



Action on Child
Early and Forced Marriage

10th Anniversary of the Human Rights Council

Screening of film 'Sonita' and discussion on child marriage

18.30-21.00, Thursday 16 June 2016,
Auditorium Ivan Pictet, Graduate Institute Geneva



Report by Action on Child, Early & Forced Marriage (ACE&FM)

July 2016

Film screening of 'Sonita' and debate on child marriage

To mark the 10th Anniversary of the Human Rights Council (HRC), a screening of the film 'Sonita' followed by a debate on child marriage was jointly organized by the Swiss Federal Department of Foreign Affairs, the International Film Festival and Forum on Human Rights and the Graduate Institute of International and Development Studies, Geneva.

This report by Action on Child, Early and Forced Marriage (ACE&FM) summarises the event, presents audience feedback on the film and provides some reflections on the Human Rights Council (HRC) on its 10th Anniversary.

The event took place on Thursday, 16 June 2016, 18.30-21.00, at the Graduate Institute, Geneva, bringing together around 250 individuals from diverse backgrounds and organizations including UN specialised agencies, Permanent Missions, university students, researchers, business professionals, human rights specialists, journalists, film industry representatives, retirees, alumni, women's and human rights-based organizations, NGOs and members of the public.

The panellists and moderator for the child marriage debate featured:

- **Dubravka Šimonović**, United Nations Special Rapporteur on violence against women, its causes and consequences;
- **Mohinder Watson**, Founder, Action on Child, Early and Forced Marriage and a Geneva UN Representative for the International Alliance of Women;
- **Andrea Bianchi**, Professor of International Law, the Graduate Institute, Geneva.

To open the evening, a warm welcome was extended to the audience by representatives of the organizers of the event:

- Jacqueline Coté, Public Relations Director at the Graduate Institute, Geneva (below left)
- Barbara Fontana, Counsellor, Head of Human Rights, Permanent Mission of Switzerland to the United Nations in Geneva (below centre)
- Isabelle Gattiker, General and Artistic Director, the International Film Festival and Forum on Human Rights, Geneva (below right)



Photographs by Christiane Haab and Bénédicte Chatelard

Panel discussion on child marriage

The panel moderator, Andrea Bianchi, Professor of International Law at the Graduate Institute of International and Development Studies, welcomed and introduced the panellists and opened the discussion by asking them for their opinions on the film 'Sonita'. He said he had found the film very emotional but had been left with some unanswered questions, especially concerning the role of the Iranian film maker.



Mohinder Watson, Founder of Action on Child, Early and Forced Marriage (ACE&FM), said she had found the film uplifting and positive because it clearly demonstrated that dreams can be achieved, even in the most adverse of situations, if the self-belief and determination to succeed is there. She felt more girls needed to be offered the opportunity and environment to develop such self-confidence and that girls should not be afraid to demand change. Dubravka Šimonović, the UN Special Rapporteur on violence against women, its causes and consequences, commented that the film sent a powerful message of hope as Sonita had managed to avoid child marriage and to achieve her dream of becoming a successful rapper. However, she stressed that Sonita's situation was the exception rather than the norm; Sonita had been very fortunate to have been surrounded by supportive individuals who had recognized and nurtured her talents and helped her achieve her dream of becoming a world famous rapper. Unfortunately, she said, millions of girls around the world were less fortunate and, in addition to being coerced into child marriage, they also suffered other harmful traditional practices, such as female genital mutilation, which are forms of violence against women and a violation of their human rights.

Andrea Bianchi then asked Mohinder Watson to share her personal experience of escaping from a planned forced marriage as a teenager in the UK. Mohinder told her story from the age of around 15/16 when her family had started searching for a husband. They soon found a young man they felt was suitable and arranged the marriage on her behalf. Although Mohinder protested on many occasions about marrying her husband-to-be, whom she did not know, her protests were ignored. According to her family, she was just a child and didn't know what was best for her. She was told that her husband-to-be had a university education and owned his own home and therefore could offer her financial security. The turning point for Mohinder came when she suddenly realized that her family had started buying drinks and food in large quantities in preparation for her engagement party. Fortunately her family had

respected the UK law and waited until after she was 18 before planning the actual wedding ceremony. At that moment, she knew that she had to act quickly or she would be married off. So she told her family once again, but this time more forcefully, that she did not want to marry the man they had chosen for her. Her family's response was to give her an ultimatum - either marry the man they had chosen or leave home, never to return.

