs	Third Generation of Rights
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UPR	Universal Periodic Review
USA	United States of America
WEOG	Western European and Other Group

1 Introduction and background

The following In-depth analysis has been undertaken in response to the European Parliament's call for expert input on opposing and countering competing human rights narratives. It focuses on the strategies deployed by state actors to advance those narratives both bilaterally and at multilateral fora. Certain countries have been chosen for particular scrutiny, examining *inter alia* their tactics and motives, before presenting proposals for what more the European Union (EU) can do in countering competing human rights narratives from those and other countries. This research relies on desk research and anonymised interviews¹, with Section 1 providing an introduction and background to challenges facing the universality of rights. Section 2 then explores three case studies focussing on how competing narratives are advanced internationally. The case studies look specifically at tactics deployed and agendas advanced within United Nations (UN) human rights bodies, as this provides context and foundations for later discussion about selected states. Section 3 turns to key states that advance competing narratives at international level, the specific tactics they deploy and potential motivations for doing so. This section builds on discussions in Section 1 by looking at different areas outside UN human rights bodies in which competing narratives are advanced, *inter alia* through aid, education and academia, as well as regional bodies. Section 4 concludes with recommendations for what the EU and Member States can do to counter and oppose those narratives.

1.1 Universality vs cultural relativism

Universality has always been at the heart of international human rights, the central tenet being that all individuals have fundamental human rights by virtue of being born human. Yet, ever since the UDHR was adopted in 1948, a sizeable number of states have tried to insist that human rights are not universal. Those states have attempted to undermine universality by emphasising a cultural relativist approach that seeks to prioritise religion, tradition and/or culture over human rights and have also accused the human rights project of being a 'Western' notion that is being foisted on the rest of the world. For example, some states would invoke 'Asian values' in opposition to a universal concept of human rights². Of course, such a position does not take into account or address the fact that within what is perceived as the 'Western' bloc there have been differences in terms of understandings and ideologies on the substance of human rights.

Even though the fundamental principles of international human rights are universal, inalienable, indivisible, interdependent, and interrelated³, disputes regarding human rights issues are frequently portrayed as conflicts between values. Governments may use cultural or religious values to justify stances that 'conflict with human rights norms', as a result of which, resolving such conflicts becomes politically sensitive and compromise often appears unfeasible⁴. As the author argued beforehand, 'Invocations of cultural differences may be legitimate, for example when States rely on those differences during the setting of an educational curriculum. Such invocations, however, typically relate to uncontroversial human rights matters'⁵. According to Thomas M. Franck while cultural sensitivities may influence the interpretation of facts, it is more probable that disagreements over facts indicate 'wishful thinking or wilful deception, a

¹ Semi-structured interviews were conducted with 17 individuals from academia, civil society, diplomats (state diplomats and EU delegation to the UN, European External Action Service, Ministries of Foreign Affairs and the UN Office of the High Commissioner for Human Rights). All interviews were conducted on the basis of anonymity and confidentiality.

² See for example, World Conference on Human Rights, [Report of the Regional Meeting for Asia, Bangkok, 29 March-2 April 1993](#), UN Document, A/CONF.157/ASRM/8, 7 April 1993.

³ World Conference on Human Rights in Vienna, [Vienna Declaration and Programme of Action](#), 25 June 1993.

⁴ R. Freedman, [The UN Human Rights Council: A Critique and Early Assessment](#), University of London, PhD Thesis, August 2011, p. 17.

⁵ R. Freedman, [The UN Human Rights Council: A Critique and Early Assessment](#), University of London, PhD Thesis, August 2011, p. 17.

hypocritical avoidance of the fundamental rules of international conduct by lying⁶. For instance, some governments use dubious claims about 'cultural sensitivities' to justify the oppression of persons based on their Sexual Orientation and Gender Identity (SOGI)⁷. Although some governments, especially those with strong religious or faith-based influence, may not support the rights of LGBTI persons, politicians often manipulate this issue to further their political advantage⁸. For example in some African countries such as Uganda, governments have tried to mobilise voters by promising to defend 'African cultural values'⁹. Many human rights issues are hindered by divergence between states which are often justified as 'cultural sensitivities'.

International human rights organisations that have global representation face greater potential for conflicts over 'cultural sensitivities' when compared with regional organisations. For instance, an organisation such as the European Court of Human Rights (ECtHR) deals with states that have a greater level of agreement on human rights norms despite having cultural differences¹⁰. In comparison, as the author discussed in 2013, 'the UN's global membership represents all cultures, which can give rise to diametrically opposing views on some human rights issues'¹¹. While all states within the Council of Europe are bound to adhere to the European Convention on Human Rights and norms, the same cannot be said for UN members, who are *not* all party to the same human rights treaties, nor subject to the same enforcement mechanisms as the ECtHR. States represented within international organisations can, therefore, more easily exploit regional differences and use them as a pretext, or a tactic, to justify non-compliance with human rights.

Some of the same states that insist on cultural relativism over the universality of rights are also at the fore of arguing that international human rights laws are a neo-colonial tool of oppression¹². Some Global South countries insist that international human rights are 'Western'-centric or 'Western'-influenced, and therefore not only not relevant to their own cultures, histories and religions, but also a form of imperialism. Many of those countries lack the historical traditions of natural rights that have given rise to contemporary human rights regimes. As a result, they may perceive international human rights law as an imposition of 'Western' or Global North standards, arguing that those laws encroach upon and undermine their state sovereignty¹³. Some states go further and label human rights as 'Western imperialism'. Weiss argues that this 'inability to move beyond a simplistic and ritualised North-South pattern is definitely a debilitating ailment'¹⁴ at the UN and non-homogeneous regional institutions.

The argument that international human rights law is a form of colonialism that violates state sovereignty does not acknowledge or address the fact that while the modern state is a 'Western' construct it has seen almost total global adoption. Human rights make up a counterbalancing mechanism which in essence

⁶ T. M. Franck, '[Of Gnats and Camels: Is there a double standard at the United Nations?](#)', *The American Journal of International Law*, Vol 78, No 4, 1984, pp. 811-833, p. 831.

⁷ E. Heinze, '[Sexual Orientation and International Law: A study in the Manufacture of Cross-Cultural Sensitivity](#)', *Michigan Journal of International Law*, Vol 22, No 2, 2001, pp. 283-309.

⁸ R. Freedman, '[The UN Human Rights Council: A Critique and Early Assessment](#)', University of London, PhD Thesis, August 2011, p. 18.

⁹ A. Van Klinken, '[The future of Christianity and LGBT rights in Africa – a conversation with Rev. Dr Bishop Christopher Senyonjo](#)', *Theology & Sexuality*, Vol 26, Issue 1, 2020, p. 4; See also T. Walton, '[Sexual Minorities and the Right to Culture in African States](#)', *International Law and Politics*, Vol 50, Issue, 2018, pp. 1321-1360; G. Mapondera and D. Smith, '[Human Rights campaigners attack Malawi gay couple conviction](#)', *The Guardian*, 18 May 2010; X. Rice, '[Gay activists attack Ugandan preacher's porn slideshow](#)', *The Guardian*, 18 February 2010; The Guardian, '[The Church must not be complicit in gay persecution in Africa](#)', Editorial, 23 May 2010.

¹⁰ R. Freedman, '[The UN Human Rights Council: A Critique and Early Assessment](#)', University of London, PhD Thesis, August 2011, p. 18.

¹¹ R. Freedman, *The United Nations Human Rights Council: A Critique and Early Assessment*, Routledge, United Kingdom, 2013, p. 11.

¹² See, for example, E. Domínguez-Redondo, '[The Universal Periodic Review of the UN Human Rights Council: an assessment of the first session](#)', *Chinese Journal of International Law*, Vol 7, No 3, 2008, pp. 721-734; and footnote 4.

¹³ R. Freedman, '[The UN Human Rights Council: A Critique and Early Assessment](#)', University of London, PhD Thesis, August 2011, p. 18.

¹⁴ T. G. Weiss, *What's Wrong with the United Nations and How to Fix It*, Polity Press, Cambridge, 2008, p. 61.

protects what appears as a weak individual against the powerful state. Regimes and populations advocating cultural relativism often claim the right to exercise powers of statehood without accepting the necessary restrictions to ensure that the state represents, rather than subjugates, all individuals – not only the dominant majority – within its jurisdiction and/or effective authority as well as control. Yet this argument around state sovereignty remains a key vehicle for states seeking to undermine international human rights.

This battleground is well-understood from a theoretical perspective, with significant scholarship focusing on the competing theories of universalism and cultural relativism, specifically whether or not they can ever be reconciled. However, that does not address how states are currently seeking to drive forward cultural relativism through intergovernmental human rights bodies and 'soft power', nor how it can be countered by those countries and blocs seeking to uphold and be progressive on human rights. This In-depth analysis explores how states are seeking to undermine universality and push back on human rights, both in terms of the substance they are advancing under the guise of human rights and in terms of the politicised tactics for achieving those aims. To do so, one must understand how human rights can be politicised, as well as the impact of that politicisation.

1.2 The politicisation of human rights

The politicisation of international organisations is a complex notion. As Jan Wouters and Katrien Meuwissen discussed, 'The very nature of many intergovernmental organisations is political, some degree of politicisation will always exist'¹⁵. This is evident both in discourse and the application of diplomatic tactics, the latter for very different motives. It is important to understand how politicisation occurs, before turning to the motives which generate it, categorised here as progressive, pernicious or retractionist. A three-pronged model is created for understanding politicisation and developing a more nuanced awareness of the motives for and the manifestation of politicisation, as a means of appreciating and addressing the current pushback on human rights and the international system.

Politicisation in international organisations is the harnessing of an intergovernmental body to advance state or group objectives. It is the acknowledgement and then use of political power within intergovernmental bodies to take a certain issue or agenda, here human rights, in a particular direction. It is the harnessing of the political power that exists within an intergovernmental body because, by its very nature, such a body comprises Member States and those states by their very nature hold political power. Accordingly, politicisation can be viewed as a neutral term, albeit its various forms are anything but neutral.

Regarding human rights, of key significance is that they should be legal in nature and free of any political influence or politicisation. When exploring the manifestation and impact of politicisation on human rights, it is too simplistic to insist that only opponents of universality, or indeed of fundamental human rights, use politicised tactics to advance their positions within intergovernmental UN bodies. Countries seeking to advance the protection of human rights also use politicised tactics, rely on bloc voting and use diplomacy as a vehicle for advancing their aims. Often those tactics are similar although stemming from different motives.

¹⁵ See the author discussing the work of R. Freedman . J. Wouters and K. Meuwissen, '[The European Union at the UN Human Rights Council. Multilateral Human Rights Protection Coming of Age?](#)', Working Paper No 126, December 2013, p. 4.

The below three-part model aims to understand the politicisation of the UN human rights system:

- (i) **progressive politicisation** – states are using their tactics within intergovernmental bodies to advance the development of human rights;
- (ii) **pernicious politicisation** – states are using intergovernmental bodies to undermine the interpretation or implementation of particular fundamental rights to justify the oppression of particular groups or individuals;
- (iii) **retractionist politicisation** – states are seeking to undermine the human rights project in its entirety.

Frequently the tactics deployed are similar with one element separating the three strategies being whether or not they are used to advance human rights, undermine specific human rights, or derail the human rights project altogether.

Elvira Domínguez-Redondo insists that politicisation provides a 'blunt critique' of political processes. Her position has some merit when commentators do not explore the different ways in which politicisation is manifested¹⁶. Indeed, in her work, she demonstrates the impact of progressive politicisation on Special Procedures by some states or independent experts but does not address the impact of pernicious or retractionist politicisation. However, exploring the different types of politicisation, often deployed simultaneously by different groups of states, helps us understand how politicisation impacts human rights and what can be done to protect, promote and develop those rights.

A key form of politicisation that is crucial for this analysis occurs through regionalism. As the author previously described, 'States tend to form alliances with other countries from the same region'¹⁷, as it can be seen at the UN. Five regional groups are formed there: the African Group; the Asian Group; the Latin American and Caribbean Group; the Western European and Other Group (WEOG); and the Eastern European Group¹⁸. Member states join the appropriate group based on their geographic location. The five regional groupings were established in 1963 and are used by the UN to guarantee fair distribution of seats or membership among its bodies, taking into account geographic representation¹⁹. However, there are other forms of alliances within the UN.

Over time, political coalitions have gained considerable influence, rivalling the importance of geographic groups²⁰. As the author previously pointed out, 'Developing nations have formed subgroups, within or across existing regional groups, asserting collective strength to pursue collective aims'²¹. Developing states have made more effective use than developed states of non-geographically based alliances, as they have a greater need for collective strength. During the Cold War, the Non-Aligned Movement (NAM)²² and the Group of 77 were considered the traditional political alliances of the Global South. Nowadays, these groups

¹⁶ E. Domínguez-Redondo, *In Defence of Politicization of Human Rights: The UN Special Procedures*, Oxford Academic Press, Oxford, 2020, p.1.

¹⁷ R. Freedman, '[New mechanisms of the UN Human Rights Council](#)', *Netherlands Quarterly of Human Rights*, Vol 29, No 3, 2011, p. 290.

¹⁸ R. Freedman, '[New mechanisms of the UN Human Rights Council](#)', *Netherlands Quarterly of Human Rights*, Vol 29, No 3, 2011, pp. 290-291.

¹⁹ See for example, R. Thakur, *What is Equitable Geographical Distribution in the 21st Century*, The United Nations University, New York, Report of a seminar, 1999.

²⁰ D. Nicol, 'Interregional Co-ordination Within the United Nations: The Role of the Commonwealth', in B. Andemicael (ed), *Regionalism and the United Nations*, Oceana Publications, Dobbs Ferry, 1979, p. 102.

²¹ R. Freedman, '[New mechanisms of the UN Human Rights Council](#)', *Netherlands Quarterly of Human Rights*, Vol 29, No 3, 2011, pp. 290.

²² The 'NAM developed from the Asian-African Conference, a political gathering held in Bandung, Indonesia in April 1955. The conference was convened in part due to frustration by many newly independent countries unable to secure UN membership due to Cold War politics. The two then-superpowers refused to admit states seen as belonging to the other camp,' in R. Freedman, '[The United Nations Human Rights Council: More of the same?](#)', *Wisconsin International Law Journal*, 12 December 2013, p. 214.

are only loosely united and have been overshadowed by other organisations, such as the Organisation of Islamic Cooperation (OIC), the G20+, the BRICS (which comprises Brazil, Russia, India, China and South Africa) and the Like-Minded Group of Developing Countries (LMG)²³. Of those groups, 'the OIC and the LMG have been the most active in terms of politicising'²⁴ UN human rights mechanisms to achieve pernicious objectives that seek to shield abusers by shifting attention away from violations or limiting existing human rights. They have also advanced retractionist objectives aimed at undermining the universality of human rights by seeking to block the protection of individuals from discrimination and violations based on SOGI. For instance, they introduced the notion of 'the family' or 'religions' as rights-holders.

Founded in 1969, the **OIC** was established with the aim of uniting the Muslim 'world' and has now 57 member states spanning four of the five regional groups²⁵. As the author previously examined, 'Many of its members are also influential within other groups or alliances'²⁶. Thus, the OIC wields significant political influence due to its extensive reach. Historically the organisation has collaborated to establish collective group positions that advance regional objectives, serving the interests of its member states, some of which are authoritarian or hybrid regimes that engage in human rights violations at domestic level²⁷. The 'Arab Spring' of 2011, the civil war in Syria and the related fight against the 'Islamic State of Iraq and Syria' have caused fragmentation within the OIC, although it still largely operates as a bloc. OIC members often back their allies by: blocking the scrutiny of domestic abuses; attributing responsibility to non-state actors; or diverting attention to Israel.

The **LMG** is an informal alliance comprised of around 20 to 25 states that claim to represent views from the developing world. These states also come from four of the five regional groups. The bloc has considerable strength due to the regional alliances of its members. Despite committing serious human rights abuses domestically, many states in the coalition, such as China, Cuba, Egypt, Iran, Sri Lanka and Zimbabwe²⁸, are known for their outspoken criticism of the current international human rights law regime. The LMG became active at the UN Human Rights Council (HRC) from 2011 onwards²⁹, partly in response to a growing frustration on the part of core members within the OIC, NAM and African Group, the growing predominance – as they saw it – of 'Western ideology' and an overly heavy focus on Civil and Political Rights (CPRs).

The **EU** as a political bloc established a precedent for the rise of regionalism within international bodies³⁰. According to the Treaty of Lisbon, EU Member States are required to pursue and advance common foreign

²³ R. Freedman and R. Houghton, '[Two Steps Forward, One Step Back: Politicisation of the Human Rights Council](#)', *Human Rights Law Review*, Vol 17, No 4, 2017, pp. 753-769.

²⁴ R. Freedman and R. Houghton, '[Two Steps Forward, One Step Back: Politicisation of the Human Rights Council](#)', *Human Rights Law Review*, Vol 17, No 4, 2017, p. 758.

²⁵ 21 Sub-Saharan African, 12 Asian, 18 Middle Eastern and North African, three eastern European and Caucasian, two South American states and one Permanent Observer Mission. Find more information on the Organisation of the Islamic Conference, 'Links. Permanent Observer Missions', [webpage](#).

²⁶ R. Freedman, '[The United Nations Human Rights Council: More of the same?](#)', *Wisconsin International Law Journal*, 12 December 2013, p. 214.

²⁷ R. Freedman, *The United Nations Human Rights Council: A Critique and Early Assessment*, Routledge, United Kingdom, 2013, p.124.

