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Finland in the International Human Rights System

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Description sheet

Abstract

This report summarises implications of the current operational environment for the international human rights system since the Government of Finland human rights report in 2014. The project focused particularly on four global trends (environmental change, migration, new technologies and the changing security paradigm). The project also assessed political power shifts and movements influencing the international human rights system and its actors. The scope of the study included the United Nations and its human rights council and the European Union.

Since the operational context for the ruling world order has changed because of global trends and political power shifts, it is necessary to critically evaluate the potential of the international human rights system to adapt to this change. The current political climate emphasises state sovereignty over multilateralism, and the growing multipolarity and multivocality make it more difficult to reach agreements on international forums. Civil society actors are facing a reduction of operating space, and the role of business actors is on the rise. The strong anti-gender movements and the opposition to gender equality are causing distress in international forums. New ways to communicate the importance of human rights are being searched by various actors.

The findings of the project include several promising lines of development for updating the international human rights framework to tackle the challenge of global trends. As are result of these findings, the report formulates eight goals Finland should strive for when shaping its human rights policies in the future. Each goal includes recommendations on how to advance them both internationally and domestically.

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Tiivistelmä

Tämä raportti tarkastelee kansainvälisen ihmisoikeusjärjestelmän tilaa ja muutoksia valtioneuvoston vuoden 2014 ihmisoikeusselonteon pohjalta. Työssä keskitytään erityisesti neljään keskeiseen globaaliin kehitystrendiin (ympäristön muutos, muuttoliike, kehittyvä teknologia ja muuttuva turvallisuusparadigma). Raportissa käsitellään myös poliittisen vallan muutoksia sekä erilaisia liikkeitä, jotka vaikuttavat kansainväliseen ihmisoikeusjärjestelmään ja sen toimijoihin. Järjestelmän nykytilaa ja muutoksia tarkastellaan erityisesti Yhdistyneiden kansakuntien ja sen ihmisoikeusneuvoston sekä Euroopan unionin toiminnan näkökulmasta.

Poliittisen voimatasapainon muuttumisen ja edellä mainittujen kehitystrendien vuoksi kansainvälisen ihmisoikeusjärjestelmän kykyä ja mahdollisuuksia sopeutua muutokseen on syytä arvioida kriittisesti. Vallitseva poliittinen ilmapiiri korostaa valtioiden itsemääräämisoikeutta valtioiden välisten ja monenkeskisten sopimusten sijaan, ja toimintaympäristön lisääntyvä moninapaisuus ja moniäänisyys vaikeuttavat yhteistyötä vakiintuneilla kansainvälisillä foorumeilla. Samalla kansalaisyhteiskunnan toimijoiden toimintavapaudet ja -mahdollisuudet ovat vähentyneet ja yritystoimijoiden rooli ollut kasvussa. Myös vahvistuneet sukupuolten tasa-arvoa vastustavat liikkeet haittaavat omalta osaltaan ihmisoikeuksien edistämistä. Muuttuneessa tilanteessa toimijat etsivät uusia tapoja viestiä ihmisoikeuksien merkityksestä.

Hankkeen tulokset tarjoavat uusia mahdollisuuksia kansainvälisen ihmisoikeuskehyksen päivittämiseen niin, että se ottaa paremmin huomioon globaalien muutostrendien luomat haasteet. Raportissa tulokset tiivistetään kahdeksaan tavoitteeseen, joihin Suomen tulisi pyrkiä uudistaessaan ihmisoikeuspolitiikkaansa. Kunkin tavoitteen kohdalla annetaan myös suosituksia siitä, miten niitä voidaan edistää niin kansainvälisesti kuin kotimaassakin.

Presentationsblad

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I denna rapport sammanfattas de effekter förändringar i omvärlden haft på det internationella människorättssystemet sedan den finska regeringens människorättsredogörelse skrevs år 2014. Projektet fokuserade särskilt på fyra globala trender: globala miljö- och klimatförändringar, migration, nya teknologier och nya säkerhetsparadigm. Därtill granskades vilken inverkan politiska maktskiften har på det internationella människorättssystemet och dess aktörer. Studien omfattar FN:s råd för mänskliga rättigheter och Europeiska unionen.

Globala trender och politiska maktskiften har förändrat omvärlden, och det är viktigt att kritiskt granska potentialen för det internationella människorättssystemet att anpassa sig till dessa förändringar. Det rådande politiska klimatet betonar staters suveränitet framom multilateralt samarbete, och den växande multipolariteten och åsiktspluralismen gör det svårare att nå samförstånd i internationella fora. Samtidigt ser civilsamhällets aktörer sitt handlingsutrymme minska medan den privata sektorns roll i människorättsarbetet ökar. Ett växande motstånd mot jämställdhet samt starka rörelser som motsätter sig köns- och sexuella minoriteters rättigheter försvårar också människorättsarbetet. I det förändrade läget är det flera aktörer som söker nya sätt att kommunicera vikten av människorättsarbete.

Projektet resulterade i utvecklingsförslag och rekommendationer som kan användas för att uppdatera det internationella människorättsramverket att bättre kunna bemöta globala utmaningar. Åtta målsättningar för att reformera den finska människorättspolitiken presenteras. För att uppnå målen presenteras även rekommendationer för hur arbetet kan främjas såväl internationellt som i Finland.

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List of Abbreviations

ADF Alliance Defending Freedom

AI Artificial Intelligence

ASEAN Association of Southeast Asian Nations

AU African Union

CEDAW Convention on the Elimination of All Forms of Discrimination Against Women

CoE Council of Europe

CRRF Comprehensive Refugee Response Framework

CSR Corporate Social Responsibility

ECOSOC United Nations Economic and Social Council

ECOWAS Economic Community of West African States

ECtHR European Court of Human Rights

EIDHR European Instrument for Democracy and Human Rights

ENVSEC Environmental Security Initiative

EP European Parliament

EU European Union

FRA European Agency for Fundamental Rights

GATT General Agreement on Tariffs and Trade

GCM Global Compact for Safe, Orderly and Regular Migration

GDPR General Data Protection Regulation

HRC United Nations Human Rights Council

HRD Human Rights Defender

IGWG Interagency Gender Working Group

ILO International Labour Organization

IOM International Organization for Migration

IoT Internet of Things

IPCC Intergovernmental Panel for Climate Change

LGBTI Lesbian, Gay, Bisexual, Transgender/Transsexual and Intersexed

MEP Member of Parliament

MiGOF Migration Governance Framework

NATO North Atlantic Treaty Organization

NGO Non-Governmental Organisation

OAS Organization of American States

OECD Organisation for Economic Co-operation and Development

OHCHR Office of the High Commissioner for Human Rights

OSCE Organization for Security and Co-operation in Europe

REC Regional Environment Center for Central Asia and Eastern Europe

SDGs Sustainable Development Goals

SRHR Sexual and Reproductive Health and Rights

UCGL United Cities and Global Governments

UN United Nations

UNAs United Nations Associations

UN DESA United Nations Department of Economic and Social Affairs

UNDP United Nations Development Programme

UNEP United Nations Environment Programme

UNECE United Nations Economic Commission for Europe

UNGA United Nations General Assembly

UNHCR United Nations High Commissioner for Refugees

UNHRC United Nations Human Rights Council

UNSC United Nations Security Council

UNSG United Nations Secretary General

UPR Universal Periodic Review

WTO World Trade Organization

Executive summary

This report summarises the key implications of the current operational environment for the international human rights system. The temporal reference point was the latest Government of Finland human rights report, which was published in 2014. The aim of the project was to analyse the continuities and disruptions in the development of the operational environment for Finland up to the spring of 2019. The main themes of Finland's current human rights policy were also reflected as points of comparison in the analysis. The research was part of the Finnish Government's analysis, assessment and research activities. The Prime minister's office funded the project, while the Ministry for Foreign Affairs of Finland was responsible for its coordination. Ann-Marie Nyroos (Ministry of Foreign Affairs of Finland) chaired the steering group until April 2019 and Janne Jokinen (Ministry of Foreign Affairs of Finland) after that. The members of steering group included Janina Hasenson (Ministry of Foreign Affairs of Finland), Eero Koskenniemi (Ministry of the Interior), Henriikka Leppo (Prime minister's office), and Kaisa Tiusanen (Ministry of Justice) (final standing).

The approach in the project was thematic, focusing particularly on four global trends (environmental change, migration, new technologies and the changing security paradigm), which were selected in agreement with the steering group. The project also assessed the current political power shifts and movements that influence the international human rights system and related actors. The scope of the study developed in discussions with the steering group and the context of the analysis was agreed upon to include the United Nations (mainly the UN Human Rights Council) and the European Union. Other forums, such as the Council of Europe and the Organization for Security and Cooperation in Europe, are referred to in particular cases. The main questions were grouped under three key perspectives:

- What are the main human rights impacts of the named global trends?

- How is the current international human rights system capable of responding to the positive and negative human rights impacts of these trends in the contemporary political climate?

- How should Finland shape its human rights policy under these circumstances?

Since the operational context for the ruling world order has changed because of global trends and political power shifts, the multilateral institutions are not necessarily equipped to respond to new human rights issues. As the operational context changes,

it is necessary to critically evaluate the potential of the international human rights system to adapt to this change. The findings of the project show that there are several promising lines of development for updating the international human rights framework in response to the implications of environmental change, migration, new technologies and the changing security paradigm. Examples of these include:

- The concretisation of the right to a safe, clean and healthy environment and the growing realisation of the importance of the environment to full enjoyment of human rights,

- the attempts to increase the global coordination of migration with the new Global Compacts for migration and on refugees, even if there are great political disputes to overcome,

- the active role taken by the European Union and the Council of Europe on linking the human rights perspective with the development of new technologies by discussing state-led regulation and increasing cooperation with business actors on human rights issues, and

- the growing understanding and emphasis of human security and the potential of this concept, and the concept of resilience, to address the negative human rights impacts of the global and political trends.

The contemporary political climate emphasises state sovereignty over multilateralism, and the multipolarity and multivocality makes it more difficult to reach agreements on international forums. The highly politicised - and currently some of the most controversial - themes include climate change, immigration and gender equality, which turn into obstacles to effective cooperation in both global and regional human rights forums. The strong anti-gender movements and the opposition to gender equality are affecting the promotion of the rights of women and girls, and the rights of the LGBTI people. The denial of the remarkable environmental change caused by human activity is making ambitious goals for its mitigation and reversal difficult, and the attitudes towards immigration are continuously polarised. The constellation of human rights actors is also shifting, as civil society actors are facing increasing threats and a reduction of operating space and the role of business actors is on the rise. At the same time, various human rights actors are searching for new ways to talk about human rights as rights for all, not for only a few, in order to increase the legitimacy of the international human rights system for the general public.

As a result of these findings, the report introduces recommendations for Finland as it shapes its human rights policy in the future (see chapter 9). The recommendations

are means to achieve eight goals, which the report suggests Finland should address in its human rights policy:

Goal 1. Develop the link between human rights and environmental change on all levels of governance.

Goal 2: Human rights of migrants should be promoted through international co-ordination.

Goal 3. Keep a human rights based approach to new technologies on the agenda.

Goal 4. When new elements emerge in security agendas, include a human rights approach in the discussions.

Goal 5. Promote gender equality actively at the time of resistance and anti-gen-derisms.

Goal 6. Utilise and create new possibilities of cooperation across professional and political silos.

Goal 7. Support the states' commitment to multilateralism by promoting activities that increase its legitimacy.

Goal 8. Promote a broad concept of participation and the right to education to mitigate the negative impacts of global trends.

Introduction

This report introduces the main findings and policy recommendations of a project entitled *the Current state and development trends of the international human rights system*. This project was launched in March 2018 as a part of the Government's analysis, assessment and research activities. The project was assigned a steering group, consisting of staff members from the several Finnish ministries: Ministry for Foreign Affairs, the Prime Minister's Office, the Ministry of the Interior, and the Ministry of Justice.

The research group included researchers from Oxford Research (D.Soc.Sci Anna Björk, B.Soc.Sci Juho-Matti Paavola, L.Sc (econ.) Arttu Vainio), Opinio Juris (LL.D.Merja Pentikäinen expert on international law and human rights), Radboud University Nijmegen (PhD Docent Tineke Strik), and WoM World of Management (MBA, MSSc Inkeri Tanhua). Oxford Research was responsible for the coordination of the project, organisation of the final report and the writing process. The role of the invited external experts was to provide Oxford Research with material, guidance, expert views and insights and comment the report's draft versions from their respective fields of expertise: Merja Pentikäinen on the core knowledge of the international human rights system and international law; Tineke Strik on migration, and Inkeri Tanhua on gender equality. Anna Björk and Juho-Matti Paavola were mainly responsible for composing and drafting the policy analysis. Gender equality in work life (chapter 3.3.2), the anti-gender movements (7.4) and goal 5 (chapter 9) were mainly composed by Inkeri Tanhua. Key parts of migration (chapter 2) were composed by Tineke Strik. The final decisions on the incorporation of expert views into the report were made by Oxford Research.

The role of the steering group was to discuss the focus and included elements of the research and comment on the interim reports, which displayed the progress of the project. In January 2019, a group of 12 stakeholders with backgrounds in NGOs, research institutes and universities, and business actors participated in a workshop and presented their views on the preliminary findings of the project. The research group is grateful for the helpful comments and insights stemming from these encounters.

The research team asked for comments on the early draft of the final report from three experts. The research team thanks dr. Emma Hakala, professor Rinna Kullaa, and professor Elina Pirjatanniemi for their valuable comments. A draft of recommendations and parts of the report were also discussed with additional experts before finalising the manuscript. The main authors of this report are responsible for the incorporation of the comments into the report.

The Aim and Scope of the Project

Since the last Government of Finland Human Rights Report (2014), the operational environment for the international human rights system has changed. For Finland, the most important implications concern the political discrepancies among the member states of the European Union, and the growing multipolarity in world politics. The shifts in world politics, in both a global and regional sense, influence partnerships, the conditions for promoting particular human rights themes and the anticipation of future developments. Political trends - emphasising sovereignty over multilateral cooperation and polarising populist strategies over solidarity and clearly expressed claims – challenge the public and popular legitimation of multilateral institutions and force advocates of the contemporary global system to adopt a defensive position. These trends also provide the opportunity for non-state actors to step up and fill in the power vacuums. Previous analyses suggest that the challenges of the international order, the stated universality of its norms and institutions and stressing sovereignty over solidarity are likely to shift the balance towards an order of strong regions[1]. As a small state, Finland has benefitted from the US-led and system-based order in the past, and, as the balance shifts, its interests remain in the supporting of a norm-based international system[2].

While both state actors and non-state actors are readjusting to the power shifts and strategising to the best of their abilities, the actors in the international human rights system encounter new questions which need to be contextualised into the framework. The questions stem from global trends and introduce new issues to the human rights agenda, such as those relating to environmental change and developing technologies. These new issues challenge the human rights system and require interpretation of the current norms and potentially the need to introduce new regulatory tools. While most trends are well recognised and their impacts on human beings increasingly documented, their incorporation into the international human rights system is still at the state of emergence and not firmly established. One reason for this is that the trends have both positive and negative impacts, which makes it difficult to find balance in regulation.

The aim of this project has been to map the key consequences of the selected global trends and the current political shifts for the international human rights system. As the conclusive aim to this task, the report is set to provide recommendations on how to

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[1] For a recent research dealing with the global order and its implications to Finland, see Creutz et al. 2019: The changing global order and its implications for the EU. Available at https://tietokayttoon.fi/julkaisut/raportti?pubid=URN:ISBN:978-952-287-697-3.
[2] Creutz et al. 2019, p. 53–54.

address these consequences. The main questions can be grouped under three key perspectives:

1. What are the main human rights impacts of the named global trends?

2. How is the current international human rights system capable of responding to the positive and negative human rights impacts of these trends in the contemporary political climate?

3. How should Finland shape its human rights policy under these circumstances?

To add feasibility and adjust the topic to the time limits of the research process, at the early stages of the project the research group and the steering group agreed to limit the scope of the project to two main contexts. As a result, the forums focused on this report are the United Nations and the European Union.

Another early decision concerned the choice of global trends: based on the recognition of emerging and developing agendas with global relevance, the research group and the steering group pinned the trends down to environmental change, migration, new technologies and the changing security paradigm. Each global trend is also addressed from the perspective of gender equality. Moreover, the resistance to the promotion of gender equality and women's rights and the polarising impacts of populism are discussed as political movements that impede cooperation within the international human rights system. Examples of these movements are discussed mainly in the European context, albeit both have global reach.

On sources and methods

The main sources in this project are background interviews of experts of the international human rights system, official documents and reports, including those of the United Nations human rights bodies, the European Union, and the Finnish Government, as well as secondary literature on academic research. As the topic of the project was very timely, selected popular addresses, such as newspaper articles, websites and blogs, were also used as examples of ongoing developments and debates.

The semi-structured theme interviews with experts are in the report used anonymously without direct quotations. The interviews were carried out as confidential discussions and used as a compass for probing in depth to developments and current themes in the field of human rights. The 19 experts represented different professional groups and institutions, including academic researchers, NGOs, civil servants and

multilateral organisations. Out of the topics highlighted, their insights raised the issues of populism, anti-gender movements and the question of human rights communication to be specifically included in the agenda for this project. In addition to these central issues, their contribution has been vital for recognising key debates and elements under the umbrellas of global trends and political shifts.

The report is composed into a form of an analytical overview on recent and ongoing developments, main topics of the debates and the dynamics between key human rights actors. In some cases, developments and topics include conceptual struggles and also potential conceptual shifts, most notably in regard to the concepts of securitisation, resilience and the case of anti-gender movements. In these parts of the report, the style of presentation is resorting to explicating academic debates and sources, which differs from the style of presentation in other parts. The objective of these parts is to clarify a shift of a paradigm or a political development by indicating a conceptual tension behind these shifts.

Structure of the report: Parts and guiding questions

The report has three main parts:

Part I The capacity and flexibility of the international human rights system is currently being contested with novel questions. These questions rise from global trends that shape political, economic and social developments locally, regionally and globally. The report focuses on four global trends: environmental change, migration, new technologies and the changing security paradigm. Discussion over the consequences of global trends has been taken up by heads of states, international organisations and non-state actors alike. Some of the questions, such as the consequences of environmental change or use of new technologies for communities and individuals, need to be addressed urgently. These interlinked trends affect different parts of the world and different groups unevenly. Some of them also have positive effects in addition to the negative ones, as commentators have been pointing out[3]. **The main research questions addressing the effects of global trends include:**

- What kinds of diverse challenges and threats to human rights are caused by the named global trends?

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[3] A fair share of research discussing these trends has been published, e.g. Aburdene 2005: Megatrends 2010: the rise of conscious capitalism.; Hordeski, 2011: Megatrends for energy efficiency and renewable energy; Gaub and Laban 2015: Arab Futures: Three Scenarios for 2025. European Union Institute for Security Studies (EUISS), 2015; Goldstone 2010. "The New Population Bomb: The Four Megatrends That Will Change the World."

- What kinds of challenges are associated with the realisation of civil and political rights, on one hand, and the realisation of economic, social and cultural rights on the other?

Part II At the same time, the dynamics between actors contributing to the international human rights system are affected by power shifts, such as the rise of China and the United States withdrawing from multilateral governance. Meanwhile, the European Union has its own internal disputes prompted especially by Hungary and Poland and the questioning of the rule of law. Russia continues its disruptive politics, specifically by utilising the digital communication environment and refusing to pay its membership fees to international organisations (e.g. the Council of Europe). Also, the rise of populist parties and the activation of anti-gender movements cause tensions between actors. An example of this is the way that the system, its underlying values and the foundations of international human rights, has been challenged both globally and in Europe[4]. Human rights and the international human rights system provide means for groups and individuals to challenge the established power structures and elites, who wish to retain privileges. Retaliations by states towards human rights defenders and their supporters on the one hand, and obstructing the functions of the international human rights system on the other are means to maintain power.

The sense of urgency for sufficiently conceptualising and finding possible answers to the new questions posed by global trends is complicated by the need to overcome intensified political disputes and, possibly, by the need to form new alliances. One outcome of this changed operational environment resulting from global trends and political shifts is the growing number of efforts to find new ways to make a case for the promotion of human rights in the face of their opposition. In Europe, for example, the European Agency for Fundamental Rights (FRA) has invested in debating and developing more effective ways of communicating human rights to the general public. **The main research questions addressing the effects of political shifts on the international human rights system include:**

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[4] See, for example OHCHR 2017b: A speech by Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, delivered at Johns Hopkins Centre for Public Health and Human Rights. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21499&LangID=E; Amnesty International 2018: https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/
Muiznieks 2017: Human Rights in Europe: From Crisis to Renewal? CoE. Available at https://rm.coe.int/human-rights-in-europe-from-crisis-to-renewal-/168077fb04

- What kinds of diverse challenges and threats to human rights are caused by the contemporary political climate?

- What kinds of challenges are directed specifically against the UN Human Rights Council (HRC)?

- What kinds of reform pressures can be expected in the near future and from which directions?

- Which areas are facing the biggest challenges?

Part III In the changing operational environment, one concern is how to strengthen the international human rights system in the face of these challenges. Tackling the consequences of these challenges requires a recontextualisation of the international human rights system to better suit the challenge and to reinforce its legitimacy. The consequences of the global trends and political shifts for the international human rights system are discussed from the perspective of Finland as a human rights actor. **Research questions include:**

- Which factors of change are particularly relevant for Europe, the European Union and Finland?

- How are the sustainable development goals visible in international human rights forums or how should they be visible there?

- How can Finland's activities in the UN (incl. its membership in the HRC) best promote positive development trends?

- How should gender equality and women's rights be promoted in human rights forums?

During the project, the initial research questions were used for guiding the interviews, desk research and policy analysis. While they are all tackled in the report, they are not individually addressed here. Due to the original extent of the project, the scope and focus of the report was partly reformulated in accordance with the steering group. The conclusions in chapter 9 cover the three perspectives stated above. As a result of these conclusions, the report suggests eight goals to be considered in policymaking and issue recommendations on how to reach these goals.

Part I: Global trends and human rights in the current UN and EU frameworks

Summary

Part one focuses on the role of environmental change, migration, new technologies and the changing security paradigm in the international human rights system. The scope of the task is to introduce the key impacts these trends have on human rights, in addition to their current status in the global and regional human rights agendas. They are politically tuned in different ways and vary in their relationship to the existing human rights norms. The context of each debate is the United Nations (mainly the Human Rights Council) and the European Union. Either of them may be emphasised, depending on the relevance of the debates for the objectives of this report.

1. The link between **environmental change** and human rights was established decades ago, but its momentum as an urgent concern of the human rights framework has intensified considerably over the past few years.

   - Protection of the environment and human rights can be understood as mutually reinforcing activities. On the other hand, drastic actions for environmental protection affect groups and communities in different ways, which needs to be taken into account in policymaking. Women are more effected by environmental degradation and climate change than men, for example.

   - To cope with the human rights impacts of environmental change, the concretisation of the right to a safe, clean, healthy and sustainable environment has been raised, especially in the UN. Meanwhile, tackling environmental issues through the human rights framework has been gaining ground in Europe.

   - Urbanisation puts pressure on infrastructure and the security of individuals in cities, increasing the need for adequate services to guarantee economic, social and cultural rights and possibilities of participation. Demography, including migration, also challenges the capacity of

urban environments to guarantee the inclusion and integration of minorities and the ability to provide housing, healthcare, personal security and education.

2. The human rights implications of internal and international **migration** include the frameworks of regular and irregular migrants and the rights of labour migrants. Irregular migration has been one of the migration trends of recent years.

- Addressing the human rights implications of irregular migration has been a topic of recent debates in both the UN and the EU. The debates seek to increase international cooperation and to find common human rights goals for migrants.

- Irregular migrants are most commonly vulnerable to human rights violations. Among other things they face discrimination, exploitation and marginalisation, and they often live and work without any official status.

- Environmental change, including urbanisation (chapter 1.2) and the changing world of work (chapter 3.3), are major factors, as migration is expected to rise in the forthcoming years.

3. **New technologies** have become tightly incorporated in human rights discourse as the source of quite a few new questions lacking comprehensive answers.

- The issues of dual use, a human rights based development process of technologies and leaning heavily on the expertise of business actors are the key points addressed. It has shown, for example, that algorithms reproduce gendered and racialised stereotypes, compromising the principle of non-discrimination while appearing neutral.

- The issue of digital rights is increasingly addressed in human rights discussions. Rights to privacy and the freedom of expression are the most frequently quoted norms when new technologies are discussed, but there is a growing interest toward impacts on the right to health, non-discrimination and participation rights.

- The world of work is heavily influenced by new technologies, which stresses the impacts of human rights related to economic, social and

cultural rights especially. As work continues to be one of the main causes of migration, the rights of labour migrants / migrant workers are also highlighted.

4. Protecting individuals from the arbitrary rule of the state is at the heart of human rights, creating tension between state-centered national security and individual-centered human security. **The changing security paradigm** has widened the scope of security from national security to human security.

    - This is in response to new kinds of security threats to individuals posed by global trends, which do not fit into the traditional concepts of security. Threats to individuals, notably also gendered violence, can also be effectively addressed through this paradigm shift from national security to human security.

    - Securitisation has challenged the overly frequent use of national security arguments to limit the rights of individuals, emphasising the traditional tension between human rights and national security.

    - One of the attempts to reconcile this tension, at least in part, is the concept of comprehensive resilience.

Taking these human rights implications into account will support the state's responsibility to respect, protect and fulfill their human rights obligations in the current operational environment. They also help in updating the scope of the international human rights system in response to contemporary challenges that are common globally with highly context-bound effects.

Introduction

In the report, the problems and challenges of the international human rights system are framed within four global trends: environmental change, migration, rapid advances in technology, including digitalisation, and the changing security paradigm. These are the perspectives taken in order to assess the human rights issues of the contemporary operational context.

Megatrend, an analytical concept dating back to the 1980s, refers to macro-level de-velopments[5]. Megatrends consist of coexisting, interlinked and sometimes even con-trasting trends. Therefore the identification of a megatrend depends on the perspec-tive. For example, the UN Secretary General (UNSG) António Guterres has pointed to the global megatrends as "multiple, evolving and mutually-reinforcing shifts of geopo-litical, demographic, climatic, technological, social and economic nature that have ad-vanced at an unprecedented pace, creating, on one hand, unparalleled conditions for progress but, on the other upending the established order, generating tensions, and changing the nature of threats"[6]. At the heart of these megatrends is the fact that the trend can be historically traced and estimated to develop further in the (near) future. The difference between a (global) trend and a megatrend is not always clear-cut. In the report, the concept of choice is a "global trend", which is used in reference to envi-ronmental change, migration, new technologies, and the changing security framework.

The selected four global trends differ in scope, but overlap in their development. They share the quality of being phenomena, whose effects require a high level of global in-terconnectedness. This is due to the fact that their root causes, development and con-sequences are difficult, if not impossible, to only govern locally. Each trend is contex-tualised here in the most recent debates and on two levels: the UN and the EU.

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[5] Concerning the origins, see Naisbitt 1982: Megatrends and Naisbitt & Aburdene 1990: Mega-trends 2000: ten new directions for the 1990s.

[6] Referred by the UN High-Level Committee on Programmes in UN High-Level Committee on Programmes 2017 https://www.unsystem.org/content/action-megatrends in April 2017. See also Secretary-General's vision, Guterres, Antonio 2016: https://www.antoniogu-terres.gov.pt/vision-statement/ (4 April 2016).

1 Environmental change

The grasp of environmental change in research includes such areas as the use of energy, the loss of biodiversity, urbanisation and climate change. Population growth impacts the environment through the increase of the consumption of food and water and also puts pressure on housing and infrastructure. Urbanisation, resulting from both internal migration to cities as well as urban population growth, affects the environment through expanding urban areas that leave less space for natural environments.

Some effects of environmental change are more easily detected than others. The reasons for, and the effects of, climate change and urbanisation can be concretised more easily than the loss of biodiversity, for example, which tends to be more incremental and is often truly understood only once it is too late to react. The links between the full enjoyment of human rights and the various dimensions of environmental change have been increasingly recognised in the UN Human Rights Council in recent years. For example, biodiversity is noted to contribute to the support of the realisation of the rights to life and health, the right to an adequate standard of living and the right to non-discrimination in the enjoyment of rights[7].

While it is clear that there will be notable human rights implications, it is less clear what these implications will be, exactly, and how to best evaluate and prepare for them. An additional question is to what extent the existing human rights framework is useful for combating the implications. Due to the nature of the issue – i.e. that it is difficult to predict the speed and severity of ecological changes – the challenge is not only present in trying to imagine solutions to the problem, but also in asking the right questions.

In 2018, the Intergovernmental Panel for Climate Change (IPCC) released its report *Special Report: Global Warming* of 1,5℃ on the impacts of global warming of 1,5°C above the pre-industrial levels[8]. In the report, IPCC estimates that human activities have caused approximately 1.0°C of global warming above pre-industrial levels. Global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate. Populations suffering from a disproportionately high risk of

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[7] UNHRC 2017: Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (biodiversity). Available at https://documents-dds-ny.un.org/doc/UN-DOC/GEN/G17/009/97/PDF/G1700997.pdf?OpenElement.

[8] IPCC 2018: Global Warming of 1.5 ºC. Available at http://www.ipcc.ch/report/sr15/

adverse consequences with global warming of 1.5°C and beyond include disadvantaged and vulnerable populations, some indigenous peoples and local communities dependent on agricultural or coastal livelihoods.

It remains to be seen how administrations respond to IPCC's report in practice. It is likewise still unclear if public concern over its results will translate into a wider support for greener politics. Whatever the responses, it is clear that the environment needs to be taken seriously as a context for human rights issues. Importantly, the radical nature of the political actions required by environmental change has diverse implications that affect different groups of people in different ways as, for example, security questions[9]. As examples of the link between environmental change and human rights, this chapter introduces a framework for concretising the right to a safe, clean and healthy environment in the UN context and the growing trend of tackling environmental issues through the human rights framework in Europe. Subchapter 1.2 briefly discusses the implications of demography and urbanisation as features of environmental change in a broad sense because these trends are both implications of and causes to environmental change The growing importance of cities as human rights actors is discussed in part II of the report (chapter 7.1).

1.1 Strengthening the relationship between the environment and human rights in the UN and the EU

Climate change is a result of human activity and influences different groups of people in different ways in different regions. Business actors, which may also involve states (see chapter 7.2) have had, and continue to have, a significant impact on environmental degradation due to issues, such as pollution. This has been made possible in part by the inadequate actions of states, who have failed to produce national laws that are stringent enough. States have also taken part in producing negative environmental impacts themselves. Hence, business actors have been able to outsource the mitigation of the negative environmental impacts of their actions to communities and the public sector. Nowadays - due to the growing significance of corporate (social) responsibility - business actors are under increasing pressure to show that they minimise and prevent their negative impacts on the environment and people.

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[9] Hakala et al. 2019: Northern Warning Lights: Ambiguities of Environmental Security in Finland and Sweden. Sustainability 2019, 11(8), 2228; available at https://doi.org/10.3390/su11082228.