Reluctantly, she took the decision to leave home but fortunately she had a place at university and an educational grant to cover her tuition fees and living costs. For many years after leaving home, Mohinder kept a low profile because she feared for her safety, as she had been threatened by her brothers. Mohinder said that although for decades she felt anger at her family for rejecting her because she had refused to conform to their social norms, she realised that it was not entirely their fault; they believed they were protecting their family honour or 'izzat', which is extremely important in many Asian cultures, including her own Sikh community. She told the audience how her upbringing was designed to protect the family honour by minimizing her cultural contact with girls and boys from the English host country and their more liberal values. Her family did not want her to become 'contaminated' by 'western' values. She spoke of her double life, attending an English school where during the day she was just like the other children, but after school her life was very different. She had to dress differently, was not allowed to socialise with her friends, to attend extra-curricular school activities and clubs or to listen to Western music. She was expected to help in the family business and learn the skills needed to be a good wife, like cooking.

She shed light on the pivotal role played by the Sikh Gurdawara or temple, not only as a place of religious worship but also an important social meeting point for the community. It was the place where Sikh religious identity and masculine and feminine roles were constructed and reinforced, marriages arranged and performed, and where tradition was passed down from one generation to the next; hence she highlighted, the importance of involving religious leaders in any efforts to change norms around child, early and forced marriage.



The moderator, Andrea Bianchi, then asked the panellists to address the problem of fighting against child marriage, given its harmful impact. Dubravka Šimonović emphasized the importance of having a robust legal framework of international instruments and national laws which set universal standards and norms to protect individuals' human rights. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), and other instruments had set the minimum age of marriage at 18. She also stressed the need to focus on the elimination of harmful gender stereotypes (generalized views about the attributes and characteristics of a particular social group) of the role of women and girls in society. It was important to challenge gender stereotypes and go from just recognizing that they were an obstacle to

women's rights to actually implementing human rights obligations to address harmful stereotypes.

Mohinder agreed that national and international laws relating to child marriage sent out an important message on what was acceptable and what was not, but added that laws alone were insufficient without enforcement and that girls themselves must be the main agents of change, although men and boys also need to be engaged. Compulsory birth registration was an important element in protecting girls as was education in its wider sense (traditional schooling, human rights education, financial literacy, sexual and reproductive health and rights, informal education, vocational training, etc.). The ultimate aim was to empower girls and give them the necessary skills to enable them to make informed decisions about their own lives, to reach their full potential and to improve their livelihoods so that they can contribute to lifting their families out of poverty and to economic development. She also stressed the importance of understanding the different contexts in which child marriage occurs; what works in one region, country or context, may not guarantee success elsewhere. She added that marriage practices differed; whilst Sonita was an 'asset' and could be sold in Afghanistan, in her own Sikh community, girls were always seen as a liability as the family had to provide a dowry, which placed a heavy financial burden on them.

Questions and comments from the floor



Before the evening closed, the moderator took a few questions and comments from the floor. They included some interesting comments on the difficult role of women in places like Afghanistan. One member of the audience asked how international human rights law could be reconciled with the social, cultural and economic rights of minority groups to protect their own cultural heritage and traditions. The Special Rapporteur responded that whilst individuals' rights to cultural traditions were to be respected generally, they should not be used to undermine international laws designed to protect individual human rights and freedoms if such cultural practices were harmful. She emphasized that culture, tradition and heritage should not be protected at the expense of violating international standards of human rights. She insisted on the importance of challenging harmful gender stereotypes.