²⁸ UN Human Rights Council, '[Non-Paper of the Like-Minded Group on the HUMAN RIGHTS COUNCIL](#)', *Human Rights Voices*, 2006.

²⁹ A. Essam, '[The Like Minded Group \(LMG\): Speaking truth to power](#)', *Universal Rights Group*, Blog, 10 May 2016.

³⁰ See P. De Lombaerde, M. Schulz (dir.), *The EU and world regionalism. the makability of regions in the 21st century*, Ashgate, Burlington Vt, 2009, pp. 418-420.

policies³¹. Furthermore, since 1993³² they have been required to speak with a unified voice, which necessitates negotiation and compromise to reach a common ground³³. This common position is often fragile which affects EU states' ability to negotiate with other states or groups and contributes to the EU's lack of agility in UN human rights bodies³⁴. However, some argue that the EU remains effective within the HRC despite the lack of agility taking into account that the EU has very different aims and goals than some other political blocs³⁵. It is interesting to contrast the ways in which regionalism plays out for coalitions of democracies in comparison with groups of authoritarian states, with the former being weaker than the latter.

1.3 Three generations of rights

Regarding the substance of human rights, dominant ideologies can be traced back to the West (CPRs), and soon after, the Soviet notions of rights, the Economic, Social and Cultural Rights (ESCRs)³⁶, although of course some ESCRs are found in Western human rights discourses dating back to the French Revolution. From the outset, those two human rights ideologies dominated the UDHR in 1948 and the international human rights law system that was subsequently developed. A considerable amount of literature has examined the ideologies that form the basis of international human rights law in relation to those two categories of rights. While there is a lot of discussion about the tensions opposing CPRs to ESCRs, there is comparatively less literature that systematically addresses newer rights, sometimes called Collective Rights, Solidarity Rights or enabling environments for human rights. The terminology 'Third Generation Rights' (TGRs) has become a shorthand for those newer rights and was first articulated by Vasak for rights that could only be realised 'by the combined efforts of individuals, states, public and private associations together with the international community'³⁷. While the author adopts this categorisation, it is important to note that the terminology is disputed by some because it presupposes that there is a chronological hierarchy to the three categories³⁸ and, by others, because it undermines the interdependence, indivisibility and interrelatedness of all human rights³⁹.

Previous work within this field has largely been limited to discussions around the substantive rights stemming from post-colonialism – for instance the right to self-determination⁴⁰, which ignores the many

³¹ See Title V 'General provisions on the Union's external action and specific provisions on the common foreign and security policy', in particular Articles 24 – 35. European Union, '[Consolidated versions of the Treaty on European Union](#)', reproduced, 2010/C 83/01, Volume 53, 30 March 2012.

³² The common position requirement was first adopted in European Union. '[Consolidated Version of the Treaty on European Union. Treaty of Maastricht](#)', Official Journal of the European Communities, C 325/5, 7 February 1992 (entered into force 1 November 1993).

³³ U. Khaliq, *Ethical Dimensions of the Foreign Policy of the European Union: A Legal Appraisal*, Cambridge Studies in European Law and Policy, Cambridge, 1st Edition, 2008, p. 88.

³⁴ See, for example, E. da Conceição-Heldt and S. Meunier, 'Speaking with a single voice: internal cohesiveness and external effectiveness of the EU in global governance' in E. da Conceição-Heldt and S. Meunier (eds), *Speaking With a Single Voice*, Routledge, United Kingdom, 2017, pp. 1-19 and; K. E. Smith, '[The European Union at the Human Rights Council: speaking with one voice but having little influence](#)', *Journal of European Public Policy*, Vol 17, No 2, 2010, pp. 224-241.

³⁵ H. Tuominen, '[Effective Human Rights Promotion and Protection? The EU and its Member States at the UN Human Rights Council](#)', *JCMS: Journal of Common Market Studies*, 2022.

³⁶ R. Freedman, '[Third generation' rights: is there room for hybrid constructs within International Human Rights Law?](#)', *Cambridge Journal of International and Comparative Law*, Vol 2, Issue 4, 2014, p. 944.

³⁷ See, e.g., K. Vasak, 'Les différentes catégories des droits de l'homme' in T. Lapeyre, F. de Tinguy and K. Vasak (eds), *Les dimensions universelles des droits de l'homme*, Bruylant, Brussels, 1990. Still, Donnelly maintains that collective action is necessary for the realisation of all human rights. See J. Donnelly, '[The Theology of the Right to Development: a reply to Alston](#)', *California Western International Law Journal*, Vol 15, No 3, 1985, p. 521.

³⁸ With CPRs deemed to be the 'first generation' and ESCRs the 'second generation', despite them developing at similar times.

³⁹ As set out by World Conference on Human Rights in Vienna, [Vienna Declaration and Programme of Action](#), 25 June 1993.

⁴⁰ See, e.g. P. Alston, '[A Third Generation of Solidarity Rights: Progressive Development or Obfuscation of International Human Rights Law?](#)', *Netherlands International Law Review*, Vol 29, No 3, 1982, pp. 307-322; G. Triggs, 'The Rights of "Peoples" and Individual Rights: Conflict or Harmony?', in J. Crawford (ed), *The Rights Of Peoples*, Clarendon Press, Oxford, 1998.

other newer or emerging TGRs. Some of those rights are a pushback against the individualisation of the two dominant ideological categories of rights, particularly the former, or against the perceived neo-colonialism of the modern international human rights matrix. These are key, though, to understanding competing narratives on human rights. Decolonised and developing states, alongside allies from the NAM, have promoted this 'Third Generation'⁴¹ of rights. Initial efforts focused on ensuring rights that were a direct outcome of colonialism, such as the rights to self-determination, development and permanent sovereignty over resources⁴². Those rights stemmed from the process of decolonisation and are rooted in traditional post-colonial discourses that oppose imperialism and promote an 'anticolonial nationalism'⁴³.

The implementation of a right to self-determination which is the oldest and most enshrined TGR⁴⁴, can be clearly seen as a direct reaction to colonialism and occupation. People's right to determine their own governance 'does not represent a local or regional ideology' but is 'rather a collective response to each country's experience of imperialism'⁴⁵. Similarly, 'the right to sovereignty over permanent resources is another response to the collective experience of colonialism and occupation',⁴⁶ after imperial powers had previously appropriated resources within the states under their control. States that rose out of the ashes of colonisation sought to assert their rights to govern themselves, economic and social development⁴⁷ as well as their participation in the common heritage of mankind with all its benefits⁴⁸. Those rights were 'crucial to the decolonisation process, enabling new self-governing states to assert collective rights'⁴⁹ for matters that colonisers formerly used to subjugate and oppress those peoples.

The ongoing legal, political and ideological battles of states, particularly at the UN, aimed at influencing and shaping international human rights law, show that traditional post-colonial discourses are being used to advance issues in areas that either go beyond human rights or actively seek to undermine existing rights, sometimes even challenging the human rights framework altogether. Those battles follow a distinctly different trajectory from the one seen during the creation of post-colonial collective rights. This can clearly be seen in the way that some Global South countries, in particular, are using the human rights system to further their own constructs and ideologies. Such areas range from the protection of state sovereignty over individuals' human rights to centring entities – such as the family or religions – over the human within the international human rights system.

2 Current sites of contestation

To understand how competing human rights narratives play out within the human rights matrix, particularly the types of pernicious and retractionist tactics used by key states and alliances, this section will focus on three sites of contestation as case studies. Those chosen are ongoing battlegrounds and sites of contestation in which many states and alliances have been involved. In this way, we can gain a greater

⁴¹ See generally B. Algan, '[Rethinking "Third Generation" Human Rights](#)', *Ankara Law Review*, Vol 1, No 1, 2004, pp. 121-155.

⁴² See, J. H. Weston, '[Human Rights](#)', *Human Rights Quarterly*, Vol 6, Issue 3, 1984, pp. 204-257.

⁴³ See generally A. Memmi, *The Colonizer and the Colonized*, Taylor & Francis, Abingdon and New York, 2013 (first published in English in 1957).

⁴⁴ With roots in the United States and French Declarations of Independence, as well as the UN Charter and core human rights treaties.

⁴⁵ R. Freedman, '[Third generation' rights: is there room for hybrid constructs within International Human Rights Law?](#)', *Cambridge Journal of International and Comparative Law*, Vol 2, Issue 4, 2014, p. 947-948.

⁴⁶ R. Freedman, '[Third generation' rights: is there room for hybrid constructs within International Human Rights Law?](#)', *Cambridge Journal of International and Comparative Law*, Vol 2, Issue 4, 2014, p. 948.

⁴⁷ See e.g., UN General Assembly, '[Declaration on the Right to Development](#)', UN Document, resolution 41/128, A/RES/41/128, 4 December 1986.

⁴⁸ See e.g. UNESCO, '[Convention Concerning the Protection of World Cultural and Natural Heritage](#)', 17th Session, 1037 UNTS 151, 16 November 1972.

⁴⁹ R. Freedman, '[Third generation' rights: is there room for hybrid constructs within International Human Rights Law?](#)', *Cambridge Journal of International and Comparative Law*, Vol 2, Issue 4, 2014, p. 948.

understanding of the tactics deployed and attempts by progressive states and alliances to counter or limit them. Throughout these case studies, the position and tactics of key states and alliances at the UN will be explained and explored. This then provides the foundations for later sections which analyse the current narratives and tactics across different levels and areas.

2.1 SOGI rights and rights of ‘the family’

A key battleground on the universality of human rights has long been the protection – or lack thereof – of fundamental rights of persons with diverse SOGI. In early negotiations on what would become the 1993 Vienna Declaration and Programme of Action, a number of WEOG member states proposed adding language recognising the rights of women, on the one hand, and persons with diverse SOGI on the other. For example, Canada proposed adding ‘gender’ and the United States of America (USA) proposed adding ‘sexual preference’ to a list of prohibited grounds of discrimination including ‘sex, language, or religion’⁵⁰. In response, China proposed deleting the entire sentence in which the enumeration of prohibited grounds of discrimination appeared⁵¹. At the Vienna conference itself, Canada proposed adding ‘sexual orientation’ to the paragraph on discrimination and once again, following contentious negotiations, the paragraph was reduced to a simple statement condemning discrimination without listing any specifically prohibited grounds⁵². While the final Declaration and Programme of Action devoted substantial attention to women’s rights, it made no mention of the rights of persons with diverse SOGI or the impermissibility of discrimination based on sexual orientation or gender identity.

States within the WEOG continued to draw greater attention to this issue at UN meetings immediately following the Vienna World conference, particularly as a response to attempts by other states to put forward conservative interpretations of human rights obligations in the outcome documents of major conferences. However, it took until 2006 for SOGI to be placed into a UN human rights resolution (on extra-judicial, summary or arbitrary executions)⁵³.

Moreover, it was not until 2011 that the HRC passed a resolution specifically on the fundamental rights of persons with diverse SOGI. Resolution 17/19⁵⁴ included commissioning a study and convening a panel session on SOGI rights. This was ‘heralded as a milestone for both the Council and for LGBTI rights’ themselves⁵⁵. Until then, discussions on SOGI rights had been blocked by the OIC and many African countries. This resolution was ‘an anomaly enabled by the OIC’s internal rifts’ at that time, as it was passed during the ‘Arab Spring’ uprisings, meaning that OIC members were absent from the negotiations⁵⁶. South Africa, who tabled the resolution, faced significant opposition from many of its regional neighbours in the African Group. As the author formerly highlighted, ‘The strength of that opposition, and the bravery of South Africa, Mauritius, Zambia and Burkina Faso in voting for the resolution, ought not to be underestimated’⁵⁷.

⁵⁰ The sentence in question was the first sentence of Principle 8 of the Secretariat-proposed text: ‘Respect for human rights and for fundamental freedoms for all human beings without distinction as to sex, language, or religions is a fundamental rule of human rights law...’. The second sentence of the proposed paragraph referred to the need to eliminate ‘all forms of racism and racism, xenophobia and related intolerance’. See M.D. Kirby, [‘International Legal Notes: Second World Conference on Human Rights, Vienna, Austria’](#), *Australian Law Journal*, June 1993, p. 35.

⁵¹ M.D. Kirby, [‘International Legal Notes: Second World Conference on Human Rights, Vienna, Austria’](#), *Australian Law Journal*, June 1993, p. 35.

⁵² D. Saunders, ‘Human rights and sexual orientation in international law’, *IJga.org*, July 2005.

⁵³ UN Commission on Human Rights, [‘Commission on Human Rights resolution 2000/31 Extrajudicial, summary or arbitrary executions’](#) UN Document, E/CN.4/RES/2000/31, 20 April 2000.

⁵⁴ HRC, [‘17/19 Human rights, sexual orientation and gender identity’](#), UN Document, resolution 17/19, 17th Session, A/HRC/RES/17/19, 14 July 2011.

⁵⁵ R. Freedman, [‘The United Nations Human Rights Council’s Backwards Step on LGBT Rights’](#), *IntLawGrrls*, 7 June 2013.

⁵⁶ R. Freedman, [‘The United Nations Human Rights Council’s Backwards Step on LGBT Rights’](#), *IntLawGrrls*, 7 June 2013.

⁵⁷ R. Freedman, [‘The United Nations Human Rights Council’s Backwards Step on LGBT Rights’](#), *IntLawGrrls*, 7 June 2013.

A year later, during the HCR's panel on Wednesday, 7 March 2012⁵⁸, the OIC had almost completely reunited. As the then UN Secretary-General Ban Ki-Moon was delivering a video address opening the Panel, almost 'every delegate from OIC member states that were in attendance stood up and filed out of the Council Chamber'⁵⁹, in an effort to discredit the panel's legitimacy. South Africa, under pressure from its regional allies, declared that it would not present a resolution on SOGI rights during the upcoming Council session. South Africa's *volte-face* was the sign of a growing momentum against SOGI rights. It took another five years for the Council to create a mechanism to protect this vulnerable group. This was a Special Procedures mandate focusing on protecting persons with diverse SOGI from violence and discrimination⁶⁰. Of the 11 proposed amendments to the 2016 SOGI resolution, four proposed by Pakistan on behalf of the OIC (except Albania) were particularly striking in their direct opposition to the universality of human rights principles⁶¹. The mandate's creation stirred great protest first at the Council and then at the UN General Assembly (UNGA), as has each of its renewals at the HRC⁶². However, despite the tactics deployed – and the rollback on SOGI rights in some Global North countries⁶³ – the mandate holder has not been prevented from undertaking his work.

More than 70 countries still criminalise LGBTI persons and their actions⁶⁴. These people are not only denied their fundamental rights and freedoms but they are also subjected to imprisonment, torture and even the death penalty. Many of those states have been at the fore of blocking the protection of persons with diverse SOGI as a vulnerable group. The opposition has come by way of attempts both to block discussions or protections for persons with diverse SOGI and advance 'traditional values' or 'the family' within UN human rights bodies.

In September 2009, the Russian Federation, joined by Belarus, Bolivia, China, Singapore and Sri Lanka, introduced a draft resolution at the HRC entitled 'Promoting human rights and fundamental freedoms through a better understanding of **traditional values** of humankind'⁶⁵. The USA expressed concern that 'the concept of traditional values, unmoored to human rights law, could undermine [...] women's rights, and the rights of minorities and other vulnerable groups [...] [and] that the term "traditional values" has not been clearly defined or understood and is thus so vague and open-ended that it could be used to legitimise human rights abuses'⁶⁶. Similar concerns were voiced by other countries but the Indonesian delegation expressed support for the resolution, underlining 'the importance, among others, of traditional *family* values, which serve as a good and solid foundation in the strengthening of human rights principles and norms'⁶⁷.

The resolution requested the High Commissioner for Human Rights to convene and prepare a summary of a workshop on how 'traditional values' can contribute to the promotion and protection of human rights.

⁵⁸ S. Gray, "["Milestone" LGBT discussion at UN Human Rights Council welcomed despite walkout](#)", *Pink News*, 8 March 2012.

⁵⁹ R. Freedman, *Failing to Protect: The UN and the Politicization of Human Rights*, Oxford University Press, New York, 2015.

⁶⁰ HRC, '[Resolution adopted by the Human Rights Council on 30 June 2016 - 32/2. Protection against violence and discrimination based on sexual orientation and gender identity](#)', UN Document, resolution 32/2, 32nd Session, A/HRC/RES/32/2, 15 July 2016.

⁶¹ See, for example, C. Ausserer, '[UN Passes Historic Resolution to Establish Independent SOGI Expert](#)', *Heinrich Böll Stiftung, the Green Political Foundation*, 26 July 2016.

⁶² R. Freedman, '[Mandate Renewal of Independent Expert on Sexual Orientation and Gender Identity At Risk](#)', *IPI Global Observatory*, 10 July 2019.

⁶³ E.g., Hungary, Poland and the USA under the Trump administration.

⁶⁴ See for example, Human Dignity Trust, 'Map of Countries that Criminalise LGBT People', [webpage](#), n.d.

⁶⁵ HRC, '[12/... Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind](#)', UN Document, 12th Session, A/HRC/12/L.13/Rev.1, 30 September 2009.

⁶⁶ On the resolution 'Strengthening Respect for Human Rights'. D. Griffiths, '[Explanation of Vote by the United States on Traditional Values](#)', Human Rights Council, 12th Session, 1 October 2009.

⁶⁷ Emphasis added. Permanent Mission of the Republic of Indonesia, 'Statement by H.E. Mr. Dian Triansyah Djani of Indonesia. Explanation of Vote on "Human Rights and Traditional Values"', Human Rights Council 12th Session, 2 October 2009.