Environmental degradation, a result of global warming, has implications to the wellbeing of humans through the effects it has on declining natural resources, the increase in the cost of water and the escalating damage caused by invasive species to sectors like agriculture, fishing, food and beverages, pharmaceuticals and tourism. Agriculture, for example, is affected by the decrease of irrigated land and clean water sources. Climate-related risks to health, livelihoods, food security, water supplies, human security, and economic growth are projected to increase with a global warming of 1.5°C and will increase further with 2°C. Limiting global warming to 1,5°C in comparison to 2°C, a goal adopted by many countries before the IPCC report, would require all-encompassing, far-reaching and immediate changes in all aspects of society, but it would contribute to making societies more sustainable, equitable and resilient.[10]

Women in general are often more vulnerable to the effects of climate change than men since the majority of the world's poor are women. Also, they are often partly or completely denied the possibilities and resources necessary to achieve full political, economic and social participation to help influence their situation through official and institutional channels, in addition to grassroots activities. Women are likewise more commonly dependent on natural resources in terms of livelihood and placed in rural areas affected by climate change[11]. Climate change also causes compromises on the rights of girls, especially in developing countries, where they bear the consequences of gender inequality and multiple forms of discrimination made more severe by environmental degradation[12].

The loss of biodiversity resulting in the decrease of pollinators and other insects has a negative impact on agricultural varieties. This affects food production and the living conditions of farmers, causing a potential security threat for communities when conflicts over irrigated land and food become more frequent. Other explicit links between environmental change and security include the discourses of food security, energy security and environmental security. The concept of environmental security has already gained ground as part of the changing security paradigm (elaborated in chapter 4). Depending on the context, environmental security can include the relationship of threats between environmental change and human society, it can refer to the consequences of environmental threats, like pollution and climate change, and can entail the potential of the environment to serve as a basis for cooperation[13]. The roots of the concept stem from the end of the Cold War, with an increasing number of literature on

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[10] IPCC 2018: Global Warming of 1.5 ºC

[11] For a summary, see the UN Women Watch, available at https://www.un.org/women-watch/feature/climate_change/downloads/Women_and_Climate_Change_Factsheet.pdf

[12] For a recent report (in Finnish), see Plan International 2019: https://plan.fi/sites/default/files/plan_images/ilmastonmuutos-uhkaa-tyttojen-oikeuksia.pdf

[13] Hakala 2018, esp. 23–49.

the subject emerging in reference to such security issues as the effects of pollution and disaster risk reduction.[14] In 2003, the UN created a platform that is joint cooperation between the UN Environment Programme (UNEP), the UN Development Programme (UNDP), the UN Economic Commission for Europe (UNECE), the Organisation for Security and Cooperation in Europe (OSCE), and the Regional Environment Center for Central Asia and Eastern Europe (REC), which formed the Environmental Security Initiative (ENVSEC)[15]. The aim of the joint platform was to provide education on the issues of environmental security, to identify risks and potentials and to provide analytical assistance, such as bringing together different mandates.

In the UN context, the relationship between human rights and the environment has been addressed since UN Conference on the Human Environment held in Stockholm in 1972 and the ensuing the Stockholm Declaration. The UN Environmental Programme (UNEP) works to combat environmental issues globally[16]. The Stockholm Declaration, and to a lesser extent the Rio Declaration, adopted in 1992 and reaffirming global engagement toward sustainable development[17], show how the link between human rights and dignity and the environment was prominent in the early stages of United Nations efforts to address environmental problems. To some extent, that focus has faded away during the ensuing efforts by the international community to tackle specific environmental problems, with more focus being placed on developing policy and legal instruments, on both international and national levels. Although the foundation of developing such mechanisms relied on considerations made at the time of the Stockholm Conference, the human rights dimension is not explicitly expressed in most of these instruments[18]. The link between human rights and climate change is further explicated in the Paris Agreement adopted in 2015 at the Conference of the Parties to the UN Framework Convention on Climate Change.[19] and the 2030 Agenda for Sustainable Development[20], adopted in 2015, has since become a prominent framework for linking environmental change and human rights. These documents form the background for the link between human rights and the environment in the international law framework. As an exploratory document, in resolution 28/11, issued in 2018, the Human Rights Council accepted the *Report of Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable*

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[14] Hakala 2018, 40

[15] ENVSEC website, see http://www.envsec.org/index.php?lang=en

[16] UNEP 2019: http://web.unep.org/divisions/delc/human-rights-and-environment

[17] The Declaration is available from http://www.unesco.org/education/pdf/RIO_E.PDF

[18] For a summary, see OHCHR webpage: https://www.ohchr.org/EN/Issues/Environment/HREnvironment/Pages/HRandEnvironmentIndex.aspx

[19] UN 2015: The Paris Agreement, p. 4. Available at https://unfccc.int/sites/default/files/english_paris_agreement.pdf.

[20] For general introduction, see https://sustainabledevelopment.un.org/post2015/transformingourworld

environment[21]. It establishes 16 Framework Principles for human rights and the environment.

The work of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment included recommendations for considering climate change and environmental degradation within the UN framework[22]. At the core of the Framework Principles is the claim that the enjoyment of human rights and protection of the environment constitutes a two-way street: "A safe, clean, healthy and sustainable environment is necessary for the full enjoyment of a vast range of human rights, including the rights to life, health, food, water and development. At the same time, the exercise of human rights, including the rights to information, participation and remedy, is vital to the protection of the environment"[23].

The document utilises the existing human rights obligations by applying them in the environmental context, without intentions to create new ones. The report points out that the human right to a safe, clean, healthy and sustainable environment has not been the primary point of reference in developing human rights norms in the context of the environment[24]. It is therefore the explicit recommendation of the Special Rapporteur that "the Human Rights Council consider supporting the recognition of the right in a global instrument. A model could be the rights to water and sanitation, which, like the right to a healthy environment, are not explicitly recognised in United Nations human rights treaties but are clearly necessary to the full enjoyment of human rights"[25].

So far, environmental rights and responsibilities have been recognised in regional treaties and some national constitutions. In Finland, for example, *Section 20 - Responsibility for the environment* claims that everyone is responsible for "nature and its biodiversity, the environment and the national heritage" and that "[T]he public authorities shall endeavor to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment"[26]. The Special Rapporteur suggests that the General Assembly could

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[21] OHCHR 2018: Framework Principles on Human Rights and the Environment. https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/FrameworkPrinciplesReport.aspx=
[22] OHCHR 2018b
[23] OHCHR 2018b.
[24] OHCHR 2018b: p. 4
[25] UNGA 2018: https://documents-dds-ny.un.org/doc/UN-DOC/GEN/G18/017/42/PDF/G1801742.pdf?OpenElement, p. 4 (11)
[26] The Constitution of Finland, English translation provided by the Ministry of Justice in Finland. Available at https://oikeusministerio.fi/en/constitution-of-finland

adopt a resolution that recognises this right as an essential one for the full enjoyment of the human rights to life, health, food, water and housing, for example[27].

The sources from which the Framework Principles are drawn include statements of human rights bodies that have the authority interpret human rights law, but not necessarily to issue binding decisions[28]. Even so, the Framework Principles are a resource and a potential basis for a UN level debate on the further development of human rights law relating to the enjoyment of a safe, clean, healthy and sustainable environment. The stated recommendation of the Special Rapporteur is for the states to "accept the framework principles as a reflection of actual or emerging international human rights law"[29].

The Framework Principles encompass aspects of representation, participation in decision-making, access to information, recognition of vulnerable groups and also the recognition that taking action in environmental policy must be sustainable and fair toward all individuals. It is, however, also recognised that there are open questions and a need for further clarification on how to apply this framework into issues of gender and discrimination, the responsibilities of businesses or the effects of armed conflict on human rights and the environment, to cite a few examples. In order to reach these goals, the Special Rapporteur calls for close interaction between UNEP and OHCHR.

As the report of the Special Rapporteur shows, environmental change is not out of scope for the international human rights system, but a lack of consistency in forming an explicit agenda for addressing the issue has been evident. Recently, national level legal processes and international procedures for human rights complaints have become methods used to put pressure on environmental policies locally. This concerns state responsibility under international law and, more specifically, the so-called due diligence responsibility of states for the acts of non-state actors[30]. While the debates on the benefits and hindrances of fragmentation in (international) law are ongoing, in the case of environmental law and human rights, European legal instruments seem to be developing towards a relatively harmonious state. The European Court of Human Rights (ECtHR) has taken on environmental issues through the human rights framework in "close to a hundred cases"[31] and the result seems to be that the ECtHR is

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[27] Ibid.

[28] OHCHR 2017d: Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/HRC/25/53), available at https://www.ohchr.org/en/hrbodies/hrc/regularsessions/session25/pages/listreports.aspx

[29] UNHRC 2018: Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

[30] Heiskanen 2018: https://politiikasta.fi/euroopan-ihmisoikeustuomioistuin-ja-valtion-ympa-ristovastuu/

[31] Heiskanen 2018: pp. 7–19.

also carefully considering parallel institutions and instruments, such as EU directives on environmental matters or UN documentation[32].

One revealing facet of the importance of acknowledging the link between the human rights framework and environmental change is the fact that environmental issues translate into many things, depending on the cultural, political and economic context. By way of example, urbanisation and projects directed at developing urban surroundings have implications for land ownership, the price of land and subsequent socio-economic polarisation. There is no "right to land" as such, but land ownership is a crucial human rights question with links to several rights, including housing, an adequate standard of living, the freedom of religion, and the freedom of movement and residence[33]. From the perspective of indigenous peoples, the questions of land ownership and the usage of that land are deeply rooted in questions of culture and the way of life. From the perspective of women's independence from their husbands and relatives, land ownership is rooted in questions of economic and legal empowerment[34].

1.2   Demography and urbanisation

As human rights mechanisms and environmental challenges are being tied together more firmly both globally and regionally, it is also important to recognise the impacts of changing demography and urbanisation. Environmental change is closely linked to the development of demography, increasing the pressure to use natural resources through population growth and shaping the balance between rural and urban areas. Demographic change also includes the effects of migration (discussed in chapter 2) and raises the question of social integration and its meaning to the realisation of human rights. Traditionally, populations in rural areas have been the focal point of human rights discourses, but rapid urbanisation is now challenging this emphasis, as the importance of cities as actors and platforms for the realisation of human rights standards is on the rise (see chapter 7.1). The combination of demography including migration and urbanisation requires a well-planned infrastructure for societal necessities, such as education, health-care, democratic participation and sanitation. They also

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[32] Heiskanen 2018: 19
[33] Gilbert 2013: Land rights as human rights. The case of specific right to land. SUR International Journal for Human Rights (online). June 2013, https://sur.conectas.org/en/land-rights-human-rights/. For an introductory overview on land and human rights, see OHCHR 2016: Land and Human Rights. Standards and applilcations, available at https://www.ohchr.org/Documents/Publications/Land_HR-StandardsApplications.pdf.
[34] Also, in Finland only 24% of the forestry is owned by women, see Hänninen, Karppinen & Leppänen 2011: Suomalainen metsänomistaja. Metlan työraportteja 208. http://www.metla.fi/julkaisut/workingpapers/2011/mwp208.pdf

have strong links to the changing world of work (see chapter 3.3), which is one of the major global shifts influenced strongly by environmental change and new technologies (chapter 3).

1.2.1 Demography

The global population grows unevenly. An example of this can be seen in the expansion of Africa's population and the declining population numbers of Europe[35]. The human rights impacts of demographic change include the realisation of the right to health, right to work and right to an adequate standard of living. Demography and population growth also have links to migration (see chapter 2) and influence urbanisation. Science and technological innovations (see chapter 3) may, however, help in utilising resources with more efficacy. With this in mind, technology can also increase inequality in relation to the ability to use resources, making scarce resources more vulnerable to exploitation in areas governed by less stable regimes.

In areas of intense population growth, pressures caused by the scarcity of natural resources and energy increases. Scarcity of natural resources and energy is a result of the growing demand for food, water and energy. It creates an increasing demand for water-food-land resources and energy. Environmental changes in West and Central Africa, for example, are impacting human livelihoods and mobility. At the same time, rapid population growth has led to deforestation and overgrazing that has resulted in land degradation. In these circumstances, the majority of international migrants in West and Central Africa move within the subregion. The high number of people moving within West Africa is partly linked to the possibility of visa-free movement among the Economic Community of West African States (ECOWAS) members, the small size of many countries in the region and the strong networks among the many ethnic groups scattered across the area.[36]

In Asia, demographic and environmental changes present themselves in different ways in different parts of the region. Eastern Asia is in the midst of demographic change with several countries experiencing low fertility rates and ageing populations, leading to a reconsideration of immigration policies. Countries like Japan are already undergoing negative population growth, while the Republic of Korea has a very low birth rate and a rapidly ageing population. The Republic of Korea and Japan have increased the promotion of temporary foreign labour immigration. By the end of 2015,

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[35] UN DESA 2017a: https://www.un.org/development/desa/en/news/population/world-population-prospects-2017.html

[36] UN DESA 2015a; Flahaux & de Haas 2016. African migration: Trends, patterns, drivers; IOM 2017: 49; Adepoju 2016: Available at https://academicimpact.un.org/content/migration-dynamicsrefugees-and-internally-displaced-persons-africa

the Republic of Korea employed over 500,000 foreign workers.[37] On the other hand, the countries of Southern Asia are particularly vulnerable to natural disasters and climate change. Insufficient infrastructure and dense populations living in vulnerable areas often lead to human displacement in the context of disasters.[38]

Economic and environmental challenges also influence demography in the form of emigration from Pacific Island countries. The total number of Pacific-born migrants, mainly from Fiji, Samoa and Tonga, living in other countries is now 420,000. Development challenges, environmental change and degradation are among a multitude of factors prompting many to migrate, with half of the population in Kiribati and Tuvalu living in overcrowded urban areas on atolls with limited access to water and land. Sea level rise, saltwater intrusion and drought impact people's decisions to migrate in the region, both internally and internationally. There is also a growing discussion around the need for a planned relocation of groups and communities.[39] Forced migration resulting from climate change is likely to increase in the broad perspective as well, as certain areas in the Northern parts of Africa and the Middle East, for example, become too hot for populations[40].

From the perspective of the business world, the global increase of both young and aging populations affects the labour market and production, as does migration (see chapter 2.3), causing business power shifts from the west to the east. An aging population also means more age-related illnesses, which links demography with the development of new technologies (see chapter 3).

1.2.2   Urbanisation

Changing demography and open economic activity, which are closely linked to globalisation, also impact the environment through urbanisation. Shifts in demography influence infrastructure, especially through internal and international migration, because cities are most often the main destination for migrants, causing pressure on governance[41]. The link between the implementation of SDGs (see chapter 5) and the Paris Agreement as well as the ability of different urban environments to respond to these

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[37] Moon 2015: Moon, K.S.H. South Korea's Demographic Changes and Their Political Impact. Available at www.brookings.edu/wp-content/uploads/2016/06/South-Koreas-demographic-changes-and-their-political-impact.pdf ;

[38] Oommen 2015: South Asia–Gulf migratory corridor: Emerging patterns, prospects and challenges. http://dx.doi.org/10.1080/21632324.2015.1010705 ; IOM 2017, p. 60

[39] International Organization for Migration 2017: World Migration Report 2018, p. 89.

[40] Lelieveld et al. 2016 Climatic Change Available at https://doi.org/10.1007/s10584-016-1665-6

[41] International Organization for Migration (2017). World Migration Report 2018. p. 227

was recognised in, for example, the 2016 UN Conference on Housing and Sustainable Urban Development[42]. In general, cities are becoming increasingly important as actors and sites of human rights implementation (see chapter 7.1).

As people shift locations, environments also potentially change. For example, an increase in population affects the ecosystems of rural communities, but, conversely, also results in a reorganisation of urban environments. Responding to the infrastructural challenges of including new groups of people and providing opportunities to participate in the community requires resources and strategic planning. It also requires, and should include, a strong engagement with human rights based policymaking to ensure the early entry of the human rights perspective into the environment.

For the first time in the history, more than half of the global population lives in cities both large and small. This trend is driven by rapid urbanisation in the most densely populated developing countries.[43] Between 1950 and 2015, the total urban population in developing countries increased tenfold from about 300 million to 3 billion; the urban share tripled from about 17% to 50%.[44]

In Europe, urbanisation began with the advent of the first industrial revolution. In 1800, around 15 percent of the population lived in the cities, in 1910 the amount was already 40 percent. Developing countries are in many ways following the same path, but with some significant differences. In Africa and Asia, the big push for urbanisation started much later in the 20th century, but the growth rate of the urban population has been double compared to that of Europe. Both moved from 15% in 1950 to ~40% in 2010.[45] In terms of urbanisation, Finland has been a relative latecomer compared to others with an urban growth that started as late as the 1950s.

The level and pace of urbanisation and the underlying demographic drivers are determined by several factors and closely linked to economic transformation as well as the expansion of urban settlements through annexation and the reclassification of rural settlements as cities.[46] In recent decades, urbanisation in Northern Africa, Western

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[42] United Nations Sustainable Development Goals 2018: UN Habitat III Conference. Available at www.un.org/sustainabledevelopment/habitat3/#prettyPhoto
[43] Beall, Guha-Khasnobis & Kanbur (eds.) (2010): Urbanization and Development: Multidisciplinary Perspectives.
[44] United Nations 2013: Millenium Development Goals Indicators: The Official United Nations Site for the MDG Indicators.
[45] Jedwab, Christiansen & Gindelsky (2017): Demography, urbanization and development: Rural push, urban pull and…urban push?, Journal of Urban Economics, No. 98 (2017), pp. 6–16.
[46] United Nations 2018a: Population Facts, No. 2018/1, December 2018, United Nations, Department of Economic and Social Affairs, 2018.

Asia and, to a lesser degree, Latin America and the Caribbean, has slowed down after a period of rapid increase in the decades after 1950.[47] Some of the areas have reached a saturation point where urbanisation normally slows down. For example, in Latin America and the Caribbean (81 %) and Oceania (68%) most of the population is already living in urban areas.[48]

Historically, urbanisation and income growth have been linked. No country has ever reached middle income status without a significant population shift into cities. Urbanisation has been seen as a necessity in order to sustain (though not necessarily drive) growth in developing countries[49]. Urban centers offer economies of scale, in terms of productive enterprise and public investment. Cities are social melting pots, centers of innovation and drivers of social change.[50]

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[47] United Nations 2018a: Population Facts.
[48] United Nations 2018b: World Urbanization Prospects 2018 - Key Facts. United Nations.
[49] Spence et al. 2009: Urbanization and Growth, Commission on Growth and Development, The World Bank, Washington 2009.
[50] Beall et al. 2010.

Figure 1. Share of population living in urban areas 1800–2016, percentage.

Source: Our World in Data: https://ourworldindata.org/urbanization
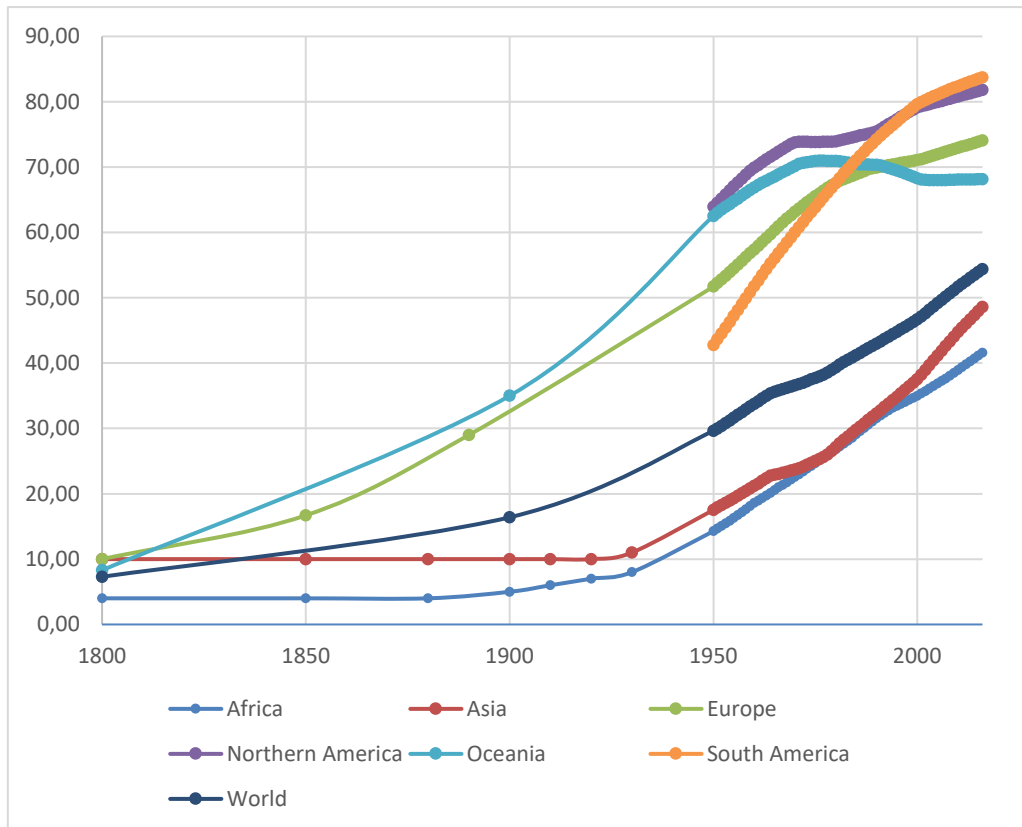
 In recent decades, this link between income growth and urbanisation has grown weaker. Higher levels of urbanisation are now also evidenced at low levels of income. This might be partly explained by the changing dynamics of the growth of urban populations. Standard models explain urban population growth through by rural-urban migration. They focus on rural push factors like the green revolution leading to agricultural modernisation and a rise in food productivity and rural poverty as well as urban pull factors like industrialisation, urban wage increases and urban-biased policies. Yet recent studies suggest that a non-negligible part of developing countries' rapid urban growth and urbanisation may also be linked to demographic factors, i.e. a rapid internal growth of urban population. In industrialising Europe, the death rates in urban areas were high enough to offset urban birth rates. Lower death rates in modern cities

has led to urban congestion that provides a partial explanation for the phenomenon of urbanisation without economic growth.[51]

This change has made sustainable urbanisation increasingly difficult, especially in developing countries. Unguided and spontaneous urbanisation coupled with a lack of urban management policies has made many developing countries and the denizens of these cities experience limited opportunities from economic and social progress. The relationship between urbanisation, economic growth and social development in developing countries is often described as asynchronic, as urbanisation is demographically driven with limited or no economic and social growth.[52] On the other hand, this exclusionary urbanisation is also partly created by policies and strategies that privilege economic growth and result in many people being left behind. More inclusive urban planning would enhance the situation of urban populations. It would require eliminating discriminatory exclusion, giving the disadvantaged a bigger voice within existing institutions and guaranteeing the human rights of the urban population.[53]

One of the problems of "megacities", caused by rapid population growth, is the formation of slums. In his comprehensive human rights report concerning extreme poverty in the US, Philip Alston showed how a severe neglect of poverty and inequality resulted in flagrant human rights issues, even in countries that are not immediately associated with them[54]. As the report notes, it is often women and children who are most affected by poverty; a fact that is worsened by policies that erode the health care system or social services. This is caused by the insecure living conditions of pregnant women, poor conditions during labour and post-pregnancy and inadequate facilities for ensuring an adequate level of hygiene for infants and small children in order to protect them from diseases. Hence infrastructure - ensuring that natural and urban environments are able to respond to the pressure that their users and residents put on them - is of paramount importance. Investments in well-functioning infrastructure are needed, as cities keep developing unevenly. The negative outcomes of insufficient infrastructure, housing and sanitation services include risks, such as disease, violence, a lack of education and other opportunities for human development and elevated harm from natural disasters[55].

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[51] Jedwab et al. 2017.

[52] Brandful, Eridaw-Kwaise & Amoateng 2015: Rethinking sustainable development within the framework of poverty and urbanisation in developing countries. Environmental Development, no. 13 (2015), pp. 18–32.

[53] McGranahan, Schensul & Singh 2016: Inclusive urbanization: Can the 2030 Agenda be delivered without it? Enviroment and Urbanization.

[54] OHCHR 2017a: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533

[55] International Organization for Migration (2017). World Migration Report 2018. p. 230

2 Migration

From a legal perspective, notwithstanding of the situations of non-refoulement[56], states are free to decide whether they grant entry to non-nationals[57]. The right to citizenship connects individuals with specific state(s), whose laws apply accordingly within their territories. As for refusing the entry or residence of others, international law allows a notable amount of discretion for the states to decide for themselves. Although states have the right to control their borders and return irregular migrants, their discretion is constrained by the fundamental rights of individuals, even if they lack the permission to enter or stay in the country.

Immigration, emigration, naturalisation, loss of citizenship and the rights of non-citizens have historically been prominent issues on the states' policy agendas and linked with themes like security, sovereignty, ethnicity, culture and nationalism[58]. The states have been reluctant to ratify treaties that would legally limit their sovereign right and opportunity to decide on people's rights to enter and stay within their borders[59], but many states have de facto accepted international norms that limit these possibilities. Currently, the main limitations to this stem from international law through 1951 Refugee Convention and the subsequent documents, and the non-refoulement principle. Different legal instruments are applied to asylum seekers and refugees, regular migrants and labour migrants. Lately, a central issue in the politics involving migration has been the question of how to deal with irregular migration and its negative human rights impacts.

In the 19th century, Europe was a region of emigration rather than immigration, but particularly the of Cold War, the curve has changed. In the post-war context, migration was one of the difficult outcomes of global disarray. Displacement, the status of ethnic and religious minorities and diasporas were a concern in Europe and elsewhere. This was a consequence of the war, during which people were relocated in great numbers. During the Cold War, the movement of individuals was controlled in various ways in the Soviet sphere of interest. Later on, in the 1990s, the European Union introduced

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[56] For an introduction of this principle in the international law, see
https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf
[57] International Commission of Jurists 2011, p. 43
[58] E.g. Fahrmeir 2007; Gosewinkel 2003; Joppke 2010.
[59] Baird 2011: p. 4, 17–20
https://law.unimelb.edu.au/__data/assets/pdf_file/0004/1687162/Baird.pdf

an area of free movement to its citizens. In turn, workers have had a long history of establishing communities outside of their respective countries of origin.

Migration to Europe, but also to other regions, is expected to rise. The primary reason for international migration is work-based and most of these migrants live in high-income countries employed in the service sector. Most of them pursue a higher standard of living, better career opportunities or the availability of employment. There are also high-skilled migrants the states compete to attract with easier access to the country and other benefits. At the same time, global migration caused by conflicts and other factors is peaking. The rising number of migrants will have consequences on human rights, especially from the perspective of economic, social and cultural rights. At the heart of migration as a legal and political issue are the factors of national sovereignty, security and state borders, human security, and imbalance in the standards of living.

Migration is one of the most prominent issues in security discourse. There are several dimensions included that also resonate with the changing security paradigm (see chapter 4). Firstly, conflicts and terrorism continue to result in extensive levels of internal and international displacement. In the Middle East for example, Syria, Iraq and Yemen are facing large-scale humanitarian crises and about 65 percent of Syrians are now displaced. Over 3 million Iraqis are displaced within the country and the political and security situation in Yemen has continued to deteriorate.[60] Reduction of environmental resources (see chapter 1) also results in, and is increased by, armed conflicts, which have been reported to be the most commonly stated reason for applying asylum in Europe in recent years. Tensions between ethnic groups and gendered violence have also increased insecurity within the applicants' home communities.[61]

Secondly, migration has increasingly been associated with border security. Recently, so called securitisation of immigration (see chapter 4) and the way the issue of migrants and asylum seekers has been approached from the viewpoint of security instead of human rights has been criticised for producing a narrow and potentially hostile view on migrants as a group[62].

Thirdly, immigration is linked to intra-state security - a dimension that has become emphasised in Europe, especially after the increase in terrorist attacks during the past

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[60] UNHCR 2017: Global Trends: Forced Displacement in 2016. UNHCR, Geneva. Available at www.unhcr.org/5943e8a34
[61] SaferGlobe 2018: EU:sta turvapaikkaa hakevien turvattomuuden syyt lähtömaissa ja matkalla. Policy Brief 3/2018
[62] Prokkola 2018: Rajan turvallistaminen ja poikkeustilan arjen geopolitiikka. Tornion kaupunki maahantulon reittinä syksyllä 2015. Alue ja Ympäristö 47: 1 (2018) pp. 3–16

20 years. The main questions surrounding intra-state security are how to find the best policies to ensure that immigrants are fully able to enjoy their human rights and how to strengthen the relationship between communities through supportive integration measures.

Perspectives on the manifold reasons for migration often influence public discussion. The vocabularies employed bend in various differing directions, even among important global institutions: it is not clear how a migrant is defined in terms of time-span or their background, i.e. if migration is considered to include forced migration and refugees or if workers' rights, family reunification or students should be discussed as part of a different framework. Thus public discussion on refugees and asylum seekers, regular migrants, migrant workers or labour migrants, economic migrants and irregular migrants, their situations and the implications of their legal status, is often muddled. Recent debates at the UN level concern questions, such as governing migration through better international coordination, whereas, debates over border control have been dominant at the regional level in Europe.

This chapter emphasises the question of irregular migration. Even regular migrants face exploitation in many cases, but irregular migrants are even more vulnerable to human rights violations. They face discrimination, exploitation and marginalisastion, and they often live and work without any official status[63]. As a phenomenon, irregular migration has been one of the leading migration trends during this century[64]. Recent efforts in the UN aim at finding ways to increase international cooperation to control irregular migration and ensure a human rights based approach to migration governance (see chapter 2.1). The rights of migrant workers are discussed below, in the context of the changing labour market in Europe (chapter 3.3).

The International Organisation for Migration (IOM) defines irregular migration as "movement that takes place outside the regulatory norms of the sending, transit and receiving countries"[65]. Irregular migration is combatted at the border and beyond. International borders are not zones of exclusion or exception for human rights obligations. There is a clear tension between migration control and migrants' human rights. The human rights of all persons at international borders must be respected in the pursuit of border control, law enforcement and other state objectives, regardless of which

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[63] OHCHR 2017c: https://www.ohchr.org/en/issues/migration/pages/migrationandhuman-rightsindex.aspx
[64] European Political Strategy Centre 2017: https://ec.europa.eu/epsc/sites/epsc/files/epsc_-_10_trends_shaping_migration_-_web.pdf
[65] International Organization for Migration 2017: World Migration Report 2018.

authorities perform border governance measures and where such measures take place.

2.1 Migration and human rights in the UN: Global Compact for Migration

The most notable UN-led development of 2018 is the negotiating of the Global Compact for Safe, Orderly and Regular Migration (GCM)[66]. The objective of the document has been to increase international coordination for global migration at the state level and to provide guidelines on how to include human rights principles in a consistent way in immigration policy. The GCM is not legally binding. The process was based on the New York Declaration and complemented with a separate Global Compact on Refugees. As a supporting document, IOM (which has been part of the UN framework since 2016) published a report called Global Migration Indicators (GMDAC/IOM 2018[67]).