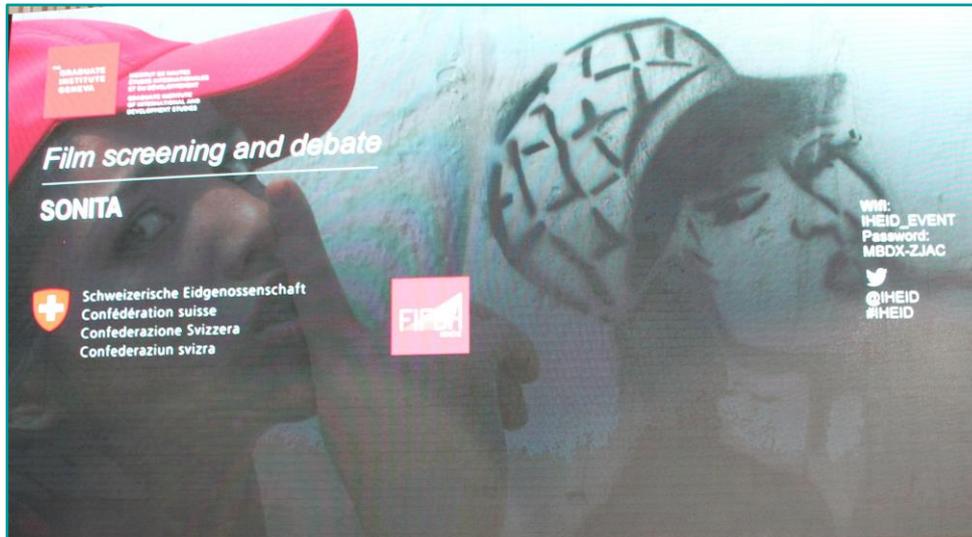
Another comment made was that Sonita's dream of being a rapper itself was based on a typical 'western stereotype' of a rapper, as Sonita was not singing in her native language nor in a traditional Afghan style of music. Mohinder Watson replied that the fact that Sonita was singing in a Western style of music did not mean that she had forgotten about her own culture and identity. In her own case, Mohinder added she still valued her Indian identity and

heritage despite being disowned by her family. She also mentioned that society and its stereotypes were changing and it was important that girls everywhere should be allowed to reach their full potential.

Conclusion

In conclusion, this panel provided a valuable platform to discuss the documentary film 'Sonita' as well as the broader issue of child marriage. Two different perspectives were shared - a personal perspective and the perspective of the UN human rights legal framework, including the important work of the Human Rights Council and the Special Procedures Branch to which Special Rapporteurs belong. The audience realized that child, early and forced marriage was not limited to places like Afghanistan, but also occurred in the developed world, in places such as the UK, Europe, the USA and Australia. Whilst the panellists agreed that the international human rights instruments were vital for protecting and promoting human rights, they also recognized that their enforcement needed strengthening. Key prevention tools for child marriage are strong human rights policy and frameworks, the empowerment of girls, compulsory birth registration, involvement of all stakeholders, education in all its wider forms, (traditional schooling, human rights education, financial literacy, sexual and reproductive health and rights, informal education, vocational training, etc.) as well as safer environments for girls to learn, work and live in. Sonita gives a powerful message of hope and is an inspirational role model, showing how modern social media, coupled with the drive and ambition of a disadvantaged young girl, can help change the world.

In closing, Professor Bianchi reminded everyone of the important milestone reached by the Human Rights Council on its 10th Anniversary and thanked the panellists, the audience and the organisers for a very successful evening.



What did the audience think about the film 'Sonita'?

A few members of the audience were asked to share their personal thoughts about the film. The comments below were received from men and women of different age groups and backgrounds.

1. *"'Sonita' is a moving and powerful movie which tells of Sonita's courage, determination and resourcefulness as she seeks to escape from the tradition of forced marriage. To the eyes of Westerners, the Afghan tradition of 'selling' daughters as brides (an asking price of \$9000 here) seems horrendous. Not only has the future bride nothing to say in the choice of her husband, but also this amounts to reducing a human being to a commodity that can be bought or sold according to the laws of the market. The fact that Sonita will be sold so that one of her brothers can buy his own wife is particularly appalling. The words spoken by Sonita in her rap performance constitute a magnificent example of the poetry of despair. The movie 'Sonita' is also a message of hope as it shows us that the younger generation, even in Afghanistan, can have access to the Internet, hence to the outside world, and through the use of the technological tools, can escape from a fate dictated by tradition."*