This was ultimately adopted by a vote of 26 to 15, with 6 abstentions⁶⁸. Russia went on to table similar resolutions on 'traditional values' at the HRC in 2011 and 2012, with the OIC, the Group of Arab States and the African Group, now identified as co-sponsors of the resolutions⁶⁹. Certain co-sponsors of the original 2009 resolution, including China, offered a vocal defence of the subsequent resolutions, with China noting that 'the education of traditional values' was consistent with 'the right of each country to freely choose their mode for promoting human rights according to their natural historical, cultural or other backgrounds'⁷⁰.

The HRC Advisory Committee's study on traditional values strongly defended the primacy of universality of human rights in all cases where they might be seen to conflict with 'traditional values'⁷¹. Similarly, a report prepared by the Office of the High Commissioner for Human Rights (OHCHR) noted that 'traditional values could be invoked [...] to undermine the rights of the most marginalized and disadvantaged groups'⁷². The 2012 'traditional values' resolution would prove to be the last, as the Russian Federation and its allies would take up a different but related, counterstrategy as the HRC became increasingly active on the issue of SOGI rights.

In March 2013, Tunisia, Egypt, Russia, Bangladesh, Qatar, Uganda, Morocco, Mauritania and Zimbabwe proposed a draft resolution urging the Council to take up an issue that had not hitherto been on its agenda: '**protection of the family**'⁷³. Introducing this resolution, Egypt's representative emphasised 'the excessive focus at the international level on individual rights at the expense of family and collective rights, particularly in recent years'⁷⁴. However, following his introduction, the representative noted that some states had remained unwilling to support this resolution and, in light of that, the core group had decided to withdraw the resolution for consideration at a later session⁷⁵.

In June 2014, Egypt, Russia, Qatar, Namibia, El Salvador, Bangladesh, Sierra Leone, Ivory Coast, China, Morocco, Tunisia, Mauritania and Uganda proposed another draft resolution with the title 'Protection of the Family'. The text was co-sponsored by 64 states and it called for the Council to convene a panel discussion on the subject the following year⁷⁶. It stated outright that 'the family [...] is entitled to protection by society and the State'⁷⁷.

⁶⁸ HRC, 'Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: resolution / adopted by the Human Rights Council', UN Document, resolution 12/21, A/HRC/Res/12/21, 12 October 2009.

⁶⁹ See adopted by a vote of 24 to 14, with 7 abstentions, HRC, '[16/3 Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind](#)', UN Document, resolution, 16th Session, A/HRC/RES/16/3, 8 April 2011 and; adopted by a vote of 25 to 15, with 7 abstentions, HRC, '[21/3. Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practices](#)', UN Document, resolution, 21st Session, A/HRC/RES/21/3, 9 October 2012.

⁷⁰ Remarks of China on draft resolution A/HRC/21/L.2 transcribed from UN webcast and translated in English at Human Rights Council, 21st regular session, 36th meeting, 26 September 2012. See HRC, '21st regular session of the Human Rights Council (10 - 28 September, 5 November 2012)', [webpage](#).

⁷¹ HRC, '[Study of the Human Rights Council Advisory Committee on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind](#)', UN Document, 22nd Session, A/HRC/22/71, 6 December 2012.

⁷² HRC, 'Summary of information from States Members of the United Nations and other relevant stakeholders on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity', UN Document, resolution, 24th Session, A/HRC/24/22, 17 June 2013.

⁷³ Draft resolution introduction by the representatives of Egypt. HRC, '[Protection of the family: draft resolution / Bangladesh, Egypt, Jordan, Libya, Mauritania, Morocco, Qatar, Russian Federation, Saudi Arabia, Tunisia, United Arab Emirates, Uganda, Zimbabwe](#)', UN Document, draft resolution, 50th Meeting, A/HRC/22/L.25, 19 March 2013.

⁷⁴ UN Web TV, 'A/HRC/22/L.25 Vote Item:3 - 50th Meeting 22nd Regular Session Human Rights Council', [video](#) (00:08:56) 21 March 2013.

⁷⁵ UN Web TV, 'A/HRC/22/L.25 Vote Item:3 - 50th Meeting 22nd Regular Session Human Rights Council', [video](#) (00:08:56) 21 March 2013.

⁷⁶ HRC, '[Protection of the Family](#)', UN General Assembly, UN Document, draft resolution, 38th meeting, A/HRC/26.L.20/Rev.1, 25 June 2014.

⁷⁷ HRC, '[Draft resolution. 26/... Protection of the family](#)', UN Document, 26th Session, A/HRC/26/L.20/Rev.1, 25 June 2014.

A group of 32 states led by Ireland, Chile, Uruguay and France reacted by proposing an amendment to the resolution which would have changed the panel discussion's focus to 'the protection of the family and all its members [...] bearing in mind that, in different cultural, political and social systems, various forms of the family exist'⁷⁸. In response, Pakistan, Saudi Arabia and the United Arab Emirates proposed their own counter-amendment to the resolution, which would have inserted new language clarifying that 'men and women of full age [...] have the rights to marry and to found a family, bearing in mind that marriage is a union between a man and a woman'⁷⁹. Russia called a no-action motion that ceased action on the amendment. The 'Protection of the Family' resolution was then adopted by a vote of 26 in favour, 14 against and 6 abstaining. Notably, states' positions on the 'protection of the family resolution' were nearly identical to those on the 'traditional values'⁸⁰.

The 'core group' of states supporting the 'protection of the family' initiative continued their efforts, for instance with a similar resolution in 2015⁸¹. However, as anti-SOGI messaging from those sponsoring 'protection of the family' resolutions became more vocal, a few key non-'Western' states signalled their opposition. The OHCHR 2016 report⁸² made clear that such anti-SOGI messaging and intent was not compatible with universal human rights and that the *family* was not a rights holder but rather the *individuals* within it hold human rights⁸³. Since that time, no further attempts have been made to advance this human rights agenda.

2.2 Pushback on fundamental rights: 'Defamation of religions'

A key pernicious tactic used to pushback on human rights has taken the form of attempts to limit existing rights by advancing (non-human) entities as rights-holders, such as religions, and seeking to protect them from defamation as a method of undermining freedom of expression and freedom of religion or belief. Some may even view this as retractionist as it seeks to undermine the very purpose of the system to protect *humans* as rights-holders.

As disputes over the implications of universality in the areas of women's rights and the rights of persons with diverse SOGI escalated throughout UN conferences and meetings, in 1999 the OIC moved from merely opposing these initiatives to spearheading its own conservative campaign in the UN Commission on Human Rights (CHR) to secure UN condemnation for 'Defamation of Islam'⁸⁴. While a number of states objected to the text, their concerns focused primarily on its exclusive focus on Islam. After a group of Western and Eastern European states proposed a hostile amendment that would have revised the text and

⁷⁸ Amendment to draft resolution A/HRC/26/L.20/Rev.1, UN Doc. A/HRC/26/L.37. See, HRC, '[Draft resolution. 26/... Protection of the family](#)', UN Document, 26th Session, A/HRC/26/L.20/Rev.1, 25 June 2014; and HRC, '[Argentina, Austria, Chile, Colombia, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Lithuania, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay: amendment to draft resolution A/HRC/26/L.20/Rev.1](#)', UN Document, amendment, 26th Session, A/HRC/26/L.37, 24 June 2014.

⁷⁹ HRC, 'Pakistan, Saudi Arabia, United Arab Emirates: amendment to draft resolution A/HRC/26/L.20/Rev.1. 26/... Protection of the family' UN Document, 26th Session, A/HRC/26/L.38, 25 June 2014.

⁸⁰ HRC, '[Resolution adopted by the Human Rights Council. 26/11 Protection of the family](#)', UN Document, resolution, 26th Session, A/HRC/RES/26/11, 16 July 2014.

⁸¹ Draft Resolution L.25 proposed by Bangladesh, Belarus, China, Côte d'Ivoire, Egypt, El Salvador, Mauritania, Morocco, Qatar, Russian Federation, Saudi Arabia and Tunisia. HRC, '[Protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development](#)', UN Document, 29th Session, A/HRC/29/L.25, 1 July 2015.

⁸² HRC, '[Protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development](#)', OHCHR report, UN Document, 31st Session, A/HRC/31/3, 29 January 2016.

⁸³ See, in particular, UN Document A/HRC/31/3, *ibid*, Part III.

⁸⁴ UN Document, E/CN.4/1999/SR.61, referring to the draft resolution in UN Document, E/CN.4/1999/L.40. See, UN Commission on Human Rights, '[Summary record of the 61st meeting](#)', UN Document, 55th Session, E/CN.4/1999/SR.61, 19 October 1999 and; UN Economic and Social Council, 'Defamation of Islam', UN Commission on Human Rights, UN Document, E/CN.4/1999/L.40, 1999.

renamed it 'Stereotyping of religions', Pakistan was persuaded to revise the resolution's title to 'Defamation of religions'. The revised resolution was adopted by the CHR without a vote but with the EU clarifying that its Member States did not attach any legal meaning to the word 'defamation' as used in the resolution's title⁸⁵.

The following year, when Pakistan once again introduced a resolution on behalf of the OIC entitled 'Defamation of Religions', Western and Eastern European states proposed hostile amendments to the text, seeking to insert language on the right to change one's religion and the right to profess no religion⁸⁶. Pakistan, in turn, proposed its own counter-amendments that would have strengthened references to Islam in the text⁸⁷.

European countries voiced their concern about this resolution seeming to suggest that religions are protected by human rights law, implying that negative statements about religions are equivalent to racist hate speech and hence merit the same type of state response. Pakistan modified its original text to remove references to the term 'xenophobia' and the text was once again adopted by consensus, with the EU stressing that it did not want this issue raised again at the CHR.

Nevertheless, in 2001 Pakistan once again introduced a defamation of religions resolution on behalf of the OIC. States within the WEOG led by the EU called for a vote on the resolution⁸⁸. Belgium's representative, speaking on behalf of the EU, as well as representatives from Canada and Norway, identified the primary source of the EU's objection to the 'Defamation of religions' text as its suggestion that religions *per se*, rather than their individual adherents, merited protection under human rights law⁸⁹. The EU also expressed concern that the resolution suggested that 'critical debate on religious issues risks being [...] censured under the pretext of defamation'⁹⁰. Russia, for the first time, spoke in favour of the defamation of religions resolution. The resolution was adopted by a vote of 28 in favour to 15 against, with 9 abstentions⁹¹.

This pattern would be repeated on several occasions over the ensuing years. In 2002⁹², 2003⁹³, 2004⁹⁴, and 2005⁹⁵ each 'defamation of religions' resolution at the CHR secured between 29 and 32 votes in favour and was opposed by about half as many states (between 14 and 16), with between 5 and 8 states abstaining.

⁸⁵ Resolution 1999/82, on 'Defamation of religions'. UN Economic and Social Council, [Commission on Human Rights: report on the 55th session, 22 March-30 April 1999](#), E/CN.4/1999/167, 1999.

⁸⁶ Amendments proposed by Australia, Austria, Belgium, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom. UN Commission on Human Rights, 'Amendments to draft resolution E/CN.4/2000/L.6', UN Document, E/CN.4/2000/L.18, 2000.

⁸⁷ UN Commission on Human Rights, 'Draft Resolution On Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination', UN Document, 56th Session, E/CN.4/2000/L.96, 20 April 2000.

⁸⁸ Resolution 2001/4 adopted by vote of 28 to 15, with 9 abstentions. Commission on Human Rights, '[Combating defamation of religions as a means to promote human rights, social harmony and religious and cultural diversity](#)', UN Document, 61st Meeting, 18 April 2001.

⁸⁹ Commission on Human Rights, '[Compte rendu analytique de la 61^e séance](#)', 50th Session, E/CN.4/2001/Sr.61, 4 December 2001.

⁹⁰ Translated by the author. See p.3, 'dans la mesure où tout débat critique sur des questions religieuses risque [...] censuré sous prétexte de diffamation'. Commission on Human Rights, '[Compte rendu analytique de la 61^e séance](#)', 50th Session, E/CN.4/2001/Sr.61, 4 December 2001.

⁹¹ Resolution 2000/4. Commission on Human Rights '[Combating defamation of religions as a means to promote human rights, social harmony, and religious and cultural diversity](#)', UN Document, 61st Meeting, E/CN.4/RES/2001/4, 18 April 2001.

⁹² Resolution 2002/9, adopted by 30 votes to 15, with 8 abstentions. Commission on Human Rights, '[Combating defamation of religion](#)', UN Document, 39th Meeting, 15 April 2002.

⁹³ Resolution 2003/4, adopted by 32 votes to 14, with 7 abstentions. Commission on Human Rights, '[Combating defamation of religions](#)', UN Document, 47th Meeting, 14 April 2003.

⁹⁴ Resolution 2004/6, adopted by 29 votes to 16, with 7 abstentions. Commission on Human Rights, '[Combating defamation of religions](#)', UN Document, 45th Meeting, 13 April 2004.

⁹⁵ Resolution 2005/3, adopted by a recorded vote of 31 to 16, with 5 abstentions. Commission on Human Rights, '[Combating defamation of religions](#)', UN Document, 44th Meeting, 12 April 2005.

In the autumn of 2005, after the publication of 12 cartoons depicting the Prophet Mohammed in the Danish newspaper *Jyllands-Posten*, the OIC presented a 'Defamation of religions' resolution at the UNGA in addition to the CHR. While the resolution was adopted by a large majority of states – 88 in favour, 52 against, and 23 abstentions – the 'whole-UN' litmus test revealed important dynamics within the membership⁹⁶.

In the ensuing years, Western and Eastern European states increasingly sought to mobilise a greater opposition to the defamation of religions resolutions while the OIC began to include increasingly strident language calling on states to limit the right to freedom of expression in order to ensure 'respect for religions and beliefs'⁹⁷. This language alienated a number of member states and even, interestingly, the Holy See, which spoke out against the text at the UNGA in 2009. The Holy See warned that 'the focus on defamation of religions risked removing the focus away from the basic right of individuals and groups and to the protection of institutions, symbols and ideas; furthermore, it could lend itself locally to support for laws that penalized religious minorities and stifled legitimate dialogue among persons of different faiths and cultures'⁹⁸.

By 2010, the vote had narrowed substantially. As support for the initiative waned, the OIC increasingly introduced new language into the resolution equating 'defamation of religions' with the human rights-compatible term 'incitement to religious hatred'. When this proved insufficient and as the OIC faced the real possibility that it would be defeated at the HRC in March 2011, the OIC agreed to a compromise with the USA and the United Kingdom (UK) on a resolution that would replace the 'defamation of religions' texts: This was entitled 'Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief'⁹⁹. It substantially built upon and drew from work on this area ongoing at OHCHR,¹⁰⁰ which would the following year (2012) be formalised in the Rabat Action Plan¹⁰¹. That work and the later Action Plan recognises that persons, not religions, benefit from protections under human rights law and that denigration of persons based on their religions does not necessarily constitute an incitement to religious hatred. The resolution was adopted by consensus at the HRC, as was a similar resolution proposed by the OIC at the UNGA later that year.

Despite this compromise agreement, the years following the adoption of HRC resolution 16/18 and its successors at the HRC and UNGA were not without controversy. The OIC annually proposed language modifications to its 'combating religious intolerance' text that echoed back to the 'defamation of religions'

⁹⁶ Whereas the African group had appeared to be unified at the CHR in favour of defamation of religions since 2003, the UNGA vote revealed that 16 African states that were not members of the OIC felt no need to maintain regional group solidarity and abstained on the resolution. Within the Asia-Pacific region, small island states that had never been represented at the CHR opposed the resolution, and the handful of Asia-Pacific states that had traditionally abstained at the CHR continued to do so. The UNGA vote also revealed a division within the OIC itself, with its sole Eastern European Member State, Albania, voting against the resolution. Nevertheless, the relatively small group of WEOG and East European Member States, joined by a handful of Asia-Pacific states and only one member of the Group of Latin America and Caribbean Countries, were easily defeated by a majority of UN Member States.

⁹⁷ See, e.g., Resolution 61/164 adopted by the UNGA on 19 December 2006. UNGA, '[61/164. Combating defamation of religions](#)', UN Document, resolution, 61st Session, A/RES/61/164, 21 February 2007, op 9.

⁹⁸ UNGA, '[Summary record of the 46th meeting : 3rd Committee, held at Headquarters, New York, on Monday, 24 November 2008. General Assembly, 63rd session](#)', UN Document, A/C.3/63/SR.46, 24 November 2008.

⁹⁹ Resolution 16/18 adopted on 24 March 2011. HRC, '[16/18 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief](#)', UN Document, resolution, 16th Session, A/HRC/RES/16/18, 12 April 2011.

¹⁰⁰ See, e.g., OHCHR, '[Expert seminar on the links between articles 19 and 20 of the International Covenant on Civil and Political Rights \(ICCPR\): Freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence](#)', October 2008; OHCHR, '[2011 Expert workshops on the prohibition of incitement to national, racial or religious hatred](#)', 2011.

¹⁰¹ UNGA, 'Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred', UN Document, A/HRC/22/17/Add.4, 11 January 2013.

texts, for example by proposing in 2012 to add language stating that ‘religions’ venerated figureheads’ should be protected from expressions of hatred¹⁰². Following tense negotiations with the USA and the EU, the OIC agreed to drop the language from its text, which was again adopted by consensus.