The background for the Global Migration Indicators is addressing the need to strengthen the data available on global migration, which will be necessary for the implementation and follow-ups of the GCM. The report claims that, together with the Sustainable Development Goals (see chapter 5), "a strong momentum towards improving the weak evidence base on international migration" has been created[68]. IOM has developed its Migration Governance Indicators[69] within the group for Migration Governance Framework[70], also in order to contribute to the debate on SDG Target 10.7 concerning "well-governed migration". There are six dimensions that Migration Governance Framework (MiGOF) suggests taking into account in governing migration: migrants rights, the whole of government approach, partnerships, the well-being of migrants, the mobility dimensions of crises and safe, orderly and dignified migration[71].

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[66] UN 2018, available at https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf

[67] Global Migration Data Analysis Centre 2018: Global Migration Indicators, available at https://publications.iom.int/system/files/pdf/global_migration_indicators_2018.pdf

[68] Global Migration Data Analysis Centre 2018: 13.

[69] See International Organization for Migration 2018: Migration Governance Indicators http://gmdac.iom.int/migration-governance-indicators

[70] See brochure https://www.iom.int/sites/default/files/about-iom/migof_brochure_a4_en.pdf

[71] International Organization for Migration 2018: Migration Governance Indicators http://gmdac.iom.int/migration-governance-indicators

A common denominator for the documents addressed here is that they aim at better documentation, coherence and cooperation on global migration. Regardless of how they acquired irregular status, irregular migrants are disproportionately exposed to human rights violations. States with weak human rights protection systems allow exploitation of migrants, particularly those in irregular situations. The Special Rapporteur on the human rights of migrants takes the position that "irregular migration is not a crime. State authorities have increasingly had recourse to the language of crime when they speak of irregular migration, with some States resorting to criminalisation of irregular migration and/or of helping migrants in an irregular situation. Crossing borders may be in violation of the law, but it is an abstract violation of the law, since moving from one country to another does not per se endanger any person, nor affect any property."[72] Apart from the tendency to criminalise irregular migrants, states frequently offer them limited or no access to basic social services required for an adequate standard of living.

The Global Compact for Migration and the Global Compact on Refugees include guiding principles that should be addressed in order to ensure that migration is "safe, orderly and regular" for as many individuals as possible. The document claims to express "our common understanding, shared responsibilities and unity of purpose regarding migration" and states that the positive impacts of migration can be "optimised by improving migration governance"[73]. GCM also recognizes that the human rights of women, men, girls and boys are respected at all stages of migration. It mainstreams a gender perspective and promotes gender equality for all individuals in order to move away from the perspective of migrant women as victims.

The politics over the GCM show, firstly, how the pitfalls of contemporary debates over immigration policy were recognised in the text by explicitly addressing commonplace issues. The document refers to the need to make it less desirable for people to leave their homes and calls for the respect of national sovereignty and security. The call for documentation, identification and data gathering, likewise, all have a part to play in anti-immigration agendas, as their objective is to reduce irregular and undocumented migration and to advance the ability of the states to identify who they allow to cross their borders. The document also gives primary importance to the respect of the human rights of migrants throughout their journey.

The GCM is not a legally binding document introducing legal obligations for states to modify their immigration policies. Rather, it aims at formulating guidelines and princi-

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[72] François Crépeau, Special Rapporteur on the human rights of migrants, statement to the General Assembly, New York, 21 October 2011.
[73] Global Compact for Migration 2018: p.2.

ples for the better coordination of international migration to ensure a more efficient application of human rights principles into regional and national practices and clarifying standards. The emphasis is decidedly on national interest over the human rights of individuals, even though these are not explicitly opposed (i.e. protecting national security does not exclude respect for human rights).

Further objectives of the Global Compact on Refugees are to transform the way the international community provides protection to refugees as well as to support host countries. It comprises the Comprehensive Refugee Response Framework (CRRF) and a Programme of Action.[74] The CRRF is set out in the New York Declaration (Annex 1) and aspires to set up a comprehensive refugee response based on the principles of international cooperation and the sharing of burden and responsibility. It contains improvements on elements, such as reception and admission, support for immediate and ongoing needs, support for host countries and communities as well as durable solutions. The second part of the Global Compact is being set up to facilitate the application of the CRRF in support of countries affected by a large movement of refugees. The Global Compact on Refugees will not be legally binding but has a stated objective of being "a powerful international agreement on how to respond better to large movements of refugees".[75]

2.2   Irregular migration and human rights in the EU context

States try to control the movement of irregular migrants before they reach their borders by setting up visa requirements, carrier sanctions, readmission agreements, financial incentives and financial penalties.[76] For example, Australia is well known for its offshore processing. In 2016, Oceania hosted about 100,000 refugees and asylum seekers. Most of the refugees originated from Asia, such as Indonesians in Papua New Guinea or Afghans and Iranians in Australia. Both Australia and New Zealand participate in refugee resettlement. Australia's refugee resettlement programme is the third largest in the world. Australia's policy is to transfer those who arrive irregularly as asylum seekers to offshore processing centers on Manus Island in Papua New

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[74] Global Compact for Migration 2018: p.2.
[75] UNHCR 2018b: The New York Declaration for Refugees and Migrants. Answers to Frequently Asked Questions, p. 5 (available at http://www.unhcr.org/584689257).
[76] Den Heijer 2012: p. 4.

Guinea and in Nauru.[77] Asylum seekers that arrive in Australia without a valid visa are transported to offshore locations and detained.

Confronted with increasing numbers of irregular migrants arriving on European shores, the EU has also ramped up its efforts to combat irregular migration[78]. In 2015 and early 2016, there was a sharp increase in transit migration from and through Turkey and the Western Balkans, particularly via the Eastern Mediterranean and the Western Balkans routes, to reach countries in the EU. It brought the level of migration to record levels and increased the number of asylum seekers and vulnerable migrants in the region. Finally, the closure of the route through Turkey, Greece and the Western Balkans left more than 70,000 people stranded.[79] EU Member States have recently shifted their focus to transit countries sharing a border with EU territory, trying to create a "buffer zone" around their territory.

About 30 % of all international migrants (75 million) lived in Europe in 2015. More than half of them (40 million) were born in Europe, but are living elsewhere in the region. The number of non-European migrants in Europe reached over 35 million in 2015. Migrants born in Asia, Africa, and Latin America and the Caribbean experienced similar growth patterns over the past 25 years. Most European-born migrants living outside of Europe were based in Northern America. Intraregional migration is particularly dynamic in Europe. There were 16 million people living in one European Union (EU) Member State that had the citizenship of another member state. The high degree of intraregional migration is due to free movement arrangements that enable citizens to cross internal borders easily.

In response to the large influx of migrants in the last couple of years, the European Commission has released several communications aimed at making it more difficult for irregular migrants to stay in the EU.[80] The balance between migration control and the rights of irregular migrants is shifting in the direction of control. This trend is exemplified in the attempts of countries like Italy and Hungary to make the NGO's assisting irregular migrants look bad.[81] The human rights provided for irregular migrants in the

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[77] International Organization for Migration, World Migration Report 2018 (2017), p. 91.
[78] 2016 Communication from the Commission to the European Parliament, the European Council and the European Investment Bank on establishing a new Partnership Framework with third countries under the European Agenda on Migration.
[79] IOM 2017: 74; Frontex 2017: Frontex Annual Risk Analysis for 2017. http://reliefweb.int/sites/reliefweb.int/files/resources/ Annual_Risk_Analysis_2017.pdf
[80] Commission Recommendation of 7.3.2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council
[81] https://www.ft.com/content/3e6b6450-c1f7-11e6-9bca-2b93a6856354.

EU-acquis are mostly found in the EU Charter of Fundamental Rights[82] and in the Directives on migration. The majority of the rights enshrined in the Charter are granted to everyone, which means they are also afforded to third-country nationals, notwithstanding their migration status.[83] Conversely, the EU also has an (increasing) set of rules that have a negative impact on the rights of irregular migrants.[84] For example, the Facilitation Directive requires states to punish those who intentionally assist irregular migrants in entering or residing in the EU for commercial purposes.[85] This means that landlords who rent a flat to irregular migrants can be penalised, which makes it more difficult for irregular migrants to find shelter and increases the risk of ending up in exploitative housing conditions.

The Schengen Border Code (most recent: Regulation 2016/399) created an area without internal borders. Since 1995, it has grown gradually and now encompasses almost all EU States and a few associated non-EU countries. The abolishment of internal border controls reinforced the need for EU member states to create a common policy on asylum and migration. To protect its external borders, the EU and its member states created a strict visa policy and a limited set of conditions for crossing the external borders of the EU. Attempts to better regulate state borders have led some states to pursue policies that seek to externalise migration control into the territory of third countries. In this way, the focus of migration control is shifted outside of the state's territory.[86]

Many countries east of Europe, such as the Russian Federation, Ukraine, Poland and Romania, have very large emigrant populations within the region. Portugal, Ireland as well as Bosnia and Herzegovina had large shares of their populations abroad. For most South-Eastern and Eastern European countries, the key feature during past decades has been emigration with fairly low levels of immigration. The most important target area for emigration has been Western Europe. Germany had the largest foreign-born population in Europe in 2015. The largest foreign groups came from Poland, Turkey, the Russian Federation and Kazakhstan, each exceeding one million.[87]

Since the nineties, individual EU Member States have been developing comprehensive ways to cooperate with countries of transit and origin.[88] Readmission agreements

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[82] EU Charter of Fundamental Rights

[83] FRA 2011: Fundamental rights of migrants in an irregular situation in the European Union

[84] ibid.

[85] Council Directive 2002/90/EC of 28 November 2002 on defining the facilitation of unauthorised entry, transit and residence, OJ 2002 L 328/17.

[86] Triandafyllidou 2014: p. 10.

[87] International Organization for Migration, World Migration Report 2018 (2017): p. 69.

[88] Roig and Huddleston 2007: p. 363–387; Lavenex 1999: pp. 76–82, 89.

(RA's) stated that the requested state must readmit any person who does not fulfill, or no longer fulfills, the entry or residence conditions applicable in the territory of the requesting state, on the condition that it can be proven or indicated by *prima facie* evidence that the person in question is a national of the requested state.[89] This approach was taken over by the EU. Since 2000, partnership and cooperation agreements between the European Union and third countries, notably the Cotonou Agreement and its Article 13, contain clauses that demand the parties readmit their own citizens.

From a human rights standpoint, there are several problematic implications related to the use of RA's. Firstly, they do not include any guarantee that the transit country has a sufficient protection regime in place for asylum seekers.[90] The second human rights implication relates to the restricted border policy into the transit country from neighboring non-EU countries. As a consequence, migrants may face obstacles in fleeing persecution or violence in their own country and may thus end up devoid of protection. Thirdly, a readmission agreement obliges a transit country to readmit an undocumented migrant from the EU, but not to grant him access to basic needs, such as the right to housing, health care, primary education, work and social welfare. This could mean that migrants may not be able to return to their home country and will end up in a legal limbo.

Aside from this significantly widened scope of a safe third country concept, Member States are also given a large margin of appreciation with regard to the required connection: it should be "reasonable" for the person to go to that country. This reason could exist "if he transited through that country which is geographically close to his country of origin". As part of this new approach, the EU is contemplating setting up so called "joint platforms" or "disembarkation platforms" in African countries, such as Niger, Libya, Tunisia, Algeria, Morocco and Egypt. These platforms could be used to enhance the screening of migrants for asylum eligibility and to discourage those fleeing to Europe from boarding smuggling boats. In this sense, it might save migrant lives lost as sea. However, there is no certainty that European leaders can come to terms on the quota for accepting recognised refugees on their territory. If they cannot, or if processing does not function accordingly, protection seekers risk becoming stranded in transit countries where living conditions are significantly below those in the EU. Hence, the human rights implications of the use of disembarkation platforms might be far reaching.

In response to the large influx of migrants in the last couple of years, the European Commission released a communication in 2017, in which it calls on states to make returns more effective when implementing the Return Directive. The communication

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[89] Strik 2017, p. 312.
[90] Strik 2017.

calls on states to systematically issue return decisions to third-country nationals who are staying in their territory illegally. The Commission also states that "detention can be an essential element for enhancing the effectiveness of the Union's return system, which should only be used if no other sufficient but less coercive measures can be applied." States are called to increase the duration of detention where possible, as this would make returns more effective. It also mentions that the deadlines for lodging appeals that are set too broadly can have a detrimental effect on return procedures. The proposals of the Commission shift the balance between immigration control and the human rights of migrants in the direction of immigration control. The question is to what extent will states actually increase their use of detention and whether or not increased use of detention actually has a positive effect on return rates.[91]

A report from the Fundamental Rights Agency of the EU stated that several countries, such as France and the Netherlands, increased their use of detention in 2017.[92] Other countries, such as Germany, Italy and Spain, ordered the construction of new detention facilities. The researchers also found that asylum seekers were living in inadequate conditions in detention facilities in Bulgaria, Denmark, France, Germany, Greece, Hungary, Italy and Spain. In some cases, the Court deemed this treatment to be inhuman. The report also mentions inadequate facilities for vulnerable persons and children, specifically. As one of the positive developments, FRA noted that several Eastern European countries have now adopted alternatives to detention in their legislation. The proposals of the Commission and ongoing practices in Member States show that detention remains an important human rights topic that demands continued attention in the coming years. Human rights safeguards are in place through UN, CoE and EU-legislation, but the EU and its Member States continue to push these boundaries in an attempt to manage migration more efficiently.

Additionally, the OHCHR has put together Recommended Principles and Guidelines in order to translate the international human rights framework into practical border governance measures.[93] The primacy of human rights and the principle of non-discrimination are among the first recommendations. Accordingly, states are asked to adopt binding codes of conduct for border authorities and to develop practical guidelines and standardised procedures for the identification of migrants. The OHCHR also

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[91] In a Dutch report, it was found that immigration detention only heightens the chances of return during the first three months of return. Afterwards, the effect is minimal (ACVZ 2013).
[92] FRA 2018: p. 18.
[93] OHCHR 2014: Recommended Principles and Guidelines on Human Rights at International Borders.

emphasises the need for holding border authorities accountable for human rights violations during rescue and interception operations, including for those that occur extra-territorially.[94]

2.3　Social integration

Extensive immigration puts a degree of pressure on minority rights and forces the states to assess how their legislation responds to the needs of minority groups. With close links to globalisation, the shifting diversities in the composition of populations challenge democratic systems and influence social justice. In Europe, states need to reconsider their attitude towards societal diversity and the rights of minorities, including the so called "old" and "new" minorities[95]. The application of minority policies and thinking in a situation where migration brings about new ethnic and cultural groups affects both inter-state and intra-state relations. Furthermore, a potential security threat is present in the increased tension between communities that drift too far apart[96]. The insufficient realisation of the minority rights of new minority groups may also be problematic if the issue is difficult politically.

In the political sense, the terminology of integration includes a variety of concepts and ideal goals for these measures and policy models, with links to nationalism and security issues[97]. In the context of human rights, the concept of integration has entered the debates, especially since the 1990s, and has been discussed together with inclusion and, to a lesser extent, assimilation[98]. The importance of promoting integration for increasingly diverse societies by respecting difference has been recognised for some time. However, it has been difficult to come to terms with the practical content and limitations of the concept of integration in the context of international human rights

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[94] OHCHR 2014: Recommended Principles and Guidelines on Human Rights at International Borders, Guideline 4, paragraph 16.

[95] See e.g. Pentikäinen 2015: "Social Integration of 'Old' and 'New' Minorities in Europe in Views of International Expert Bodies Relying on Human Rights: Contextual Balancing and Tailoring", Journal of Ethnopolitics and Minority Issues in Europe, 14:1.

[96] Pentikäinen 2015.

[97] Eg. Björk 2014: Accessing Citizenship. The Conceptual and Political Changes of the German Naturalization Policy, 1999–2006. *Contributions to the History of Concepts* 9:1.

[98] Pentikäinen 2008: Creating an integrated society and recognising differences. The role and limits of human rights, with special reference to Europe. Acta Universitatis Lapponiensis 140, Lapland University Press. Available at http://urn.fi/URN:NBN:fi:ula-20111141046

norms[99], as well as in political debates on naturalisation[100]. The tension between integration and the negatively connotated concept of assimilation, specifically, has not been clear enough[101], which has often meant a rather forcible process of denying the use of minority languages or cultural practices[102]. This has partly overshadowed the potential of the concept of integration, which could have the advantage of addressing difference and inclusive equality at the same time[103].

Importantly, integration should not be seen as a one-way street. Within continental Europe, there has been a tendency to shift the responsibility for active integration from the host state to the immigrants themselves (especially since the late 1990s and early 2000s)[104]. This overlooks the importance of providing secure spaces and methods for social, political and economic participation. Furthermore, there is the need to maintain a wide perspective on social and political integration with a sensitivity towards different age groups, gender and income level.

Well-designed and sufficiently resourced integration programmes yield opportunities to settle into society through employment, education or various forms of properly and adequately provided support. Also, from the point of view of second and third generation immigrants, early possibilities for full economic and political participation in a society are of key importance when provided to the first generation. Integration can be promoted by safeguarding human rights on the basis of equality, although the magnitude of the issue supersedes easily defined remedies. Also, according to a study issued by the Prime Minister's Office of Finland, family reunification has positive implications for the integration of immigrants[105].

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[99] Pentikäinen 2008: p. 347.

[100] Björk 2011: The politics of citizenship tests: Time, integration and the contingent polity. University of Jyväskylä Press. Available at https://jyx.jyu.fi/bitstream/handle/123456789/37187/9789513945985.pdf?sequence=1

[101] Pentikäinen 2008: 348

[102] See e.g. Björk 2011

[103] See Pentikäinen 2008

[104] Kostakopoulou 2010: "Introduction". In A Re-definition of Belonging? Language and Integration Tests in Europe, edited by Ricky van Oers, Eva Ersboll and Dora Kostakopoulou, 1–24.

[105] Miettinen et. al. 2016: Tightening the Conditions of Family Reunification - Effects in Finland and Experiences from Five European Countries, Publications of the Government´s analysis, assessment and research activities 55/2016.

3   New technologies

New technologies produce tools, platforms and phenomena, which pose new questions concerning their potential and regulation. The rapid advance of technology influence human life on so many levels that it has already been declared to have its own "technology megatrends"[106], including, among others, the rise of AI, automatisation, additive manufacturing (often referred as 3D printing), platform economy and the ever multiplying ways in which we are interacting with technology. The Internet of Things (IoT) will fundamentally change industries, such as health care, where the human dimension involves human interaction in potentially vulnerable situations.

The potential of new technologies is often considered to be Janus-faced. For example, technological innovations are showing great promise for tackling environmental issues. At the same time, the application of new technologies may cause further environmental problems (see chapter 1). Technological progress can provide people with better services, health care improvements and better access to political participation, but the same technologies present new threats to both state and non-state actors alike. Ethical issues, threats to the right to privacy and freedom of speech and questions of cyber security are pivotal to modern societies. Technology offers new ways hate speech and fake news can be fabricated and disseminated with unprecedented speed. In international relations the status and sovereignty of the states is challenged in and by the digital domain. Cyber security has become central part of foreign, security and defense policies. An example of this is foreign interference in the democratic processes of other states, as was the case with Russian involvement in the US elections in 2016[107].

Accordingly, the human rights impacts of new technologies include new innovations, which may promote human rights, but also challenge them. Examples of these are the right to privacy and the right to work. Privacy rights have taken different courses of development regionally, including differences between developments in the US and Europe. The problematic side of social media is, in turn, often at odds with the freedom of expression, which is also another example of contextual differences between the US and Europe[108]. On the other hand, a developing internet provides opportunities for

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[106] Marr 2017: https://www.forbes.com/sites/bernardmarr/2017/12/04/9-technology-mega-trends-that-will-change-the-world-in-2018/#fd9ba7b5eedf

[107] See e.g. Intelligence Community Assessment 2017: Assessing Russian Activities and Intentions in Recent US Elections. Available at https://www.dni.gov/files/documents/ICA_2017_01.pdf

[108] For an example of the case of racist utterances in Europe and the US, see Nieuwenhuis, Aernout 2000: Freedom of Speech: USA vs. Germany and Europe, Netherlands Quarterly of Human Rights, vol 18 /2, pp. 195–214 (2000)

human rights defenders and technological innovations can also help in reaching SDGs.

The states are engaging in the development of new technologies through investments in innovation, research and development, as clients of technology companies and providers of digitalised services. The business actors, and even NGOs to some extent, also develop and produce products and services and create their own digital identities. The states have due diligence responsibility to ensure that non-state actors do not weaken human rights standards under their jurisdictions. In recent years, more detailed guidelines and principles for a human rights based approach to business models have gained ground and have become increasingly sophisticated[109] (see chapter 7.2). Incorporating a human rights approach into the use of new technologies requires the engaging of technical expertise with human rights expertise and a multi-stakeholder approach due to the leading role of non-state actors in driving technological innovation.

3.1 The two faces of technology

New technologies and digitalisation provide new tools and platforms. When seen through this instrumental perspective, the technology in itself is neutral and without valuative content. This instrumentalist perspective is especially common in social sciences, where technology is often seen as subservient to values established in other social spheres, like culture or politics. Often instrumentalists see technology as a tool to benefit for mankind by maximising efficiency and human potential. This kind of thinking pits technological advancement against other values, such as environmental or ethical goals: the realisation of the latter can limit the technological sphere, but the price is paid in reduced efficiency.

The substantive perspective challenges this view of technology as a sum of neutral tools. According to this perspective, technology has an autonomous cultural power that restructures the entire social world. The origins of substantive theory are in pessimistic views of technology as an all-encompassing power overtaking modern societies where human aspects of culture are subsumed to technological progress[110]. And yet,

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[109] See e.g. Heasman 2018: The corporate responsibility to protect human rights. The Evolution from Voluntarism to Mandatory Human Rights Due Diligence. https://helda.hel-sinki.fi/bitstream/handle/10138/234463/THECORPO.pdf?sequence=1&isAllowed=y
[110] For an example of a critical look at the different theories of technology, see Freenberg 2002: Transforming Technology : A Critical Theory Revisited.

it is also possible to view technology in a more positive substantive light: it can pro-duce new kinds of communities and agencies that can empower vulnerable groups[111].

This Janus-faced nature of technological progress is especially present when consid-ering its possible implications to human rights. In western societies, where the access to the Internet is rapidly becoming ubiquitous, technological innovations offer the pos-sibility of better access to services for all. However, dependence on vulnerable tech-nology creates new threats for human rights. As digital interconnectivity increases, the risk of one element crashing and severely impacting others grows. The human dimen-sion of technological vulnerability does not only concern minor irritations, such as dys-functional phones or laptops, but situations where people are unable to book doctor's appointments, where their personal data out is of reach when they need to be medi-cated or they are unable to reach authorities through email or phones.

New technologies have also opened up new forms of security issues, which interface with human rights (see chapter 4 on the concept of the changing security paradigm). Technical development has affected forms of warfare: cyberwar, cyber threats, fake news and influencing via cyberspace-related methods offer new tools for state and non-state actors alike to influence and attack other states and societies and have blurred the line between peace and war[112]. Human rights issues connected to this nexus include the interplay of hate speech and the freedom of expression in these new situations, which threatens both state security and the security of individuals.

New technologies may promote participatory possibilities, but they may also create severe inequalities. First of all, countries with less access to technological advances are at risk of falling behind. The competition over investments in, and the develop-ment and use of, the latest technological innovations requires resources in broad sense. A further source of increasing inequality is biased data, which is a result of the fact that human biases and stereotypes are translated into technology as well. This results in maintained and amplified gender biases, for example. The use of new tech-nologies hence (re)produces and upholds inclusions and exclusions. Those with means to acquire and apply these technologies are able to benefit from their use, while others, who lack the finances, access or assistance, are left without this benefit. For example, new technologies could help the elderly live longer and better lives with

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[111] For an example from the point of view of gender, see Srebreny 2005: Gender, empower-ment, and communication: looking backwards and forwards, Intrernational Social Science Journal, vol. 57, Issue 183, pp. 285–300.
[112] E.g. Banasik 2016: A Changing Security Paradigm. New Roles for New Actors – The Russian Approach. Connections 15, no. 4 (2016): pp. 31–43. Available at http://www.jstor.org/sta-ble/26326458.

advanced robotics and neurosciences and they could increase the ability of individuals with disabilities, as well as the elderly, to live as autonomously as possible. Yet, these technologies would most likely be expensive and available only for the more privileged, at least initially.

The interplay between exclusion and inclusion also concerns access to information. The freedom of expression includes the right to access to information, but from the technological perspective, this includes only those who have means and tools to access information and are able to use it. NGOs, such as Open Knowledge International[113] and its local offices[114] seek to utilise the technological opportunities of the digital age for a more open government, the responsible use of personal data and more evenly and openly distributed information. The issue of openness in the field of academic research has been coded into the EU Research and Innovation programme Horizon 2020[115]. Yet, the topic remains disputed in politics. The questions of openness and transparency, even in democratic regimes, are not as easily answered in practice as a principle.

Therefore, it is important to highlight the fact that new technologies, as such, do not result in more democratic or egalitarian societies, policies or platforms. From the instrumentalist perspective of technology, then, the big question concerns the regulation of the development of new technologies: what is the right balance between control and freedom that ensures the application of human rights without completely smothering innovation. On the other hand, if we take the substantive perspective, we have to consider the whole technological progress. If new technologies are to be used to promote gender equality, for example, they have to be actively designed to do so. In this view, technology has the potential to enhance human rights for all, but only if the processes that lead from investment to design to application and, finally, to active use are carefully designed.

3.2 New technologies and human rights in the UN

In September 2018, the UN Secretary General launched an internal UN strategy to "define how the United Nations system will support the use of new technologies like

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113 Open Knowledge International: https://okfn.org/tools-services/case-studies/
114 Open Knowledge Finland: https://fi.okfn.org/
115 Horizon 2020: https://ec.europa.eu/programmes/horizon2020/en

artificial intelligence, biotechnology, blockchain, and robotics"[116]. The Strategy on new technologies, as the document is called, aims "to accelerate the achievement of the 2030 Agenda for Sustainable Development and to facilitate their alignment with the values enshrined in the UN Charter, the Universal Declaration of Human Rights and the norms and standards of International Laws."[117] Examples of how to achieve this include working to "reconcile interests, especially in the areas of privacy and human rights, ethics, equality and equity, sovereignty and responsibility, and transparency and accountability"[118]. The outlined principles and commitments point out that, while the work is based on the UN Charter and the Universal Declaration on Human Rights, it seeks to build on the existing Charter and implement existing mandates, without creating new ones. The strategy is stated to be a part of the "transformation of the organisation" and includes close cooperation with businesses and civil society actors - with the recognition that the potential and threats of new technologies need to be dealt with through multilateral cooperation[119].

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[116] United Nations Secretary General´s Strategy on New Technologies (2018). Available at
https://www.un.org/en/newtechnologies/index.shtml
[117] ibid.
[118] ibid., p. 4
[119] ibid, p. 4–5.

Individuals´ digital footprints are growing quickly and recent debates have often concerned the use of personal data and the right to privacy. States and business enterprises collect data related to private lives. Personal computers, smartphones, smartwatches, fitness trackers and other wearables produce data, which includes, among other things, device identifiers, email addresses and phone numbers, biometric, health and financial data and behavioral patterns. Much of this data gathering happens without the knowledge of the persons concerned and without meaningful consent. Both states and business enterprises exchange and fuse personal data from

What are the digital rights?

The definition of digital rights have evolved with the technology that has created a need for them. In the early 2000s, the digital rights were lindek to intellectual property rights (IPRs) and the discussion was led by business acors. The widening reach of Internet and the emergence of social media changed the debate. Civil society actors were especially active to move the digital rights discussion more towards human rights approach, but latey public government actors have followed suit.

The definition of digital rights still differ depending on the actor. Some still include IPRs, others emphasise right to privacy online. Cities for Digital Rights (https://citiesfordigitalrights.org/), coalition of cities working together with UN-Habitat, has formulated five useful and evolving principles of digital rights:

1. Universal and equal access to the Internet, and digital literacy;

2. Privacy, data protection and security

3. Transparency, accountability, and non-discrimination of data, content and algorithms;

4. Participatory democracy, diversity and inclusion;

5. Open and ethical digital service standards.

various sources and databases. As a result, individuals might find themselves in a position where it is very difficult to keep track of who holds information about them and how it is used. This has sparked a growing discussion of digital rights of individuals that has been led by NGO's. Lately, the movement has grown global in scale. For ex-

ample, newly formed MyData Global Organisation is a non-profit movement for de-signing and promoting a human-centered view on personal data management[120]. The problem is often that individuals are not sufficiently aware of their rights or the poten-tial violations of their privacy that may result from the use of combined data. The data debate is an example of a reactive process for correcting negative human rights im-pacts that have only been realised after the damage has been done, rather than hav-ing a thorough assessment of potential human rights issues beforehand - even if partly speculative.

UN bodies have been active in the debates about digital rights as well. According to the Special Rapporteur on the rights to freedom of peaceful assembly, the right to pri-vacy is central to the enjoyment and exercise of human rights, both online and offline, ranging from the freedom of expression[121] and freedom of association and assem-bly[122] to the prohibition of discrimination and more. OHCHR advocates for the right to privacy in the digital age[123]. United Nations Special Rapporteur for freedom of opinion and expression serves an important role in ensuring digital rights and have, for exam-ple, concluded that disconnecting people from the internet violates these rights[124]. The problem is immense from the point of view of everyday life: individuals use digital tools to take care of common issues regarding, for example, personal health, finance or politics. Concern over the right to privacy in the context of increasing digitalisation has also been investigated by the High Commissioner for Human Rights in a Mandate from the General Assembly (Resolution 68/167)[125]. The recent scandals of the usage of people's Facebook data for political influence were examples of the deliberate mis-use of data. In Europe, data protection is recognised in the EU Charter of Fundamen-tal Rights (article 8) as a distinct right[126]. Currently, there are two main instruments of data protection: the ePrivacy Directive (Directive on Privacy and Electronic communi-cations[127]), and the General Data Protection Regulation GDPR[128.].