2. *"Attending the screening of 'Sonita' was an emotional experience for me. I was struck by the strength, drive and optimism that she displays at such a young age - an important reminder that women can and are actively changing cultural norms and expectations by simply following their passion and what they know is right for them."*

3. *"In Iran, life is a contrast of anxiety and happiness which is clearly portrayed throughout the film. Although the film shows a conservative Iran, it was also very powerful in depicting the individual endeavour of a teenage Muslim girl, despite the thousands of obstacles she faced. In a muted society like Iran or Afghanistan, where life is particularly difficult for women, 'Sonita' captures what it feels like to be part of a population where women are under control and under constant moral policing, as if the moral ethics and values of society were all solely dependent on safeguarding the woman's body. Despite their huge potential, women and girls seem to be kept under 24 hour surveillance. I noticed in the character of Sonita's teacher, her mother and the film maker, that the moral policing of women in these countries is part of a state-sponsored policy to suppress women. Lastly, the film offers an alternative image of girls' empowerment, which is, in fact, the main message of the film."*

4. *«J'ai réellement été impressionnée par cette jeune fille, toujours optimiste, sans démonstration d'émotion ou d'expression de tristesse sur son visage malgré les obstacles et les restrictions liées à l'environnement dans lequel elle vivait. Elle était vraiment déterminée à réussir un projet si atypique et difficile dans de telles circonstances. Elle a été très chanceuse car elle a reçu l'aide de tant de personnes, y compris le moyen de communiquer à distance avec sa famille. Ce fort soutien dont elle a bénéficié a certainement facilité son succès à développer un projet personnel pour vivre sa passion d'adolescente, en plus de sa forte motivation à atteindre son objectif.»*

5. *"I found the film to be a moving travelogue of Sonita's struggles to escape forced marriage and the cultural obligations surrounding it. It shed a light on the difficulty of balancing societal expectations and personal ambitions, especially in a region troubled by geopolitical and post-conflict tensions. I was surprised by the editing of the film, especially the end, as it seemed to trivialise the support that Sonita received from the outset for her story!"*
6. *"'Sonita' was an illuminating and very powerful film, highlighting the anomalies of a girl whose home country (Afghanistan) had ratified the CEDAW Convention but whose family expected her to enter into a child marriage, while the country to which she had migrated (Iran), had not signed CEDAW, but gave her far better support as a migrant. It also raises important ethical questions about how much a documentary film-maker should get involved in the lives of those (s)he is filming."*
7. *"Sonita - I was captivated by the strength of this young girl. For me, her use of rap as an outlet did not seem to me as her way of her turning her back on her own culture, but rather just her way of finding the right type of self-expression to express her anger and frustration in the most positive and artistic manner. I also think it was her way of showing that, as a woman, she could express herself in a style of music that was dominated by men; another way for her to break down gender-constructed roles set by society."*
8. *"The film screening of 'Sonita', and the discussion panel that followed, were powerful and eye-opening opportunities to learn about an alarming fact of our modern world. Although I knew that child, early and forced marriage still existed today, I did not know the variety of circumstances surrounding it. These are complex issues that require deep understanding and tenacity of those dedicated individuals, such as Mohinder Watson, who are determined to show there is another way forward."*
9. *"The film 'Sonita' helped identify the need for family education and the fight against abusive traditions. I was struck by the greed and ignorance of the mothers and brothers, individuals who should be protecting their daughters and sisters, but instead were promoting abuse for personal gain. I was abhorred by the family's excuses for their actions in selling their daughters and the sickening abuse of child marriage. It showed what culture had produced over time, a structure where life has been greatly devalued, especially female life."*

Comments on the child marriage panel discussion:

1. *"It was encouraging to see how the event attracted so many people. The Special Rapporteur brought the global spotlight on this matter and expressed her determination to fight by putting this issue on the international agenda. However, the most authentic and heart-rending moment of the evening was listening to Mohinder's first-hand account of being forced to marry, in a developed country, and how this shock tainted all family connections and perceptions of safety. Very moving. Very real."*
2. *«On entend généralement peu de choses sur ce sujet, mais le témoignage de Mohinder Watson que nous avons reçu était vraiment émouvant! Un discours plein de sensibilité, de pudeur et de finesse, combiné à une forte volonté de ne jamais abandonner en contournant tous les obstacles. Une force de caractère qui démontre qu'il est possible de se reconstruire un cadre de vie brillant, avec le désir intense de toujours aider les autres à créer leur propre destin. Et ce qui a été encore le plus frappant dans ce témoignage est la création d'une nouvelle vie sans pour autant renier ses origines, malgré le fait d'avoir vécu une telle expérience!»*
3. *"I had the pleasure of participating in the film screening of 'Sonita' and panel discussion. I was really moved by Mohinder Watson's personal experience of forced marriage, and most of all by the work she is doing to educate adolescent girls to be 'agents of change for human rights'. She described the importance of giving adolescents access to education, and the opportunity to participate in community projects, to develop self-esteem, leadership, and awareness, and to access information about their sexual and reproductive health and rights. She also spoke of the importance of involving boys and men. Overall, I wholeheartedly endorse her efforts in empowering young courageous girls to resist forced marriage, and I admire her fight for change and respect for human rights."*
4. *"I feel it was a useful event in showing the abusive situations surrounding child marriage. The 'Sonita' film screening and debate is a great start to bringing about awareness and offering holistic approaches to issues that are often overlooked, but are crucial in bringing about change."*

Speaker biographies

Dr Dubravka Šimonović, Special Rapporteur on violence against women, its causes and consequences

Dr Dubravka Šimonović holds a PhD in Family Law from the University of Zagreb and is the author of several books and articles on women's rights and violence against women. She was appointed as the United Nations Special Rapporteur on violence against women, its causes and consequences, in June 2015 by the UN Human Rights Council for an initial three years (maximum mandate being six years). Ms. Šimonović was a member of the CEDAW Committee from 2002-2014, and served as its Chairperson in 2007 and 2008, its Rapporteur from 2009 to 2011 and as the Chairperson of the Optional Protocol Working Group in 2011. She headed the Human Rights Department of the Ministry for Foreign Affairs of the Republic of Croatia and was posted as Minister Plenipotentiary of the Permanent Mission of Croatia to the United Nations in New York. At the regional level, she was Chair and Vice Chair of the Council of Europe's Task Force to combat violence against women, including domestic violence, in 2006 and 2007. Between 2008 and 2010, she co-chaired the Ad hoc Committee (CAHVIO) that elaborated the Convention on preventing and combating violence against women and domestic violence.

Dr Mohinder Watson, Founder, Action on Child, Early and Forced Marriage/ Geneva UN Representative, International Alliance of Women

Mohinder Watson is a research consultant, the Founder of a women's human rights NGO, Action on Child, Early and Forced Marriage, and a Geneva UN Representative for the International Alliance of Women (IAW), a coalition of 41 women's human rights organizations. She started her career in educational administration, working in several UK universities, until a move to Switzerland prompted a change to research. In her PhD, she developed novel internet-based research methods that were subsequently used for research into cancer, multiple sclerosis and anorexia. In recent years, she has combined her health and public health background with her interest in women's human rights. She is active on the Geneva NGO Committee on the Status of Women where she serves on the working group on violence against women and the working group on harmful traditional practices. She also serves on the International Alliance of Women's Commission on Violence against Women. She has spoken on child marriage at parallel side events during Human Rights Council sessions in Geneva and written about her personal experience. Her research interests include finding solutions to end child marriage in diaspora communities in developed countries as well as in developing countries.

Professor Andrea Bianchi, Professor of International Law, Graduate Institute, Geneva

Professor Andrea Bianchi is Head of the International Law Department, Advisory Faculty, and Programme for the Study of International Governance. He obtained his PhD from the University of Milan and has been a faculty member since 2002. Professor Bianchi was previously Full Professor at the Catholic University, Milan, and Associate Professor at the University of Parma and, until 2002, he was also Professorial Lecturer in International Law at the Bologna Centre of the Johns Hopkins University. His publications address topics that range from international human rights, international economic law, the law of jurisdiction and jurisdictional immunities to international environmental law, state responsibility and the law of treaties. Recently he has published works on international law and terrorism and on non-state actors. He is currently focusing on international law theory, with a special interest in normativity and law making processes. His areas of expertise include armed conflicts, violence, human rights, international and targeted sanctions, international courts and tribunals, international humanitarian law, international law (public and private), international organizations, the United Nations, military occupation, terrorism and crime.