Over the last decade, the OIC’s ‘defamation’ agenda has continued to provide a tool with which it could block efforts by ‘Western’ states to introduce progressive content into resolutions on subjects including, but not limited to, the right to Freedom of Religion or Belief. For example, in June 2015 the OIC – without the support of Albania or Benin – proposed two hostile amendments to a draft resolution proposed by the USA on the right to freedom of expression, *inter alia* in the form of art. The amendments would have ‘deplored [...] the targeting of religious symbols and venerated persons’ and ‘ensure that religious [...] symbols are fully respected’, which led the sponsors to withdraw the text rather than risk the amendments’ adoption¹⁰³. Similarly, in 2015 the OIC proposed adding language to its ‘combating religious intolerance’ resolution to express grave concern over ‘instances of deliberate stereotyping of religions [...] and sacred persons’. The EU persuaded the OIC to drop the language from its resolution. It proposed progressive language of its own in the annual ‘freedom of religion or belief’ resolution which would have recognised ‘persons holding non-religious beliefs’ as a category of people who face particular challenges in exercising their right to freedom of religion or belief, and then removed this language from its text in exchange for the OIC’s agreement to drop its own controversial language¹⁰⁴.

More recently there has been concern that the agenda on defamations of religions could be brought back, particularly given the 2020 update of the Article 21 of the OIC’s Cairo Declaration on Human Rights to foreground this issue over freedom of expression¹⁰⁵. That move has been criticised by both the UN Special Rapporteur on freedom of religion or belief¹⁰⁶ and the UN Special Rapporteur on freedom of expression¹⁰⁷ as undermining fundamental human rights. In 2021 a group of UN independent experts¹⁰⁸ issued a statement on the anniversary of resolution 16.18, condemning recent attempts to revive the ‘defamation of religions’ agenda¹⁰⁹ and calling on states to ‘operationalise the Rabat threshold test’ (six criteria to establish whether the high threshold for criminal punishment of hate speech is met)¹¹⁰. The concern is that some states are returning to the defamation of religion agenda as a mechanism for undermining existing human rights, appealing to domestic audiences, and/or seeking to justify discriminatory laws including those on blasphemy. There is a need to counter those backward steps at all levels.

¹⁰² UNGA, ‘Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief: resolution / adopted by the General Assembly’, UN Document, resolution, 67th Session, A/Res/67/178, 20 December 2012.

¹⁰³ See first amendment, HRC, ‘Amendment to draft resolution A/HRC/27/L.20’, UN Document, A/HRC/27/L.32, 30 June 2015. Amendment submitted to Human Rights Council by Pakistan on behalf of the OIC (except Albania and Benin) and; second amendment thereto, HRC, ‘Amendment to draft resolution A/HRC/27/L.2’, UN Document, 40th Meeting, A/HRC/27/L.33, 26 September 2014.

¹⁰⁴ UNGA, ‘70/157. Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief’, UN Document, resolution, 70th Session, A/RES/70/157, 3 March 2016; compare with the first draft of UNGA, ‘Freedom of religion or belief’, UN Document, 70th Session, A/C.3/70/L.4, 30 October 2015, with the resolution as adopted: UNGA, ‘70/158. Freedom of religion or belief’, UN Document, resolution, 70th Session, A/RES/70/158, 3 March 2016.

¹⁰⁵ OIC, [‘The Cairo Declaration of the Organization of Islamic Cooperation on Human Rights’](#), 24 December 2020.

¹⁰⁶ HRC, ‘Countering Islamophobia/anti-Muslim hatred to eliminate discrimination and intolerance based on religion or belief’, UN Document, 46th Session, A/HRC/46/30, 13 April 2021.

¹⁰⁷ D. Kaye, [‘Promotion and protection of the right to freedom of opinion and expression: note / by the Secretary-General’](#), UN Document, 75th Session, A/75/261, 28 July 2020.

¹⁰⁸ The experts Mr Ahmed Shaheed (Special Rapporteur on freedom of religion or belief), Ms Irene Khan (Special Rapporteur on the promotion and protection of freedom of opinion and expression), Mr Fernand de Varennes (Special Rapporteur on minority issues), Mr Clément Nyaletsossi Voule (Special Rapporteur on the right to peaceful assembly and of association) and Ms Fionnuala Ní Aoláin (Special Rapporteur on the promotion and protection of human rights while countering terrorism).

¹⁰⁹ OHCHR, [‘Historic consensus on freedoms of religion and expression at risk, say UN experts’](#), Press Release, 23 March 2021.

¹¹⁰ OHCHR, ‘OHCHR and freedom of expression vs incitement to hatred: the Rabat Plan of Action’, [webpage](#), n.d.

2.3 Third generation of rights

The UN human rights system has long been used to advance TGRs, with many states doing so for seemingly progressive motivations but others merely for pernicious or retractionist reasons. Some of those rights are being advanced by governments that seek to use them as a way of undermining the system of human rights through advancing state sovereignty as superseding states' obligations under international human rights law. Others seek to create new rights that bring new issue areas or enabling environments into the human rights matrix. However, even those latter developments are (mis-)used by some states and alliances that seek to weaken or undermine existing human rights and protections.

One of the clearest and longest-running examples is on the right to development. In the 1950s, 1960s and 1970s, during the main period of decolonisation, many debates at the UN around colonisation and post-colonialism became intertwined with Cold War dynamics. In particular, some states (broadly speaking, the NAM bloc) were determined to move beyond the individualism that characterised the 'Western' focus on first generation rights and the Soviet bloc's focus on second generation rights. They were particularly concerned with the lack of responsibility attributed to individuals *vis-à-vis* their communities, societies and states, as well as the lack of responsibility attributed to states – particularly former colonial powers – to assist other countries in implementing human rights for individuals within their jurisdiction. Many states were advancing these issues as foundational to, or enabling environments for, human rights. But some regimes – often led by Algeria, Cuba, Egypt, and/or Pakistan – were also keen to pushback against what they considered to be 'Western', most particularly the USA and neo-colonialism. Taken together, these political dynamics led to the emergence of a new set of TGRs, starting with the right to development.

The UN Declaration on the Right to Development, presented by the NAM, was adopted by the UNGA in 1986¹¹¹. During the intervening decades, no other human rights issue addressed at the UN has led to such mistrust, misunderstanding and often acrimony as has the right to development¹¹². In particular, it has pitted two groups of countries holding opposing ideological positions on human rights, namely the WEOG and LMG, against one another. On the one hand, states from the WEOG have traditionally viewed human rights as existing to protect the weak individual from the powerful state. On the other hand, countries of the LMG have traditionally expressed concern at the potential of human rights law to be used to encroach upon and violate state sovereignty. That second group of states prefers to advance a development-first agenda, which does not provide legally binding obligations on states, as opposed to a human rights-based agenda that binds states to implement and uphold binding international legal obligations. A third group of countries – indeed the majority involved in these discussions – made up of non-LMG states formerly under colonial rule, supports advancing the right to development, not for ideological reasons but rather to create a foundational and enabling environment needed for the realisation of all human rights. They emphasise the transformative potential of this right together with the need to remedy and redress historical injustices that resulted in colonial powers being economically wealthier and more developed, based on the resources and labour – often enslaved labour – of their former colonial subjects. This third group (together, at least ostensibly, with LMG members) is particularly concerned with advancing the 'duty' of all states to create an international order that enables greater equity of development across the world¹¹³.

¹¹¹ UNGA, ['Declaration on the Right to Development: resolution / adopted by the General Assembly'](#), UN Document, 41st Session, A/RES/41/128, 4 December 1986.

¹¹² See for example, A. Sengupta, ['Right to development as a human right'](#), *Economic and Political Weekly*, Vol 36, No 27, 2001, pp. 2527-2536.

¹¹³ See, e.g., A. Sengupta, ['On the Theory and Practice of the Right to Development'](#), *Human Rights Quarterly*, The Johns Hopkins University Press, Vol 24, No 4, 2002, pp. 837-889.

The origins of a Declaration on the Right to Development in post-colonial and Cold War discourse are evident throughout the text. For example, included in the preamble are: ‘the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development’; ‘the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources’; and a recognition that ‘there is a close relationship between disarmament and development.’ These themes are subsequently developed in the Declaration’s operative sections¹¹⁴.

Some of the states of the WEOG, such as the UK and the USA, have made clear that they view this Declaration as an attempt to position states as rights-holders¹¹⁵, although many WEOG states voted to adopt the text¹¹⁶. While Article 2.1 does focus on individual people as rights-holders and the preamble recognises the need for all rights to be implemented, these points are juxtaposed with important assertions on the rights and prerogatives of states¹¹⁷. However, the last part of Article 3.3 has consistently raised the most concern among ‘Western’ states:

‘States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States.’¹¹⁸

In other words, it is declaring that developing countries have the right to exist in a ‘new economic order’ based on sovereign equality and international cooperation. In that regard, the Declaration continues, developed countries ‘have a duty [towards developing countries] to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realisation of the right to development’ and to promote the ‘more rapid development of developing countries’¹¹⁹.

There have been significant advances over recent years. On 20 January 2020, a first draft of the Convention on the Right to Development was published by the UN Working Group on the Right to Development¹²⁰. The draft convention sets out that individuals and peoples are the rights holders¹²¹ and the substantive paragraphs clearly build upon the UDHR and the core human rights treaties¹²². The move away from previous formulations demonstrates a change in political tactics, with the independent expert drafters (the Working Group) presenting development as an enabling or TGR. While the EU, in its 2021 General

¹¹⁴ For example, Article 1.2 states that ‘the human right to development also implies the full realisation of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources’; while Article 5 positions the right to development in the context of ‘the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination’.

¹¹⁵ See UNGA, [‘Declaration on the Right to Development: resolution / adopted by the General Assembly’](#), UN Document, 41st Session, A/RES/41/128, 4 December 1986 and; A., Sengupta, [‘Right to development as a human right’](#), *Economic and Political Weekly*, Vol 36, No 27, 2001, pp. 2527-2536.

¹¹⁶ The Declaration on the Right to Development was passed by 146 votes to 1, with 8 abstentions. Against were the USA; abstentions were Denmark, Finland, the Federal Republic of Germany, Iceland, Israel, Japan, Sweden and the UK.

¹¹⁷ See, for example, the Preamble, Article 1.1, and Article 2.3. UNGA, [‘Declaration on the Right to Development’](#), UN Document, 4 December 1986.

¹¹⁸ See Article 3.3, UNGA, [‘Declaration on the Right to Development’](#), UN Document, 4 December 1986.

¹¹⁹ See Article 3.3, UNGA, [‘Declaration on the Right to Development’](#), UN Document, 4 December 1986.

¹²⁰ HRC, [‘Draft Convention on the Right to Development, with commentaries*’](#) UN Document, 21st Session, A/HRC/WG.2/21/2/Add.1, 20 January 2020.

¹²¹ See Preamble, pp. 5-16. HRC, [‘Draft Convention on the Right to Development, with commentaries*’](#) UN Document, 21st Session, A/HRC/WG.2/21/2/Add.1, 20 January 2020.

¹²² For detailed analysis see N. Schrijver, [‘A new Convention on the human right to development: Putting the cart before the horse?’](#), *Netherlands Quarterly of Human Rights*, Vol 38, Issue 2, 2020, pp. 84-93 and; R. G. Teshome, [‘The Draft Convention on the Right to Development: A New Dawn to the Recognition of the Right to Development as a Human Right?’](#), *Human Rights Law Review*, Vol 22, Issue 2, June 2022.

Statement¹²³, and others have raised legitimate queries about the draft, there has been a clear shift towards moving development forward as a human right which can be seen as part of progressive politicisation.

Recent advances on the right to development as an enabling environment required for other human rights to be implemented, or even as a specific TGR, are linked to and reflected in similar steps being taken on climate change¹²⁴ and the environment¹²⁵. The creation of UN human rights reports, resolutions and mechanisms on those areas demonstrate the changing nature and understanding of TGRs at UN level.

Despite those positive steps on human rights and enabling environments, there remain some related thematic areas with far less relevance to enabling all human rights, which have been promoted in other UN resolutions tabled by the NAM or by individual NAM members, such as Cuba. Three of the most important ones are the regular resolutions on 'a democratic equitable international order'¹²⁶, 'international solidarity'¹²⁷ and 'the right to peace'¹²⁸. Those resolutions have been criticised for seeking to expand and/or dilute the concept of human rights to the point where the state rather than the individual is centred as a rights holder and thus in need of protection. Those continued attempts to change the system, though, indicate the types of pernicious or retractionist tactics deployed by some governments that seek to undermine human rights.

3 States promoting competing human rights models at UN bodies

These three case studies from the UN demonstrate the types of tactics deployed by states and blocs to advance pernicious or retractionist objectives and agendas on human rights.

Rather than those countries disengaging from or rejecting human rights, they instead try to shift understandings and interpretations. While some governments are attempting to advance legitimate human rights agendas and concerns, others are attempting to derail the human rights project by changing the narrative on: how human rights should be defined; when and where they apply; and who holds rights against whom. Some are seeking to block or avoid scrutiny of their human rights abuses by promoting alternative narratives. Others are attempting to appeal to domestic audiences, in particular by voicing concerns about cultural sensitivities.

Before turning to those and other related tactics, how they have been deployed and lessons learned for countering them, it is important to first discuss some of the key states involved in advancing retractionist or pernicious human rights narratives through different fora and/or initiatives. The cases were selected to include important players in international human rights fora, while covering different regions, cultural backgrounds and political systems.

China is an authoritarian regime run by a single party. In 2022 Freedom House categorised China as 'Not Free'. China's human rights narratives include an emphasis on state sovereignty, win-win (or mutually beneficial) cooperation, prioritising economic and social rights as well as rights-free development.

¹²³ European External Action Service, '[HRC - 22nd session of the Working Group on the Right to Development - EU General Statement](#)', Delegation of the European Union to the UN and other international organisations in Geneva, 22 November 2021.

¹²⁴ OHCHR, 'OHCHR and climate change', [webpage](#).

¹²⁵ OHCHR, 'About human rights and the environment: Special Rapporteur on human rights and the environment', [webpage](#).

¹²⁶ See OHCHR, 'Mandate: Independent Expert on international order' [webpage](#).

¹²⁷ See OHCHR, 'About International Solidarity and human rights' [webpage](#).

¹²⁸ R. Freedman and P. Lottholtz, 'Peace as a hybrid human right: a new way to realise human rights, or entrenching their systematic failure?', in N. Lemay-Hébert and R. Freedman (eds.), *Hybridity: Law, Culture and Development*, Routledge, Milton Park, Abingdon, Oxon, 2017.

Since 2013, when President Xi Jinping became the leader of the country, China has had a more assertive foreign policy that includes expanding its influence within the UN. This includes Chinese nationals being appointed as: heads of UN agencies; members of human rights treaty bodies; and senior leaders in the Secretary-General's team¹²⁹. This move into human rights is complemented by the offer of public goods and services, beginning in 2013 with the Belt and Road Initiative (BRI) and followed in 2016 by the establishment of the Asian Infrastructure Investment Bank. These were created under the guise of promoting economic development, alongside its bilateral commercial and financial relationships with states. BRI has strengthened authoritarianism in 'beneficiary' countries, whether democracies or autocracies¹³⁰. The initiatives are primarily geo-economic instruments for increasing China's power but have also contributed to China advancing its policy of economic development over accountability for human rights¹³¹. The official state discourse insists that development is the cornerstone for all human rights and that it must be prioritised before protecting and promoting any other human rights¹³². It is important to note that over the past 40 years, 800 million people have been brought out of extreme poverty in China¹³³. As such, its focus on development has gained significant traction domestically and has gained significant attention across the world.

Alongside its development initiatives, China is also expanding its influence by becoming as a major player in the realms of social media and academia, both of which have a significant impact on human rights, especially freedom of expression, privacy and freedom of information. Much has been written and understood about China's repression of civil society domestically¹³⁴, its censorship of social media in the country¹³⁵ and its use of state media to advance propaganda globally. However, recent years have seen further developments of China's attempts to control discussions and narratives about the country. These include in particular attacks on academic freedom, which are perpetrated not only against those within China but also against Chinese students and academics abroad as well as on other parts of diaspora communities across the world.

Before 2013, China largely focused on economic and social issues, particularly around development, but by 2015 there had been a significant shift to focusing on – and funding – peace and security activities. The expansion of China's foreign policy influence into this area includes contributing troops, leaders and money to peacekeeping missions. This, combined with China's development aid, has increased its influence with G77 countries. China is a permanent member of the UN Security Council (UNSC) and frequently seeks to block human rights from being discussed as part of the peace and security agenda. It does not comment on internal matters or human rights violations in other countries. China is careful to avoid taking different positions from those of African Council members on peace and security matters in Africa. Its political relationship with African states, combined with the commercial and financial relationship it has with many of those countries, has created significant soft power within the UN and beyond. China's win-win cooperation agenda (see below) makes it attractive to countries that either seek

¹²⁹ S. Richardson, '[China's Influence on the Global Human Rights System](#)', *Brookings Institute*, September 2020.

¹³⁰ S. C. Greitens, '[Dealing with demand for China's global surveillance exports](#)', *Brookings Institute*, Report, April 2020.

¹³¹ R. Foot, *China, the UN, and Human Protection: Beliefs, Power, Image*, Oxford University Press, Oxford, 2020, Chapter 6.

¹³² State Council of the People's Republic of China, '[The Communist Party of China and Human Rights Protection — A 100-Year Quest](#)', 24 June 2021.

¹³³ World Bank and Development Research Center of the State Council, the People's Republic of China, '[Four Decades of Poverty Reduction in China](#)', 2022.

¹³⁴ See for example, D. Fu, '[Is Rights Advocacy Civil Society in China Dead? How the United States Should Navigate People-to-People Exchange in a New Era](#)', in L. Myers (ed.), *2021-22 Wilson China Fellowship, Essays on China and U.S Policy*, Woodrow Wilson International Center for Scholars, Washington DC, 2022, pp. 551-579 and also; France 24, '[How China's civil society collapsed under Xi](#)', 4 October 2022.