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[120] For more information, see website mydata.org
[121] UNGA 2013: see A/HRC/23/40 and A/HRC/29/32, para. 15
[122] UNHRC 2016c: A/HRC/31/66, paras. 73–78 and A/72/135, paras. 47–50
[123] OHCHR: The Right to Privacy in the Digital Age. https://www.ohchr.org/EN/Issues/Digital-Age/Pages/DigitalAgeIndex.aspx
[124] UNHCR 2011: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. https://www2.ohchr.org/eng-lish/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf
[125] OCHCR 2014: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Sess-ion27/Documents/A.HRC.27.37_en.pdf
[126] See Section III, Article 8 of the European Charter of Fundamental Rights in EUR-Lex: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012P/TXT
[127] https://eur-lex.europa.eu/LexUriServ/LexUriS-erv.do?uri=CONSLEG:2002L0058:20091219:EN:HTML
[128] https://ec.europa.eu/info/law/law-topic/data-protection/data-protection-eu_en

Most data use does not harm individuals´ rights. However, some states appear to engage in secret mass surveillance and communications interception, collecting, storing and analysing data from a broad range of communication methods. Even when states claim that mass surveillance is necessary to protect national security, this practice is "not permissible under international human rights law, as an individualised necessity and proportionality analysis would not be possible in the context of such measures", as the report of the United Nations High Commissioner for Human Rights notes[129]. In his report on the use of AI and human rights (2018)[130], the Special Rapporteur on the promotion and protection of the right to the freedom of opinion and expression makes a particular note on the need for "the HRC and the states to draw connections between privacy interference and freedom of expression", which, in the form of specific types of interferences (overboard requests for user data and third party retention of such data), may pose a risk to the freedom of expression. In these cases, the report claims, the "[S]tates should ensure that surveillance is authorised by an independent, impartial and judicial authority that the request is necessary and proportionate to protect a legitimate aim"[131]. Yet, the case formed by AI and human rights is still an unfolding theme that touches on the right to freedom of opinion, the freedom of expression, privacy, and the obligation of non-discrimination[132]. Hence, the issue should be pursued and its possibilities urgently investigated at global, regional and national levels.

3.3   The changing world of work

The "world of work" is greatly influenced by major global trends. In the global framework, the International Labour Organisation (ILO) has appointed a Global Commission on the Future of Work to study what kind of challenges and transformations should be expected. The work of the Commission will be "organised around four 'centenary conversations'": work and society, decent jobs for all, the organisation of work and production and the governance of work[133]. As a more local example, the Finnish Innovation Fund Sitra has stated that "rethinking work" is anticipated to be one of the three main megatrends also affecting the Nordic model of society[134], along with the need to

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[129] UNHRC 2016a: A/HRC/33/29, para. 58

[130] UNGA 2018: available at https://undocs.org/A/73/348

[131] See online summary of the report: OHCHR 2018e: https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/ReportGA73.aspx

[132] UNGA 2018: These are all dealt with in the report, see the report in its entirety https://undocs.org/A/73/348

[133] ILO 2018a: https://www.ilo.org/global/topics/future-of-work/WCMS_569528/lang--en/index.htm

[134] Sitra 2017: https://www.sitra.fi/aiheet/megatrendit/#megatrendit-2017

invest in strengthening democracy and participation and promoting economic and sustainable growth.[135]

The global trends discussed earlier in this report have implications for the world of work. Environmental change, demography and urbanisation (see chapter 1) affect work through the movement of labour force, aging populations and environmental changes. The changing job markets are disrupting traditional ways of working everywhere. For example, the agricultural industry and the lives of people working in the agricultural sector are changing: there is less work due to the decrease of arable land. The supply of food and clean water is threatened by these changes and the rise of food prices impacts consumerism. Urbanisation, in turn, is both a result of, and a contributor to, factors like the forms of service sector jobs and the development of work-related infrastructure.

Migration (see chapter 2) affects the whole world of work because of the changing conditions of work. The rights of migrant workers or, depending on the context, labour migrants, are crucial for the promotion of the equal realisation of human rights. Work is one of the key drivers behind international migration. Migrant workers and their families are in a vulnerable position, a fact also recognised in the UN International Convention on the Protection of rights of All Migrant Workers and their Families (1990)[136].

Still, the most influential megatrend for the world of work is the rapid technological progress. It not only changes the tools, ways and places of work, but also changes how work and its meaning is conceived in modern societies. According to one estimate, almost half of the all activities people are paid for in the global economy have the potential to be automated using robotics, AI and machine learning. Less than 5 percent of all occupations can be completely automated, but in about 60 percent of occupations, at least 30 percent of activities can be done more effectively through automation. Most occupations will not disappear, but almost all are transformed in one way or another[137]. This increases both the risk of creating severe inequalities and the

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[135] Sitra (2018) has also initiated the IHAN-project for supporting the development of a human-centred data-ecosystem and rules for "a fair data economy" in Europe, available at https://www.sitra.fi/aiheet/ihmislahtoinen-datatalous/#mista-on-kyse

[136] Available at https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx

[137] Maynika et. al. 2017: A Future That Works: Automation, Employment and Productivity. https://www.mckinsey.com/~/media/mckinsey/featured%20insights/Digital%20Disruption/Harnessing%20automation%20for%20a%20future%20that%20works/MGI-A-future-that-works-Full-report.ashx

need to influence technological advancement and its repercussions in ways that se-cure human rights for workers as well as those who are displaced by the technological advances.

3.3.1 New Technologies Shaping the Working Life – UN and EU responses

Historically, technologies have changed the forms of work and labour markets when-ever a new era of rapid advancement has come around. At present, the development of new technologies and digital environments is, however, challenging national, re-gional and global cooperation and governance in unprecedented ways. New technolo-gies create new jobs with a demand for new kinds of skills and impact the education market. They also render some old occupations obsolete, thus shaping industries in significant ways. Strengthening the human rights responsibilities of business actors (discussed in more detail in chapter 7.2) aims at accounting for the changing world of work and its human rights implications, in addition to the problems already estab-lished.

The UN (DESA) World Economic and social survey 2018 was subtitled *Frontier tech-nologies for sustainable development*[138]. Framed in reference to Sustainable Develop-ment Goals (SDGs; see chapter 5 in this report). One of the highlighted points in the report is "the future of work and inequality"[139] and the adjustment of labour markets to rapidly advancing technologies. The report noted difficulties in fulfilling particular SDGs (3–5, 8, 10[140]). They include advances in automation, machine learning and AI, which seem to pose similar kinds of policy challenges. New technologies will increase productivity, but will simultaneously lead to inevitable job losses. Therefore, one of the targets under SDG 8 (Promote full and productive employment and decent work for all) is going to be more difficult to achieve. Decreasing the share of income flowing to labour may lead to growing income and wealth inequality without effective policies re-distributing the gains from automation[141].

On the other hand, online technology platforms, as well as new social media platforms and developing blockchain technology, will create new business opportunities. They

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[138] UN DESA 2018: World Economic and Social Survey 2018. Available for download from https://www.un.org/development/desa/publications/world-economic-and-social-survey-2018.html
[139] UN DESA 2018: p. 3, 46–55
[140] For a guide to the content of SDGs see UN Sustainable Development website https://sus-tainabledevelopment.un.org/?menu=1300
[141] UN DESA 2018: p. 2

will provide great opportunities for SDGs 3 (Ensure healthy lives and promote well-being for all at all ages) and 4 (Ensure inclusive and equitable quality education), as well as SDG 5 (Achieve gender equality and empower all women and girls). At the same time, however, they are blurring distinctions between employers and employees and raising concerns regarding social protection[142].

This change in the world of work implicates different human rights issues in different contexts. In Western countries, fewer people of working age are available in the labour market and the competition for highly skilled workers and migrants intensifies[143]. The changing world of work in Europe is a regional example of the combination of a mobile labour force and a changing labour market. In Europe, there is a political drive by the EU to compete with other regions in the development of a competitive AI market. A fairly recent project introduces the idea of AI "made in Europe", designed by the European Commission together with the member states[144]. In one of the Communications from May 2018, just before the launch of the General Data Protection Regulation (GDPR), the European Commission suggests that EU has the potential to be in the leading the development and use of AI, particularly if it is true to the European Charter of Fundamental Rights[145] and sustainability[146]. In April 2019, the Ethics guidelines for trustworthy AI was presented by the High-Level Expert Group on AI for the European Commission[147].

While the EU strives to build on AI in order to realise its benefits within its jurisdiction, the changing world of work serves as a window to a range of dimensions of human life that AI and its derivative technologies influence. As the cited Communications from the European Commission note, it is essential to mitigate the socioeconomic changes that will occur due to the changing labour markets. According to the Commission, there are three main challenges for the EU in this: "[t]o prepare the society as a whole" by "helping all Europeans to develop basic digital skills, as well as skills which are complementary to and cannot be replaced by any machine such as critical

[142] UN DESA 2018: p. 3
[143] Oommen 2015: South Asia–Gulf migratory corridor: Emerging patterns, prospects and challenges. Migration and Development, 5(3):394–412. Available at http://dx.doi.org/10.1080/21632324.2015.1010705 ; IOM 2017, p. 60
[144] European Union 2018: "Member States and the Commission to work together to boost artificial intelligence 'made in Europe'", 7 December 2018 https://ec.europa.eu/digital-single-market/en/news/member-states-and-commission-work-together-boost-artificial-intelligence-made-europe
[145] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012P/TXT
[146] European Commission 2018: Artificial Intelligence for Europe. Available at https://ec.europa.eu/digital-single-market/en/news/communication-artificial-intelligence-europe
[147] The guidelines are available for download from https://ec.europa.eu/digital-single-market/en/news/ethics-guidelines-trustworthy-ai

thinking, creativity or management". Furthermore, it is also essential to focus on help-ing workers whose jobs are likely to disappear by "ensuring access for all citizens, in-cluding workers and the self-employed, to social protection, in line with the European Pillar of Social Rights"; and, finally, to train specialists and attract "more talent from abroad".[148] Importantly, the Commission then recognises not only the need to mitigate the negative impacts of the changing labour markets by highlighting equal access to social rights, but also the fact that the framework for addressing these is in place and connected to the development of AI.

Considering that the EU has the potential and, at least seemingly, the drive to develop AI with the human rights angle in mind, it could be strengthened by the data resources that the many EU-related databases are producing on the realisation of the Social Pil-lar and the European labour market[149].

3.3.2   Workers´ Rights and Gender Equality

Several rights are of special importance for workers. Technological progress and the changes it induces in the world of work challenge many of these rights but can also help realise some of them. However, human rights concern all aspects of work and go beyond the questions raised by technology. First question is the rights of labour mi-grants. Workers of migrant background are easily exploited in the job market. A sec-ond essential topic is safe and healthy working conditions. Next, it is important that the worker is properly rewarded for their work. Remuneration should be equal and sufficient to afford a living. If a worker can no longer work due to contingencies like medical care, sickness, unemployment, old age, employment injury, family, maternity or invalidity and, therefore, has insufficient means of subsistence, adequate social se-curity should apply.[150] Finally, it is also imperative for workers to be able to organise themselves in trade unions; they need political rights. The Global Compact for Safe, Orderly and Regular Migration stresses the importance of labour rights. In Objective 6 on fair and ethical recruitment and conditions that ensure decent work, the importance of labour rights in relevant international instruments is stated and states are called upon to implement national laws that sanction labour rights violations, especially in cases of forced labour and child labour.[151]

The gender pay gap is one of the inequality problems that exists in the job markets. Women all over the world are more likely than men to work in low-paying jobs. This is

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[148] European Commission 2018: p.12
[149] See e.g. Eurofound, https://www.eurofound.europa.eu/
[150] Kapuy 2011: p. 7.
[151] Global Compact for Migration 2018: https://refugeesmigrants.un.org/migration-compact
(Paragraph 22)

a human rights problem because of several reasons. Firstly, for some women, the possibility of finding only low-paying jobs leads to poverty. This is particularly the case for many single parents, which means that their children also live in poverty. Secondly, for women who are in a relationship, a low income might make them dependent on their husbands or partners and place them into a vulnerable position in a relationship. Thirdly, the situation in which a woman is paid less than a man for the same or equally demanding job is unequal and regulated as illegal by international human rights law. The legislation is somewhat effective in addressing inequalities inside companies, which can be sued if they do not pay equally for equal work done by men and women. However, the undervalued position of some occupations and sectors dominated by women is a lingering problem that cannot be addressed with only the current legislation.

Occupational gender segregation partly explains the gender pay gap. The pay is lower in many female dominated sectors and professions and, across different sectors, there are still fewer women working in higher positions, or as managers. In addition to facilitating the undervaluation of women's work, occupational gender segregation is problematic because it narrows employment choices, reinforces gender stereotypes, limits women's access to higher level jobs and might mean that there is a scarcity of jobs where it is possible to combine work and family responsibilities[152]. From a human rights perspective, the under-valuation of some female dominant occupations should be addressed, and women should have equal possibilities to enter higher paying jobs as well.

Research on the causes of occupational gender segregation can be used to find better solutions to mitigate gender segregation. Occupational gender segregation is caused by various factors. On the demand side, discriminatory career practices, recruitment practices[153] and the lack of possibilities to combine work and family responsibilities are factors that contribute to gender segregation. On the supply side, the gender stereotypes associated with different professions and professionals are one reason that affects the on educational and occupational choices of men and women.

The most well-known form of labour migration in the context of the EU is the free movement of EU citizens and their family members within the territory of the EU. This ensures the right to work in other member states and equal treatment on the grounds

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[152] Burchell et al. 2014: A New Method to Understand Occupational Gender Segregation in European Labour Markets, Luxemburg.
[153] Riach & Rich, J. 2006: An Experimental Investigation of Sexual Discrimination in Hiring in the English Labor Market, The B .E. Journal of Economic Analysis & Policy Advances, Vol. 6, No. 2.

of nationality in employment conditions and in social provisions.[154] EU member states have been reluctant to transfer discretion to the EU level and member states still have more discretion in labour law than in other forms of migration. In general, it is no longer contested that migrant workers should be eligible for equal treatment in the fields of labour and social participation[155]. The central contemporary questions are, firstly, whether – and to what extent – labour rights for migrant workers can be restricted, and, secondly, what rights are to be granted to irregular migrant workers.[156] Especially on EU and CoE levels, the rights of regular migrants are well protected, but the protection of irregular workers remains rather minimal.

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[154] Ryan & Mantouvalou 2014: p. 190.

[155] In EU, there is a clear distinction between citizens of member countries and non-EU or third country nationals. Latter can have restrictions to their right to work and right to move. For more information, see European Commission, Non-EU nationals at https://ec.eu-ropa.eu/social/main.jsp?catId=470&langId=en

[156] Ryan & Mantouvalou 2014: p. 178.

4 The changing security paradigm

Environmental change, migration and new technologies have, on their part, brought new elements to security agendas. With these and other issues challenging the concept of security today, the European Commission foresight for policymaking even names the changing security paradigm as one of the megatrends[157]. Environmental security, integration and stability as well as cyber security broaden the scope of security to include new questions, such as poverty and welfare[158]. For example, security can be interpreted to include the dimensions of social and political integration, inclusion and the promotion of a sense of belonging. This has brought new perspectives to the security discussions alongside of the more traditional ways of understanding the national security even if many of these issues have a long history in the context of national states.[159]

This change in security paradigm has been conceptualised as human security in contrast to national security. A landmark for a broader conceptualisation of human security was the Human Development Report (UNDP 1994), aimed at turning the focus of the security framework from the state to the individual[160]. The rise of human security has brought new concepts into policy debates in national and international forums, most notably the principle of the responsibility to protect (R2P).[161]

In national security, the object is the state, its sovereignty and freedom to act as it pleases. Human security changes the viewpoint to the individual and the freedom from want, fear and oppression. This creates a tension between the two security paradigms (though human security does not necessarily, and in every case, conflict with state-centric national security).[162] The vertical relationship between the state (public power) and individuals is primarily protected by the international human rights norms

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[157] https://ec.europa.eu/knowledge4policy/foresight/topic/changing-security-paradigm_en
[158] See e.g. Krause & Williams 1996: Broadening the Agenda of Security Studies: Politics and Methods: 229–254. Available at doi:10.2307/222776 .
[159] E.g. Mantu 2015: Contingent Citizenship. The Law and Practice of Citizenship Deprivation in International, European and National Perspectives.
[160] Hakala 2018b: International Organisations and the Securitisation of the Environment in Post-Conflict Western Balkans. Dissertation; University of Helsinki Press, p. 24. Available at https://helda.helsinki.fi/handle/10138/243082
[161] Seppä 2011: Humanising security: responsibility to protect in Lappalainen et. al. (eds.): Muutosten aikoja - Juhlakirja Tapani Turkalle, University of Jyväskylä 2011. https://jyx.jyu.fi/bitstream/handle/123456789/26673/Muutosten%20aikoja.pdf?sequence=1&isAllowed=y#page=126
[162] Seppä 2011.

(including state obligations to respect, protect and fulfill). In many states, threats to individuals emanate from the state or other public officials resorting to violence against individuals.

Yet, states are not only a source of security threats - instead, they are needed and obliged to protect individuals and their rights. The state obligation to ensure that human rights are also respected in private relationships (due diligence) has been increasingly specified. Human rights norms protect the individual against the arbitrary rule of the states, but also against security threats that come from non-state actors (other individuals or business actors, for instance). For example, violence in private relationships and violence against women is commonplace in most countries, including Finland. The Convention on the Elimination of All Forms of Discrimination against Women[163] (The CEDAW Convention) is the most important globally applicable international human rights treaty, whose implementation review has addressed violence against women since 1992. Regionally adopted legally binding instruments in Europe (Council of Europe Convention on preventing and combating violence against women and domestic violence[164]), the Americas and Africa provide important additional tools to address the problem. Another example is the question of violence at work that has been raised, for example, in ILO, which published an extensive report on the prevention of violence at work in 2018[165]. ILO is currently in the process of hosting negotiations for a global pact against violence at work and harassment at workplaces. The theme will be on the table in June, and, at the time of writing, news on the issue indicate that the greatest disagreements concern the inclusion of LGBTI people as a vulnerable group in the treaty and the definition of harassment[166]. ILO and UN Women have recently published a *Handbook: Addressing violence and harassment against women in the world of* work[167].

In recent years, a new security paradigm, resilience, has been on the rise. In academic research, resilience has been dubbed "post-liberal" and it offers a new way of

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[163] For an overview of the Convention, see http://www.un.org/womenwatch/daw/cedaw/
[164] Available at https://www.coe.int/en/web/istanbul-convention/text-of-the-convention
[165] ILO 2018b: Ending violence and harassment against women and men in the world of work. Available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_553577.pdf
[166] Nebehay 2019: "Global pact to fight workplace violence and harassment nears agreement", Reuters World News, 29 May 2019, available at https://www.reuters.com/article/us-un-labour-harassment/global-pact-to-fight-workplace-violence-and-harassment-nears-agreement-idUSKCN1SZ198
[167] ILO & UN Women 2019: available at http://www.world-psi.org/sites/default/files/documents/research/work-handbook-web.pdf

thinking about security - one that distances itself from "the liberal internationalist framings of security practices in the 1990s as reactive post hoc interventions."[168] In this sense it moves beyond the dichotomy of national security versus human security. If resilience is conceptualised in the right way, it also offers a possibility to integrate human rights thinking deeper into the security discussions.

4.1   Securitisation

The tension between national security and the human security approach is made clear in the theory of securitisation, created by the Copenhagen School of security studies in the 1990s.[169] It describes how any issue can be constructed as a security threat that requires exceptional actions. Thus the scope of national security can be widened and there is no fixed list of issues. Rather, the threats to national security are constructed in social processes that occur within particular institutional and political contexts.[170]

Since its inception in the late 1990s the theory of securitisation has been utilised in many different empirical case studies and the concepts of the theory itself have also been developed further.[171] Despite significant debate on the intricacies of the theory, there is a general agreement on the core elements of securitisation: a securitising actor frames an issue as an existential threat to a referent object through a speech act directed at an intended audience that accepts (or rejects) this securitisation move.[172] The type of actor or audience is not predetermined, but most often the theory is applied to states as actors in a securitisation move.

In the act of securitisation, an issue is framed as an existential threat to the referent object. This is done in a speech act, where the issue is labelled as 'dangerous', 'menacing', 'threatening' or 'alarming' by the securitising actor. An issue becomes securitised when an audience collectively agrees on the nature of the threat and supports taking extraordinary measures. This allows the actor to remove the issue from the

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[168] Chandler 2012: Resilience and human security: The post-interventionist paradigm, Security Dialogue, vol. 43, no. 3, pp. 213–229
[169] Buzan, Wæver & de Wilde 1998: Security - New Framework for Analysis.
[170] Rushton 2018: "Secutirization", in Brown, Garret, McLean, & McMillan (ed.): The Concise Oxford Dictionary of Politics and International Relations (4 ed.), Oxford University Press.
[171] Stritzel 2014: Securitization Theory and the Copenhagen School, in Security in Translation. New Security Challenges Serie,. Palgrave Macmillan, London.
[172] Rushton 2018.

realm of "normal" politics into the realm of security that allows bypassing usual democratic decision-making.[173]

Securitisation theory has been critical of the consequences of the securitisation act, ever since the inception of the theory. The Copenhagen School promotes the idea of desecuritisation, where an issue is brought back to the democratic decision-making process. This is motivated by the idea that securitising an issue can lead to the implementation of anti-democratic emergency measures that are injurious to human rights, civil liberties, and other social values. Thus, the framework of securitisation has perhaps most frequently been deployed as a way to critique securitisation processes and highlight the potential dangers of treating an issue as a security threat.[174] Lately, the research has evolved to identify different kinds of securitisations and that the concept of security itself also can change its meaning when it has been applied to new areas. This has found to happen especially with the new security issues such as the environmental security. [175] The question then, is not necessarily about how to avoid securitisation or desecuritise issues, but more about what kind of secuiritsaiton is used and how security is conceived when talking about new issues in the security framework.

Still, recent examples of securitisation and its consequences in migration and cyberspace emphasise the problems it can create for human rights. Framing migration primarily as a security issue has allowed states to use more restrictive measures in controlling their borders. The securitisation of migration has been responsible for restricting access to asylum, diluting rights and entitlements to refugee protection and punishing those who arrive in the EU without valid passports.[176] On the other hand, cyberspace has in many ways and occasions been successfully securitised, dating back to Y2K speech at the turn of the millennium[177]. Talk of cyber warfare and the institutionalisation of cyber security[178] during the first decades of the 21st century has allowed governments and intelligence agencies all over the world to restrict private space and gain access to personal information of the citizens without their consent. In Finland, proposed changes to legislation regulating civilian and military intelligence gathering and the discussion surrounding it is a recent example of the securitisation of cyber

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[173] Erukhmanoff 2018: Securitisation theory: An Introduction, E-International Relations Students. https://www.e-ir.info/2018/01/14/securitisation-theory-an-introduction/
[174] Rushton 2018.
[175] Lähde 2017: Mitä ympäristöturvallisuus voisi tarkoittaa? BIOS Research Unit blog, 8.8.2017. https://bios.fi/mita-ymparistoturvallisuus-voisi-tarkoittaa/
[176] Gerard & Pickering 2014: Gender, Securitization and Transit: Refugee Women and the Journey to the EU. Journal of Refugee Studies, Vol. 27, No. 3, pp. 338–359.
[177] Eriksson 2001: Cyberplagues, IT, and Security: Threat Politics in the Information Age, Journal of Contingencies and Crisis Management, vol. 9, no. 4, December 2001, 211–222
[178] Hansen & Nissenbaum 2009: Digital Disaster, Cyber Security, and the Copenhagen School, International Studies Quarterly, Vol. 53, No. 4 (Dec., 2009), pp. 1155–1175.

space. Framing the issue as an urgent matter of national security united legislators on each side of the government-opposition divide to agree in early 2019 on giving wider access to personal information for security officials without much, if any, debate on the negative consequences it had for the right to privacy[179].

4.2   Security and human rights in UN

Security issues are somewhat differentiated in the international human rights forums[180]. In UN, security is tied up with human rights thinking through its institutions and the origins of the international human rights system. Different security issues have, however, been fragmented into different functions of the organization.

The most important organ of UN in security question is the UN Security Council. It has also been key actor in cases when human rights issues have penetrated to security agenda in the UN. For example, the UN Security Council Resolution 1325 was the landmark resolution on Women, Peace and Security[181]. In 2016, the Security Council it published a research report[182], which was declared to be the first of its kind for the Security Council. The report examined "the relationship between peace and security and human rights, and the role human rights have played in the thinking and action of the Security Council when it has been addressing conflicts worldwide", as well as the relationship between the Security Council and the UNHRC and OHCHR[183]. The report notes the importance of the dynamics of the Security Council for the possibilities of accepting a strong human rights point of view. Human rights have been a sensitive issue and while human rights language has entered the Security Council's resolutions to some extent, China and Russia, as permanent members, have been eager to veto some of the most explicitly formulated ones.

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[179] At the time of writing, the bills are withdrawn from the Parliament because of the possible constitutional problems and their fate is unknown. See Yle 13.2.2019: Surveillance bills delayed as parliamentary term winds down. Available at https://yle.fi/uutiset/osasto/news/surveillance_bills_delayed_as_parliamentary_term_winds_down/10644478

[180] OSCE has the security of state as an essential part of the mandate. The security of individuals and groups, i.e. human security, has emerged and developed more recently. The Council of Europe has the military issues of states excluded from its mandates.

[181] UNSC 2000: Resolution 1325 (2000). Available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement

[182] UNSC 2016: Human Rights and the Security Council—An Evolving Role. Available at https://www.securitycouncilreport.org/research-reports/human-rights-and-the-security-council-an-evolving-role.php

[183] UNSC 2016: Human Rights and the Security Council.

However, the report also suggests that some degree of engagement in the human rights issues has been seen over the years on behalf of these members. The report cites resolutions that show how human rights have made it to the agenda of the Security Council with increasing frequency.[184] According to the report, human rights issues have become an important part of the Security Council's work since the 1980s and increasingly since the 1990s, first in the context of internal conflicts, where human rights violations may signal an emerging conflict, and lately in the context counter-terrorism.[185] The conclusion is that "there is probably quite a high degree of unrealised potential within the Security Council for having a significant impact on human rights conditions in specific situations around the world", considering that UN organisations are increasingly including and prioritising human rights in their work[186].

4.3   Resilience and human rights: a new security paradigm

The concept of resilience has been around for decades, but in recent years it has emerged as the new catchword in both contemporary policy practice and academic debate.[187] In disaster relief, combating climate change and development policies, resilience has, for quite some time, been an important approach to address the complexity inherent in socio-ecological systems[188]. Lately, resilience has also made its way to the heart of national security discussions. It has especially been called upon to counter the new threats (often created through securitisation move) emerging in the global era[189]: terrorism, cyber warfare and hybrid warfare, just to name a few[190]. In the

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[184] UNSC 2016: Human rights and the Security Council, p. 30.

[185] UNSC 2016: Human rights and the Security Council, p. 1–2.

[186] UNSC 2016: Human rights and the Security Council, p. 31

[187] Pugh, Jonathan (2014): Resilience, complexity and post-liberalism, Area 2014, Vol. 46, No.3, pp. 313–319.

[188] Ensor 2018: Bringing rights into resilience: revealing complexities of climate risks and social conflict. Disasters, Vol 42, No. 2, pp. 287–305.

[189] Fjäder 2014: The nation-state, national security and resilience in the age of globalisation. Resilience, Vol. 2, No. 2, pp. 114–129.

[190] For example, Juntunen (2014) notes that the British National Security Strategy of 2010 calls for the nation to be resilient against threats of terrorism, cyber warfare, international military crises and natural disasters (see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/61936/national-security-strategy.pdf) and that the EU's Horizon 2020 program "Secure societies – Protecting freedom and security of Europe and its citizens" identifies the same risks with the exception of replacing international military crises with border security (see https://ec.europa.eu/programmes/horizon2020/en/h2020-section/secure-societies-%E2%80%93-protecting-freedom-and-security-europe-and-its-citizens).

NATO Warsaw Summit of 2016, heads of member states declared a joint commitment to enhancing resilience[191].

There has been an increasing interest in the role of human rights in resilience[192]. The current High Commissioner for Human Rights has referred to the potential of human rights in building up resilience in societies[193]. It remains to be seen if resilience, which reaches across policy sectors and from personal resilience to state-level politics, becomes more explicitly linked to human rights discourse through the efforts of the High Commissioner. In any case, resilience offers the possibility for a new security paradigm - one which could entail human rights further within the security framework as additional issues and dimensions of human life across policy sectors have been incorporated into security discourse.

Widening the scope of security carries an inherent risk of securitisation and moving the new issues beyond a democratic decision-making process. If the concept of resilience is defined properly, it can be used to ensure better ways of securitising of new areas of societies, since democracy and a rights based approach are an integral part of resilient societies. Also, resilience itself needs to avoid securitisation, where the national security sides of the concept overshadow the sides of human security. Resilience needs to be defined in a way that incorporates diverse actors in its construction and doesn't leave it solely in the hands of the state security officials.

Inclusive definition that could be adopted to discussions of resilience and human rights can be found in a recent report for the Prime Minister's Office of Finland, where Hyvönen et. al. use the concept of *comprehensive resilience*. It refers to the "ability of political systems, communities and individuals to continue functioning in disruptive and crisis situations and reform through democratic channels." Crisis and shocks can be internal or external. What makes comprehensive resilience especially useful is that

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Juntunen 2014: Kohti varautumisen kulttuuria? For hybrid warfare see also: Salonius-Pasternak & Limnéll 2015.

[191] NATO 2016: Commitment to enhance resilience, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw, 8–9 July 2016. https://www.nato.int/cps/en/natohq/official_texts_133180.htm?selectedLocale=en

[192] For an example of policy recommendations, see Mohamed-Katerere 2014: Human rights are the key to peaceful, resilient societies. Conflict-sensitive Adaptation: Use Human Rights to Build Social and Environmental Resilience. Brief 2. Indigenous Peoples of Africa Co-ordinating Committee and IUCN Commission on Environmental, Economic and Social Policy. https://www.iucn.org/downloads/tecs_csa_2_human_rights_are_the_key_to_peaceful_resilient_societies_mohamedkaterere.pdf

[193] E.g. 25 February 2019: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24203&LangID=E; and other examples https://www.universal-rights.org/blog/high-commissioner-speaks-on-human-rights-resilience-and-prevention/

in the report Hyvönen et. al. present a framework to analyse and evaluate resilience in societies.[194]

Comprehensive resilience incorporates different levels found in the resilience discourse. Hyvönen et. al. recognise four levels of resilience in society: individual, community, institutional and international interdependence. Yet, as the authors note, this differentiation is analytical and in reality it is impossible to separate the levels from each other. They are closely linked together and the linkages also work both ways, not just top-down or bottom-up. The resilience of communities cannot be reduced to the resilience of the individuals forming the community, but resilient institutions and communities support individuals in preparing for, and coping with, crisis and shocks. Sources of resilience also vary between different levels. As the authors note, "resilience doesn't refer to exactly the same qualities in the individual and societal levels."[195]

The report includes indicators to evaluate each level of resilience individually and comprehensive resilience is the result of all of the different levels. These indicators make it possible to explore the potential of human rights for comprehensive resilience. The report is so recent, that this kind of research haven't been done yet. Still, earlier research has indicated, that the human rights based approach increase resilience on all levels identified in comprehensive resilience.

