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Date

Re Request for advice on human rights in a changing world: preconditions for an effective policy and a new narrative

Dear Professor De Hoop Scheffer,

I have the honour of requesting your advice on the following matters.

The multilateral system, which has been the foundation of international cooperation on human rights, is under pressure. The liberal world order, which originated after the Second World War and reached its apogee in the 1990s, is no longer uncontested. Autocratic states are eroding the system from within, reducing public support for multilateral cooperation, and acting transactionally, putting their own interests first rather than foregrounding shared values and interests.

The consequences of these developments are perceptible throughout the multilateral system, including human rights bodies. Our current international human rights standards and institutions were developed after the Second World War, with the Universal Declaration of Human Rights as their point of departure. The Declaration rests on three basic principles: universality, equality/non-discrimination and indivisibility. These principles are being increasingly questioned, not only by autocratic states but also by several governments of EU member states. By modifying the language used in resolutions and statements, blocking decisions, securing the appointment of their preferred candidates and officials, diverting financial flows and influencing internal rules and Special Procedures, these countries are successfully curbing the power and effectiveness of the human rights system.

A recurrent theme in the international human rights dialogue is the relationship between fundamental freedoms and socioeconomic rights. Autocratic states usually place a one-sided emphasis on socioeconomic rights at the expense of individual rights to freedom. This issue has several dimensions. Besides the character of rights (individual vs. collective), and the type of rights (civil and political or socioeconomic, cultural and environmental), the political system that shapes rights is also at issue. The question is what relation these rights bear to one another, in both institutional and policy terms, and how human rights diplomacy can deal effectively with these tensions. The Dutch government attaches great importance to ensuring that civil and political rights continue to receive sufficient attention in the human rights system.

Promoting the development of the international legal order is one of the tasks of the Kingdom's foreign policy, including promoting the observance of human rights. This government has enhanced the Netherlands' policy focus on human

rights in its foreign policy, due both to their inherent importance and to its conviction that respect for human rights fosters a more stable and prosperous world.

The Human Rights Report for 2017 mentioned several preconditions for an effective human rights policy. Space for civil society, for example, is a general precondition for promoting human rights and implementing human rights policy worldwide. Moreover, a country like the Netherlands can only achieve tangible results by working with like-minded partners. When the EU speaks with one voice, for example, it can send a far stronger message than the Netherlands can on its own. Multilateral instruments and institutions that function effectively are also crucial in raising specific human rights issues.

It is exactly these preconditions for effective policy that are jeopardised by the rapidly increasing role of autocratic states with regard to human rights. Space for civil society is being constricted; due to a lack of consensus, the EU is less capable of acting in concert; and the influence of autocratic states is putting the multilateral human rights instruments under pressure.

The question is: how can we have an effective human rights policy in a changing world? In connection with this general question, the following specific questions are posed:

- How can the growing, adverse influence of autocratic states on the human rights system be resisted?
- How can we guarantee the preconditions for an effective human rights policy, such as space for civil society, the formation of effective partnerships and the proper functioning of multilateral human rights instruments and institutions?
- How can we ensure the continuing utility of the international human rights system?
- How can we ensure that civil and political rights continue to receive sufficient attention in the multilateral human rights system?
- Can a modernised human rights narrative be developed that responds to autocratic tendencies to cast doubt on the basic principles of human rights and focus mainly on socioeconomic rights? What could the building blocks be of such a narrative? Could a narrative of this kind be used to enhance public support for human rights domestically and abroad, while not only promoting a counter-narrative but also focusing on the importance of human rights in creating a more stable and prosperous world?

I look forward to receiving your advice concerning these questions.

Yours sincerely,

Stef Blok
Minister of Foreign Affairs