About the event organizers

Federal Department of Foreign Affairs, (FDFA), Switzerland

The FDFA forms and coordinates Swiss foreign policy on behalf of the Federal Council, pursues foreign policy objectives, safeguards the interests of Switzerland and promotes Swiss values. The FDFA safeguards the foreign policy interests of Switzerland as set out in the Swiss Federal Constitution; the nation's independence, security and welfare are the top priorities. Swiss foreign policy, for its part, holds to the following values: help alleviate poverty and hardship in the world, respect human rights, promote democracy, promote the peaceful coexistence of peoples and conserve natural resources. For further information: <https://www.eda.admin.ch/eda/en/home.html>

Festival du Film et Forum International sur les Droits Humains, Geneva, Switzerland/The International Film Festival and Forum on Human Rights (FIFDH)

The FIFDH brings together filmmakers, human rights defenders, policymakers, media and citizens to denounce human rights violations - to promote and amplify strong voices, connect change makers and build public support for human rights in efforts to create change at the local, regional and global level. In March each year, to coincide with the UN Human Rights Council session, the FIFDH shows films and runs a forum where all topics can be openly discussed. <http://www.fifdh.org/site/en/home>

Graduate Institute of International and Development Studies, Geneva, Switzerland

The Graduate Institute of International and Development Studies is an independent, selective and cosmopolitan research and higher education institution dedicated to the study of world affairs. It offers postgraduate study programmes, produces high-level research and proposes executive education programmes to international professionals. It also provides expertise and enriches the public debate on the main challenges of today's world, in particular on issues such as trade and conflict. <http://graduateinstitute.ch/home.html>

10th Anniversary of the Human Rights Council

Reflections on the HRC and the need to protect civil society space

The film screening of 'Sonita' and the debate on child marriage was organised to mark the 10th Anniversary of the Human Rights Council (HRC). This anniversary provided an opportunity to reflect on the HRC's effectiveness as well as the challenges it faces. The HRC, an inter-governmental United Nations (UN) body of 47 Member States, aims to ensure the effective implementation of international human rights instruments. Its work is supported by the Universal Periodic Review (UPR) mechanism which examines the human rights record of the 193 UN Member States, the Advisory Committee, the Council's 'think tank' and the Complaint Procedure. An essential part of the HRC is its Special Procedures (Special Rapporteurs, Independent Experts) who monitor and report on thematic or country specific human rights issues.



The HRC acts as a global convenor bringing human rights actors to Geneva for 10 weeks a year to address existing and emerging human rights violations and situations around the world and to make recommendations to the UN General Assembly. The methods of working of the HRC have evolved over time with social media, webcast services and video links being used to raise awareness of human rights and to offer access to people in remote places.

Civil society access to HRC Members and meetings enables them to lobby government delegates and members of the Office of the UN High Commissioner for Human Rights (OHCHR) to influence decisions such as the first ever substantive resolution on ending child marriage, which whilst not legally binding, publicly acknowledged a global policy and commitment for change and also provided civil society with an important advocacy tool. Other examples include the appointment of two new UN Independent Experts in 2016: on lesbian, gay, bisexual and transgender (LGBT) issues and on albinism.

The HRC acknowledges the important role played by civil society in monitoring the implementation of UN resolutions at the national level and holding governments to account for commitments made. Civil society can highlight difficult and unresolved issues, represent the voices of marginalised groups through written and oral statements at the HRC, organise parallel side events to draw public and media attention to particular issues, conduct long term advocacy, and provide assessments and reports on local situations to the UN High Commissioner for Human Rights.