On individual level, Christipolos looks at resilience and it's meaning in the activities of the Swedish International Development Cooperation Agency Sida. The building of resilience has been part of many of Sida's development programs, but the agency have been looking at it strictly within a development framework and a general attention to risks. This approach did not take into account the individual's perspective: who are the most vulnerable and how they would be able to access disaster relief. Christipolos calls for a human rights based approach to resilience that "could stimulate reflection on how, due to unequal access to scarce resources, resilience (and vulnerability) means different things to different sets of rights holders, for example for men and women, for wealthy and poor, and for people with different abilities and livelihoods."[196] Ensor also calls for bringing the understanding of the social dimension to resilience through a human rights based approach. His work on the Timor-Leste case suggests

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[194] Hyvönen et. al. 2019: Kokonaisresilienssi ja turvallisuus: tasot, prosessit ja arviointi, Valtioneuvoston selvitys- ja tutkimustoiminnan julkaisusarja 17/2019, Helsinki. "…poliittisen järjestelmän, yhteisöjen sekä yksilöiden kykyyn jatkaa toimintaansa häiriö- ja kriisitilanteissa ja uudistaa itseään demokraattisia kanavia käyttäen." Translation by author.
[195] Hyvönen et. al. 2019.
[196] Christoplos 2014: Resilience, rights and results in Swedish development cooperation, Resilience, Vol. 2, No. 2, pp. 88–99.

that resilience alone does not equip policymakers or practitioners with the conceptual or practical tools necessary to address the cultural, political and social context within which hazards become disasters. According to Ensor, augmenting resilience with rights based thinking can situate resilience practice in a way that it responds to the complexity of social arrangements, reducing risk and social conflict.[197]

Da Costa notes that the observance of human rights by states enhances individuals' resilience to cope with natural disasters. The human rights based approach gives individuals a sense of ownership in community efforts, building resilience and enhancing participation. It should also lead to a decrease in discrimination, combined with an increase of available and effective accountability mechanisms. She also notes the positive effect that respect for human rights has for communal resilience:

> *"It seems that a general climate of respect for human rights by states enhances the resilience of communities to cope with natural disasters. Conversely, the lack of human rights protection may lead to governmental negligence in providing minimum standards of relief and recovery assistance to disaster-affected people."[198]*

She concludes that there is a need for both a top-down approach by legislation and also a bottom-up approach through community building and non-state actors. The article suggests that looking at natural disasters through the lens of human rights leads to a win-win situation, for both states and individuals.[199]

On an institutional level, Frigerio and Kassenova look at crises, mostly internal violence, in Central Asian states. The resilience of the system in former Soviet states is not built around formal institutions, inclusiveness or the rule of law, but is based on personalized "princely" power and demonstrative use of violence. Societies are organized on informal and ever-changing rules. Frigerio and Kassenova conclude that such a system can provide stability in the short and medium term, notwithstanding outbreaks of violence, while the general equilibrium maintains this spontaneous order. However, it also generates instability that can result in the degradation of the system into disorder.[200] In the short term, institutions can be made more resilient with restrictive and violent measures, but, in the long term, they make the society more fragile. To build truly resilient institutions, a human rights based approach is needed.

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[197] Ensor 2018.
[198] da Costa, 2014: Can the observance of human rights of individuals enhance their resilience to cope with natural disasters?, Procedia Economics and Finance, vol. 18 (2014), pp. 62–70
[199] da Costa 2014.
[200] Frigerio & Kassenova 2013: Central Asia: Contemporary Security

On international level, shared respect for human rights will reduce the possibility of a conflict between states. Caprioli and Trumbone show that states that discriminate against minorities or women and violate personal integrity rights are more likely to be involved in militarized international disputes.[201] Peterson and Graham observe that shared human rights norms make conflicts less likely between states.[202]

Resilience as a new security paradigm may offer a change to move beyond the division of national security versus human security. Yet, a new paradigm does not mean that the old ones are obsolete. Cavelty et. al note that "like all security rationalities before and after it – resilience is not the only paradigm with security relevance today. It is interwoven with other forms of security governance, especially technologies of risk, insurance, and preparedness[203]." The nature of resilience as a cross-cutting theme through different policy sectors may offer a tool for human rights advocates to bring human rights into new discussions. For example, if resilience is seen as an important building block of national security, as it is in many modern national security strategies, and human rights are an integral part of resilience, then human rights should be integrated deeper into national security discussions.

Challenges and Sources of State Resilience, Security and Human Rights, pp. 123–135.

[201] Caprioli & Trumbore 2006: Human Rights Rogues in Interstate Disputes, 1980–2001. Journal of Peace Research, vol. 43, no. 2, 2006, pp. 131–148.

[202] Peterson & Graham 2011: Shared Human Rights Norms and Military Conflict. Journal of Conflict Resolution, Vol. 55, No. 2, pp. 248–273.

[203] Dunn Cavertly et. al 2015: Resilience and (in)security: Practices, subjects, temporalities. Security Dialogue 2015, Vol. 46, No. 1, pp. 3–14.

Part II: Political shifts and human rights actors

Summary

Part II discusses the current political shifts and balance between human rights actors. These primarily include the states, who have the responsibility to respect, protect and fulfill human rights. Non-state actors can be civil society actors (non-governmental organisations and human rights defenders), public actors other than states (cities) and business actors (including both private business and those involving states). Two political undercurrents are raised as particular points of discrepancy that affect the promotion of human rights: in relation to state actors, populism has become a prominent feature of party politics, influencing international cooperation in key questions, such as immigration and climate change. Driven by movements and NGOs, anti-gender movements and countermovements implicate the promotion of gender equality and the rights of women and girls through well-organised campaigns. The potential of social media to intensify these undercurrents and also serve as a platform for challenging this through new forms of human rights communication is briefly discussed as the final point.

1. The adoption of the **2030 Agenda for Sustainable Development Goals** in 2015 has become a global framework, also in the promotion of human rights.

   - SDGs are an asset for human rights promotion due to their inclusiveness: they are widely accepted, inclusive towards the support of human rights by business actors and they have served as a tool for introducing human rights related principles with sustainable development also in authoritarian, anti-democratic states.

   - The problematic point of using SDGs to promote human rights is the fear that they are not robust enough for human rights implementation. A partial recognition of human rights and efforts to work around them using alternative discourses may lead to disputes over the essentialities in the promotion of human rights, but may also offer opportunities for incremental turns towards their more extensive recognition.

   - Gender equality is thoroughly included in the sustainable development goals, with one of the goals specifically targeting gender equality and several others including a particular point on its promotion.

2. In world politics, the trend of **state actors** to emphasise sovereignty over the engagement to global order through multilateral institutions has continued to gain ground.

- The problems in the **UN monitoring system** continue, as the system is overburdened with insufficient resources. The effective participation of NGOs and human rights defenders in the monitoring process has also been obstructed by states who have no interest in taking part in these functions.

- **The Human Rights Council** remains a key forum for debating human rights. Similar to the current general global order and the UN, the Human Rights Council has also grown in multivocality. With the US withdrawing from human rights cooperation as well, the EU could be expected to take an active role, but tensions between EU member states over issues like migration are complicating this. China is now actively driving its agenda and, for example, seeking to control the UN human rights mechanisms through budgetary means.

- On the other hand, **new alliances and roles** have also become more visible. It has been noted that, after the US withdrew from HRC, the Latin American members have the opportunity to take on more responsibilities related to the issues concerning the Americas, allowing them to pass resolutions which might not have been supported if the US had been in the lead.

- In the sources, **populism** was systematically named as a threat to the functioning of the international human rights system, causing polarisation and creating strongly oppositional stands and divisions, as well as promoting racist and xenophobic agendas.

3. The role of **Non-state actors** as human rights actors is growing as cooperation in multilateral organisations is stalled by political discrepancies and emphasised sovereignty.

- Non-state actors are mainly independent of the state in their decision-making, although possibly only in a partial fashion: the state can, for example, be involved in business activities through corporate governance or as shareholders and empower and finance cities as administrative units.

- Because of continuing urbanisation, **cities** are becoming increasingly important as environments for organising democratic processes and everyday services for healthcare, housing, food, and education. Participatory rights, personal security and the spectrum of economic, social and cultural rights are all at play when cities are considered as human rights actors who, through municipal executive power, bear responsibility for organising extensive infrastructure.

- **Business actors** play an increasingly important role in the international human rights system. Demands for more extensive and explicit regulation has intensified recently, but responsibility is also gaining ground in companies that recognise the benefits of sound and clear standards for ensuring stable conditions for business.

- There is a global trend of states introducing new laws to restrict the basic freedoms of civil societies. **Non-governmental organisations** are more frequently facing restrictions on their actions through the control of resources, restricting the freedom of association and arbitrary interference. The number of attacks on **Human rights defenders** has also increased.

- **Journalists** and **researchers** have been targeted with hate campaigns, and their activities have been made difficult by states who have tightened control over the national media, or obstructed the work of universities, or specific research programmes (especially on gender) also in Europe.

- **Resistance to gender equality** through well-organised anti-gender movements has become increasingly influential over the past five years. Together with populist politics, these movements are a cause of concern for the promotion of women's rights and LGBTI rights. A common point for both populist and anti-gender movements is their use of social media as a platform and tool for their cause. This has now inspired alternative **campaigns for seeking new ways to communicate human rights** as rights for increasing the personal security of all individuals to the general public.

To some extent, populist strategies and anti-gender campaigns seek to undermine the legitimacy of the international human rights system, even if the system is not considered straightforwardly illegitimate in the sense that it should be replaced. One of the challenges resulting from these strategies and campaigns to those who wish to support the international human rights system may be how to explain the way human

rights protect individuals when they are not in immediate danger of being subjected to the arbitrary rule of the state. In any case, the international human rights system is going through a shift in the balance of power, which will make the concerns of the Global South and developing countries increasingly important in the global arena. The EU, with its strong agenda on economic, social and cultural rights, has the potential to respond to these concerns in this respect. However, as global trends continue to create severe problems, the role of civil and political rights needs to be kept on the agenda to ensure diverse and multi-stakeholder participation in addressing negative human rights impacts.

Introduction

The development of the UN-based international human rights system in the aftermath of the second World War has been shaped by political shifts from Cold War to the 9/11 attacks in 2001. The discourse and practices of actively adopting human rights reforms on domestic levels in the 1990s was turned into a tendency to limit the rights of individuals (including the right to privacy, freedom of movement etc.), following the new dominance of state security principles after the attacks. This shift towards an emphasis on the security of the states has now been complemented with new elements of protectionism, the erosion of democracy and a sharpened discourse on state sovereignty. As 2010s unfolds, agreeing on the 2030 Agenda for Sustainable Development and Sustainable Development Goals and partnering with business actors to address global problems and challenges (e.g. unsustainability) has become increasingly significant to human rights work.

Since the international human rights system was established, the number of sovereign states has grown. As a result, the number of states engaging with the international human rights system has also grown in the post-colonial and post-Cold War world. Therefore, the selection of political systems and voices has also diversified and the dynamics of the debate have grown to include new dynamics in the UN - both the general conference and the HRC. Since the international human rights system has many levels, the states are involved with the community not only through their political elites, but also through the third sector and private sector actors. While the founding member states of the UN have a structurally secured position in the organisation through the Security Council, there is no consensual core to claim hegemony over UN policies. As a result, alternative interpretations of human rights norms are gaining ground, especially with China's growing economic and political power. In the UN General Assembly, the increasing diversity of views, including the contestation of human rights implementation, has become evident.

With the political shifts and challenges of global trends, it is important to ask to what extent global problems can be solved within the human rights framework and, on the

other hand, what kind of issues require reaching over to other sectors and systems. The negotiations for, and the creation of, the 2030 Agenda for Sustainable Development in 2015 was an immense UN based global effort to bring together different policy sectors and actors. The targets introduced as means to reach these goals are coincide largely with human rights elements[204]. So far, the effort seems to be paying off, as the SDG framework has yielded opportunities to promote issues which are important to the promotion of human rights, such as forming new allegiances between the private and third sectors.

Political interests and agency over prioritising one human rights goal instead of another are integral part of the international human rights system, as are national interests and domestic politics. At the European level, national political parties are fitted into EU level demarcations and cooperative groups and policymakers all have their own visions of which topics should rule the agenda. This nurtures transnational agendas and aims, which have the potential to also echo on the global level. The movements affiliated with the actors in the international human rights system hence have influence on vocabularies and alliances within the system, even if their main objective rests on domestic politics or agendas beyond human rights work. Currently, some negative examples of movements that threat human rights from the European perspective include the anti-gender and anti-choice movements and radical-right populist movements. The anti-gender lobby is an influential transnational movement that has political allies, but the number of parties willing to explicitly campaign with their agenda is not (yet, at least) substantial. The radical-right populist agendas have been adopted and explicitly promoted by major political parties across Europe, while being supported by transnational movements as well.

The sovereign states continue to be the key agents in the implementation of human rights through their legal systems and policies. Other stakeholders – the civil society, the private sector or media, for example – may support (or hinder) the implementation according to their interests. While the civic space in many countries has been shrinking recently, the role of the private sector has been strengthening. Sustainable Development Goals have become an important tool for engaging the private sector more firmly with questions of responsibility. Working with SDGs has also brought the private sector business actors and NGOs together in new ways.

In part II, the focus is on actors of the international human rights system. The 2030 Agenda has brought about new possibilities to include human rights principles into development agendas and engage human rights actors in new ways. In part II, the role

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[204] The Danish Institute for Human rights counts this convergence to rise upt to 90 %, see
https://www.humanrights.dk/our-work/sustainable-development/human-rights-sdgs

of SDGs in the current human rights discourse is briefly discussed. This is followed by the current political dynamics between states in the international human rights system and two influential political movements, which have greatly influenced international cooperation: resistance to gender equality and populism, which challenges multilateralism. Finally, the current state of civil society actors, such as the human rights defenders and NGOs, and the rise of business actors are included in the analysis.

5 Sustainable development goals

In 2015, the UN Member States adopted the 2030 Agenda for Sustainable Development, which includes the Sustainable Development Goals (SDGs) steering the promotion of sustainable development during the span of 2016–2030. Since 2015, the Sustainable Development Goals (SDGs) have provided a framework for the promotion of human rights globally[205]. The objective of the SDGs is to combine social, environmental and economic perspectives. The primary target of the SDGs is global and universally applicable development. They include 17 general Sustainable Development Goals, which are applied by each government separately, but guided by the global level of ambition. The state decides how the global targets will be incorporated in national policies and strategies. The SDGs are interlinked and each of them can be connected with another goal (or more). However, there are some recognisable patterns. SDGs 1–5 are targeted at basic needs and basic rights (like food, health, education, and equality) while SDGs 6–12 include objectives related to basic infrastructure and the economy (like sanitation, energy, economic growth, employment, innovation and consumption). Strongly overlapping with the previously mentioned SDGs, goals 11–15 are specifically targeted at environmentally sustainable development. Goals 16 and 17 are more institutional than others and their focus is inlaid in societies and partnerships. However, all SDGs form a body of interconnected and, in that sense, inseparable parts.[206]

The 2030 Agenda for Sustainable Development apply to all countries. States are primarily responsible for the implementation of the 2030 Agenda. However, reaching the goals requires wide participation from local government, business actors, the civil society and citizens, too. To make sustainability a more reachable goal, the 2030 Agenda addresses the private sector actors, including big global companies, to engage with SDGs. To entice mutual recognition for, and from, actors on different sides of the table, SDGs refrain from juxtaposing ecological goals with economic ones and instead stress that there is a common interest to consider them together. Integrated in the 2030 Agenda are the UN Guiding Principles on Business and Human Rights (see chapter 7.2) that apply the "Do No Harm" principle to businesses, while still holding the state as the main party responsible. The Guiding Principles have become an influential document that gives concreteness to the human rights responsibilities of the business actors. Through Agenda 2030, they are further established as important

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[205] Winkler & Williams 2017: The Sustainable Development Goals and human rights: a critical early review. The International Journal of Human Rights, 21:8,1023–1028, https://www.tandfonline.com/doi/pdf/10.1080/13642987.2017.1348695?needAccess=true
[206] https://sustainabledevelopment.un.org/post2015/transformingourworld

pieces of human rights work. While SDGs 8, 9 and 12 are directly targeted at economic growth, employment and sustainable production, many other SDGs need to be taken into account as well. The 2030 Agenda is used for developing Corporate Social Responsibility (see chapter 7.2) in the private sector. Sustainable development takes environmental issues into account and should include human rights principles with the "leave no one behind" -principle, but it also forms a political discourse and a plan of action on its own terms. The SDGs and targets are integrated, indivisible, global in nature and universally applicable, accounting for different national realities, capacities and levels of development and respecting national policies and priorities.

From the human rights perspective, it should be realised that even if human rights and development are different concepts, they are mutually reinforcing[207]. From separate discourses to important tools for discussing environment, democracy and economy together to fight poverty, the background interviews suggest that the relationship between SDGs and human rights seems to raise both excitement and frustration among those involved in their implementation. The main problem indicated in the interviews is the ambivalence experienced over the issue of primacy. Since SDGs do not include human rights principles as such even though they are highly convergent[208], scarcity of resources and politically difficult themes result in the primacy of SDGs too often, diluting human rights. On the other hand, SDGs can also be seen as useful tools to implement human rights principles, as long as the "leave no-one behind" principle is read as a claim for non-discrimination and equality. To realise these claims, then, necessitates careful recognition of the groups in danger of falling behind. Therefore, the widely accepted SDGs are one way to accommodate diverse voices for tackling environmental degradation, global warming and economic and social inequality. Agenda 2030 has a strong potential for bringing together human rights with environmental and economic development. The concept of sustainability refers to all of these dimensions simultaneously, which can be considered a notable asset when negotiating with a variety of political and economic interests.

Gender equality is thoroughly embedded in the sustainable development goals. There is one specific goal on gender equality and, in addition, the other goals are relevant from a gender equality perspective and include targets that specifically aim to promote gender equality. The specific goal for gender equality is the Sustainable Development Goal 5, the objective of which is to "achieve gender equality and empower all women and girls". The goal consists of nine more specific targets that address, for instance,

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[207] Ulvin 2007: From the right to development to the rights-based approach: how 'human rights' entered development. Development in Practice, 17: 4–5, 597–606, DOI: 10.1080/09614520701469617

[208] The Danish Institute for Human rights counts this convergence to rise upt to 90 %, see https://www.humanrights.dk/our-work/sustainable-development/human-rights-sdgs

gender-based discrimination, violence against women and access to sexual and re-productive health and rights. One of the targets is to ensure women's full and effective participation and equal opportunities for leadership on all levels of decision-making in political, economic and public life. The targets address issues related to economic and social rights as well, including the need to recognise and value unpaid care work and domestic work and the need to undertake reforms in order to give women equal rights to economic resources, as well as access to ownership of different properties. In addition to the specific gender equality goal, goal number 5, the other sustainable development goals are similarly relevant from the gender equality perspective and also include targets specifically constructed to promote gender equality. The spectrum of gender equality issues included in the SDGs is sizeable, including almost all of the topics covered in the Beijing Platform for Action[209], which can still be used as a good guideline for different gender equality issues that should be covered in human rights work.

In general, the SDGs address issues of human dignity and equality. Despite not being a part of international human rights law, the SDGs aim at a more equal, peaceful and sustainable world and they apply to all countries. The SDGs are the result of political negotiations and several compromises, which means that they are far from perfect. However, they brought a global and universal focus to inequalities in contemporary development goals and point out development targets for different actors on several levels of decision-making. Therefore the SDGs create a common and recognised framework for improving human rights[210]

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[209] The Beijing Platform for Action: http://beijing20.unwomen.org/en/about
[210] Winkler & Williams, 2017: The Sustainable Development Goals and human rights: a critical early review. The International Journal of Human Rights, 21:8, 1023–1028, https://www.tandfonline.com/doi/pdf/10.1080/13642987.2017.1348695?needAccess=true

6   World politics, multilateral forums and state actors

As part of the United Nations framework, the international human rights system was built to presuppose a democratic regime[211]. The desire for balance between sovereignty, voluntary limitations to independence through multilateral governance and a free civil society is interwoven into the ideals of the liberal world order. A recent study by the Finnish Institute of International Affairs (2019) points out that an international order may be understood as having a dual relationship with state power: "[a] dominant international order is firstly a reflection of global power structures in that it reflects the vision of the just order held by the leading powers", but also something that is, to an extent, "independent of the power of their immediate authors" and functions in support of the power of its promoters "and hence the liberal world order naturally strengthens the role of the Western world"[212].

The study summarises that, while political contestation of the current world order is notable, it is unlikely that the liberal world order was significantly overturned by the ongoing developments. This is due to the high degree of institutionalisation, which makes it more likely that, instead of an overturn, the future is labelled by the pluralisation of agency. Another factor supporting this is widespread liberal democracy that is now "deeply rooted in the global system".[213] Pluralist agency is dominated by the rise of non-Western states and particularly China, which means that there will also be a world order that listens carefully to the concerns of developing states and highlights sovereignty and security. In this world, alliances and hegemonies become pluralistic, instead of fixed blocs. This also highlights the importance of regionalism, "which may both complement and fragment the international system".[214]

One of the arenas of current political quarrel is international trade. The General Agreement on Tariffs and Trade (GATT), that was later replaced by World Trade Organization, was founded to aid recovery from war and to avoid a repetition of the destructive trade tensions that existed before the Second World War. Free trade has shown its power in terms of economic growth, innovation, improving productivity and

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[211] For an introduction of the triad human rights – rule of law – democracy, see OHCHR 2019, https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/Democracy.aspx

[212] Creutz, et al. 2019: The changing global order and its implications for the EU. Finnish Institute of International Affairs, p. 12. Available at https://storage.googleapis.com/upi-live/2019/03/report59_changing_global_order_and_eu.pdf

[213] Creutz et al. 2019.

[214] Creutz et al. 2019: p. 33

preserving peace between trading nations, especially in Europe[215]. An integrated world economy with global value chains drives economic growth and reduces poverty both locally and globally. Despite this, the US government seems to be turning towards a more protectionist approach, even if it leads to falling economic output, a decrease in labour productivity and to rising unemployment levels and greater inequality. Protectionism has direct negative impacts on international trade as well as indirect negative impacts on employment and the living conditions of large numbers of people globally. It may therefore lead to political instability and to further deterioration of human rights.[216]

Pining over the fate of the liberal world order, now considered endangered (for good reasons), is an important part of the narrative on the shifting balance of power in world politics. Importantly, this is part of the crisis-centered way of framing political situations, which tends to overlook long-term historical and global perspectives. "Crisis" is closely linked with populist politics (chapter 6.2.2), where crisis may both prompt the emergence of populism and be rhetorically produced and upheld with populist strategies[217]. Lately, there has been a growing refusal to refer to the situation of the global order, or the contestation of its prevailing institutions, as a crisis. This is due to the argument that the rise of crisis-talk is partly connected to the rise of populism. Naming something as a crisis is a method used to legitimate drastic political actions and to find scapegoats. Stepping out of this framework may help with identifying chances of cooperation and new points in the agenda.

6.1 Impacts of political shifts to the international human rights system

UN (with its special agencies) is the only global forum to address human rights. In Europe, the Council of Europe (CoE), the Organization for Security and Cooperation in Europe (OSCE) and the institutions of the European Union (EU) address human rights questions. The Organization of the American States (OAS) and African Union (AU)

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[215] World Trade Organization 2018. Available at https://www.wto.org/english/news_e/news18_e/if_05oct18_e.htm

[216] World Economic Forum. https://www.weforum.org/agenda/2019/03/why-tariffs-spell-trouble-for-economic-growth/

[217] For a summary of this logic, see Palonen 2019: Puhkeaako demokratian kupla? In Aunesluoma & Kansikas (eds.): Euroopan villit kortit ja mustat joutsenet, p. 15. Available at https://www.eduskunta.fi/FI/lakiensaataminen/valiokunnat/tulevaisuusvaliokunta/julkaisut/Sivut/euroopan-villit-kortit-ja-mustat-joutsenet.aspx

work for regional integration and development from their respective angles, also in co-operation with the UN. The UN Human Rights Council remains central for promoting human rights globally, also for the European Union as a human rights actor as well as its individual member states.

6.1.1 The changing roles of global players

Interpretations of democratic governance as sovereignty of the people with freely elected governing bodies have remained strongly linked to human rights claims, even though the international human rights system has since invited engagement from authoritarian regimes as well. Growing interdependence and its implications for both the external and internal independence of decolonised and growing state powers has brought about new interpretations of justice and sovereignty[218]. The multilateral system now includes regimes with differing models of governance and democratic elements and any activity in it is conditioned by adjusting to the variety of regimes.

Arguably, democracy and "soft power", advocated predominantly by the Western countries as part of this narrative, is ever decreasingly backed up by military "hard power", political unity and superior economic power and has become less attractive.[219] Furthermore, the liberal order has undoubtedly had its failings. One way to summarise them is to argue that resorting to an overly narrow ideological self-image - be it neoliberalism leading to severe inequalities or a self-righteous claim of inevitable "progress" toward a Western-promoted value-system - has made it difficult for the advocates of the liberal order to respond to the economic and political rise of the East, most notably China[220].

Firm support of the UN based human rights system has been mentioned as one of the building blocks of EU's identity as a human rights actor[221] - a role which is now as important as ever, as the US has left the HRC. The US has a long history with human rights forums, and over the years it has shown ambiguous commitment to the promotion of human rights norms, using them also as political tools back home and abroad[222]. Although the US withdrawal from the UNHRC in 2018 may have been the

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[218] See e.g. Watson 1997: The Limits of Independence. Relations between states in the modern world. pp. 92–94.

[219] de Wijk 2016: Power politics. p. 11

[220] Vogt 2018: Liberaalin maailmanjärjestyksen kohtalosta. Kosmopolis, 1-2 2018, 59–66

[221] Tuominen 2018: Euroopan unionin ihmisoikeusrooli: Tapaustutkimus YK:n ihmisoikeusneuvostosta. *Kosmopolis* 1-2 2018, 6–22.

[222] For an overview of the role of the US as part of the Liberal Order, see Rose, G. 2019: "The Fourth Founding: The United States and the Liberal Order." Foreign Affairs, Jan.-Feb. 2019, http://link.galegroup.com/apps/doc/A566263284/BIC?u=43wien&sid=BIC&xid=6c3fd8e5.

rather unsurprising outcome of formerly expressed criticism toward the council, the question of how the US will position itself in human rights questions in the long run nevertheless remains. The US has now also opted out of the possibility to influence the council's agenda from within[223].

As an example of a cross-regional cooperation, the HRC recently (September 2018) adopted a resolution on Venezuela. In a Joint Statement led by Peru[224], a Latin American state in the council, the signing parties addressed the severe human rights violations and humanitarian crisis in Venezuela, which has led to extensive migration to nearby states. It has been noted that, post the US resignation, the Latin American members have the opportunity to take on more responsibilities over the issues concerning the Americas. It was suspected that the wide support of 53 countries of the Joint Statement might not have gained such extensive backing if the US had been the one leading it[225].

The political and economic power shift towards Asia has made the continent, most notably China, a noteworthy actor in human rights discourse. The activities of China in the UN have changed from the former strategy of not striving for resolutions or provoking major confrontations to introducing its own interpretation of human rights. In the background interviews, the most commonly mentioned signifier of this turn was agenda-setting: it was stressed that China is aggressive on points it wishes to make and displays a strategic and ambitious policy of protecting its interests[226]. The other side of the coin is that China is now also engaging more in the human rights discourse, employing expressions it has been avoiding before. Thus, rather than striving for a drastic change or replacement of the international human rights system, China seeks to engage with the existing one more on their own terms[227].

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[223] Tuominen 2018: Yhdysvaltojen lähtö YK:n ihmisoikeusneuvostosta ei ole yllätys. https://politiikasta.fi/yhdysvaltojen-lahto-ykn-ihmisoikeusneuvostosta-ei-ole-yllatys/

[224] UNHCR 2018c: Promotion and protection of human rights in the Bolivarian Republic of Venezuela http://undocs.org/A/HRC/39/L.1/Rev.1

[225] On these points, see "Conclusion and analysis" in Universal Rights Group 2018: https://www.universal-rights.org/urg-human-rights-council-reports/report-on-the-38th-session-of-the-human-rights-council/ . These points were also brought up in the background interviews.

[226] For a recent analysis, see Creutz 2019: China's challenge to human rights. Increased proactivity may weaken the human rights system. FIIA Briefing paper 261. Available for download from https://www.fiia.fi/julkaisu/chinas-challenge-to-human-rights

[227] Okano-Heijmans & van der Putten 2018: A United Nations with Chinese characteristics? Clingendael Report, https://www.clingendael.org/sites/default/files/2018-12/China_in_the_UN_1.pdf

It seems that one of the key issues in promoting human rights through UN is increasingly the control of funding. An example of the Chinese influence within the UN system, as indicated in the background interviews, is the way it has become a major actor in the Administrative and Budgetary Committee (Fifth Committee). China has attempted to use budget cuts as means to restrict the work of OHCHR[228]. Chinese influence has also increased in world politics due to the effort it has put into investing in the African continent since the turn of the Millennium. The quest for natural resources, construction and other investment projects, as well as "no-strings-attached financial and technical aid to the most needy in Africa"[229] set off a still-emerging path of influence.

As global power has shifted away from the Western powers and the UN system grows more multivocal, the share of non-democratic regimes has strengthened. This emphasises state sovereignty over multilateral governance[230] and the emphasis of sovereignty is further reinforced by the young democracies in Europe. Importantly, this is happening simultaneously with a countering trend, namely the diffusion of power to non-state actors, which moves power away from the state activity sphere[231]. Adopting the framework of Agenda 2030 and the implementation of sustainable development goals has proved to be a way to engage with the human rights issues in new ways, not only for China, but for other Asian states also, as the interviews suggested. Partial recognition of human rights and working around them using alternative discourses may lead to disputes over the essentialities of the promotion of human rights, but it may also offer opportunities for incremental turns towards their more extensive recognition.

6.1.2 The continuing concerns over the human rights monitoring system

International human rights instruments on the global level include two types of mechanisms. There are bodies, whose legal basis lies in the UN Charter and therefore they involve all states. The most important ones are the UN Human Rights Council (HRC) in Geneva, created by the UN General Assembly in 2006, and placed directly under the UN General Assembly, and its mechanisms, such as the Universal Periodic Review (UPR). The UN HRC provides a forum for the thematic discussion on all human rights. Additionally, the Office of the High Commissioner for Human Rights (OHCHR)

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[228] Dwarkin & Leonard 2018. Can Europe Save the World Order? Policy Brief. Available at https://www.ecfr.eu/publications/summary/can_europe_save_the_world_order p.11
[229] China Daily, quoted in Mahbubani, Kishore 2008: The new Asian hemisphere. The irresistible shift of global power to the East. New York: Public Affairs.
[230] Creutz et al. 2019: 59
[231] Creutz et al. 2019

is in this group carrying out tasks assigned to it by other bodies of the UN. On top of the abovementioned, there are also other human rights monitoring mechanisms based on particular human rights treaties that are not directly on the UN Charter[232]. In 2014 the UN General Assembly adopted Resolution 68/268 on *Strengthening and enhancing the effective functioning of the human rights treaty body system*[233]. This includes two review mechanisms: A biennial report by the UN Secretary-General on the state of the treaty body system and an overall review of the effectiveness of the measures taken pursuant to resolution 68/268 no later than 2020. Resolution 73/162[234] was adopted in December 2018, and the UN Secretary-General will submit their third review on the process in 2020 accordingly.