¹³⁵ See, e.g. Y. Tai, and K.-w. Fu, '[Specificity, conflict, and focal point: a systematic investigation into social media censorship in China](#)', *Journal of Communication*, Vol 70, No 6, 2020, pp. 842-867; and also S. Richardson, '[China's Influence on the Global Human Rights System](#)', *Brookings Institute*, September 2020.

aid or want to form bilateral partnerships where financial assistance is not dependent on human rights implementation or compliance. The agenda asserts that socio-economic development is the ultimate human right – as opposed to ‘liberal’ freedoms – which appeals to many of those countries that have illiberal government regimes inimical to human rights, or to some countries that view development assistance as a remedy for colonial harms.

President Xi Jinping has prioritised reform of global governance generally and particularly human rights institutions. This includes not only attacking the UN human rights system but also creating new human rights bodies – such as the South-South Human Rights Forum (see below) – that advance China’s human rights objectives and ideologies¹³⁶. Within the UN human rights bodies, China’s main objective is to pursue and implement rights-free development (see below) and to prioritise development as the vehicle for achieving peoples’ rights rather than focusing on individual rights¹³⁷. It is looking to revise and manipulate established norms and procedures to block scrutiny of its own human rights abuses¹³⁸ along with such violations by other governments. Hence, to achieve its objectives China seeks to undermine the existing international human rights framework and system by using its influence in the UN to block protection during the gravest human rights situations and using its veto power in the UNSC. But at the same time, China is party to human rights treaties, engages with the UN human rights mechanisms and then uses its influence in trying to reinterpret or undermine those laws. China brings along a sizeable number of states in those attacks on the system, many of which rely on China for commercial or financial dealings. While many are also autocratic or dictatorial regimes that have their own interests in avoiding human rights scrutiny, others prioritise China’s economic support over human rights. Countries that previously would have sought to counter these moves have been absent – particularly the USA under President Trump¹³⁹ although that is changing again under President Biden – due either to domestic or regional issues relating to the rise of populism globally during the past decade. This has further been exacerbated by the increased focus on Russia since its invasion of Ukraine, which has left far less time and fewer resources for countries – particularly from Europe, and also allies from North America – to counter moves by China in relation to human rights.

Cuba is a one-party authoritarian regime in that it holds elections but they are not considered democratic. In 2022 Freedom House categorised Cuba as ‘Not Free’. Its human rights narratives include state sovereignty, promoting economic and social rights as well as undermining civil and political rights, centring on the idea of states as rights holders, along with post-colonial approaches to human rights.

The government prioritises state sovereignty over human rights protection. It does so – as with others who advance competing narratives – alongside using some ESCRs as a method to avoid scrutiny of its CPR abuses and to attack what it considers ‘Western’ hegemony on human rights. At domestic level, protestors against the government’s authoritarianism and human rights abuses are often criminalised¹⁴⁰. Civil society human rights organisations are largely repressed, with the regime creating and promoting sham organisations that are shells for the state. The regime seeks to justify the repression of civil society by reference to Article 13 of the Constitution, which emphasises that the state’s essential purposes include

¹³⁶ R. Foot, *China, the UN, and Human Protection: Beliefs, Power, Image*, Oxford University Press, Oxford, 2020, pp. 209–212.

¹³⁷ On China’s changing tactics at the Human Rights Council, see generally T. Piccone, ‘China’s long game on human rights at the United Nations’, *Brookings Institute*, Report, 7 September 2018.

¹³⁸ S. Richardson, ‘[China’s Influence on the Global Human Rights System](#)’, *Brookings Institute*, September 2020.

¹³⁹ See, for example, E. Wainwright, ‘[Human rights and the Trump administration](#)’, *The United States Studies Centre at the University of Sydney*, Brief, July 2018; S. S. F. Regilme Jr, ‘[The decline of American power and Donald Trump: Reflections on human rights, neoliberalism, and the world order](#)’, *Geoforum*, Vol 102, 2019, pp. 157–166.

¹⁴⁰ N. Price, ‘[The Harsh Sentencing of Human Rights Defenders in Cuba](#)’, *U.S Department of State*, Press Statement, 30 June 2022.

strengthening socialist ideology and principles¹⁴¹. Freedom House identifies Cuba as one of the most restrictive regimes in regard to media freedom, journalism and freedom of expression, also noting the lack of academic freedom in the country's universities¹⁴². There have been calls for the EU to change its strategy on Cuba *vis-à-vis* human rights and democracy¹⁴³, particularly to do more to support and strengthen legitimate civil society and human rights defenders in that country¹⁴⁴.

Cuba is 'more responsible than any other country in the world for political manipulation of the HRC', including 'sponsoring resolutions that seek to erode the meaning of individual human rights' and thereby 'empower dictatorships'¹⁴⁵. It opposes country-specific resolutions, including recently those on human rights abuses in *inter alia* Eritrea, Ethiopia, Syria and Nicaragua. Since becoming a Council member in 2006, Cuba has supported fewer than a quarter of the country-specific resolutions passed in response to serious human rights violations around the world, with many of those it has supported concerning Israel and the Occupied Palestinian Territories.

Cuba uses the Council to protect its allies and grave abusers generally from the scrutiny of domestic violations, insisting that any such scrutiny is politicisation and interfering in state sovereignty. It was one of only 24 countries (out of 193 UN member states) to vote against suspending Russia from the HRC. In June 2022 Cuba spoke on behalf of 69 countries grouped in opposition to the scrutiny of China's human rights violations, referring to matters involving Xinjiang, Hong Kong and Tibet as internal affairs as well as accusing the Council of politicising human rights issues, double standards and meddling. In this statement, Cuba insisted that 'respect for the sovereignty, independence and territorial integrity of all countries and non-interference in the internal affairs of sovereign states are the basic norms governing international relations'¹⁴⁶.

It also uses its seat to advance TGRs that centre the state as a rights holder, particularly on international solidarity as well as equitable and democratic order. It has sponsored resolutions and created mandates on TGRs based on nebulous constructs such as 'international solidarity'. Cuba advances such mandates as a way of undermining or ignoring CPRs, which reflects Cuba's poor domestic record in this area¹⁴⁷. In the 2022 statement about China, Cuba argued that all UN member states should respect the right of different countries to choose their own development paths in accordance with national conditions and attach equal importance to all kinds of human rights, especially the economic, social and cultural rights as well as the right to development¹⁴⁸.

Egypt is an electoral autocracy in that it holds elections, but meaningful opposition is almost non-existent. In 2022 Freedom House categorised Egypt as 'Not Free'. Its narratives on human rights include protecting religions rather than individuals, emphasising state sovereignty over human

¹⁴¹ For a more in-depth analysis, see A. Chaguaceda and C. Gonzáles, '[Fear and loathing of civil society in Cuba](#)', *Global Americans*, Guest contributors, 30 May 2019.

¹⁴² Freedom House, 'Cuba. Freedom in the world 2022', [webpage](#).

¹⁴³ See for example, A. L. Petersson and E. Jennische, '[Five empty chairs remind of Cuba's regime true nature](#)', *Euractiv*, Opinion, 4 February 2020.

¹⁴⁴ E.g., Civil Rights Defenders, '[Letter #26 and #27 by Roberto Jesús Quiñones Haces: The European Union and the True Cuban Civil Society](#)', 15 January 2020.

¹⁴⁵ UN Watch, '[Report on UNHRC Candidacies of Cuba, Russia & Saudi Arabia for 2021-2023 Term](#)', 29 April 2020.

¹⁴⁶ '[Joint Statement Delivered by Cuba on Behalf of 69 Countries at the 50th session of the Human Rights Council](#)', *Permanent Mission of the People's Republic of China to the UN*, 16 June 2022.

¹⁴⁷ In October 2020, Freedom House published a joint statement written by 85 civil society organisations about Cuba's election to a fifth term on the HCR. It states that 'In all three cycles of the Universal Periodic Review (UPR), Cuba has received severe warnings about violations of freedom of association and expression, political persecution, arbitrary detentions, prohibitions on free domestic and international travel, absence of judicial independence, censorship, control of the internet, and the scarcity of media plurality.' Freedom House, '[Deep Concern as Cuba is Reelected to UN Human Rights Council](#)', 13 October 2020.

¹⁴⁸ '[Joint Statement Delivered by Cuba on Behalf of 69 Countries at the 50th session of the Human Rights Council](#)', *Permanent Mission of the People's Republic of China to the UN*, 16 June 2022.

rights, promoting ESCRs while at the same time undermining CPRs and endorsing rights-free development.

Egypt has been prominent in advancing the 'defamation of religion' agenda (see Section 2) and seeking to protect Islam from criticism. It has also been at the fore in attempting to undermine the Council's work to protect and promote human rights as well as fundamental freedoms while countering terrorism¹⁴⁹. In 2018, Egypt diluted the thematic resolution in which states annually recognise concerns about abuses and urge respect for human rights while countering terrorism¹⁵⁰. It also tries to undermine and distort the UN Special Rapporteur's work on this topic. This position follows Egypt's domestic twisting of counter-terrorism laws and activities to violate human rights. Transparency International reported that, in 2017, Egypt created a law that provides the government with significant powers over civil society¹⁵¹. In particular, it severely curtails the 'functioning of civil society organisations and their activities'. It allows 'fines and prison sentences for civil society groups that publish reports without prior government approval or engage in activities that do not have a developmental or social focus'. They further write, 'These new restrictions make it practically impossible for human rights organisations to carry out their work'. The law 'criminalises activities considered to be of a "political nature" as well as legislative reform work'¹⁵². The government has implemented asset freezes and travel bans, and has blocked websites, accusing civil society organisations and human rights defenders of spreading 'terrorism and extremism' and 'publishing lies'.

Egypt seeks to advance some ESCRs and development as a way of countering and undermining the focus on CPRs. Egypt receives significant criticism for its poor domestic record on most human rights¹⁵³, although at the Council it receives particular scrutiny for its CPR violations. For example, at the HRC March 2021 session, 32 states issued a statement condemning Egypt's human rights abuses, including restricting freedom of expression and the right to peaceful assembly, twisting counterterrorism laws to punish peaceful critics, taking hostage family members of human rights advocates and holding more than 60 000 political prisoners¹⁵⁴. Egypt's Foreign minister said that the text was baseless and failed to acknowledge positive accomplishments, countering the criticisms by saying: 'they focus on political aspects only, intentionally ignoring the economic and social dimensions of human rights'¹⁵⁵.

Egypt also foregrounds state sovereignty over human rights. It abstained in the vote to suspend Russia from the HRC. However, it insisted that the resolution on suspending Russia was not related to the war in Ukraine, the principle of the inadmissibility of resorting to armed force or compromising the sovereignty of states. Instead, Egypt argued that the suspension of Russia was politicising the UN. Egypt's stated position was that suspending Russia undermines state sovereignty and equality between nations, which violates the purposes and principles of the UN. Egypt, like Cuba, has also joined statements supporting China and rejecting scrutiny of its abuses under the guise of 'state sovereignty'.

India is a democracy, although the Varieties of Democracy (V-Dem) Institute notes that the democratic value has decreased sufficiently to categorise the country in 2021 as an electoral autocracy¹⁵⁶. In 2022 Freedom House categorised India as 'Partly Free'. Its human rights narratives

¹⁴⁹ Cairo Institute for Human Rights Studies, '[UNGA: Protect Human Rights and Fundamental Freedoms while Countering Terrorism](#)', 22 November 2019.

¹⁵⁰ For a more detailed discussion see A. Smith and M. Pollard, '[Keeping Human Rights and Counter-Terrorism in Focus at the UN](#)', *Just Security*, 19 October 2019.

¹⁵¹ Transparency International, '[Egypt: Stop the onslaught against Civil Society](#)', Press Release, 7 June 2017.

¹⁵² Transparency International, '[Egypt: Stop the onslaught against Civil Society](#)', Press Release, 7 June 2017.

¹⁵³ See, for example, Human Rights Watch, '[World Report on Egypt: Events of 2021](#)', 2021.

¹⁵⁴ HRC, '[General Debate Item 4: Human Rights Situations that require the Council's attention. Joint Statement on Egypt](#)', 46th session, 12 March 2021.

¹⁵⁵ N. Osman, '[Egypt faces backlash over response to UN criticism of human rights record](#)', *Middle East Eye*, 18 March 2021.

¹⁵⁶ Varieties of Democracy, '[Autocratization Turns Viral: Democracy Report 2021](#)', *V-Dem Institute*, 2021.

include state sovereignty, rights-free development, diluting CPRs and post-colonial approaches to human rights.

India brings its own counter-narratives to human rights and development. It has formed nuanced geopolitical relationships in the post-Cold War multipolar world. For example, India has been reticent to criticise Russia's war on Ukraine, which can be explained partly by India's reliance on Russia to counterbalance 'Chinese hegemony in their shared neighbourhood'¹⁵⁷. It has an agreement to work closely with Russia at the UNSC¹⁵⁸. India does not solely rely on Russia, though, and has alliances with 'Western' liberal countries, including through its membership in the Quad (a diplomatic network between the USA, Australia, India and Japan)¹⁵⁹.

At domestic level, there are constitutional protections for freedom of expression but under the government of Prime Minister Narendra Modi, there has been an increase in harassment and repression of journalists, civil society¹⁶⁰ and academics¹⁶¹. The shrinking space for civil society¹⁶² has been accompanied by increased harassment and discrimination against minorities, particularly Muslims¹⁶³ and Dalits. These backward steps on human rights are concerning, particularly given India's role and position in multilateral fora and institutions.

On CPR resolutions at the HRC, India tends to follow the consensus vote. According to Arvind Narrain, 'While this may indicate that India is generally supportive of civil and political rights a closer analysis [...] indicates a very different story'¹⁶⁴. During debates on CPR resolutions, India is either silent or actively seeks to dilute human rights standards in the resolutions, even when the right is strongly grounded in the Indian Constitution. India has also played an active role in proposing and voting for hostile amendments that seek to weaken CPR resolutions¹⁶⁵. By way of countering certain CPRs on which it has a poor record, India insists on state sovereignty taking precedence over human rights. Similarly, that narrative also plays out in the way that India votes on country-specific resolutions. Even when India has domestic pressure or domestic agendas about a country, it typically will abstain from votes on country resolutions, as can be seen in its voting record on Council resolutions on Sri Lanka. This is in line with India's general approach, which included abstaining from the vote to suspend Russia from the HRC together with other procedural votes and resolutions about the war in Ukraine. India insisted that diplomacy is the best way forward for achieving peace and emphasised the equality of sovereign states.

India takes a post-colonial approach to human rights, with a particular emphasis on strategies aimed at remedying injustices from colonialism. As also pointed out by Arvind Narrain, India consistently aligns with the developing world in supporting resolutions concerning 'access to medicine'¹⁶⁶ and 'human rights and

¹⁵⁷ G. Price, '[Ukraine War: Why India Abstained on UN Vote against Russia](#)', *Chatham House*, Expert Comment, 25 March 2022 and; F. Grare, '[A Question of Balance: India and Europe after Russia's Invasion of Ukraine](#)', *European Council on Foreign Relations*, Policy Brief, 16 May 2022.

¹⁵⁸ The Hindu, '[India and Russia Agree to Work Closely on Key Issues at U.N. Security Council](#)', 17 February 2021.

¹⁵⁹ V. Pandey, '[Quad: The China Factor at the Heart of the Summit](#)', *BBC News*, Delhi, 24 May 2022.

¹⁶⁰ Amnesty International, '[India: Authorities must stop weaponizing central agencies to clamp down on civil society](#)', News, 8 September 2022.

¹⁶¹ Freedom House, 'India. Freedom in the World 2022', [webpage](#).

¹⁶² S. Banerjee and R. Jha, '[Civil society organisations under pressure in the world's biggest democracy](#)', *The Loop's ECPR Political Science Blog*, 20 October 2021.

¹⁶³ CIVICUS, '[INDIA: 'An effective civil society is essential for advancing human rights'](#)', 9 May 2021.

¹⁶⁴ A. Narrain, '[India's role in the Human Rights Council: Is there a constitutional vision in its foreign policy?](#)', *Indian Journal of International Law*, Vol 57, 2017, p. 4.

¹⁶⁵ For a detailed analysis of India's voting records see A. Narrain, '[India's role in the Human Rights Council: Is there a constitutional vision in its foreign policy?](#)', *Indian Journal of International Law*, Vol 57, 2017, pp. 87-120.

¹⁶⁶ See, for example, UNGA, 'Resolution adopted by the Human Rights Council on Access to medicines, vaccines and other health products in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health', UN Document, A/HRC/RES/50/13, 7 July 2022.

transnational corporations'¹⁶⁷. In its pledges as a candidate for the HRC, India emphasised that its priorities are poverty eradication and achieving inclusive sustainable development. India prioritises some ESCRs but takes a post-colonial view towards international organisations and regimes as interfering with domestic affairs and advancing Global North hegemony.

Pakistan is a democracy although the V-Dem institute concludes that its democratic value has decreased sufficiently to categorise the country in 2021 as an electoral autocracy.¹⁶⁸ In 2022 Freedom House categorised Pakistan as 'Partly Free'. Its human rights narratives are closely aligned with Egypt's, including protecting religions rather than individuals, emphasising state sovereignty over human rights, appearing to promote some ESCRs while undermining CPRs, rights-free development and post-colonial approaches to human rights.