UN High Commissioners for Human Rights

During its first 10 years, the HRC has had three High Commissioners for Human Rights: Louise Arbour of Canada (2006-2008), Navi Pillay of South Africa (2008-2014) and, since 2014, the present incumbent, Zeid Ra'ad Al Hussein of Jordan. At the first session of the HRC in June 2006, Louise Arbour set out a reformist agenda for 2006-2007 focusing on strengthening the OHCHR and raising the profile of human rights across the UN system. Her priorities were to implement international human rights at country level by working more closely with countries and OHCHR partners. She also proposed a stronger leadership role for the High Commissioner through establishing closer ties with civil society and UN agencies. Although she believed that the Human Rights Council was 'a major stride forward' for the UN's human rights system, she acknowledged that much remained to be done.

Navi Pillay served as the UN High Commissioner for Human Rights from 2008-2014, becoming the longest serving High Commissioner. An outspoken advocate for 'all rights, for all issues, for all persons', she raised awareness of the need to implement social, cultural and political rights as well as human rights. Under her leadership, the OHCHR fought against all types of discrimination, including discrimination against minorities, migrants, LGBT people, people with albinism and caste-based discrimination. Priorities included defending civil and political rights (the fundamental freedoms of speech and assembly, the right to protest, the right to be free from torture or disappearance as well as economic and social rights) and introducing measures to strengthen Treaty Body procedures. She also worked on bringing human rights into the UN Security Council as many of the items on the HRC agenda related to conflicts. Navi Pillay addressed the UN Security Council on more occasions than anyone before her, and today the Security Council is willing to take into account information on human rights issues provided by the HRC. Her work also helped to ensure that human rights language was incorporated into the Sustainable Development Goals and the post-2015 development agenda. A further legacy of Navi Pillay was securing the UN Secretary-General's backing for the 'Rights Up Front' policy, which ensured that all departments within the UN system were committed to advancing the protection of human rights.



Former UN High Commissioner for Human Rights, Navi Pillay, addresses the Security Council (Photo: UN Photo / Loey Felipe)

Since 2014, Zeid Ra'ad Al Hussein has been the UN High Commissioner for Human Rights. In his statements he has highlighted the unprecedented challenges the world faces today, including new and protracted conflicts, humanitarian emergencies, impunity, land grabs, intolerance, women's reproductive rights, clampdowns on civil society space, migration,

Ebola and Zika viruses, advancing the 2030 Agenda and the agenda on climate change. At a time when violations of human rights are increasing, he is concerned that his Office is inadequately resourced to meet the demands for assistance. Reiterating the importance of addressing human rights issues in his Statement on the occasion of the 10th anniversary of the Human Rights Council: achievements and challenges, on 13 June 2016 he said:

“Human rights build societies in which people are able to make choices, develop opportunities, peacefully resolve disputes and resist threats with confidence and unity.”

He has urged states to support civil society as fundamental for peace and security, stating that when the fundamental freedoms of expression, association and peaceful assembly are respected, civil society is a valuable partner and not a threat. He says that his Office is available to help states in their efforts.



Zeid Ra'ad Al Hussein, current UN High Commissioner for Human Rights

In considering the last 10 years, it is clear that human rights violations have continued and in fact are increasing. Despite the useful work of the HRC, a major weakness is that its resolutions and recommendations are not always implemented and the HRC has no power to enforce them. In addition, some criticism is also voiced on 'bloc politics' where regional groups holding majority votes use their voting power to prevent or discontinue country mandates. To overcome this, alternative ways, such as the institutionalised trigger system where the outcomes from Commissions of Inquiry, fact finding missions and reports of the High Commissioner for Human Rights have been used to advance human rights.

The HRC's UPR mechanism must be considered a success as it is now accepted worldwide and provides valuable information and also offers non-governmental organizations (NGOs) the opportunity to participate in the review process, present shadow reports and request participation in the follow up process.

The OHCHR in its review of the impact of the HCR after 10 years concluded that although the Universal Periodic Review (UPR) and mandates such as Commissions of Inquiries and Special Rapporteurs were signs of success, many challenges lay ahead, including timely decision-making and the number of mandates and recommendations.

Although NGOs are crucial for the HRC, their participation remains a challenge as some NGOs, activists and human rights defenders face obstacles in their own countries. The need to protect civil society and fundamental human rights is widely recognised as essential.