Recent reports show that China is working on controlling the human rights mechanism in the UN in many ways, including attempts to obstruct the work NGOs and harass members of civil society, who try to participate in human rights monitoring[235.] The rise of non-democratic regimes and their tendency to restrict the possibilities of NGOs and other civil society actors to participate and realise their basic and human rights has been a significant, albeit not the sole, contributor to the dysfunction of the UN-based monitoring system.

The international human rights treaties set legal obligations on states to respect, protect and fulfill human rights on the national level. The implementation of the 9 core human rights conventions is monitored by an international committee of independent experts[236] reviewing the reports by the state parties. Additionally, some states include

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[232] Lhotský 2017: Human Rights Treaty Body Review 2020. Towards an integrated treaty body system.
https://repository.gchumanrights.org/bitstream/handle/20.500.11825/675/Lhotsky_EMA_aw.th.2016-17.pdf?sequence=4&isAllowed=y
[233] The resolution is available at https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/268
[234] Available at https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/162
[235] Creutz et al 2019: The changing global order and its implications for the EU. Finnish Institute of International Affairs, p. 59. Available from https://storage.googleapis.com/upi-live/2019/03/report59_changing_global_order_and_eu.pdf;
The Costs of International Advocacy. China's Interference in United Nations. Human Rights Mechanisms. Human Rights Watch Report 2017. https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights
[236] The implementation of the human rights treaties is monitored by ten committees: 1. The Committee on the Elimination of Racial Discrimination, 2. The Committee on Economic, Social and Cultural Rights, 3. The Human Rights Committee 4. The Committee on the Elimination of Discrimination against Women, 5. The Committee against Torture, 6. The Subcommittee on Prevention of Torture, 7. The Committee on the Rights of the Child 8. The Committee on Migrant Workers, 9. The Committee on the Rights of Persons with Disabilities, and 10. The Committee on Enforced Disappearances.

comments and criticism from NGOs in their reports, while some states submit their reports to parliamentary scrutiny before submitting them to the relevant treaty body.[237]

The states engaging with the international human rights system have developed monitoring practices, including the consideration of states´ reports, individual complaints procedures and inquiries covering a broad range of rights and issues. The treaty bodies have also contributed to the interpretation of international human rights law. However, while treaty bodies have become an integral part of the UN's human rights system, they face challenges in terms of their efficiency, effectiveness, and legitimacy. Currently, the recognised problems of the UN monitoring system have grown noteworthy. These include late reporting and non-reporting by states, backlog of the treaty bodies, a high reporting burden on states, diverging interpretations of same issues by different treaty bodies, a low awareness of the system, and insufficient funding in relation to the growth of the system[238]. As one of the structural challenges to treaty bodies, it has been pointed out that they need to deal with complex expectations from the states and civil society organisations in the UN system[239].

The insufficient funding in relation to the growth of the system also delays activities. Another major problem is the low authority of decisions on communications – the states' compliance rate with regard to communications is considered to be very low.[240]

6.2　Political dynamics in the European Union

While the US reorients its international cooperation and alliances, the EU is not only struggling with the political consequences of Brexit, but also other tensions between member states. The implications of Brexit for both EU and the UN in general concern questions of diplomacy in issues, such as security, development and human rights[241]. Yet the regimes in such EU member states as Hungary or Poland pose challenges to the EU from within and the Hungarian stand on migration is problematic for many EU member states. Albeit that Hungary may once have been seen as a textbook example

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[237] Creutz et al 2019: The changing global order and its implications for the EU, p. 59. Available from https://storage.googleapis.com/upi-live/2019/03/report59_changing_global_order_and_eu.pdf;

[238] Lhotský 2017: Human Rights Treaty Body Review 2020. Towards an Integrated Treaty Body System.

[239] Oette 2018: The UN Human Rights Treaty Bodies: Impact and Future. In Oberleitner G. (eds) International Human Rights Institutions, Tribunals, and Courts.

[240] Lhotský 2017.

[241] https://www.ecfr.eu/publications/summary/separation_anxiety_european_influence_at_the_un_after_brexit

of an institutional and political turn to constitutional democracy, with Viktor Orbán it has become a loud example of the power of right-wing populist politics[242]. Fidesz has also arguably played up nationalist politics through basic political rights by campaigning for an ethnic conceptualisation of citizenship for a diaspora and granting voting rights to non-domicile dual citizens with relative success in winning their votes[243]. The Visegrád Group (the Czech Republic, Hungary, Poland, and Slovakia) oppose the EU's migration policies and the "Old Europe".

These internal power struggles challenge traditional political and economic institutions and elites and shake power structures. Hence, they also provide states with opportunities to influence other states and their politics in ways that serve their interests. Obviously, these interests may include contributing to the political stabilisation of the region. Yet, in many cases states seek to utilise the political and military instability to increase their political influence locally. One example of this in contemporary politics is Russia, whose interpretation of geopolitics now seems to translate into eagerness to become an actor in conflicts, also through military input. In other words, it uses conflicts in an opportunistic manner by turning itself into a solid party involved in conflict resolution, while pushing its own agenda. It is also possible that Russia will keep applying its strategy of taking advantage of divisions between linguistic and ethnic groups in the future, as it already did in Ukraine and Georgia[244]. The Nord Stream 2 pipeline has been opposed by Poland and the Baltics and potential Russian influence and signs of irredentism after Crimea raise concerns in Eastern European countries[245]. Russia's continuing "internal mobilisation" and the utilisation of the crisis mode both in domestic and foreign policy[246] contribute to the tension. In the Council of Europe, the quarrel over Russia's suspended voting rights and its subsequent refusal of payments is still ongoing in June 2019.

6.2.1   Challenges to the rule of Law in Europe

The rule of law is essential for the realisation of human rights norms. The UN description of this relationship is characterised by stating that "the rule of law and human

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[242] See for example Palonen 2018: Performing the nation: the Janus-faced populist foundations of illiberalism in Hungary
https://www.tandfonline.com/doi/full/10.1080/14782804.2018.1498776
[243] See Nyyssönen & Metsälä 2018: Dual citizenship and voting rights. In Wiesner, Björk, Kivistö & Mäkinen (eds.): Shaping Citizenship. A political concept in theory, debate and practice, 206–220.
[244] SaferGlobe 2016: Euroopan Unionin mahdollisuudet vaikuttaa turvallisuusympäristöönsä - Uhkakuvat ja opetukset kriisinhallinnasta. Policy Brief.
[245] http://www.egmontinstitute.be/an-eastern-european-view-on-great-power-politics/
[246] Martikainen, Pynnöniemi & Saari 2016: Neighbouring an unpredictable Russia. Implications for Finland. Finnish Foreign Policy Papers 05 /11, pp. 5–6.

rights are two sides of the same principle, the freedom to live in dignity"[247]. The human rights norms are protected and promoted through the rule of law in differing contexts. Since rule of law is one of the core values of the EU, the way it, and the freedom of expression alongside with respect for human rights in general, has been challenged globally, makes them vulnerable within the Union as well. Safeguarding and strengthening the Union from within by institutionally and politically supporting these values is a crucial task for the pro-EU parties and states[248]. Respecting the rule of law is one of the conditions for membership in the EU yet challenging the actions of the states who stretch this principle, or even seek to violate it, has appeared relatively mild[249].

The most notable examples of European states challenging the rule of law include Hungary and Poland, targeting also the freedom of expression. In Hungary, Fidesz has come to rule to the point where, as was noted in the Final report by OSCE Limited Election Observation Mission, the latest parliamentary elections in April 2018 "were characterised by a pervasive overlap between state and ruling party resources, undermining contestants' ability to compete on an equal basis"[250]. Over the years, Fidesz has managed to limit the public space through control over media and independent research institutes, efficient employment of xenophobic rhetoric, and activation of out-of-the-country votes of the supportive diasporas abroad. In Poland, the ruling party Law and Justice has sought to gain political control over the national judicial system by passing controversial legislative reforms, beginning in 2015 with the law on the functioning of the Constitutional Tribunal[251]. The European Court of Justice has since ruled that the judges of the Supreme Court and the Supreme Administrative Court who were forced to retire due to a related judicial reform should be reinstated, and the European Commission has demanded better protection of judges from the state

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[247] For this summary the relationship between these two, see UN 2019, "Rule of Law and Human Rights", https://www.un.org/ruleoflaw/rule-of-law-and-human-rights/
[248] Creutz et. al. 2019: p. 59
[249] Kochenov & Bard 2018: Rule of Law Crisis in the New Member States of the EU: The Pitfalls of Overemphasising Enforcement. Available: https://ssrn.com/abstract=3221240
[250] OSCE Office for Democratic Institutions and Human Rights 2018: Hungary. Parliamentary elections 8 April 2018. ODIHR Limited Election Observation Mission Final Report, p. 1. Available at https://www.osce.org/odihr/elections/hungary/385959?download=true
[251] For a commentary of the developments, see e.g. Grzeszczak & Karolewski2018: "The Rule of Law Crisis in Poland: A New Chapter". Verfassungsblog-on matters constitutional, 8 August 2018. https://verfassungsblog.de/the-rule-of-law-crisis-in-poland-a-new-chapter/

rule[252]. As long as the regimes in Hungary and Poland can rely on their mutual support in vetoing against enforcement of Article 7[253] in the EU, and with a strong domestic support for the parties, they are however able to pursue their respective political agendas back home.

The European election in May 2019 strengthened the presence of right-wing populist parties in the EU Parliament, although the result was not the sweep that was expected: Locally, the right-wing populists won in Italy, France and Hungary, with Fidesz led by Viktor Orbán getting more than a half of the vote in Hungary. On the other hand, the pro-EU parties from the green-liberal movements gained more seats, with the center losing theirs to these opposite poles. In Hungary, the democratic-liberal opposition parties gained 8 out of 21 seats in the EP, which does not give Fidesz the majority support of two-thirds of the seats, aimed at by Orbán. Law and Justice, the ruling conservative party in Poland, gained more than 45 percent of the vote and will occupy 26 out 50 seats in the EP[254]. The Five Stars Movement and the radical-right Lega[255], and the Austrian conservative-populist forces of the Austrian People's Party and the Freedom Party[256] are among those who will strengthen the right-wing populist vote in the EP. Furthermore, the political development in Romania signals the that there may be more challenges on the way, although this time from the political left[257]. With such results, and since the question of the rule of law among the EU member states is politically entangled with the question of national sovereignty, the respect for the rule of law will likely be on the newly formed EP's agenda.

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[252] European Commission 2019: "Rule of Law: European Commission launches infringement procedure to protect judges in Poland from political control", press release 3 April 2019.
[253] Treaty on European Union, Article 7, in EU-Lex (English): https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M007
[254] For the results of the European election in 2019, see European Parliament: 2019 European Election results – website https://election-results.eu/. The national results for Hungary, see https://election-results.eu/national-results/hungary/2019-2024/. The national results for Poland, see https://election-results.eu/national-results/poland/2019-2024/
[255] The Italian results: https://election-results.eu/national-results/italy/2019-2024/
[256] the Austrian results: https://election-results.eu/national-results/austria/2019-2024/
[257] The Romanian results: https://election-results.eu/national-results/romania/2019-2024/. For the resolution of the EP on the rule of law in Romania from 13 November 2018 (English), see http://www.europarl.europa.eu/doceo/document/TA-8-2018-0446_EN.html. Since then, Romania was last warned by the Commission in 13 May 2019 that its Schengen rights might be in danger if the regime does not back out on the erosion of the rule of law in Romania. For a summarising piece of news, see https://www.euractiv.com/section/future-eu/news/romanias-schengen-perspective-in-jeopardy-over-rule-of-law/

6.2.2   The problem of populism

A common disclaimer in any analysis of populism today is to acknowledge the variety of parties, agendas and movements that use it as a strategy for strengthening their political power. In academic research, populism is increasingly referred to both as a kind of movement and a type of rhetoric, which is open for use across the political spectrum and a variety of definitions[258]. The point here is not to discuss the variation in populist strategies case by case, although it should be noted that populism is without question a major trend across Europe and in the US, to say the least. The parties, which are commonly linked under the hypernym "populist", also resemble each other in their rhetoric, while they differ in histories and frames of reference.

Whatever the label on the left-right axis, the main thing that makes populism so problematic for democracy is its logic of creating strongly oppositional stands and divisions[259]. For the purposes of this report, however, the point to be raised concerns the type of populist politics that stresses the rights of native citizens in comparison to those of other. In the background interviews, these types of political actors, who also, to some extent at least, foster the racist and xenophobic reactions and advocates they inspire (radical-right populism), were rather systematically mentioned as a severe threat to human rights and the work of the international human rights system. Another frequently mentioned feature of these actors was the conservative gender roles they implicitly or explicitly promote (on organised movements with explicit anti-gender agendas and resistance to gender equality, see chapter 7.4).

Populist politics, played out in various versions and different forms across regions, gain ground partly because the liberal world order is not conceived as all that liberal or fair historically, but responsible for creating further inequality. However, it also directly harvests anti-Western sentiments in some of the formerly colonialised states, where some states see the international human rights system descending from Western-driven colonialism without equal recognition of new powers and voices. In the East and the Global South, the international human rights system has partly been seen as an imported framework of Western-driven international norms and policies, although decolonialised states played an important role in the shaping of the international human rights system already in the 1950s and 1960s[260]. Hence the system has not been

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[258] For an overview of various cases and the intersectional approach to populism, see Kovala, Palonen, Ruotsalainen & Saresma (Eds.) 2018: Populism on the loose. Nykykulttuurin tutkimuskeskus, Jyväskylän yliopisto. Available at https://populismontheloose.wordpress.com/
[259] On this thematic, see Palonen 2019: p. 14–18
[260] For an overview of the development of the international human rights system from this perspective, see Jensen 2016: The Making of International Human Rights.The 1960s, Decolonization, and the Reconstruction of Global Values.

wholeheartedly cherished, but seen as a way to engage with the global multilateral system through regional interpretations. For example, the strong links between democratisation and human rights are not in the interests of authoritarian regimes, yet their engagement with the system is organised in different ways. Furthermore, it is clear that the Western states are not living up to the standards of human rights norms in all respects, with demoralising consequences. While the political consequences of Brexit to human rights diplomacy are also yet to be realised, the claims of national sovereignty associated with the campaign and its outcome send a message of decline in the alliances of old. Hence, there is the issue of legitimacy and the problem of finding new ways to address the benefits of international cooperation and strong human rights implementation that should not be overlooked.

The changing operational context is making the international human rights system vulnerable in the face of domestic politics and populist agendas. It is sometimes claimed that, since people across countries are starting to forget the great wars of the 20th century, the roots and aims of the international human rights system have also become devoid of meaning. This development has partly been intensified by the common practice of memory politics, or history politics, in which historical events and narratives are used to legitimate a political message. Memory politics can be played out in many ways, but in regards to the international human rights system, this tool has been used to derogate the basic narratives of the so called liberal world order by bolstering nationalistic interpretations of history or dismissing the atrocities of the holocaust. Distorted and counterfactual uses of history aside, the point of forgetting the basics over time is valid, to an extent: The international human rights system has evolved and developed over time from one political context to another.

From another perspective, however, the fading of historical experience and the lack of remembrance fall short as an explanation for the decline of political will to take action for the international human rights system. The recontextualisation of the international human rights system into the changing realities and experiences of citizens, especially across the Western states, has been inadequate. Economic globalisation has produced wellbeing, but also great gaps of wellbeing between groups. As promises of development, globalisation and economic growth have seized to be realised, it has become more difficult for the leaders to explain why international organisations should be funded and who they are for. On the other hand, it is also a commonplace for national leaders to use the international system as a scapegoat for regional and local problems in their politics. The image of human rights as something that is motivated by the protection of faraway lands and their citizens, instead of citizens "back home", has become a burden for outward bound politics and claims of solidarity.

6.2.3 Disputed issues and populist party politics: immigration, gender roles and the environment

The thing to note about radical-right populism is that, in the case of Europe, it has a long-standing history that reaches back to anti-semitism, nationalism and exclusion. In the US the take is different, but the logic of having some groups of citizens and others opposed to the majority or other minorities bears resemblance. From another temporal perspective, it should also not be assumed that the latest wave of radical-right populism is temporary[261] . A recent (MPI 2019) report summarises the main contribution of radical-right populism and parties as an influence on the established parties' policies and rhetoric, rather than actual immigration agendas, at least broadly speaking. Hence there are certain discourses and even paradigms that the radical-right populist parties have managed to shape.[262]

As far as policies go, the problematic and most polemic policy area for radical-right populism over the years has been immigration. While migration as a concept refers to cross-border movement, including both emigration and immigration, the focus of the radical-right populist parties is on the impact of immigration on the policies, social order and culture of the welcoming state. In the present context, the political debates over migration are heavily influenced by the question of the root cause of emigration. This is understandable, as different laws apply to different groups of migrants or, as the phrase goes in the EU policy, migrants and refugees. Hence a discussion over which kind of measures should be applied to the notably heterogeneous group of migrating individuals easily spins into a debate over the primacy of the root cause. As part of the narrative of right-wing populist politics, human rights (such as the freedom of speech) are typically constructed as the privilege of "the other" (i.e. migrants or liberals); as something that needs to be reclaimed from the perspective of "the people"[263]. Hence, while it has been noted that democracy is rather inconceivable without recognising and securing human rights[264], they are often contrasted with security and posed as a problem for democracy in right-wing populist discourses.

A common feature of these agendas is the view of immigration as a threat with predominantly negative effects. Depending on the speaking party, so called economic migration may be seen as acceptable, but this is predominantly considered to be desirable only with high-skilled migrants. And, since these agendas have in their latest form

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[261] Schein 2018: Shifting tides. Radical Right Populism and Immigration Policy in Europe and the US. Washington D.C: Migration Policy Institute.
[262] Schein 2018.
[263] Kivistö & Haapala 2017: https://politiikasta.fi/demokratian-ja-ihmisoikeuksien-paradoksit/
[264] Bobbio 1991: Age of rights.

been a part of regional level politics in Europe for the past ten years or so, and because they have gained so much space in the media, politics and research alike, these features have become commonplaces in most debates on migration. They are anticipated talking points in any negotiations concerning immigration policy - an expectation which is visible in the latest global effort to mobilise effective international coordination of migration, namely the UN Global Compact for Safe, Regular and Orderly Migration (see also chapter 2.1). The effort was questioned recently with some European countries and the US withdrawing from it at the last minute. Their main point of contention was that the GCM would interfere with their national sovereignty by limiting their power to rule over their national immigration policy to some extent. Another claim was that the document misleadingly mixes up different categories of migrants without adequate clarity. With the exception of Hungary, the states in question had participated in the negotiations for the Compact during the summer of 2018.

Framing migration as a problem and a threat and having migrant's cases represented in public only by second-hand witnesses is a global problem, which should be addressed by making their positive roles in the communities more visible[265]. In GCM, this is referred to as the need to "provide all our citizens with access to objective, evidence-based, clear information about the benefits and challenges of migration, with a view to dispelling misleading narratives that generate negative perceptions of migrants"[266].

Populism is generally fueled by the opposition between "the people" and "the elite". In radical-right populism, "the people" is considered culturally, and often also ethnically, exclusive. From a gender perspective, radical-right populism implies traditional gender roles through (Western) conservative the articulation of family values[267]. Furthermore, the Nordic versions of radical-right populism also tend to pose the gender-equal ethnic majorities in opposition to the unequal migrant cultures[268]. Social media, and the digitalised communication environment more generally, are important platforms for populist strategies and research is increasingly paying attention to the ways in which

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[265] See e.g. https://www.eapn.eu/wp-content/uploads/2016/11/EAPN-2015-EAPN-migration-report-899.pdf

[266] Global Compact on Migration 2018: p.3

[267] E.g. Norocel 2013: Our People a Tight-knit Family under the Same Protective Roof : A Critical Study of Gendered Conceptual Metaphors at Work in Radical Right Populism, available at https://helda.helsinki.fi/handle/10138/42162

[268] Norocel 2017: Åkesson at Almedalen. Intersectional Tensions and Normalization of Populist Radical Right Discourse in Sweden, NORA - Nordic Journal of Feminist and Gender Research, 25:2, available at https://doi.org/10.1080/08038740.2017.1349834

these strategies are antifeminist[269], or utilise gender to reinforce their message[270]. Researchers are more frequently paying attention to the role of gender in (European) populism - and being targeted themselves for discussing the issue.

Immigration may have been a prominent feature in populist politics over the years but, as for example the latest elections in Finland and Europe have shown, environmental change has also become a highly contested issue on agendas. The arguments rally around whether it is the shared responsibility of the states to engage with robust environmental policies or to ensure that the individuals' choices are not increasingly limited[271]. Roughly speaking this is logical, since green and leftist parties who are often promoting green politics have also highlighted human rights and open migration policies as their spearheads in policymaking. Sceptics of climate change have managed to pursue politics maintaining that environmental policies are targeting ways of life in a way that will be extremely harmful for the non-elites. It is also true that there are challenges in making the drastic actions that environmental change will require in a sustainable manner and sensitive to the disadvantaged. Combatting climate change is, then, a challenge to democratic systems in many ways, including as fuel for populist politics and as a question of cooperative governance. Broadly speaking, the issues, which are in grave need of rethinking and problem-solving, are also those that divide political parties and even states in their policies.

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[269] E.g. Saresma 2018: Gender populism: three cases of Finns party actors' traditionalist anti-feminism. In Kovala, Palonen, Ruotsalainen & Saresma (eds.) 2018: Populism on the Loose. Nykykulttuurin tutkimuskeskus, University of Jyväskylä Press. Available at http://urn.fi/URN:ISBN:978-951-39-7401-5; Norocel, Cristian 2017: Antifeminist and "Truly Liberated": Conservative Performances of Gender by Women Politicians in Hungary and Romania. Politics and Governance 2018, 6:3, p. 43–54. Available at DOI: 10.17645/pag.v6i3.1417

[270] E.g. Parkkinen 2017: Naispopulistien politiikkaa. Politiikasta, 6.9.2017. https://politiikasta.fi/naispopulistien-politiikkaa/

[271] For introductions to this thematic, see Rogers & Reeve 2018: Climate change, populism and national security. Oxford Research Group report, available at https://www.oxfordresearchgroup.org.uk/climate-change-populism-and-national-security; Schaller & Carius 2019: Convenient truths. Mapping climate agendas of right-wing populist parties in Europe. Adelphi Consult report. Available at https://www.adelphi.de/en/publication/convenient-truths.

7 The current roles and status of non-state actors in human rights

The states are the primary subjects of international law and their activities, including adopting regulations, directly or indirectly influence the operational conditions of non-state actors who also contribute to the international human rights system. Non-state actors in this report include civil society actors (non-governmental organisations and human rights defenders), regional public actors (cities) and business actors (including both private business and those involving states). The situation of journalists and researchers is briefly noted. Many non-state actors are mainly independent of the state in their decision-making, although this can also be only partial: the state can, for example, be involved in business activities through corporate governance or as shareholders and empower and finance cities as administrative units. Out of other administrative levels, such as non-sovereign state governments or municipalities, the chapter highlights cities. Other levels are important, but authors decided to concentrate on cities because, from the perspective of human rights, global trend of urbanisation (see chapter 1.2) is turning them into increasingly influential actors and spaces globally. They are practically facilitating the implementation of many human rights norms and face new challenges as regional differences continue to grow.

Non-state actors differ in roles, types of power and their relationship to the state. However, they are all potential objects of the state's activities and have their own activities conditioned by the state in matters of human rights. Their own activities, in turn, may support or hinder the realisation of human rights standards from the grassroots level to the level of multilateral governance and international trade. The potential of non-state actors to help in mitigating the negative human rights impacts of global trends and political power shifts is, therefore, considerable. Because the dichotomy of global versus local is largely channeled through, and shaped by, non-state actors, their potential can also be used to support positive human rights impacts in the current situation.

As a case of influential movements largely organised through NGOs, this chapter discusses anti-gender movements and resistance to gender equality. In the background interviews, this type of conservatism and dissensus over the role of gender equality and women's rights as political aims were named as considerable threats to the realisation and promotion of human rights. The aim of this discussion is to show what kinds actors and activities are present to resist gender equality in Europe. In relation to this, the chapter finishes with a note on the role of social media as a forum and tool

for both promoting and resisting human rights issues, as the interviews also suggested finding new ways to talk about human rights as everyday rights for all individuals.

7.1 Cities

Because of the continuing urbanisation (see chapter 1.2), cities are becoming increasingly important as environments for organising democratic processes, everyday services for healthcare, housing, food and education. From the human rights perspective, this development should be based on the principle of equality and non-discrimination, making cities secure spaces for everyone, at a minimum. Participatory rights, personal security and the spectrum of economic, social and cultural rights are all at play when cities are considered as human rights actors who, through municipal executive power, bear the responsibility of organising extensive infrastructure.

The municipal executive powers differ between states, but the role of cities as important political players has already been established through international and multilateral networking and recognition: United Cities and Global Governments (UCGL)[272] is firmly linked with the United Nations bodies and Europe has hosted two major networks for cities across its member states for decades (Council of European Municipalities and Regions since 1951[273] and Eurocities since 1986[274]). Other regions have also established their own networks for cooperation. The power shift in the current global order suggests a move towards strong regions (see Introduction in this report), which might stress the influence of major cities as the local representatives of these regions.

It has been claimed that cities are gradually challenging the nation state framework as a global actor, as cities are more efficient in finding solutions to global problems caused by global trends[275]. The potential of cities as promoters of SDGs and the principles of the Paris Agreement, is now recognised[276]. Of the named global trends, cities also have great potential to influence integration of migrants (see chapter 2.3) and apply new technologies to provide better services (see chapter 3). This is also closely linked with the role of cities as enhancing human security through planning and

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[272] More information: https://www.uclg.org/
[273] More information: https://europeanmovement.eu/member/council-of-european-municipalities-and-regions-cemr/
[274] More information http://www.eurocities.eu/eurocities/home
[275] Curtis (ed.) 2014: The Power of Cities in International Relations.
[276] See e.g. Brandi 2018: The role of cities: Implementing the 2030 Agenda and the Paris Agreement. In Sustainable Cities 13 (23), 56–85.

providing of services, which could support building up comprehensive resilience (see chapter 4).

The global networking of cities and their growing interests that may well differ from those of their respective home states are sites of activities, where the cooperation between public and private sectors has become prominent[277]. Therefore, cities have their own hegemony beyond and across the limits of state power, where cooperation, influence and transit ideas play their parts.

7.2 Business and human rights

In global markets, businesses operate with national legal systems, subjecting their activities to national jurisdictions. Hence business actors may find it appealing to locate their activities into areas and states where judicial regulation favors their interests. States also have various means to attract foreign investment, ranging from taxation to minimal regulation of social matters, including human rights. Corporate responsibility for human rights has been stipulated in the UN Guiding Principles on Business and Human Rights[278] which set expectations for business corporations to respect human rights. Business actors are closely entangled with technological development, climate change, security issues and the rights of workers and labour migrants, for example. Regulation of private business is currently lagging behind in comparison to the power of its negative implications to the environment or its negative impacts on human rights. Using the power of private business for good in terms of human rights principles and protecting the environment, thusly, makes sense from the perspective of sustainability. Updating the legislative framework is essential in order to promote positive development, but the creation of international guidelines, standards and codes of conduct also support this.

Business actors play an increasingly important role as players in the international human rights system. States have engaged with regulatory activities through such organisations as the OECD[279] and ILO since the 1970s. During recent years, the UN

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[277] Käkönen 2019: "Kaupungit kansainvälisinä toimijoina". Politiikasta 12 March 2019. https://politiikasta.fi/kaupungit-kansainvalisina-toimijoina/

[278] OHCHR 2011: Guiding Principles on Business and Human Rights. https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf

[279] See e.g. Guidelines for Multinational Enterprises http://www.oecd.org/corporate/mne/ and OECD Due Diligence Guidance for Responsible Business Conduct https://www.oecd.org/investment/due-diligence-guidance-for-responsible-business-conduct.htm

and the EU have stepped up in the field. The interpretations of Corporate Social Responsibility (CSR) vary between EU member states, but generally it is linked to sustainability, competitiveness and innovation. Demands for more extensive and explicit regulation have intensified recently, but responsibility is also gaining ground in companies that recognise the benefits of sound and clear standards for ensuring stable conditions for business. Not only are some of the business actors bearing and promoting human rights responsibilities as part of their operation, a recent debate suggests that there could also be more legally binding rules for regulating companies. The debate was on the table again in Geneva in October 2018, in the framework of the UN Forum for Business and Human Rights, guided and chaired by The Working Group on the issue of human rights and transnational corporations and other business enterprises[280].

The UN Global Compact addressing business activities is one tool for supporting sustainability and UN goals on a voluntary basis, aiming "to align strategies and operations with universal principles on human rights, labour, environment and anti-corruption, and take actions that advance societal goals"[281]. Also, Human Rights Council adopted guiding principles on business and human rights in 2011[282]. In 2016, the UN Working Group issued the final version of its Guidance on National Action Plans[283] on business and human rights as part of the state responsibility to disseminate and implement the UN Guiding Principles on Business and Human Rights, adopted by the UNHRC in 2011[284]. The recognition of the significance of including the private sector more wholeheartedly into the human rights discourse is nevertheless there: at the national level, legislation for regulating Corporate Social Responsibility (CSR) has been strengthened, for instance, in the UK, France and the Netherlands. In Finland, a campaign has called for a national level legal reform.[285]

While the SDGs have contributed to positive exchanges of expertise and local knowledge between these actors, there continues to be tension between private business and civil society organisations, including HRDs. This often culminates in the

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[280] OHCHR 2018a: https://www.ohchr.org/EN/Issues/Business/Forum/Pages/2018ForumBHR.aspx;
OHCHR 2018c: https://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx
[281] United Nations Global Compact 2018: https://www.unglobalcompact.org/
[282] OHCHR 2011: Guiding Principles on Business and Human Rights.
https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf
[283] OHCHR 2018d: https://www.ohchr.org/en/issues/business/pages/nationalactionplans.aspx
[284] https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf; Finland produced the National Action Plan in October 2014, see https://tem.fi/documents/1410877/3084000/National%20action%20plan%20for%20the%20implementation%20of%20the%20UN%20guiding%20pronciples%20on%20business%20and%20human%20rights/1bc35feb-d35a-438f-af56-aec16adfcbae
[285] https://ykkosketjuun.fi/

question of corporate responsibility, on the rights of indigenous peoples or the right to land, most notably[286]. Reports suggest that HRDs who challenge corporations are being killed, assaulted, harassed and suppressed in growing numbers[287]. It is often the case that the governing regime takes part in this activity as a contributor, or by neglecting its obligations to protect people against corporate human rights abuses. After all, for a non-democratic regime, the different objectives of activism are often interlinked, as is the case with democratisation and active concern for the environment: effective environmental policy requires an active and well informed civil society that provides knowledge, mediates between interests and vocalises local environmental concerns. This has been shown to have been the case in Eastern Europe, for example, where the state of the environment activated social movements early on and contributed to the collapse of the socialist regime.[288]

The responsibility of private corporations usually has three dimensions: economic, environmental and social. Environmental responsibility has developed the furthest and it is generally still common to consider these responsibilities as separate, rather than mutually constitutive.[289] Importantly, the contexts and roles of private businesses in supporting and challenging human rights are diverse. There are local and cultural variations in the ways the economic and political elites are connected together, in business culture and the level of locality versus transnationality, in industries and in historically shaped legal and institutional frameworks. Business uses natural resources, pollutes, changes the environment (both rural and urban) and has control over housing. Private sector may also contribute to the local environment in more positive ways through the construction of infrastructure (e.g. schools) and introduce locally suited new forms of housing, which serve a more versatile demography. It can also create a market for new and better services and investments.