In recent years, Pakistan has made backward steps on freedom of expression, especially regarding the media and social media¹⁶⁹. The regime has been particularly active in restricting and repressing criticism of the government by journalists, activists and lawyers¹⁷⁰. Discrimination based on religion is rife and blasphemy laws have not been repealed. Despite this, there is a fairly good record on academic freedom¹⁷¹.

Pakistan's position on defamation of religion and defending Islam is clear from the case study in Section 2. This is a way of attacking human rights by seeking to prioritise religion over individuals. This mirrors its domestic human rights record which includes laws against blasphemy and which in practice also criminalise apostasy, with punishments as severe as life imprisonment or death. Moreover, such laws are frequently used as a tool with which to crack down on freedom of expression, of religion or belief. It is important to note that Pakistan's focus on Islam does not extend to protecting the human rights of the adherents of that religion. Indeed, sometimes it does quite the opposite. For example, Pakistan has blocked scrutiny of China's abuses of Uighur Muslims on the grounds of state sovereignty, to the extent that statements on joint cooperation between the two countries have been issued¹⁷². For instance, in 2022, Pakistan Ministry of Foreign Affairs stated that it *appreciated* China's 'constructive engagement with the UN human right systems' and *supported* China's 'efforts for socio-economic development, harmony and peace and stability in Xinjiang'¹⁷³.

Moreover, in September 2021 at the HRC's 48th session, Pakistan delivered a joint statement on behalf of 65 countries opposing interference in China's internal affairs under the pretext of human rights. The joint statement stressed that 'respect for sovereignty, independence and territorial integrity of states and non-interference in the internal affairs of sovereign states represent basic norms governing international relations. Hong Kong, Xinjiang and Tibet-related issues are China's internal affairs that brook no interference by any external forces'¹⁷⁴. It insisted that all UN members should abide by the UN Charter purposes and 'principles of universality, impartiality, objectivity and non-selectivity', respecting the right of people within each state 'to choose independently the path for human rights development in

¹⁶⁷ See, for example, oral statements made during the HRC, '[Eighth session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights](#)', October 2022; and also India's support for UN HRC Resolution 26/9, UNGA, '[Resolution 26/9 adopted by the Human Rights Council on Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights](#)', A/HRC/RES/26/9, 15 July 2014, which began the process of creating a legally binding instrument on transnational corporations and human rights.

¹⁶⁸ Varieties of Democracy, '[Autocratization Turns Viral: Democracy Report 2021](#)', V-Dem Institute, 2021.

¹⁶⁹ Amnesty International, 'Pakistan 2021', [webpage](#).

¹⁷⁰ Human Rights Watch, 'Pakistan. Events of 2020', [webpage](#).

¹⁷¹ Freedom House, 'Pakistan. Freedom in the World 2022', [webpage](#).

¹⁷² Ministry of Foreign Affairs of the People's Republic of China, '[Joint Statement between the People's Republic of China and the Islamic Republic of Pakistan](#)', Top Stories, 11 November 2022 (as of 14 November 2022).

¹⁷³ Pakistan Ministry of Foreign Affairs, '[Press Release](#)', 6 September 2022.

¹⁷⁴ '[Pakistan, on behalf of 65 countries delivered a joint statement against interference in China's internal affairs under the pretext of human rights at the Human Rights Council](#)', *Permanent Mission of the People's Republic of China to the UN*, 24 September 2021.

accordance with their national conditions' and treat all human rights with the same emphasis. It also called upon all states 'to uphold multilateralism, solidarity and collaboration, promoting and protecting human rights through constructive dialogue and cooperation'. Pakistan is another country that abstained on the vote to suspend Russia from the Council, demonstrating a pattern of prioritising state sovereignty and political alliances over human rights protection.

Russia is an authoritarian regime¹⁷⁵. In 2022 Freedom House categorised Russia as 'Not Free'. Russia's human rights narratives domestically and internationally focus on state sovereignty over human rights¹⁷⁶. Russia recently re-emphasised economic and social rights over CPRs including through constitutional amendments, despite not implementing either sets of rights in practice. It has been at the fore of seeking to promote 'the family' and 'traditional values' as a way of undermining individuals' fundamental rights, as discussed in Section 2 above.

Russia's position domestically and internationally has significantly changed since its invasion of Ukraine on 24 February 2022. Much of the discussion about its human rights narratives and actions at home and abroad, as well as its influence and alliances, have also changed due to the ongoing war. For example, Russia had previously insisted that its state sovereignty superseded any of its human rights obligations as a member of the Council of Europe¹⁷⁷. However, in March 2022 Russia resigned (and was expelled) from the Council of Europe¹⁷⁸, which makes discussions about its relationship with the ECtHR redundant. Changes in the nature of Europe's relationship with Russia do not negate the many years in which Russia sought to advance state sovereignty over the ECtHR and frameworks, which showed Europe's lack of ability to hold Russia accountable¹⁷⁹.

Over the past years, domestic legislative changes have enhanced and further enabled the regime's crackdown on the rule of law, CPRs, human rights defenders, civil society organisations and minority groups. In December 2020 and 2021, new laws were passed to strengthen Russia's 'foreign agents' and 'undesirables' legislation. Said laws cover the scope of how and why organisations and individuals could be labelled as such, reporting requirements and the ability to ban or even criminalise those who contravene the legislation. They allow the regime to control civil society activity, particularly any that is supported or financed by actors from outside of the country. Year after year, Human Rights Watch and others report on increasing restrictions on freedom of expression, including censorship of the media, social media networks and academia. The increasing and widespread concern about domestic human rights abuses resulted in the HRC taking the unprecedented step in 2022 of creating a UN Special Rapporteur on Russia. This was the first time that a country-specific special rapporteur on a P5 country (permanent members of the UNSC)¹⁸⁰ had been established.

As previously discussed in Section 2, Russia has been at the fore of attempts to undermine human rights by promoting 'traditional values' and 'the family' as rights holders. This mirrors Russia's domestic backward steps on the human rights of persons with diverse SOGI, particularly through the so-called 'gay propaganda

¹⁷⁵ In 2021 Freedom House categorised Russia as a 'consolidated authoritarian regime'. Freedom House, ['Russia, Nations in Transit 2021'](#), 2021.

¹⁷⁶ This has been explained as 'collective concern for national sovereignty in the guise of 'sovereign democracy' in M. Antonov, ['Conservatism in Russia and Sovereignty in Human Rights'](#), *Review of Central and East European Law*, Vol 39, No 1, 2014, p. 24.

¹⁷⁷ Euractiv and AFP, ['Russia Overrules the European Court of Human Rights'](#), 14 July 2015.

¹⁷⁸ Council of Europe, ['Resolution CM/Res\(2022\)2 on the cessation of the membership of the Russian Federation to the Council of Europe \(Adopted by the Committee of Ministers on 16 March 2022 at the 1428ter meeting of the Ministers' Deputies\)'](#), CM/Res(2022)2, 16 March 2022 and see also; J. Jahn, ['The Council of Europe Excludes Russia: A Setback for Human Rights'](#), *EJIL: Talk!*, 23 March 2022.

¹⁷⁹ J. Nixey, ['Lavrov and Russia Outplay the European Union Yet Again'](#), *Chatham House*, Expert Comment, 15 February 2021.

¹⁸⁰ International Service for Human Rights, ['Human Rights Council establishes Special Rapporteur to monitor human rights abuses, civil society crackdown in Russia'](#), News, 7 October 2022.

law¹⁸¹ brought in at federal level in 2013. The ECtHR in *Bayev and Others v. Russia*¹⁸² held that the legislation violated human rights. Those regressive steps have been heavily influenced by the Russian Orthodox Church, which has a strong influence on the Russian state¹⁸³. Indeed, as early as 2008, the Russian delegation facilitated a presentation at the HRC by the then-head of the Department of external relations of the Church, Metropolitan Kirill. Kirill, who became Patriarch of Moscow and all of Russia shortly after delivering the speech, lamented that international human rights institutions had taken up ‘the opinions of a narrow circle of experts, functionaries or noisy but well-organized minorities’ rather than ‘the authentic attitude to values characteristic of [many] nations’¹⁸⁴.

Russia’s position on state sovereignty advances an ideological perspective and has also been deployed as a means of attacking ‘Western’ hegemony on human rights in the post-Cold War era. Russia began advancing that objective in 1991 by creating the Commonwealth of Independent States (CIS) as an alternative subregional forum for former Soviet republics. It used the CIS to challenge the European human rights framework in 1995 by creating the Convention on Human Rights and Fundamental Freedoms of the Commonwealth of Independent States (CIS Convention). In that way, it sought to challenge the ECHR by providing an alternative framework that focused on different human rights narratives

In addition to CIS, Russia engages with other fora and power structures including the Eurasian Economic Union, the Shanghai Cooperation Organisation (SCO) as well as the Brazil, Russia, India, China and South Africa group¹⁸⁵. It has used those institutions to forge alliances in the new multipolar global order. However, with the changing nature of many – but not all – of those alliances due to the war in Ukraine, the extent to which Russia will continue to retain influence within and through those institutions in future is unclear. Within the UN human rights system, Russia has already lost significant power and credibility. In 2022 it became only the second country ever to be suspended from its membership in the HRC¹⁸⁶. However, Russia does continue to hold significant power and influence through its permanent seat on the UNSC. It uses that seat both to undermine human rights protection and also to advance the primacy of state sovereignty. For example, Russia – often with China’s support – consistently vetoes UNSC resolutions on Syria, particularly when those draft resolutions call for Syria to uphold international human rights law¹⁸⁷. At the UNSC, Russia adopts a narrative of defending state sovereignty against the three ‘Western permanent members’¹⁸⁸, particularly when engaging in discussions or voting on resolutions about protecting human rights within countries.

¹⁸¹ See, for example, European Commission Against Racism and Intolerance (ECRI), ‘[Council of Europe body concerned by the non-implementation by Russia of its priority recommendations on abolishing the so-called “gay propaganda” legislation](#)’, *Sexual Orientation and Gender Identity Newsroom*, 5 October 2021; Human Rights Watch, ‘[Russia: Expanded “Gay Propaganda” Ban Progresses Toward Law](#)’, 25 November 2022.

¹⁸² European Court of Human Rights, *Bayev and Others v. Russia* (application nos. 67667/09, 44092/12 and 56717/12), Judgment, 20 June 2017.

¹⁸³ See, generally, K. Stoeckl and D. Uzlaner, *The Moralists International: Russia in the Global Culture Wars*, Fordham University Press, New York City, 2022.

¹⁸⁴ Remarks of Metropolitan Kirill to the HRC in Geneva, 18 March 2008. See V. L. Horsfjord, ‘[Negotiating traditional values: the Russian Orthodox Church at the United Nations Human Rights Council \(UNHRC\)](#)’, in A. Stensvold (ed), *Religion, State and the United Nations: Value Politics*, Routledge, United Kingdom, 2016, p. 62.

¹⁸⁵ P. Stronski and R. Solosky, ‘[Multipolarity in Practice: Understanding Russia’s Engagement with Regional Institutions](#)’, *Carnegie Endowment for International Peace*, Paper, 8 January 2020.

¹⁸⁶ R. Freedman, ‘[Russia and the UN Human Rights Council: A Step in the Right Direction](#)’, *EJILTalk*, 8 April 2022.

¹⁸⁷ See, for example UNSC, ‘[Letter dated July 8, 2020, from the president of the Security Council addressed to the secretary-general and the permanent representatives of the members of the Security Council](#)’, S/2020/664, Annex 18, 9 July 2020 and see, also; E. Kossaiy, ‘[Russia Unmoved as Security Council Again Warned of Syrian Children’s Plight](#)’, *Arab News*, 26 February 2021.

¹⁸⁸ UNSC, ‘The Situation in the Middle East’, 7,785th Meeting, S/PV.7785, 8 October 2016.

4 Tactics and vehicles for advancing competing human rights narratives

The tactics deployed by states and blocs seeking to pushback on human rights include advancing their agendas through UN human rights bodies and other multilateral fora, together with bilateral agreements and arrangements. Section 2 already assessed the tactics deployed at the UN through country-based case studies. It is important to understand that except for countries such as North Korea, most of the states that seek to undermine human rights do not explicitly reject the human rights 'project'. Instead, those states that promote competing human rights narratives appear to engage with human rights bodies and mechanisms but do so to dilute and undermine fundamental human rights. Thus, this section attempts to summarise, in more detail, discursive tactics, as well as specific initiatives and fora which serve to advance competing human rights narratives within and beyond the UN.

4.1 Discursive tactics

State actors inimical to fundamental human rights **oppose those rights by advancing agendas that undermine existing protections**. This has been manifested through advancing development over human rights, with some states hijacking the human right to development to insist that such development supersedes fundamental human rights. The advancing of a foundational right to development is used by certain states to **make some states rights-holders vis-à-vis other states**, building on a post-colonial approach to human rights (see Section 2). This is accompanied by other similar attempts to enshrine states as rights-holders through TGRs on international solidarity or on an equitable and democratic order. Another tactic deployed to undermine human rights can be seen in attempts made to **create non-human rights holders**, for example, 'religions' or 'the family'. Those attempts then seek to undermine the rights of individuals, such as freedom of expression, or the rights of minority groups, such as persons with diverse SOGI. In these ways, states have attacked fundamental rights by seeking to advance retractionist or pernicious human rights narratives and agendas.

States also deploy a **discourse that appears to be promoting ESCRs** as a way of blocking scrutiny of or undermining CPRs. Those discourses emphasise socio-economic rights and development, seeking to prioritise them over other rights despite the Vienna consensus that all rights are indivisible, interdependent and interrelated. However, when such discourses are examined from countries from the LMG in particular, it is clear that the states select which ESCRs to prioritise, and avoid altogether the central principles of non-discrimination, minority rights, and accountability. The tactic, then, appears to be an effort to avoid human rights and to block scrutiny of domestic abuses rather than an ideological position on categories of rights.

One way in which states seek to advance those agendas is by **forming alliances and coalitions across regional groups and political blocs specifically to attack human rights**. Those alliances include and are spearheaded by states and blocs that hold those competing narratives, whilst also being bolstered by states who join for other reasons. Those groups then advance their narratives and agendas through joint statements, sponsoring resolutions, proposing new mandates and mechanisms as well as bloc voting. As explained above, those tactics are also deployed by states with more progressive agendas on human rights and are to be expected within political, intergovernmental bodies.

Those states seeking to advance competing narratives often **use language that mirrors human rights language and phrases yet undermines rights protection**. Those tactics are deployed to advance what seem to be benign issues, such as protecting 'the family', but they are in fact attempts to erode or destroy existing human rights. It is important to understand this tactic, particularly regarding China, as discussed in more detail below.

Linked to the previous tactic and as detailed in Section 2, states also **use the language of state sovereignty and/or cultural relativism as justification for undermining universal human rights**. This tactic focuses on providing a justification, excuse or reason for eroding, undermining or avoiding human rights obligations. This tactic is often deployed alongside the language of post-colonialism or anti-‘Western’ rhetoric, or with reference to religion and culture.

States use some key initiatives to support or complement the tactics that we have seen deployed in human rights bodies. Much is already known and discussed in secondary sources about soft power generally in international human rights bodies and about alliances formed to protect one another from scrutiny¹⁸⁹. However, other initiatives are key for understanding state behaviour and motivations which have been less written about.

4.2 Political initiatives and fora used by multiple states

Alternative regional institutions have been a key vehicle for advancing alternative narratives on human rights, including state sovereignty, security, development, and diversity rather than the universality of human rights. In particular, China and Russia have created and led these organisations. Unlike their liberal counterparts that seek to advance cooperation amongst members, these alternative organisations provide a mechanism for protecting authoritarian regimes from domestic or external threats. There has been a significant rise in the number of these organisations over the past two decades. While they mimic the form of ‘Western’ organisations, they advance autocratic norms and objectives; challenge liberal institutions and frameworks by working in the same areas and on the same issues but doing so by using illiberal tactics and advancing illiberal agendas. For instance, the Collective Security Treaty Organization (2002) was founded to mimic and counter the North Atlantic Treaty Organization; the Eurasian Economic Union (2014) did the same regarding the EU; and the SCO (2001) has the mandate to counter ‘Western’ hegemony¹⁹⁰. In the field of human rights, these organisations are then used as a cover for advancing alternative narratives and for justifying violations. For example, the SCO advances the narrative of combatting the ‘three evils of terrorism, separatism and religious extremism’¹⁹¹ and in doing so has actively encouraged human rights violations perpetrated under cover of its Anti-Terrorism Treaty. The Collective Security Treaty Organization has been used as an excuse for Russia to send troops to crack down on dissent in former Soviet Republics, including Kazakhstan in 2022.

The advancing of illiberal and authoritarian agendas through organisations that mimic liberal counterparts is also seen in the rise of **sham Non-Governmental Organisations (NGOs), illiberal transnational networks and government-sponsored NGOs**, all of which are shells for states. Those organisations are used to advance alternative narratives and also provide the illusion that the state is allowing civil society organisations whilst in reality preventing legitimate associations from doing their work. Some of those states that crackdown on civil society actors domestically, through legislation that restricts and monitors their activities at best or even labels them terrorists or criminals, have also been responsible for limiting their activities within international human rights bodies, sometimes by blocking the Economic and Social Council accreditation needed for UN participation¹⁹² and preventing human rights defenders from

¹⁸⁹ J. S. Nye, ‘[Soft Power: The Means to Success in World Politics](#)’, *Public Affairs*, 2004; J. S. Nye, ‘[Soft power: the evolution of a concept](#)’, *Journal of Political Power*, Vol 14, No 1, 2021, pp. 196-208; C. Walker, ‘[The Authoritarian Threat: The Hijacking of "Soft Power"](#)’ *Journal of democracy*, Vol 27, No 1, 2016, pp. 49-63.