Civicus '2016 State of Civil society Report'

Despite the HRC's important work and the vital role of civil society, the Civicus '2016 State of Civil Society Report', reveals a disturbing increase in serious violations of civil society rights in 2015 across 109 countries concerning freedom of association (the right to set up, join or operate a formal or informal group to take collective action), freedom of expression, (including the right to seek, receive and impart information and ideas), and freedom of peaceful assembly, (the right to gather publicly or privately to collectively express, promote, pursue and defend common ideas or interests).

Many tactics are used to curb civil society's rights including harassment, physical violence, travel bans, intimidation, surveillance and even targeted assassinations. States used legal, regulatory and funding restrictions to reduce civil society's effectiveness or presence. As physical democratic spaces shrank, activists used online tools to mobilise citizens. In 2015, however, social media sites such as Facebook and Twitter were monitored and blocked, and activists were threatened, detained or even imprisoned by governments. The Civicus report calls for the protection of civil society space and fundamental human rights.

The Joint Civil Society Paper, Strengthening the Human Rights Council at 10

Also in April 2016, 20 leading NGOs published 'The Joint Civil Society Paper, Strengthening the Human Rights Council at 10', in which they suggest concrete proposals for strengthening the HRC. It suggests that the HRC works more closely with civil society and human rights defenders, letting them contribute to its work. They also proposed that the HRC adheres to its membership standards. They requested that eligibility criteria to the HRC should include demonstrated co-operation of states with the HRC and upholding the highest standards of human rights.

Furthermore, they suggest that Council Members show leadership in human rights matters through supporting resolutions which advance human rights and that the Council takes more bold action against states which fail to cooperate with the Council, including, if necessary, bringing the case before the full Council or requesting the General Assembly to consider a suspension of membership.

This NGO report advocates for greater emphasis on the implementation of Council resolutions and recommendations at national level through increased funding of the Special Procedures Branch and the OHCHR. Finally, it suggested the HRC be elevated to a principal organ of the UN given human rights violations are increasing, and that the HRC meets for longer than the current 10 weeks a year to accommodate this additional work.

UN High Commissioner on Human Rights Report: 'Practical Recommendations for the Creation and Maintenance of a Safe and Enabling Environment for Civil Society, Based on Good Practices and Lessons Learned'

The need to protect civil society's democratic space is also a concern to the HRC and the High Commissioner and is addressed in his report of April 2016 entitled 'Practical Recommendations for the Creation and Maintenance of a Safe and Enabling Environment for Civil Society, Based on Good Practices and Lessons Learned'. The High Commissioner acknowledges the vital role played by civil society in promoting good governance through transparency and accountability, which is the foundation for building peaceful, prosperous and democratic societies. The main message of the report is the importance of protecting civil society space and the risks of silencing dissenting voices.

In support of the draft HRC resolution to protect civil society space, based on the High Commissioner's report considered in June 2016, 244 civil society organizations signed an open letter to Member States of the HRC, calling on them to stand in solidarity with civil society by supporting the draft resolution at the HRC. The letter, coordinated by the International Service for Human Rights (ISHR) urged states to co-sponsor the draft resolution in its original form and to oppose any amendments that would weaken it. On 1st July 2016, the Human Rights Council adopted 14 texts, including the resolution which urged states to create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity.

Conclusion

In conclusion, the HRC plays a vital role in protecting and promoting human rights around the world but needs more resources. Consensus indicates that the HRC is functioning better than its predecessor, the Commission on Human Rights. However, imperfections remain and the HRC would benefit from a strengthening of its election procedures as well as securing greater commitment from its members to support the HRC's objectives, particularly the implementation of its resolutions and recommendations. The necessity of civil society involvement in the HRC's work is indisputable but NGOs are convinced that the HRC would be further strengthened if human rights defenders and civil society were to play a more active role.

If the HRC heeds these reports, it could achieve more through improved transparency and commitment to securing human rights for all. As Kofi Annan, former UN Secretary-General, said about the Human Rights Council in a 2011 review: ***"This is still a work in progress, but there is no greater cause."***

Sources

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