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[286] OHCHR 2016: https://www.ohchr.org/en/issues/landandhr/pages/landandhuman-rightsindex.aspx

[287] https://www.amnesty.nl/content/uploads/2017/05/HRD-briefing-26-April-2017-FI-NAL.pdf?x18276
https://www.business-humanrights.org/en/human-rights-defenders-who-challenge-corporations-at-growing-risk-article-analyses-resource-centres-database-of-attackshttps://www.theguardian.com/global-development/2018/mar/09/human-rights-activists-growing-risk-attacks-and-killings-study-claims

[288] Hakala 2018a: Demokratisoituminen ja ympäristöpolitiikka, in Demokratian Karikot. Itäinen Eurooppa suuntaa etsimässä. Helsinki: Gaudeamus, 171–190.

[289] Pentikäinen 2018.

7.3   NGOs and human rights defenders

NGOs are constitutive to the international human rights system from the organisational point of view with a consultative status in regard to the United Nations Economic and Social Council (ECOSOC) of NGOs within the UN system. The status is granted and renewed by the UN Committee for Non-Governmental Organisations. United Nations Associations (UNAs) are national civil society organisations coordinated at the international level by the World Federation of United Nations Associations[290]. For the European Union, promoting democracy and human rights also in close cooperation with the civil society is a part of its external relations. The EU funds "(mainly) civil society actors promoting human rights and democracy" through the European Instrument for Democracy and Human Rights (EIDHR)[291]. In general, the EU links support for democratisation to human rights work explicitly in its external relations, for example, by putting emphasis on observing elections as supportive means to ensure the implementation of civil and political rights.

A free civil society is a prominent part of liberal democratic regimes. NGOs and HRDs monitor and communicate human rights violations and thus help combat unjust structures by also providing legal assistance, shelter or other resources. A functioning civil society increases societal and political transparency by resisting political and economic corruption. One of the ways to improve the recognition of minorities and to negotiate the relationship between majorities and minorities is to a support freely functioning civil society. Several studies show how, in conflict situations for example, everyday connections, grassroots activities and informal networks support conflict resolution[292]. Furthermore, the distress and human rights violations of minorities, such as indigenous peoples, are often brought into public attention through civil society activists.

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[290] See the WFUNA website for further information: https://www.wfuna.org/
[291] http://www.europarl.europa.eu/factsheets/en/sheet/165/human-rights
[292] McCall 1999: Communities, politics & change; Porter 1998: Identity, location, plurality: women, nationalism and Northern Ireland.

A recent Amnesty International report argues that there is a global trend of states introducing new laws to restrict the basic freedoms of civil societies. According to the report, civil society organisations are facing increasing restrictions of their actions through the control of resources, restriction of the freedom of association and arbitrary interference[293]. In 2016, at least 281 HRDs were killed in 22 countries, including HRDs who challenged entrenched economic interests, protected the environment, defended minorities or opposed traditional barriers to women and LGBTI rights.[294] According to Front Line Defenders, out of the 312 murders of human rights defenders in 2017, 80% took place Brazil, Colombia, Mexico and the Philippines. 67% of them were actively defending land, environmental and indigenous peoples' rights, most often in the context of mega projects, extractive industry and big business. The same report also indicated that the state security forces were either directly

Professional groups under attack: journalists and researchers

As an additional note on the current political climate and human rights themes, two professional groups should be mentioned as an excursion: journalists and researchers. Both professional groups are in key positions to support the promotion of human rights and have began to experience the effects of new technologies and radical-right populism in their work and status. According to Hyvönen (2018), the states have also played their part in this development: a lot of pressure has been put on academic actors in Turkey, for example, and the academia has been under attack in Hungary as well. In general, researchers are now being attacked for discussing human rights and gender equality across Europe. While their difficulties seem to be largely the combined result of an anti-academic atmosphere and anti-gender and anti-immigration agendas, journalists have been attacked for the more traditional reasons of writing about corruption or reporting human rights violations. Control over the media and its manifold channels is fuelled by competing "truths", well-funded and organised trolling campaigns and divisions into camps and bubbles.

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[293] Amnesty International 2019: Laws designed to silence. The global crackdown on civil society organizations. Amnesty International Ltd, Peter Benenson House: London
[294] https://www.amnesty.nl/content/uploads/2017/05/HRD-briefing-26-April-2017-FI-NAL.pdf?x18276; https://www.business-humanrights.org/en/human-rights-defenders-who-challenge-corporations-at-growing-risk-article-analyses-resource-centres-database-of-attacks

responsible for the killings or failed to prevent them[295].

The gradual attempts by the states to suffocate the civil society are also troubling signs for human rights work in Europe[296]. Poland has tested the flexibility of the ideal of European liberal democracy by meddling with the national broadcasting company and the judicial system to favour its conservative politics, for example by linking gender and women's rights with historically demonised Marxism[297]. According to Human Rights Watch, the Russian government has violated the human rights of individuals working with civil society organisations extensively as part of its policy of internal mobilisation and the government continued to support "separatists" in eastern Ukraine, who committed abuses in areas under their control[298]. With Russia growing its power over its borders, the background interviews suggest that there are new concerns over the influence it has on states whose regimes are seeking to undermine representative democracy for their own benefit. Hence, while the space to maneuver for civil society in Russia has been tight for a considerable period of time, it now seems to be shrinking in other Eastern European states.

7.4 Non-state actors against human rights

Non-state actors and civil society are most often seen as important partners to strengthen human rights and work against state actors violating them. Yet, some non-state actors also work against implementation of human rights. Many NGOs and other non-state actors have strong anti-human rights platforms on their agenda. They often try to influence public opinion or lobby politicians and other governmental actors to adopt policies that violate human rights or stop implementation of new ones. These actors differ in size from local to national to global, but often they form international movements that work against specific human right or rights. Combating these movements and their anti-rights agenda require different approach and tools compared to engaging with states. Therefore, it is important to recognise where the resistance to human rights appear: is it on the state or non-state level.

An example of largely non-state driven resistance against human rights is the growing anti-gender movement. Many states engage in anti-gender activities and anti-gender

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[295] Front Line Defenders 2017: https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2017
[296] Kallius 2018: https://politiikasta.fi/vaalikevat-unkarissa-kontrollista-karannut-propaganda-koneisto/
[297] Ijäs 2016: https://politiikasta.fi/minne-menet-puola/
[298] Human Rights Watch 2017a: World Report 2018. p. 440–452.

views are plentiful within many public governance bodies and state apparatuses as well. But anti-gender movements are not as clearly integrated with political movements as, for instance, anti-migration movements. For this reason, they are discussed as non-state actors even though they influence inside governments, too. An example of this interplay between state and non-state actors is the abortion legislation in Poland, where the right-wing government has tried to make the already draconian abortion law even tighter to effectively ban abortion[299]. There has been strong non-state actors like the Catholic Church lobbying for the ban. According to a news report, the law was drafted by conservative lawyers from globally connected and well-funded ultra-conservative organisation called Ordo Iuris.[300]

The last five years have been turbulent times to promote gender equality. There has been a growing number of vocal resistance campaigns against gender equality, as well as a slowdown in political action for the promotion of gender equality on the EU level[301]. The anti-gender movements are international and have a global reach, but this chapter focuses particularly on Europe.

7.4.1 Anti-gender movements in Europe

One of the key negative changes for gender equality in Europe has been the rise of anti-gender and anti-choice movements. Particularly since 2012, anti-gender movements have mobilised in many European countries and are trying to influence both national policies and EU policies. The anti-gender movements oppose almost all work towards gender equality. The anti-choice movements are a part of the anti-gender movement, but focus on opposing work for sexual and reproductive health and rights (SRHR). In addition, the same actors oppose LGBTI rights (rights of lesbian, gay, bisexual, transgender and intersexed people).

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[299] Roache 2019: Poland Is Trying to Make Abortion Dangerous, Illegal, and Impossible, Foreign Policy 8.1.2019. https://foreignpolicy.com/2019/01/08/poland-is-trying-to-make-abortion-dangerous-illegal-and-impossible/
[300] Graff 2018: Poland's abortion ban is a test case for the Catholic Church, Financial Times 2.4.2018. https://www.ft.com/content/d3d92b9e-3348-11e8-b5bf-23cb17fd1498
[301] European Parliament, 2015

The anti-gender movement means actors who oppose the so called "gender ideology" or "gender theory" and the re-forms they connect to these terms. "Gender ideology, or "gender theory", is a concept that represents the opposition in the anti-gender movements' rhetoric. One example is a claim that "gender ideology" means gender and sex can be chosen freely, that women should be like men and that women can choose to be gay in order to escape patriar-chy[302]. Of course, gender studies do not make these kinds of claims and neither do human rights activists who are working to promote gender equality through the UN and the EU. On the contrary, most human rights activists argue that LGBTI rights are im-portant, because sexual orien-tation and gender cannot be

Anti-gender movement goals

According to Paternotte and Kuhar (2018), anti-gender movements impact work for human rights and gender equality negatively. Depending on the country, the aim of the actors in support of anti-gen-der movements is to:

- oppose reproductive rights (the anti-choice movements)

- oppose sex and gender education in schools

- oppose the rights of sexual and gender minori-ties

- oppose almost all work for gender equality and virtually anything that has gender in it, such as gender studies departments in universities, gender mainstreaming as a strategy to promote gender equality in the public sector and the fight against gender-based violence

- defend "religious freedom" and denounce rising "christianophobia" in Europe

chosen based on the will of an individual to be or not to be something. The anti-gen-der movement has created the "gender ideology" rhetoric in order to oppose women's rights and the rights of sexual and gender minorities. The rhetoric varies in different countries and situations, but some of the core elements, such as arguing for more tra-ditional gender roles, are similar.

The anti-gender rhetoric and movement was elaborated by the Vatican in the mid-1990s as a response to the recognition of sexual and reproductive rights in the UN rights system at the 1994 UN conference on Population and Development in Cairo and the 1995 Beijing conference on Women. The Holy See attempted to oppose the

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[302] See, for example, a Youtube video by Profesionales por la Ética, 2016. The video presents "gender ideology" as a foreign ideology that is spreading through the UN and EU, and that citi-zens should oppose this. Profesionales por la Ética is a Mardid-based organisation, which also works with parliamentarians.

notion of gender, because it feared that it would become a vehicle for the international recognition of abortion and a legitimisation of homosexuality[303]. However, the anti-choice and anti-gender movements have not only gained ground in the hands of the Vatican. Currently, many of the new anti-choice actors can be associated with the "New Christian Right" tied to the US Republican Party[304]. The anti-gender campaigns also include Russian campaigns engineered by the Kremlin[305]. The aim of the campaigns might simply be to divide opinions and thus make Europe weaker.

The current rise of anti-gender movements has links to legislative changes in Europe. For example, before same-sex marriage was legalised in France in 2013, there was a massive French mobilisation against legalisation. Although the movement opposing the legal change lost that particular battle, it has had a significant impact on policy-making in issues related to gender and sexuality in France[306]. After 2012, similar mobilisations spread to other countries, such as Germany, Italy, Poland, Russia and Slovakia[307]. In Finland, the organisation Aito avioliitto (True marriage) uses the same rhetoric and a similar logo.

In addition to influencing policymaking in different European countries, the anti-gender actors have mobilised to influence EU policy by, for example, advocating for the exclusion of language that is supportive of sexual and reproductive rights and women's rights from European parliament resolutions and Council conclusions[308]. In order to lobby the European Parliament, several anti-gender organisations have their offices in Brussels. The anti-gender lobbying organisations in Brussels include, for instance, ADF International, which is the advocacy branch of the US based Alliance Defending Freedom and one of the largest conservative Christian legal advocacy organisations in the world. One of the themes of ADF International is the fundamental right to the freedom of conscience. In this case, conscience means protecting the freedom to homophobic religious speech, religiously rooted discrimination and conscientious objection by professionals against, e.g., performing abortion. For example, in April 2016, ADF launched a "Declaration on the Importance of Strengthening the Fundamental Right to Freedom of Conscience", which is signed by 21 MEPs in the European Parliament[309].

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[303] Paternotte, D. and Kuhar, R. 2018: Disentangling and Locating the 'Global Right': Anti-Gender Campaigns in Europe, Politics and Governance, Vol. 6 No. 3, p. 6.
[304] Zacharenko, n.d.
[305] Paternotte and Kuhar, 2018
[306] Paternotte, 2018
[307] Paternotte and Kuhar, 2018
[308] Zacharenko, n.d.
[309] Zacharenko, n.d.

Another example of a lobbying organisation is the European Dignity Watch. According to their website, they defend "fundamental freedoms and responsibility, marriage and the family, and the protection of life from conception to natural death"[310]. An example of their influential work is the fact that they provided background research of specific allocations of EU funding to pro-SRHR initiatives in the developing world in order to deny this funding in the future[311]. The European Dignity Watch presents itself as a professional lobbying organisation, as well. They provide training in areas, such as campaign management, strategic communications and organisational strategy. As evidenced by these examples, the lobbying parties behind the anti-gender movements are quite influential organisations. In addition, they are not small religious grassroots organisations, even though they often like to present themselves as such.

The anti-choice movements are a part of anti-gender movements. The anti-choice movements often claim that they focus on reducing the number of abortions. However, they get their "anti-choice" name based on the fact that they focus on opposing work for sexual and reproductive health and rights (SRHR) and on limiting the choice of women to use contraception, not just the choice of having an abortion. While reducing the number of abortions is a positive thing from the perspective of women's rights as well, limiting access to sexual and reproductive health and rights is not. In fact, providing sexual and reproductive health services is also one of the best ways to reduce the number of abortions.

As a consequence of increased presence in the European public and policy debate, the anti-choice actors have occasionally managed to divide opinions within and between political groups in the European Parliament efficiently enough to water down and even block statements and policies in support of SRHR. In the European Union, the anti-choice movement has gained particular support in Croatia, France, Germany, Italy, Poland, Slovakia, Slovenia and Spain.[312]

Another development has been the discussion around sexual harassment by migrants, which has been taken up as a topic for various reasons and by various parties. There are also Me Too related movements, which actually use the movement in spreading xenophobic and racist messages[313]. For example, in Germany there is a "120 decibel" campaign that claims to be the "real Me Too". The campaign was launched by Martin Sellner, the leader of an Austrian right-wing nationalist and new right organisation, and it takes its name from a personal pocket alarm that is sold as a safety device for women to deter sexual harassment. The standard sound level of the

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[310] European Dignity Watch 2019
[311] Zacharenko, n.d.
[312] Zacharenko, n.d.
[313] Sorce 2018

device is 120 decibels. The campaign includes the video "The real outcry: break the silence and start acting", in which white women quote news on sexual violence committed by migrants and refugees. The video is trying to convey that, instead of discussing all sexual violence, we should focus only on the sexual violence committed by migrants and that the real answer to ending sexual violence is found in migration politics. While migration and integration politics matter, it is problematic to shift the conversation away from violence against women. In addition, the argumentation can trigger violence towards migrant men, women and children.

Similar arguments can also be found in Finnish conversations. In December 2018, the media discussed three child abuse cases that were committed by migrant men in Oulu[314]. This discussion then continued when more cases were reported to police and the police informed the media. One of the underaged girls that was raped was also reported to have died[315]. These cases have raised a lot of anger and fear and an outcry over the threat of sexual abuse of minors using social media. Analytically, moving the debate away from the rights of women and girls over to immigration policy works similarly to the news stories used in the 120 decibel campaign. The international anti-immigration movements and Finnish anti-immigration movements seem to use very similar arguments. It might therefore be very useful to also discuss solutions internationally.

7.4.2   Other resistance to gender equality

In addition to anti-gender movements, there is other resistance to gender equality. The content of gender equality work is always negotiated, and these negotiations face varying degrees of resistance. Due to the negotiations, the meaning of gender equality can, for instance, be reduced or its meaning can shift towards some other goal, such as supporting economic goals[316]. The resistance to gender equality and work for promoting gender equality is a growing area of research[317]. New research on resistance focuses more on the structural settings of resistance, instead of simply identifying strategies of resistance.

Challenges faced in the work of promoting gender equality are linked, for instance, to the decline of democracy, a reduction in government power, an increased marketisation of politics and public services, a serious reduction of the political space for civil society, intensifying political hierarchies and polarisations, growing political surveillance and violence and renewed attempts at controlling and restricting sexual and

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[314] https://yle.fi/uutiset/3-10540583
[315] https://www.iltalehti.fi/kotimaa/a/b5b745a9-d80c-4bff-9407-86e0f7240e53
[316] Lombardo et al., 2009
[317] Verloo, 2018a

bodily autonomy. Verloo argues that these structural changes present a new opportunity to resist gender equality for the bureaucratic gatekeepers and new actors, such as anti-gender organisations and populist radical right parties.[318]

In the context of the European Union, there has been a shift in terminology from women's equal opportunities through gender equality to unconscious bias. The shift in language shows how gender equality needs to be talked about in different times in order to get it on the agenda. The shift does not merely concern language, but also changes actual practices. According to Pető, talk of unconscious bias turns attention away from the structures towards individuals who have biases.[319] It would be important to focus both on the structures as well as to talk about unconscious biases that prevent promotion of gender equality.

One of the strategies for promoting gender equality while facing resistance is vagueness. With unspecific rhetoric, the language of gender equality can be changed in order to get the message accepted[320]. An example of this is that actors promoting gender equality do not define certain concepts in detail, because this could possibly cause other actors to pick on them, and, as a consequence, the rights gained would be jeopardised. The downside of the vagueness strategy is that unclear measures are more difficult to pursue.

One form of resistance is non-doings and non-happenings, instead of active opposition[321]. Non-doings are fueled by the organisation culture that does not value gender equality and does not encourage individuals to learn how gender equality could be promoted. In some ministries and in some working groups, persons working in equality projects receive more support from the ministry and their colleagues than in others[322]. In some ministries, persons working in equality projects receive more support from the ministry and their colleagues than in the other ministries[323]. A holistic approach and cross-branch coordination are important for the effective promotion of gender equality: gender equality projects focus on different areas of gender equality in different ministries and in different policy areas. For instance, domestic gender equality politics have a different emphasis than gender equality politics in foreign affairs. While this is not necessarily a problem, the subsequent incoherence needs to be understood in equality work. Discussions and negotiations between different parties in

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[318] Verloo 2018a

[319] Pető 2018

[320] Callerstig 2014

[321] On the case of the Finnish Ministry of Defence, see Ylöstalo 2013

[322] Tanhua 2012

[323] Tanhua 2012

the ministry, including equality workers, can also help personnel and the organisation commit to improving equality.[324]

7.5 Polarisation and human rights communication

The role of social media in shaping, and sometimes polarisasing, discussions is examined here. While social media is helpful for social organising, the polarisation of discussions around certain concepts, such as gender, is one of the threats prominently present in social media. Polarisation means that, in part, public conversation takes place only within filter bubbles and echo chambers that do not communicate with each other. Instead of focusing on cooperation and finding common goals, the conversation focuses on fighting between the opposites. If the one polar opposite is not present, it is typical that those without an actual extreme view are portrayed as if they were extreme as well.

Big multinational companies providing social media platforms do not have a legal responsibility equal to that of the traditional mass media, such as newspapers, in which the editors are, for example, responsible for confirming sources of their information. Digital business of multinational corporate giants transcends national borders and the jurisdictions of national laws, which poses challenges for human rights. A company can function under the legislation of its country of origin which might be different from the country where the business activities take place. In addition, the most influential messages causing emotions in readers are the messages most shared in social media. This means that particularly surprising and exaggerated messages spread more efficiently. Famous cases of manipulation in social media include Russian influence in Ukraine and in the US presidential elections[325]. Recent positive changes related to social media include some of the consequences of the Me Too movement (or #MeToo movement). The movement has created a positive change that has forced people across societies and industries to take sexual harassment seriously. Attempts to hold platforms accountable for their published content, especially hate speech, include

[324] Ylöstalo 2013
[325] Jacoby 2018

Germany's Network Enforcement Act[326] (known as NetzDG) passed in 2017. The reform has raised concerns[327] over limitations of the freedom of speech, while it has been adopted as a reference point for similar legislative propositions in other states as well[328].

Anti-gender movements and radical-right populism are partly associated with the way the international human rights system is considered to be experiencing turbulence. There are many ways to interpret the usage of word "crisis" as a political concept and historically there have indeed been wonderfully rich examples of this[329]. However, harvesting its potential to an overly large extent has also made it an empty concept, which should, perhaps, be avoided, even if lacking a better word. For example, while it is important to recognise that there are global challenges that need better conceptualisation that currently put pressure on the international human rights system, the uniqueness of the situation should not be overemphasised. As a political project, the international human rights system is an ever-evolving process, which has historical and political tensions, compromises and disputes coded into its DNA. As a legal project, on the other hand, it has established rules and norms, which need to be reinforced through performance and engagement that claim autonomy and independence from politics.

The sense that the international human rights system is being threatened is increasingly stirring a debate to tackle what, in essence, seems to be a legitimacy issue. A recurring theme in the background interviews was the consideration of finding new ways to discuss human rights issues and to communicate the impact of human rights norms in ways that would stress their meaning to all individuals. For example, the representation of refugees and asylum seekers in the media has been criticised for narrowing their roles to either a threat requiring military intervention or victims requiring management.

A European example of an active agenda to push for new narratives is the European Union Agency for Fundamental Rights, which has come to explicitly recognise that the

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[326] An English translation at https://germanlawarchive.iuscomp.org/?p=1245, originally in German, see https://www.gesetze-im-internet.de/netzdg/
[327] E.g. Human Rights Watch 2018: Germany: Flawed Social Medial Law. NetzDG is wrong response to online abuse. 14 February 2018, https://www.hrw.org/news/2018/02/14/germany-flawed-social-media-law
[328] For a recent evaluative address, see Tworek & Leerssen 2019: An analysis of Germany's NetzDG Law. Available at https://www.ivir.nl/publicaties/download/NetzDG_Tworek_Leerssen_April_2019.pdf
[329] Koselleck & Richter. "Crisis" Journal of the History of Ideas 67, no. 2 (2006): 357–400. http://www.jstor.org/stable/30141882.

strengths and advantages of subscribing to human rights norms should be better formulated into a public message. Since 2017, the FRA has pushed for projects, workshops and campaigns for discussing ways to address the general public to widen support for human rights agendas and work. The core idea in the initial talks was that politicians and the media are responsive to the public sentiment, which is why the general public should come first as an audience. It was also pointed out that institutions should reconsider their communications channels and methods and "acquire qualities of speed, agility, flexibility, imagination and novelty, and experiment boldly with new approaches, especially in the rapidly evolving sphere of social media"[330].

In an effort to communicate human rights issues, raise awareness and frame them as more inclusive and concrete, the FRA published a toolkit for public use[331]. The *10 keys to effectively communicating human rights*, published in September 2018, aims at giving examples of the ways communication raises emotional reactions in others. The FRA has worked toward the publication of the toolkit, for example, by hosting a Human Rights Communicators' Leadership Seminar in January 2018 in cooperation with other stakeholders, such as the High Commissioner for Human Rights[332]. The initiative is based on a stated "failure to communicate human rights messages in a way that makes people listen and that changes lives"[333] and it invited experts of different academic and organisational backgrounds to address the issue.

Projects like these seek to address the issue of the legitimacy of the international human rights system, even if the system is not considered straightforwardly illegitimate in the sense that it should be replaced. Rather, the aim seems to be to bring human rights and their role as protection for all individuals closer to those who do not (need to) actively claim these rights in their everyday lives. One of the challenges of this endeavour may be to find a way to explain how human rights protect individuals when they are not in immediate danger of being subjected to the arbitrary rule of the state. If reasonably applied, the expansion of the concept of security toward human security and comprehensive resilience (see chapter 4) can, perhaps, address this issue by

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[330] A recent example is a conference from January 2019, organised by FRA: "Re-energising human rights in the digital age" https://fra.europa.eu/en/event/2019/re-energising-human-rights-digital-age

[331] FRA 2018a: http://fra.europa.eu/en/publication/2018/10-keys-effectively-communicating-human-rights

[332] FRA 2018b: http://fra.europa.eu/en/publication/2018/human-rights-communicators-leadership-seminar-summary-report-and-outlook

[333] FRA 2017: "Addressing the failure of meaningful human rights communications", https://fra.europa.eu/en/news/2017/addressing-failure-meaningful-human-rights-communications (25 February 2019)

contextualising human rights and the human rights bodies into contemporary chal-lenges.

Part III: Finland and the changing operational environment: Developments and recommendations

Since the publication of the latest Government of Finland Human Rights Report in 2014[334], the operational environment has continued to change for Finland. Tackling the negative effects of well-recognised global trends, such as those addressed in this report, has become a prominent element of human rights contexts. A major effect of the global trends is that the capability of the international human rights system to deal with the human rights impacts of these trends needs to be evaluated. Partly the question of capability is also a question of well-functioning cooperation in the international human rights forums.

The international human rights system is embedded in the idea of liberal world order, which has its ideological roots in the rise of the Western nation states. Liberal world order is now largely considered to be in a crisis (see chapter 6 in this report), resulting from the political power shifts and global trends. Shifting political power means that the origins of the international human rights system need to be recontextualised to fit the current situation. Currently, global trends impact the living conditions of humans globally and where states have strong interpretations of national sovereignty, prioritising certain of human rights norms over others and legitimacy of the monitoring mechanisms.

The named global trends differ in their human rights impacts and contextual implications, but also as resources and objects of politics. For example, migration invites polarised politics and debates, while environmental change is still dismissed as unimportant by some (see chapter 6.2.3). The use and impact of new technologies are far less controversial topics, despite their close connections to large amounts of capital and rivalries between states in terms of promoting innovations and inviting investments through minimal regulation of business actors. As a result, tackling the negative human rights implications of these trends and supporting the positive ones also requires different approaches and consideration. It is also notable that the quality and degree of politicisation of these trends varies over time and across forums, which makes it difficult to have fixed strategies for handling their consequences. Currently,

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334 Available at https://um.fi/publications/-/asset_publisher/TVOLgBmLyZvu/content/government-of-finland-human-rights-report-2014

emphasising sovereignty and the lack of engagement of business actors, for example, are problematic for issues which require local commitment with global perspective, such as environmental change, migration, application of new technologies or the resulting security challenges.

8 Previous themes and orientations of Finland and the changing operational environment

Finland promotes its human rights policy nationally in bilateral relations and on international forums. The EU is the most important context for Finland as an actor in international forums, also those of particular significance for human rights exchanges, where Finland is seeking to strengthen the unity of the EU as an actor in world politics. The EU promotes human rights through its participation in multilateral forums, such as the UN General Assembly and its Third Committee charged with human rights questions, the UN Human Rights Council, the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe. The Union also actively promotes international justice, for instance through its support for the International Criminal Court. In the UN, Finland participates in the work of the UN General Assembly and its Third Committee. For Finland, the EU provides a potentially influential frame of reference for human rights work within the UN framework, depending on the level of agreement between the member states. Joint Nordic Resolutions work as manifestos of the continuing cooperation between the Nordic Countries in the UN General Assembly and, when necessary, Finland may also promote its human rights goals through bilateral relations. Interest in the Nordic Model has increased, as the model has come to be seen as a way to be competitive, while promoting equality and social justice. The articulated goals for Finland's activities in the UN include the involvement of NGOs in UN human rights activities and that UN agencies and organisations follow a human rights based approach in all of their internal activities and mutual collaboration[335].

Finland is also part of the Arctic Council, which has, up to the present, been conceived as more of an environmental body. The recent failure to come up with a joint resolution on the future strategy for the Arctic, however, was considered to be a shift towards a security framed and power political approach[336]. At the time of writing, forecasting on the development of this shift is still too dependent on speculation. Yet, as environmental change is becoming increasingly contested as a political topic, this shift may be worth noting from the human rights perspective as well. At least it displays the political tensions between Russia, the US and China, whose proactive attitude toward

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[335] https://um.fi/finnish-human-rights-policy-within-international-organisations#UN
[336] https://yle.fi/uutiset/3-10770977

human rights governance[337] and steady increase in hegemony may influence the balance in the Arctic Council as well.

8.1 Reference points: The Government of Finland human rights report 2014

As an introduction to the policy recommendations for Finland in the current operational context, the report at hand uses the latest Government of Finland Human Rights Report (2014)[338] as a reference point. This anchor was agreed on with the steering group already in the original setting of the report, and the objective is to use the formerly prevailing points of emphasis in the Finnish human rights policy as a backdrop to the current recommendations. This illustrates what kind of continuums are there to build on and in which cases it is necessary to introduce new elements into the agenda. For this purpose, this chapter highlights similarities and differences in the 2014 report and report at hand. Hence, from now on in this chapter, the Government of Finland Human Rights Report (2014) is referred as "2014 report" and the report at hand is referred as "2019 report". The inclusion of a comprehensive list of ongoing projects, policy developments and processes concerning the Finnish human rights policy is out of scope of this 2019 report. The human rights report 2014 also included policy guidelines, or recommendations, which are not systematically assessed here, but referred to when necessary.

In 2014, the human rights report made a note of the increasing multipolarity and multivocality of the international human rights system, a familiar feature of the current report as well. The reference in 2014 was the development of regional human rights systems in the Americas (the Inter-American Commission on Human Rights) and Africa (the African Commission of Human and Peoples' Rights). The report recognised the efforts of these actors and also the member states of the Association of Southeast Asian Nations (ASEAN) for their work, although it remained hesitant about their results[339].

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[337] Creutz 2019: China's challenge to human rights. Increased proactivity may weaken the UN human rights system. FIIA Briefing Paper May 2019 / 261. Available at https://www.fiia.fi/wp-content/uploads/2019/04/bp261_chinas_challenge_to_human_rights.pdf

[338] Ministry for Foreign Affairs of Finland (2014): Government of Finland Human Rights Report. Available at https://um.fi/documents/35732/48132/government_of_finland_human_rights_report_2014/9d777ec6-8977-d2f2-fec3-1d48a60a40e9?t=1525859806149

[339] Government of Finland Human Rights Report, p. 16.

As another featured topic, the 2014 report also noted the problems of the monitoring systems resulting from, e.g., the extension of "the monitoring mechanisms to cover new human rights, more detailed requirements concerning the contents of periodical reporting, and greater awareness about the complaints procedures"[340]. Support was expressed for the special procedures in the UN Human Rights Council with recognition of the rising level of awareness of individuals concerning their rights and the active reporting of human rights violations. The report also acknowledged the importance of NGOs and the civil society for making effective human rights claims, resulting in revisions of national laws, even at the level of adopting constitutions. Such strengthening of the rule of law, especially in developing countries, was considered to be on Finland's agenda in the future as well[341]. In relation to the 2019 report at hand, defending and supporting human rights defenders are noted also in 2014, as a cross-cutting theme which strengthens the outlined policy guidelines (2014 report) and goals (2019 report)[342]. The role of business actors is not widely recognized in 2014 report, although the preparation of the UN Guiding Principles on Business and Human Rights is mentionedl[343]. Strengthening the rule of law, and the challenges to it in the contemporary Europe, also resonate with the current 2019 report.