¹⁹⁰ See, for example, A. Cooley and D. Nexon, ‘[The Illiberal Tide: Why the International Order Is Tilting towards Autocracy](#)’, *Foreign Affairs*, 26 March 2021.

¹⁹¹ S. Aris, ‘[The Shanghai Cooperation Organisation: “Tackling the Three Evils”: A Regional Response to Non-Traditional Security Challenges or an Anti-Western Bloc?](#)’, *Europe-Asia Studies*, Vol 61, No 3, 2009, pp. 457-482.

¹⁹² See, e.g., R. S. Inboden, ‘[China at the UN: Choking Civil Society](#)’, *Journal of Democracy*, Vol 32, No 3, 2021, pp. 124-135; and e.g. R. Freedman and S. Gordon, ‘[Civil Society and the UN Human Rights System](#)’, in B. Ramcharan (ed.), *The Protection Roles of Human Rights NGOs*, *International Studies in Human Rights*, Vol 140, Brill, Leiden, 2022, pp.132–148.

physically accessing human rights bodies¹⁹³. In particular, China and Russia have led attempts to silence legitimate NGOs at UN human rights bodies, including the HRC and the Universal Periodic Review (UPR) mechanism¹⁹⁴. Both have used sham organisations to flood speakers lists and used up ‘NGO time’ at those bodies and others¹⁹⁵.

Other tactics employed to advance competing narratives include the use of **state-sponsored media and social media**. States also use ‘**sharp power**’, an approach to international affairs that employs censorship or manipulative and subversive policies as a projection of state power, targeting think tanks, media, academia and other spheres in democratic countries¹⁹⁶. Much has been written about the use of media and social media to advance agendas and narratives but **more needs to be done to understand the use and impact of sharp power**.

In particular, there has been an increased interest in influencing research institutions, including universities, policy institutes and think tanks in ‘Western’ countries. Funding and surveillance are key ways in which states influence the research and culture within those organisations. Within academia, with decreased core funding in European and North American universities, there is a greater reliance on student fees – particularly international student fees – to fund those institutions. States, such as China and Saudi Arabia, have increasingly provided scholarships for students to study in those universities at undergraduate and postgraduate levels. In doing so, those students receive legitimacy for their research and later work, which is particularly important as many of them may go on to work in their home country’s public or private sectors. It also allows states to direct the type and nature of postgraduate research being undertaken within those universities, as many of the students writing dissertations will focus on their home state. Certain states also use their influence to provide capital funding for research centres or institutes, which influences the independence of their research and work. There has also been increased surveillance of students and academics at home and abroad, particularly from China but also from other repressive regimes¹⁹⁷.

4.3 Initiatives led by China

The following three initiatives have been spearheaded by China, although other countries have joined in.

One initiative is **rights-free development**. The changing narratives from human rights to development are part of the shift from obligations on states to protecting state sovereignty. This has been advanced within human rights bodies and mechanisms, being complemented by development activities and initiatives, particularly financed and spearheaded by China, that explicitly do not require rights compliance or implementation. This is in direct contrast with development and aid from Global North countries and from multilateral institutions that have adopted standards and safeguards on human rights issues. In 2011,

¹⁹³ R. Freedman and R. Houghton, [‘Two Steps Forward, One Step Back: Politicisation of the Human Rights Council’](#), *Human Rights Law Review*, Vol 17, No 4, 2017, pp. 753-769.

¹⁹⁴ R. S. Inboden, [‘China at the UN: Choking Civil Society’](#), *Journal of Democracy*, Vol 32, No 3, 2021, pp. 124-135; Human Rights Watch, [The Costs of International Advocacy: China’s Interference in United Nations Human Rights Mechanisms](#), New York, 2017.

¹⁹⁵ R. Synovitz, [‘Attack of the GONGOs: Government Organized NGOs Attack Warsaw Meeting’](#), *Radio Free Europe/Radio Liberty*, Features, 30 September 2019.

¹⁹⁶ C. Walker, [‘What Is ‘Sharp Power’?’](#), *Journal of Democracy*, Vol 29, Issue 3, 2018, pp. 9-23.

¹⁹⁷ For more information, see for example, S. Furstenberg, T. Prelec, J. Heathershaw, [‘The Internationalization of Universities and the Repression of Academic Freedom’](#), *Freedom House*, Special Report, 2020; International Center for Non-for-Profit Law, [‘Academic Freedom and the Freedom of Opinion and Expression’](#), 30 April 2020; Human Rights Watch, [‘China: Government threats to academic freedom abroad’](#), 21 March 2019; T. Swanston, [‘Drew Pavlou, critic of University of Queensland’s links to Chinese Government bodies, suspended for two years’](#), *ABC News (Australia)*, 29 May 2020; W. Knight, [‘MIT cuts ties with a Chinese AI firm amid human rights concerns’](#), *Wired*, 21 April 2020; S. Richardson, [‘The Chinese Government Cannot Be Allowed to Undermine Academic Freedom’](#), *Human Rights Watch*, 8 November 2019; Human Rights Watch, [‘Resisting Chinese Government Efforts to Undermine Academic Freedom Abroad: A Code of Conduct for Colleges, Universities, and Academic Institutions Worldwide’](#), 19 March 2021.

the UN endorsed the Guiding Principles on Business and Human Rights. Rights-free development is also in contrast with the 2030 Agenda for Sustainable Development, which is an inclusive agenda that integrates human rights and rule of law within the specific sustainable development goals and across the overall agenda.

As Sophie Richardson highlighted, 'Taken together, these emerging global norms should have afforded Beijing a template to pursue development with a clear respect for human rights'¹⁹⁸, but China's development banks and its BRI do not do so. BRI initiatives are 'no strings' loans. It is a USD trillion infrastructure and investment programme that often finances projects in countries that do not have access to alternative investors. As such, this has secured China considerable goodwill among developing countries. By ignoring human rights and environmental standards, BRI initiatives have the effect of bolstering authoritarianism¹⁹⁹, leading to considerable human rights violations in some projects financed and constructed by Chinese state-owned banks and companies²⁰⁰. In 2021 China took another step in its plan for global development by creating and promoting the Global Development Initiative²⁰¹. This has been critiqued as not being 'as innocent as it seems'²⁰², and has been noted by some observers as being another attempt 'to break Western hegemony over global human-rights governance'²⁰³.

In these ways, China has financial and political leverage for support – including votes – for its agendas in international organisations and multilateral institutions. Recipient states are silent or even supportive of China's domestic human rights record, also supporting China's pernicious and retractionist agendas on human rights. One clear example is Pakistan, a major BRI recipient that remains silent about China's violations of Muslims in Xinjiang (see above). The USA and the EU have taken some steps to counter China's BRI but these have not been sufficient to address the ways in which China is using the initiative to create coercive economic and political alliances, whilst at the same time advancing Chinese hegemony.

Another key initiative led by China is called **win-win/mutually beneficial cooperation**. This was started by China in 2015 at the UNGA²⁰⁴. China began to advance it visibly in human rights bodies in 2018. In 2020 the HRC adopted a resolution, proposed by China, on 'mutually beneficial cooperation'²⁰⁵ with a vote of 23 in favour, 16 against and 8 abstentions. This resolution signalled the culmination of China's efforts at the Council to advance state sovereignty and undermine accountability for human rights violations, while the resolution foregrounds 'constructive' dialogue and technical cooperation to promote human rights.

The 2018 resolution proposed a 'win-win' for states by replacing the idea of holding them accountable for violations and instead implementing a commitment to dialogue about human rights. Crucially, China also sought to remove civil society from Council proceedings and activities (discussed, more broadly, below). At the time there was little opposition to the initiative with only the USA voting against that resolution.

The 2020 resolution went further, as Sophie Richardson argued, it 'repositions international human rights law as a matter of state-to-state relations' and completely ignores states' legal responsibilities to protect

¹⁹⁸ S. Richardson, '[China's influence on the global human rights system](#)', *Brookings Institute*, September 2020.

¹⁹⁹ S. Richardson and H. Williamson, '[China: One belt, one road, lots of obligations](#)', *Human Rights Watch*, 12 May 2017.

²⁰⁰ See, for example, Human Rights Watch, '["We're Leaving Everything Behind": The Impact of Guinea's Souapiti Dam on Displaced Communities](#)', 16 April 2020; and also N. Deo and A. Bhandari, '[The intensifying backlash against BRI](#)', *Gateway House*, 31 May 31 2018.

²⁰¹ The Lowy Institute, '[Unpacking China's Global Development Initiative](#)', *The Interpreter*, 1 August 2022.

²⁰² The Economist, '[China's Global Development Initiative is not as innocent as it sounds](#)', 9 June 2022.

²⁰³ J. Lemoine and Y. Gaafar, '[There's more to China's new Global Development Initiative than meets the eye](#)', *The Atlantic Council*, 18 August 2022.

²⁰⁴ Ministry of Foreign Affairs of the People's Republic of China, '[Statement by H.E. Xi Jinping: Working Together to Forge a New Partnership of Win-win Cooperation and Create a Community of Shared Future for Mankind](#)', General Debate of the 70th Session of the UNGA, New York, 28 September 2015.

²⁰⁵ HRC, 'Promoting mutually beneficial cooperation in the field of human rights: resolution / adopted by the Human Rights Council on 22 June 2020', UN Document, A/HRC/RES/43/21, 2 July 2020.

human rights. The resolution treats human rights as subject to negotiation and compromise²⁰⁶. China claims that the initiative is intended to address human rights being used to interfere in other countries' internal affairs, 'poisoning the global atmosphere of human rights governance'²⁰⁷. Instead, China insists that it intends the initiative to begin 'the construction of a new type of international relations' on human rights²⁰⁸.

China's aggressive foreign policy on undermining human rights also includes the **South-South Forum on Human Rights**, created in 2017, which holds bi-annual meetings with officials, representatives and experts from developing countries and international organisations. This initiative builds on the development and economic initiative of South-South Cooperation. However, unlike said Cooperation which seeks to advance development, the South-South Forum seeks to undermine rather than advance human rights. At its first meeting, this body passed a Beijing Declaration on human rights, reflecting China's vision for human rights governance, and the Chinese foreign minister advocated diversity and localisation, claiming China had 'blazed an oriental pathway toward modernization'²⁰⁹. The 2021 meeting platformed a range of speakers that set out and championed the same positions that China has taken on human rights²¹⁰.

China views human rights as separate from state obligations to protect individuals from abuse. This position was set out by Tom Zwart, a professor at Utrecht University who came under criticism for taking money from China to conduct human rights research and whose research was questioned in terms of its independence²¹¹. Zwart argued at the forum that human rights have been a 'liberal social engineering project'²¹². China also rejects the concept of universality, insisting instead that human rights are government policies and that every country should be able to define and implement in their own way. Speakers at the forum – which included academics, mostly from China, diplomats and former politicians – foregrounded economic development and welfare policies over universal human rights, with some insisting that collective rights are more important than individual rights and that CPRs should be restricted if needed for the collective interest. Other speakers deployed post-colonial approaches to human rights. From the discussions at the forum, it appears that China is seeking to use its human rights narratives to create centralised global regulation on human rights that would shift the legal obligations for human rights away from the state and onto the global community.

4.4 Motives for advancing competing human rights narratives

It is one thing to understand and explore the tactics deployed by states and blocs seeking to push back on human rights, for instance by advancing their competing human rights narratives and national agendas. However, it is quite another to ascribe motivations to those states. Certainly, each state will have different motivations for doing so, even if there are some similarities between the motivations of some states. There are some clear themes and objectives, though, that emerge:

- **Some states seek to advance competing human rights narratives to block scrutiny of some or all of their human rights record.** For some, this means advancing and engaging with specific types of rights or mechanisms in order to shield themselves from criticism for not engaging with other

²⁰⁶ S. Richardson, '[China's influence on the global human rights system](#)', *Brookings Institute*, September 2020.

²⁰⁷ OHCHR, '[China's Reply to the Questionnaire of the Human Rights Council Advisory Committee on the Role of Technical Assistance and Capacity Building in Fostering Mutually Beneficial Cooperation](#)', August 2019, p.2.

²⁰⁸ OHCHR, '[China's Reply to the Questionnaire of the Human Rights Council Advisory Committee on the Role of Technical Assistance and Capacity Building in Fostering Mutually Beneficial Cooperation](#)', August 2019, p.1.

²⁰⁹ H.E. Wang Yi, '[Advance the Global Human Rights Cause and Build a Community with a Shared Future for Mankind](#)', Speech at the opening ceremony of the first South-South human rights forum, Beijing, 7 December 2017.

²¹⁰ For more on the specific talks given and the speakers' biographies, see L. Guangjin and Z. Wei, (eds.), *The South-South Dialogue on Human Rights*, Chinese Perspectives on Human Rights and Good Governance, Vol 6, Brill, Leiden, 2021.

²¹¹ HOP and R. Agterberg, '[UU professor under fire after decision from Vrije Universiteit about China](#)', *DUB University of Utrecht*, 26 January 2022.

²¹² EU Political Report, '[Counter China's Devious Human Rights Propaganda](#)', January 2022.

rights. For example, sponsoring and engaging with mandates and mechanisms on ESCRs and using that to deflect attention away from their grave abuses of CPRs.

- Other states seek to advance competing human rights narratives as **a method for avoiding scrutiny of human rights abuses altogether**. This involves prioritising state sovereignty over human rights and thus using sovereignty as a method of avoiding legal obligations. This is particularly the case for those states that advance rights-free development (rather than development as a human right and an enabling environment) as an alternative to international human rights law.
- Another motivation for some states advancing competing human rights narratives is **to avoid specific human rights obligations, particularly toward minorities**, by advancing cultural relativist arguments. This allows them to justify or excuse human rights violations by claiming that they are not legally bound to implement those obligations.
- Some states advance alternative human rights narratives **to have greater representation of their own domestic human rights ideologies**, particularly on collective or Third Generation rights, which are foregrounded in the African regional human rights system but are still emerging in the international human rights system.
- For other states, **some of these rights are framed as seeking justice for colonial harms, with those states taking forward that discourse by advancing rights to international solidarity or to an equitable and democratic order**. These rights are then used by some regimes as a cover or excuse for their failures to protect and promote human rights domestically. For example, Cuba promotes the narrative that there is a global responsibility to redistribute wealth so that lesser developed states would be able to implement their human rights obligations.
- Opposing **human rights narratives may also be advanced or supported by states that have political or economic alliances or ties with more powerful proponents** of those narratives. Such support may be an overt or tacit condition of 'weaker' states having relationships with more 'powerful' countries.
- States may also advance competing **human rights narratives at international level to appeal to domestic or regional audiences**, particularly on issues relating to (neo)colonialism, history, culture and/or religion. This is particularly true for some former colonial countries and states (e.g., Pakistan or Egypt, see sections 2.1 and 2.2). But some governments, **advocating alternative human rights narratives do so despite domestic populations not supporting those positions**. Autocratic regimes in particular, leave domestic populations with limited opportunity to challenge the government's positions on human rights, and the rollback on civil society organisations in electoral autocracies significantly contributes to this.

5 The way forward for the EU's external policy response

This Section will focus on external policy responses that the EU could apply *vis-à-vis* different actors and counter different types of narratives. A pragmatic approach is applied here, considering what can realistically be achieved in practice rather than offering theoretical solutions. It is important to note that strategies have already been deployed, with varying degrees of success.

In general terms, human rights narratives are advanced through a pendulum movement. In other words, as progressive agendas move forward, so competing retractionist or pernicious narratives are promoted to counter such progress. This can be seen in detail from the case studies in Section 2 and the tactics deployed by states promoting competing human rights narratives, such as those discussed in Section 3.

The current strategies deployed by the EU are not fully sufficient to counter the opposing human rights narratives that challenge or undermine priorities set out in the EU Action Plan on Human Rights and

Democracy 2020-2024²¹³. It is important to emphasise here that there are no ‘magic bullets’ available but rather a mixture of pragmatism and principle that should be applied to progressively promote human rights and counter competing human rights narratives.

One state’s ability to affect change in another is very limited unless there is significant coercion, a major transformational change in the country or a desire and request for assistance. States and blocs tend to think that they have more influence than they do. This is important to understand because expectations ought always to be limited, especially with stronger countries or those that have powerful allies.

The EU should be careful not to dismiss these countries as being a group of authoritarian regimes that hate human rights. There is a *zeitgeist* of states that are trying to secure and maintain independence in a global order where state sovereignty is increasingly crumbling. Those countries insist that the EU – which many view as being tantamount to European colonial powers – is still trying to dominate and preach to them rather than viewing them as equals. This is where China’s win-win cooperation and rights-free development steps in, using the language of respecting incumbent governments, treating them as equals and providing mutual help. Of course, those narratives are not valid but the difficulty for the EU is that, unlike China, it is committed to human rights as a progressive ideology so cannot simply bring *realpolitik* into its dealings with other states on this issue.

5.1 Engaging with relevant emerging human rights

The changes brought about by globalisation, climate change and other developments over recent decades have demonstrated the need for some of the collective rights and/or enabling environments (discussed in sections 1.3 and 2.3) to be protected and promoted for the achievement of all human rights. This needs to be done in a progressive manner rather than through the pernicious politicisation of those rights. The EU should play a strong role in the progressive development of those TGRs. To do so, it will need to revisit its human rights priorities, identifying TGRs that it is willing and able to support, particularly initiatives to create binding legal obligations on human rights and the environment, human rights and development, and human rights and transnational corporations. Engaging with those initiatives and mechanisms will enable the EU to have influence over how they develop²¹⁴.

Currently, the EU’s limited engagement with or negative positions on specific mechanisms and developments – such as new mandates or draft treaties – on TGRs relating to the environment, development and transnational corporations have negatively impacted relations with some countries that seek to advance those rights for progressive reasons. Moreover, the EU’s reluctance to engage with those mechanisms and initiatives in a constructive manner or to seek to advance progressive rights, feeds into negative and false narratives (discussed in Section 3) about WEOG countries, advanced, among others, by the LMG, China and Russia. Engaging with those initiatives and mechanisms will show compromise and willingness to those states with which the EU wants to engage more and to build alliances on human rights.

1. **The EU should identify specific newer rights or enabling environments that it will support and help to develop given the increased focus on and support for TGRs at the global level.** Prioritising human rights and the environment, development and/or transnational corporations will be key to continuing to protect all human rights globally.
2. **The EU ought to seize the opportunities to emphasise and ensure that individual human rights are foregrounded in all of those areas when engaging with TGRs/enabling environments.** This is a key opportunity to counter the attempts by some LMG states to fragment human rights and instead

²¹³ [EU Action Plan on Human Rights and Democracy 2020-2024](#), 19 November 2020.

²¹⁴ It is important to emphasise that this does not mean that the EU should engage with initiatives that conflict with its stances on human rights or that are aimed at undermining the international human rights system, for example those being advanced by Cuba on international solidarity or on an equitable and democratic order.

will enable the EU to continue to emphasise the indivisibility, interdependence and interrelatedness of all human rights.

Engaging in this manner will also demonstrate the Union's willingness to recognise the plurality of the global order and in doing so help to counter the narrative that the EU takes a neo-colonial approach to human rights. Responding in this way to inequality, economic insecurity, and environmental impacts of climate change – in particular in poorer countries of the Global South – will help the EU to combat the narratives advanced by populist and/or illiberal regimes and alliances. However, ignoring or opposing these key TGRs feeds into the hands of those states that seek to undermine the international human rights system.

5.2 Tackling China's narrative on human rights

A key issue is how to specifically deal with China's narrative on human rights and, more generally, its assault on the international human rights system. It is crucial to address this before turning to thematic recommendations in this Section. On the one hand, we cannot ignore or wish away China's hard and soft power. At the same time, China is doing very little that could be considered new in terms of its ultimate objectives, despite some fresh initiatives in recent years. It is certainly consistent in using post-colonial critique deployed by developing countries that human rights are a neo-colonial tool of oppression. Parts of the developing world view China as a comfortable and natural ally because it insists that state sovereignty is prioritised over all matters including human rights, even though other governments are committed to human rights while also accepting financial assistance or loans from China. The assistance given by China does not come with conditions on how states should govern, which may make that aid more attractive to some autocratic or illiberal regimes but not necessarily to those that want to progress on domestic human rights protection and promotion.

China is increasingly powerful and by way of anti-democratic rhetoric adopts a persuasive narrative about colonialism, 'Western' domination and hegemony, insisting that human rights and democracy are neo-colonial tools used to subjugate Global South countries. For some regimes, that narrative resonates positively, particularly given the accusations of EU hypocrisy on human rights relating to migration, some members' arms sales (although the EU has taken action on this in recent years²¹⁵) or military interventions in the Middle East, which have been instrumentalised by China in its human rights narrative. The EU has not taken enough steps to counter that narrative over the past decade and has not taken sufficient action against China for its grave human rights abuses, despite condemning them in some fora. In many ways, the Union has seemingly adopted an approach which suggests that sanctions against China were not needed for human rights violations and that building up trade with the country would allow market forces to increase the need for human rights. That approach has clearly not worked and consequently, a new strategy now needs to be adopted, which forms the basis for this second set of recommendations:

1. **The EU should create and lead a coalition of states and other actors that track and respond to China's human rights threats.** Within UN human rights bodies this means nominating and supporting independent experts for Special Procedures mandates, Treaty Body seats and other key human rights positions. Over recent years there has been a significant increase in the number of individuals from China being nominated and/or appointed to these mandates and positions²¹⁶. This is key to countering China's soft power in the international human rights system²¹⁷.

²¹⁵ O. Tugrul Cam, '[EU Parliament calls for ban on arms sale to Saudi, UAE](#)', *Anadolu Agency*, 11 February 2021.

²¹⁶ For example, currently members from China sit on the UN Committee Against Torture, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and in the most recent round of Special Procedures appointments (March session of the HRC) there were 11 nominations for independent experts from China for the 10 mandates open for appointments.

²¹⁷ See, for example, T. Piccone, '[China's long game on human rights at the United Nations](#)', *Brooking Institute*, Report, 7 September 2018.

2. **At the international level the EU should publicly challenge China when it threatens the notions of the universality and indivisibility of human rights** and clearly name the abuses which are occurring in China. While there have been some positive steps – including condemning human rights violations in 2022 in response to the OHCHR report on China – the EU ought to be leading those to challenge China’s abuses.
3. **The EU ought to prioritise countering China’s win-win/mutually beneficial cooperation agenda promoted within the UN** and other fora. The EU should shine a spotlight on the nefarious objectives at the heart of the win-win agenda. This is crucial for ensuring that human rights obligations remain binding upon states and continue to provide a counterbalance for the weak individual against the powerful state. The EU should sponsor a resolution calling for a panel discussion and an Advisory committee report on this topic at the HRC to expose the pernicious agenda of this initiative.
4. **The EU ought to reflect upon how to make space for frank discussions with China about human rights.** This must go beyond a human rights dialogue or talks in Geneva. This could include funding and organising spaces for academics to work together. For instance, through diplomatic meetings, expert human rights dialogues and retreats bringing together relevant stakeholders, or other similar fora in which frank – and, perhaps, confidential – discussions can take place between experts, diplomats, academics and other relevant stakeholders including civil society (whether or not in exile) and other interlocutors.
5. **At the bilateral level, governments should both use their individual and joint power to expose the human rights and financial implications of BRI partnerships,** so that countries can make informed decisions about whether to enter or reject these development projects. This may require information on those implications to be provided by EU member states to their delegates, diplomats or envoys in advance of those bilateral discussions.
6. **At the national level of EU Member States, the EU should provide alternatives to the academic scholarships, training and aid for human rights teaching and research** offered by China. This would build upon the European Research Council, Global Gateway, Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI – Global Europe) and Erasmus+ and would focus specifically on human rights teaching and research. Doing this will ensure that universities, research facilities and related actors (e.g., think tanks) are better able to find alternative funding sources for human rights topics rather than legitimising China’s narratives and soft power by accepting their financial support for these activities.
7. **At the national level, within states’ public universities, guidance must be provided for scrutiny and accountability for institutions accepting money from China for research on human rights.** This includes guidance for universities about China’s government-sponsored scholarships for students and funding from China for research centres or programmes on human rights. The EU should consider whether a ban is appropriate along the lines of bans on Chinese institutes in the UK and US universities.
8. **At the national level, states must support universities to ensure that all students and academics, when on campus, enjoy the freedom of expression and freedom of assembly without fear** or threat of monitoring or reprisals by China.
9. **At the national level, governments must track and address threats to current or former Chinese citizens living abroad and/or their families who remain in China.** This has been done to a limited degree within the USA over recent years. Accountability must be pursued through the use of legal and political mechanisms, including targeted sanctions.

10. **At all levels, the EU must condemn attacks on human rights defenders and organisations by China and must offer targeted support for such actors** including support for refuge, finance and security (both in offline and online spaces).

5.3 Harness partnerships where the EU has leverage

The EU has been most successful in helping states who have decided of their own accord, for whatever reason (change in governments, post-conflict, etc.), to reform, introduce or restructure new mechanisms, legislation and/or constitutions in line with international human rights standards. The EU is particularly strong at supporting those states, especially within the Eastern European neighbourhood, although this is not always successful and has sometimes been impacted by changing governments, conflicts, and populism. When states seek EU membership or closer ties (such as Moldova, Turkey, Ukraine, etc.) it gives the EU different forms of purchase and leverage for structural changes in governance. This leads to the following set of recommendations:

1. **The EU should focus even greater efforts on human rights with Eastern European states** given the purchase that it has with countries seeking membership and/or close ties with the EU. The EU should place more emphasis on capacity-building and monitoring, as well as insisting on concrete commitments by those countries to build and maintain progressive alliances bilaterally and within multilateral institutions.
2. **The EU should create stronger human rights alliances beyond the Eastern European neighbourhood and move towards Asia, as well as the Middle East and North African region**, making clear that the states seeking closer relationships with the EU will be expected to join alliances and activities for progressively advancing human rights within regional and international fora.
3. **The EU might consider creating a forum with states with which it has alliances, using such a space to counterbalance the South-South Human Rights Forum.**
4. **The EU needs to be agile, clever, sensitive and pragmatic in terms of reaching into countries outside of its own orbit that open up to human rights and are receptive to supporting it through technical assistance and capacity building.** This requires research, contact and the ability to be flexible in considering the needs of those states.

5.4 Building broader alliances

As has been shown in previous Sections, alliances (particularly ones across regions or political blocs) are key for promoting a progressive human rights agenda and to counter alternative human rights narratives:

1. **The EU should identify opportunities to engage with states outside of formal human rights systems.** For example, the Sustainable Development Goals and Agenda 2030 integrate human rights, have relatively uncontroversial goals and set clear milestones. EU leadership on the implementation and realisation of the SDGs would ensure steps forward on human rights and would counter the narrative of rights-free development.²¹⁸
2. **The EU should create strategies for working with new or emerging regional and political organisations to ensure that all dimensions of human rights are foregrounded and centred in their work.** This includes the organisations spearheaded by China and Russia (set out in Section 3) and seeking to identify states members of those organisations that share common values or objectives on progressing human rights.

²¹⁸ See, generally, this recent study on the EU and the SDGs: K. Shulla and W. Leal Filho, '[Achieving the UN Agenda 2030: Overall actions for the successful implementation of the Sustainable Development Goals before and after the 2030 deadline](#)', Policy Department for External Relations, European Parliament, PE 702.576, 2023.

3. **At the international level, the EU should spearhead cross-regional alliances to focus efforts on exposing sham and government-sponsored NGOs accredited to the UN and to work on changing the Economic and Social Council accreditation committee and process to provide a fairer and more transparent system.** This will also provide a way to counter those LMG states that have dominated that committee and used it to block legitimate NGOs that they oppose (e.g., India blocking the International Dalit Solidarity Network for 15 years²¹⁹).
4. **At the international level and particularly within the UN, the EU should focus on building more and stronger alliances with countries from the Global South that share common values on human rights.** Those alliances – as occurred in relation to the SOGI mandate, detailed in Section 2 – can be harnessed to counter the retractionist or pernicious politicisation within human rights bodies, and to advance progressive agendas on human rights.
5. **At the national level, the EU should explore more pathways to engage with and support civil society in ‘not free’ or ‘partly free’ societies, including Cuba, China, Egypt and Russia together with the diasporic communities supporting those organisations.** Supporting and protecting those civil society actors is key to ensuring partners and allies on the ground within those countries that can challenge both the regimes that are inimical to human rights and the opposing narratives that those regimes seek to advance internationally on behalf of those states.
6. **The EU ought to seek links with new interlocutors in the private sector.** For example, the EU should emphasise human rights-based decarbonisation when working with energy companies and other related actors. It is important to include the private sector in the human rights campaign. Just as there is a need to implement human rights within businesses, so too can the private sector become a vector for human rights narratives. Companies and corporations also have significant roles to play in rejecting competing retractionist or pernicious human rights narratives..

5.5 Strengthening the credibility and legitimacy of the EU’s own narrative: put human rights up front in external action

The EU was successful in the 1990s and early 2000s in terms of rolling out human rights programmes in many countries. It did so by supporting states that sought to implement human rights and democracy through projects, resources and technical assistance. Success stories include women’s rights, marshalling transition in central Europe and human rights oriented reforms across the African continent. The geopolitical changes in those places are significant and there will be even more changes in future due to the economic and food crises.

As has been seen, countries frequently have a disconnect between national and international objectives on human rights. For example, as discussed in Section 2, South Africa has SOGI rights enshrined in its constitution but came under regional and political pressure to withdraw its leadership on advancing SOGI rights at the HRC. On the flip side, countries such as Egypt, India and Pakistan claim at the international level to prioritise ESCRs but at the national level do not implement principles such as non-discrimination and accountability that are fundamental to those rights. This leads to the next set of recommendations:

1. **The EU should prioritise human rights in its dealings with countries. Human rights dialogues are meaningless unless the EU makes clear that human rights are the main priority in all of its affairs** (including trade, see below). To that end, the EU should reflect on the role of the Special Representative for Human Rights and find further ways to involve them and integrate that mandate across all dealings with third party countries or non-state actors. In this way, the EU would ensure

²¹⁹ International Service for Human Rights, ‘UN finally grants access to Dalit rights organisation blocked for a record 15 years’, 7 December 2022.

that human rights are foregrounded within all of its affairs and that third parties understand that the EU does not offer 'rights free' relationships.

2. **The threat of sanctions against states has been less effective over recent years²²⁰ and hence there ought to be more coordination amongst 'Western' regimes about sanctions policies and the use of those sanctions.**
3. **The EU ought to continue its human rights programmes at national levels and continue the implementation of the rights-based approach to development** that it has adopted since 2014²²¹. Given the EU's strong lead on human rights and democracy since the end of the Cold War, pushback on those advances and the upcoming changes owing to the global economic and food crisis, it is crucial that the EU makes a human rights approach to development a reality. This should include engaging with and showing a commitment to the international mechanisms and initiatives as set out in the above section 5.1.
4. **The EU must ensure coherence regarding human rights in its trade policies and practices**, demonstrating that its commitment to human rights is in reality streamlined and foregrounded across all of its activities.

5.6 Strategic communication

Strategic communication to counter competing human rights narratives needs to occur in online and offline spaces. There is a need for the EU and Member States to improve the use of strategic communication channels and tools to counter those competing narratives, including by better communicating the EU's approach to human rights, based on the UDHR and national commitments; debunking narratives about 'Western' ideologies; and promoting ESCRs and a rights-based approach to development. Additionally, the EU might envisage exploring pathways to support countries and societies to counter specific information manipulation in the area of human rights by foreign actors, such as China and Russia. This leads to the next set of recommendations:

1. **The EU ought to establish methodological frameworks that address competing human narratives and models, while also aiding StratCom in broadening its geographical focus** beyond the Eastern Neighbourhood, Western Balkans, and MENA.
2. **The EU ought to put special emphasis on competing human rights narratives and models** when working with human rights divisions of social media companies.
3. **The EU should work more closely with the Global Campus of Human Rights and other human rights experts and students across EU academics networks of human rights**, to understand narratives challenges and develop appropriate response strategies.

5.7 Listening and consulting

Alongside collaborating with businesses and other similar entities, the EU should work more closely with civil society organisations around the world. Countering human rights narratives means garnering support from a broad group, including: academia (training next generations of leaders within the countries concerned); religion and faith groups; National Human Rights Institutions; scholarly societies; youth networks; and various coalitions. This is crucial for finding ways forward to promote and protect human rights, whilst at the same time heeding early warning systems aimed at preventing atrocities.

²²⁰ Although, the EU has developed new types of sanctions that target individuals.

²²¹ Council of the European Union, '[Council conclusions on a rights-based approach to development cooperation, encompassing all human rights](#)', Foreign Affairs (Development) Council Meeting, Brussels, 19 May 2014.

While the EU is already doing a lot in supporting and financing civil society in partner countries, there is often an accusation that the Union is not really consulting them on the countries' priorities and societies' needs. This is a crucial process to build partnerships and understand better where some governments' human rights narratives come from as well as where and to what extent partner governments' narratives resonate. Listening to and consulting with civil society and social movements at local levels is key to affecting change on the ground and is as – if not more – important than funding large international NGOs that lack the local knowledge or legitimacy of issues on the ground in specific countries.

1. **The EU should commit to strengthening networks, programmes and bilateral meetings with civil society organisations in countries that are advancing competing human rights narratives. The Union should listen to and learn from them when designing national programmes and international priorities** to counter the governments' narratives.
2. **The EU will need to ensure that there are clear lines of communication between those working on specific countries and regions within the EU and Member States (including EU institutions, Member States' governments and embassies) and those who are working on human rights at international fora (within diplomatic delegations).** The consultations with local civil society can thus inform the work in international fora, allow to put pressure on and create publicity about states that are advancing competing human rights narratives. It will also enable the EU and Member States to have a clearer understanding of the disconnect in some states between national and international human rights objectives and priorities.
3. **The Commission should authorise a study on how best to consult with civil society organisations, including ones which it already works with and funds at grassroots and local levels to protect and promote human rights, and also including new potential interlocutors.** This involves understanding newer forms of civil society such as youth movements, self-help networks and online activism, empowering and supporting them, as well as enabling capacity building and knowledge exchange.
4. **The EU should build on its programmes to empower civil society actors²²² and include a specific focus on supporting those actors to engage with UN human rights mechanisms such as treaty bodies, special procedures mandate holders and the UPR.** Raising awareness and knowledge of those mechanisms will increase engagement with them and ultimately increase human rights knowledge, fact-finding as well as information-sharing. All of these are crucial for civil society to lobby governments for effective political change on human rights issues.

²²² European Commission, '[Executive Summary Thematic Programme on Human Rights and Democracy Multi-Annual Indicative Programming 2021-2027](#)', Directorate-General for International Partnerships, 2021.

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