The rise of "extreme views" in the context of violence against civilians and strong sovereignty over multilateral cooperation was already a concern in 2014. Accordingly, the 2014 report considers it problematic for international cooperation that the questioning of the universal nature of human rights and the equality of all population groups has been increasing. In accordance with the views presented in this 2019 report, the 2014 report also recognised the ongoing problems of coming up with a unified position on issues concerning women's and girls' sexual rights and the rights of indigenous peoples. The growing multipolarity was reflected on from the perspective of increasing views that were predicted to further question the "established ideas of human rights", in addition to being seen as opportunities to engage with diverse forms of cooperation between states. This was regarded as a good opportunity for Finland to seek new partners. Overall, the report emphasised Finland as an all-court player with established cooperative structures with the Nordic Countries and as an EU member state and the potential to work well through bilateral partnerships in international relations[344]. There is no need to challenge this view currently, although to succeed in such a role requires an identifiable and strong human rights agenda with cross-cutting coherence.

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[340] Government of Finland Human Rights Report, p. 17.

[341] Government of Finland Human Rights Report, p. 17–23.

[342] E.g. Government of Finland Human Rights Report, p. 31, 65; and chapter 7.3 in this report.

[343] Government of Finland Human Rights Report, p. 6, 20 .

[344] Government of Finland Human Rights Report, p. 18–23.

According to the 2014 report, Finland not only systematically kept non-discrimination on the agenda throughout its human rights activities, but also paid particular attention to the prevention of discrimination on multiple grounds. The rights of indigenous peoples was particularly mentioned, as well as those of women, sexual and gender minorities, children, young people and people with disabilities. It was also emphasised that the Roma were (and are) still facing discrimination across Europe[345]. In the 2019 report at hand and its recommendations, non-discrimination and the eradication of discrimination on multiple grounds are recognized, too, since the human rights impacts of global trends are highly context-bound and affect different groups in different ways. Because of its focus on the global trends, 2019 report does not discuss vulnerable groups extensively as separate texts. Rather, the recognition of people and groups in particularly vulnerable should take place in a more limited analytical context than was the case in this 2019 report.

However, there are exceptions: This 2019 report has, as a rather cross-cutting theme, indicated gendered impacts of global trends and contemporary political undercurrents, as well as highlighted the issue of women's rights and the rights of the LGBTI people. The specific point has been raised in 2019 report that, it is not enough to assess the state of gender equality with different statistics. Instead, the analysis of the state of gender equality, and agreements on the ways of promoting gender equality should be the main focus. This might or might not include the usage of statistics, indicators and indexes that provide estimates of the state of gender equality in different contexts but only providing statistics is not a sufficient action.

To ease the road, women's rights and gender equality have been prominent features on the state's official agenda already before, and there are notable resources of research, institutional history and expertise in Finland to use for support. The 2014 report includes three recommendations for promoting gender equality. The recommendations are named as policy guidelines[346]. The first one (policy guideline 4) actually consists of six goals for promoting gender equality[347], which include the sexual and reproductive health and rights of women and girls, their right to education, combating violence against women, women's possibilities for political and economic activity and women's role in resolving armed conflicts. All six goals include the prevention of discrimination on multiple grounds.

Corporate social responsibility for human rights is noted as an increasing demand by the civil society to regulate the business actors abroad[348]. As noted, the report at hand

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[345] Government of Finland Human Rights Report, p. 23–26.
[346] Government of Finland Human Rights Report, p. 27–30.
[347] Government of Finland Human Rights Report, p. 29.
[348] Government of Finland Human Rights Report, p. 20.

emphasises the rise of the role of business actors as potential partners in protecting human rights. In general, the 2014 report highlights Finland's aspiration to promote transparency and the civil society as a part of its human rights activities. It was considered a particular strength that Finland promotes "open interaction between the authorities and NGOs, for example in the context of drawing up and discussing reports to be submitted to international treaty monitoring bodies"[349]. Transparency is not explicitly emphasised in the analyses of the 2019 report at hand, but it is an important principle to follow if the meaning of the international human rights system and, the support for multilateral governance is to be promoted. Increasing trust in democratic processes and even social integration, for example, require insistence of transparency.

According to the 2014 report, the promotion of economic, social and cultural (ESC) rights was based on the insight that "prerequisites for a life with human dignity include the right to water and food, subsistence and protection, and education and health care"[350]. ESCs rights were considered to be important for reducing poverty and promoting women's and girls' sexual and reproductive health and rights. Furthermore, the right to water and sanitation was noted to be an essential part of sustainable development. In this 2019 report, human rights impacts are not discussed as grouped under ESCs or civil and political rights but referred to individually where necessary. To tackle the contemporary challenges of global trends requires that ESCs are actively promoted. Environmental issues, implications of migration, realisation of the potential of new technologies and support of comprehensive resilience all benefit notably from active advocation of ESCs. But the importance of civil and political rights are equally important for mitigating the negative effects of global trends, considering that the active political and participation, or access to information for example, are key factors in this.

The 2014 human rights report paid particular attention to four human rights focus areas, regarded as emerging at the time. These were areas of international and national significance where new provisions, international recommendations or international discussion and decision-making related to human rights policy were informing national fundamental and human rights activities in a new way. The focus themes included the freedom of expression and hate speech, with special focus on hate speech directed at children and young people[351]. It was also recognised that girls as well as children and young people belonging to minority groups are frequently targeted. Without extensive

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[349] Government of Finland Human Rights Report, p. 30.
[350] Government of Finland Human Rights Report, p. 32.
[351] Government of Finland Human Rights Report, p. 61–62.

specification of implicated groups, the need to raise the issue of hate speech and freedom of expression is also evident in 2019 report at hand.

A particular focus group in the 2014 report was the rights of persons belonging to sexual and gender minorities (LGBTI), who are still experiencing major shortcomings in the realisation of their rights in various countries. Another focus group was persons with disabilities, who experience discrimination on multiple grounds[352]. The rights of the LGBTI people are also explicated in the 2019 report repor, yet without a clear structure for analysing the situation of vulnerable groups systematically here, the report at hand is not raising particular groups into focus. It should be clear, though, that to keep non-discrimination and the eradication of discrimination on multiple grounds as a cross-cutting principle in any policy evaluation, the most implicated groups are also considered. Finally, the promotion of ESCs as a binding set of rights was in the 2014 report noted to be of particular importance for Finland. ESCs were considered to support the capacity to realise one's rights to full effect and it was claimed that they should not be forgotten, even during times of economic crisis[353].

Importantly, the 2014 human rights report also discussed the issue of legitimacy in the EU context. The report drew attention to the need to inform which kind of rights the Union guarantees for its residents and citizens on an everyday basis. The report also stressed the need to raise the profile of fundamental rights and their role in the Union's activities through discussions on thematic topics in the European Council. Other suggestions for profile building were also made, including the strengthening of the role of the European Union Agency for Fundamental Rights and supporting the EU's accession to the European Convention of Human Rights. The report indicated that, in practice, finding a unified position for the EU in their international human rights activities has been easier in the case of CP rights than in ESCs. A transparent dialogue over human rights problems within the EU member states was also called for[354]. This is in line with the current report, where the claims for improving human rights communication for strengthening its legitimacy in the eyes of EU citizens and residents are presented as one of the findings.

Hence many of the topics raised in this 2019 report fall in line with Finland's previous points of emphases. The major differences between 2014 and 2019 regard the themes of environmental change and new technologies, and the changing security paradigm. Furthermore, migration and immigration were not largely considered in 2014. The role of business actors was also recognised to lesser extent than here. The ongoing and anticipated strengthening of regional power and focus, including the rise

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[352] Government of Finland Human Rights Report, p. 69–76.
[353] Government of Finland Human Rights Report, p. 77–81.
[354] Government of Finland Human Rights Report, p.38–39.

of cities as global actors, are also key factors in 2019 and also more explicitly addressed, albeit the consequences of multipolarity were also recognised in 2014. One of the main differences regards the naming of focus groups – a choice of which has been explained above.

8.2 Reference points: Outlined goals for Finland's presidencies in the Council of Europe and the European Union

The priorities for the Presidency of Finland for the Council of Europe (CoE) in 2018–2019 have been 1) strengthening the system of human rights and the rule of law in Europe, 2) supporting equality and women's rights and 3) openness and inclusion, as well as focusing on young people and the prevention of radicalisation[355]. Subthemes, such as the human rights impacts of the use of AI or support for vulnerable groups, have also been brought up[356]. The priorities and goals for Finland's EU presidency are in formation at the time of writing and will be published in June 2019. A background paper prepared by the parliamentary groups in the Finnish Parliament in autumn 2018 suggests priorities for the agenda, including the citizen's perspective, improvements on the environmental policy and strengthening Europe as a whole, including the Arctic perspective. Defending human rights and fundamental rights as well as promoting gender equality across policy sectors are mentioned as building blocks of the European Union, which Finland should also emphasise as part of their presidency, especially when representing the EU in dialogue with third parties [357].

These recent formulations for the presidencies of the CoE and the EU fall in line with the recommendations presented in 2019 report at hand, although of course the themes of the presidency of the EU are still in formation in June 2019. While drafting a thematic human rights agenda should aim at overall coherence, it is nevertheless necessary to adjust the agenda to suit the context of particular human rights forums. In the UN (including ILO) for example, the perspective is global with multiple national agendas and multipolarity. The formation of partnerships is dependent on the issue and several other factors, which makes it redundant for the report at hand to make

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[355] The Finnish Ministry of Foreign Affairs, "Finland's presidency", https://um.fi/council-of-europe-finlands-presidency-2018-2019
[356] Ibid.
[357] Eduskuntaryhmien työryhmän raportti 2019: Eduskuntaryhmien näkemyksiä. Suomen EU-puheenjohtajakauden ohjelma. Available in Finnish from https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/aineistot/Documents/Eduskuntayhmat_Suomen_EUpuheenjohtajakausi.pdf

suggestions of partnerships based on the contemporary reading of the situation. The Council of Europe has the promotion of human rights and democracy at its core. The security concepts of OSCE address the questions of human rights and right of minorities also, by design, including the North American dimension. The EU has a common external human rights policy and the EU member states employ largely coordinated agendas in international forums (UN, OSCE, CoE). Compromising over joint positions has proven difficult in the past years. Compromising may also lead to mild positions, inadequate for member states at both ends of the debate. In the Arctic Council, Finland has sought to promote SDGs as a framework for cooperation, especially during its presidency (2017–2019).

9   Conclusions and recommendations

An influential human rights policy requires coherence and design beyond prioritising the selected human rights themes. It would be important to state clearly which kind of overall goals are targeted with the agenda. The human rights agenda itself, then, should be regarded as a means to realise those ends, rather than as an end in itself. From this perspective, choosing to emphasise ESC rights or particular groups is insufficiently translated into a coherent and decisive human rights agenda.

Coherence in human rights policy is a working basis to improve human rights communication, as governmental actors may solidly refer to the actions of other governmental departments. Back home, explicating the link between basic rights and human rights may clarify the role of human rights as a prominent element in the everyday lives of individuals, rather than as a distant institutional framework. To increase intra-governmental coherence and strengthen the role of human rights principles in governance they should be cross-cutting themes in internal activities of the Finnish government as well. Therefore, this report makes recommendations on how to enhance human rights perspectives inside the Finnish government as well as what Finnish governmental actors should do to promote human rights internationally.

Especially since the role of business actors is on the rise, it is important to acknowledge that communicating human rights in dialogue between state actors has a different political tone than with business actors (albeit this, of course, is not always clear cut, e.g. when the political and economic elites are tightly interlinked). SDGs have been adopted by a growing number of businesses as guiding elements in their activities. For many of the larger companies, human rights are a natural part of their responsibility plan, but awareness and engagement should still be widened. In the Western states especially, consumers and NGOs have challenged businesses to take responsibility for the negative human rights impacts of their activities. In addition to the concept of (corporate social) responsibility, The SDGs provide useful tools to reach both disagreeing state parties and business actors, whose interests may differ from those of the states. On the other hand, the SDGs also serve as a common reference point for discussing the challenges of global trends that create shared issues for states and business actors alike. The UN Guiding Principles on Business and Human Rights have also contributed to the widening of this discourse.

The overall aim of the recommendations is to support a norm-based global order, which includes the international human rights system as an integral part. Key points for achieving this include addressing challenges for the international human rights system, which stem from within the system itself and the actors engaged with it. They

also include the challenge of global trends to the international human rights system, which should be included to agenda.

The recommendations are means to achieve eight goals, which the report suggests Finland should address in its human rights policy. These eight goals are presented below. They are based on the final conclusions of this report. These conclusions cross-cut the report's main themes and observations and summarise the main findings.

Goal 1. Develop the link between human rights and environmental change on all levels of governance.

Environmental change concerns all people and is crucial for the realisation of human rights standards increasingly in the future. Its tendency to influence different groups unevenly, i.e. those who are disadvantaged also bear the most severe consequences, makes it pivotal in such issues as fighting poverty, protecting minority rights, and promoting gender equality.

From the anthropocentric perspective, climate change, loss of biodiversity and pollution already have severe consequences to individuals and communities. The indirect impacts to human life include job losses and food security, constraints due to the decrease of arable land, poverty due to land ownership questions and insecurity over community relations due to the of scarcity of resources. The direct consequences of pollution include health risks.

Increasing urbanisation requires resources to be allocated to infrastructure, housing and health care. On the other hand, cities have become increasingly important in safeguarding human rights by providing channels for participation, access to information, democratic innovations and support for free organisation of the civil society. Women and the environment was already one of the topics of the Beijing Platform of Action and its significance has increased now that the topic has gained ground. Women are more affected than men by climate change, environmental degradation and land ownership. Climate change also compromises the rights of girls, especially in developing countries, where they bear the consequences of gender inequality and multiple forms of discrimination made more severe by environmental degradation.

As a global trend, environmental change transcends the local-global dichotomy in many ways. The reach of local action with environmental impacts may well carry regional or even global influence, whereas organisations with global goals and mindsets can even often have severe regional or local impacts. On a global level, the link between human rights and environmental change is currently intensifying with increasing

interest in the normative development of the right to a safe, clean and healthy environment or the debates over the impacts of environmental change to non-discrimination, for example. At the regional level in Europe, a trend of using the human rights framework to combat environmental issues has developed over the past years.

Importantly, the UN level documentation shows that the current international human rights system has tools for addressing the negative effects of climate change or pollution and reinforcing the positive effects of urbanisation. The European level developments, in turn, make an interesting case of the potential of the human rights norms to serve as a framework for addressing environmental concerns through case law. Finland is among the countries that included references to environmental rights and responsibilities in its constitution. For example, the report of the UN Special Rapporteur on human rights and environment, titled the Framework Principles for developing the enjoyment of a safe, clean, healthy and sustainable environment, as a response to the growing influence of environment to the realisation of human rights, is an attempt to address multidimensional human rights impacts concretely. The innovative use of human rights norms through case law also has the potential to cover the complexity of the human rights impacts of environmental change to a large extent (see chapter 1).

Different dimensions of environmental change are politically contested. Multiple human rights actors have a role to play in the inclusion of environmental change into global and regional agendas. The urgency of measures for combating climate change, for example, means that the measures are bound to be drastic and will require urgent changes of business models. Being politically accountable locally, while aiming at global sustainability is, in itself, a difficult task. The recent employment of environmental issues by populist parties across the political spectrum is currently nurturing the polarisation of debates.

Recommendations:

- Finland should be actively promoting the development of the right to a safe, clean and healthy environment in the UN. The Framework Principles provide a starting point and tools for the creation of a national group of experts to investigate the matter from the UN perspective.

- In the European regional development, the developing case law and the potential of the Finnish constitution should be reflected in light of the UN Framework Principles in search of policy coherence. The endeavour should be a strong multi-stakeholder exercise with NGOs, researchers, state representatives, representatives of the business sector and minorities.

- The impacts of environmental change and the due measures for its mitigation should be systematically assessed from the perspective of the groups most affected, including the gender perspective. The government parties should engage in a multisectoral approach with engagement from all relevant ministries. At the parliamentary level, the committees dealing with environmental issues should incorporate a human rights perspective to their decision-making processes through the use of experts.

Goal 2: The human rights of migrants should be promoted through international coordination.

As the report shows, migration intersects with other global trends and raised political shifts: From environmental change to the changing world of work and security issues, to highlighting sovereignty and populism, human mobility is implied as a possible cause or effect. Human rights issues are at stake from the beginning of their journey throughout route to borders and to settlement in a host state. The effects of migration are context-bound, depending on the human (rights) impacts of a given issue. Furthermore, migrants are not a homogenous group and the dimensions of migration, including the processes for seeking asylum, are multiple. Human rights protect the individuals from the arbitrary power of the states, violence stemming from both state and non-state actors and from violence between individuals. Migration interlinks with environmental change, including demography and urbanisation, which stresses the importance of human rights implementation at both ends.

As cities are becoming increasingly important actors for the implementation of human rights, organising their infrastructure to live up to the growing and diversifying communities. Also, work is one of the key drivers behind international migration. Because of the changing conditions of work, the rights of migrant workers, or depending on the context, labour migrants, is crucial for the promotion of equal realisation of human rights. Continuing urbanisation and the livelihood of rural areas are also fueling populist politics in Europe at the moment, where internal emigration and immigration will be on the agenda in the future as well. From the human rights perspective, organisation of infrastructure is crucial for social, economic and political participation and the full enjoyment of economic, social and cultural rights. Importantly, integration should not be seen as a one-way street. There has been a tendency in continental Europe of shifting the responsibility for active integration from the host state to the immigrants themselves. Also, research shows that one of the tools for promoting integration is family reunification, while in Europe for example, the tendency has been to apply further barriers to it in the form of income thresholds. This approach overlooks the importance of providing safe spaces and channels for social, political and economic integration and participation. Furthermore, the approach to integration as a tool for promoting the full enjoyment of human rights should include assessing the potential

cases for multiple discrimination and intersectionality. This ensures that the factors which stand in the way of, for example, full access to participation, are sufficiently recognised and the person is provided with the right service, if needed.

The increase of international cooperation for coordinating global migration should aim at ensuring the realisation of human rights at all points, regardless of the legal status of that person. The Global Compact for Migration could serve as a starting point for promoting this, and the EU members states could be the drivers for its wider acceptance. As the GCM is designed to support achieving the migration-related SDGs, the document arguably has the potential to be widely accepted. However, considering that migration remains a highly politicised and controversial issue among the states, this possibility is not easily realised. To have the possibility to address the negative human rights impacts that the migrants potentially face and issues of sexual abuse and violence that are sometimes associated with conditions relating to migration, immigration needs to be de-demonised. The fact that international coordination is jammed by the polarised positions on immigration in Europe for example, is a threat to human security and the sustainable development of societies.

Recommendations:

- Finland should consistently seek to address migration as a perspective to underlying trends rather than as an all-encompassing and deterministic phenomenon.

- Finland should incorporate a human rights based approach to policy-making in a systematic way in this way, the rights of migrants are necessarily taken into account through the principle of non-discrimination.

- The inclusion of persons with migrant background should be enabled through adequate resourcing of integration. This should include an idea of migrants as individuals and subjects, not objects of these policies. The issue of "old" and "new" minorities should be addressed with careful consideration in order to promote social integration in inter-group relations.

- To ensure informed decision-making, diversity (including gender and sexuality) sensitive representation should be taken into account at all levels of governance as well as possible. This should be supported by a research-based approach and the consultation of civil society actors whenever possible.

Goal 3. Keep a human rights based approach to new technologies on the agenda.

The application and development of new technologies changes contemporary societies and communities in unprecedented ways. The "megatrends of technology" affect various areas of human life. Assessing their collateral damage and advantages is difficult because of the great pace of development.

The rapid development of new technologies affects the organisation of human labour, industries and the utilisation of environmental resources. It also means an opportunity to support the health and participatory opportunities of people with disabilities through technological assistance and has a significant impact on care in general. Technologies are used to support democratic processes in elections, as channels for exchanging information and for resourcing research. At the same time, technologies are also used for controlling citizens, hate speech and hate campaigns sometimes resulting in physical violence, as well as restricting and manipulating information. Hence, the human rights implications of new technologies include, for example, the right to work, right to health, right to participation, right to education and the freedom of expression. Research has shown that the use of Artificial Intelligence duplicates the gendered and racialised stereotypes that originate from its designers and users, thus reinforcing, rather than reducing, discrimination. The use of new technologies also puts pressure on individuals who should be aware of their impacts, requires access to information and also discriminates against those who are disadvantaged by their lack of the latest technologies available. The question is, if there is sufficiently technological and face-to-face support for using new technologies that ensures the realisation of basic rights.

The most heated debates over the potential of new technologies are currently aimed at the tension between the freedom of expression and its limits, as well as the right to privacy and the collection and use of personal data. The global MyData movement claims that the individual should be the one who decides how, when and for what purposes their data is collected and how it is used. The movement also calls for the right of the individual to be informed about their rights, the use of their data and the extent to which their personal information is gathered. In the end, the commercial and political value of data lies in the using and combining of different datasets, which are largely used for profiling purposes. Attempts to reinforce the right to privacy have lately been made by the EU with their General Data Protection Regulation (GDPR). The wide use of digitalised technology in everyday lives makes it difficult to regulate without restricting the potential to develop new technologies and innovations for users. The states are currently searching for solutions from international law for interfaces and possibilities for globally acknowledged guidelines and regulations, which would mitigate the differences of, for example, regional interpretations on the right to privacy in the US and the EU. The EU is currently a leading power in data protection

and is expected to take an active role in developing a responsible approach to the ethical use of AI. The Council of Europe is currently investing in the development of a human rights based approach to the development and use of new technologies. In the UN, the Special Rapporteur working on the freedom of expression is investigating the human rights issues of AI.

The debate on new technologies is dominated by the understanding of new technologies as a double-edged sword with great promise and severe threats. It is simultaneously a great source of further democratisation, economic growth and well-being, as well as the cause of violations of privacy, for falling behind on the advantages of new technologies and the creation of inward-facing, exclusionary communities. A notable challenge of new technologies to policymaking is bringing together an adequate level of technical and human rights expertise. For example, e-health is a growing industry and engages actors from all sectors. A pressing political issue causing tension between states has been the influence of foreign states on democratic processes through the digitalised communication environment. The most famous case is the Russian trolling during the US elections, implicating the US citizens' right to privacy, for example. Another human rights matter has been Chinese use of new technologies to control their citizens' access to information and freedom of expression and the related extensive gathering of personal data. Recently, the Russian government introduced a developed interpretation of their "sovereign internet", through which it is possible to hand the control of communications channels firmly over to the central power.

Recommendations:

- Finland should continue its policy to keep new technologies on human rights agendas. Finland has a resource of technological expertise across sectors and industries, which can be utilised to formulate the human rights agenda for new technologies. This also supports the implementation of recommendations in goal 1., where new technologies and human rights are discussed in the frame of environmental change.

- In policymaking and political decision-making, the administrative staff and law makers should have an adequate level of knowledge, through training if necessary, of the development and the conditions of the use of the technology that they are discussing.

- At the same time, human rights framework should be linked more strongly with the development stage of new technologies as early as possible without unnecessarily interfering with innovation. This should include encouraging di-

versity among those who develop the technologies, involving also the education of women and girls and various minorities more extensively in new technologies.

- Applying new technologies should not leave anyone behind in terms of access and potential biases should be systematically assessed.

Goal 4. When new elements emerge in security agendas, include a human rights approach in the discussions.

The concept of security is ever-widening and new issues, such as environmental change, migration and new technologies, bring new elements to security agendas. This has brought about a change in the security paradigm that has been conceptualised as a human security. In human security approach, the referent object is the individual in contrast to traditional state-centric national security and sovereignty. Nevertheless, the concept of national security is very much present today. The tensions in the global order and in the international human rights system have put increasing gravity on the role of the national security concept lately.

The theory of securitisation offers an analytical framework to examine this tension between the national security and human security approach. When securitising an issue, an actor frames issues as an existential threat to the referent object, usually the nation state, and moves it away from the realm of normal politics, allowing the implementation of anti-democratic emergency measures that are injurious to human rights, civil liberties, and other social values. Thus the framework of securitisation has been deployed as a way to critique securitisation processes and highlight the potential dangers of treating an issue as a security threat. When new issues are adopted on the security agenda, it always carries an inherent risk of securitization, though it might also change the understanding of the concept of security itself.

Despite the recent rise of national security, the changing security environment does not allow retreating back to the old ways and the new security paradigms are here to stay. In human rights forums, human security is widely recognised. Even in the UN Security Council, human rights have been on the agenda with growing frequency, despite the willingness of Russia and China to veto resolutions involving the most explicit human security language. The human security approach should be kept on top of the security agenda in all of these forums. Groups that are more easily exposed to violence from state as well as non-state actors should receive extra attention when talking about security issues. It should also be noted that different groups can face different kinds of violence. For example, the forms of violence men and women suffer during, and after, armed conflicts and as refugees are often different.

As of late, resilience has emerged as a new security paradigm that has the potential to go beyond the national security versus human security divide. Resilience has made its way from disaster management to the heart of national security discussions. Resilience has a lot of potential for human rights advocates: if defined in a way that makes democratic conventions and respect for human rights an integral part of resilient society, it can act as a safeguard against securitisation and also open a way to include human rights in national security discussions across the entire policy spectrum. Particularly, the potential to support human rights promotion is the concept of comprehensive resilience.

Recommendations:

- Finland should work on keeping human security on top of the agenda in all relevant international forums. Themes to bring forth include (but are not limited to):

  - Ensure diversity when tackling security issues. For example, the role of women and young people in conflict resolution should be strengthened.

  - Protect individuals against violence (including harassment etc.) from state actors or actors acting on behalf of the state, but also from non-state actors (state due diligence responsibility).

  - Threats to individuals' security and privacy emanating from the use of technology.

- After ratifying the Istanbul convention, Finland should implement the obligations internally as well as in the EU and to continue to keep the issue on agenda globally.

- Finland should investigate the potential of using comprehensive resilience as a concept for promoting human rights in the security framework and as a way to reach over governmental silos to include human right principles to all relevant policy areas. Diversity is the key when building resilience.

Goal 5. Promote the gender equality actively at the time of resistance and anti-genderisms.

The gender perspective is included in the report as a cross-cutting theme and the promotion of gender equality concerns not only this specific goal on gender equality, but

all other goals presented here. One of the aims of the report has been to assess the current atmosphere to promote gender equality, and the anti-gender movements, which actively resist gender equality.

The sources suggest that the discord over gender equality, women's rights and the rights of gender and sexual minorities has indeed been intensifying over the years. In Europe, the internationally coordinated anti-gender movements have managed to lobby against gender equality with well-organised campaigns and a relatively small number of active supporters, and to weaken the capability of the European Union to form common positions in global forums. On the other hand, liberalising policy developments aimed at increasing gender equality and LGBTI rights on the EU level have been accepted and the promotion of gender equality has remained on the EU's agenda. This has resulted in increased polarisation between European political parties and regimes on women's rights and even on the use of concept of "gender". During these times, the promotion of gender equality requires specific sharpness and knowledge both on the movements that promote and on the movements that actively resist gender equality.

As the promotion of gender equality extends to various dimensions, specific sub-goals should be identified for this work:

a) Enhancing women's possibilities of political activity and civil society activity continues to be an important goal. In addition, **feminist political activity of both women and men is crucial**. In times of anti-gender movements, the best way to promote gender equality is to build grassroot movements for advocating equality. This can be supported by strong civil society, and NGO's which promote gender equality and human rights. One of the ways of supporting feminist activity and women's activity is to **fight against hate speech in different medias**, since hate speech hinders particularly women's freedom of expression and engagement in public.

Recommendations:

- The Finnish government should agree on an overall goal and definition for gender equality. For example, in Sweden the overall goal is that "women and men are to have the same power to shape society and their own lives." Finland should also insist on a clear and coherent definition of the content of gender equality in different contexts in order to make sure that the debating parties agree sufficiently on its defining features.

- Finland should encourage equal and active political and civil society participation. This can be supported by encouraging strong civil society, hearing the views of NGO's which promote gender equality and human rights, developing

actions that aim for controlling hate speech, and through feminist political actions by women and men.

b) Sexual and reproductive health and rights (SRHR) is a very important goal to keep on the agenda. During the last 5 years, work for this goal has become more difficult, which means that the goal is even more important than before. For instance, the anti-choice actors work on many levels to stop SRHR work or parts of it.

Recommendation:

- Sexual and reproductive health and rights (SRHR) should be kept on the agenda. Finnish actors need to be aware of the arguments used by anti-choice actors. This way, the agenda and argumentation can be adjusted to work well in different forums. People who do SRHR work in the field need to be protected and supported so that they can focus on doing their work.

c) Economic gender equality is a significant goal that could be further strengthened. The goals could include: **combating poverty** (including a gender perspective, which means, for instance, not talking about poverty only on a household level), addressing the **gender pay gap**, promoting **gender equality in working life** (including entrepreneurship) and addressing gender equality in owning **capital** (land, properties, shares, monetary, etc.). The intersection of gender and age is important too, as well as the minority perspective. The recognition and value of **unpaid care and domestic work** can significantly improve women's economic position. Valuing unpaid care is a very traditional Nordic goal but also a sustainable development goal SDG 5.4. In practice, it could mean improving public services, infrastructure and social protection policies, and sharing care responsibilities more equally. Sharing care responsibilities more equally between men and women has a value of its own as well. Men have a right to provide care, too, and to be equally involved in raising children.

Recommendation:

- Economic gender equality should be addressed by strengthening equal economic independence, combating poverty, promoting gender equality in working life and education, and combating the gender pay gap.

- Finland should focus on measures for recognising the value of unpaid care and domestic work.

- Finland should promote men's possibilities for meeting their care responsibilities as fathers.

d) Gender minorities and sexual minorities' rights need to be specifically addressed. Particularly, some of the LGBTI (lesbian, gay, bi, trans, intersex) people continue facing violence and discrimination in many areas of life. Also, anti-gender movements are making it more difficult and dangerous to promote specifically the rights of LGBTI people. Human rights defenders need to be supported and defended. Transgender rights and the rights of intersex-people also need to be addressed specifically and separately, not only as a part of the LGBTI acronym. **Intersex people's rights** should be improved through eliminating the harmful practice of unnecessary "normalising" treatments of intersex persons. At the same time, intersex people need to have access to medical treatment when they need it.

Recommendation:

- Gender minorities and sexual minorities' rights need to be specifically addressed. Human rights defenders, who promote LGBTI rights, need to be supported and defended when they face violence or thread. Transgender rights and the rights of intersex people need to be addressed specifically and separately, not only as a part of the LGBTI acronym.

Goal 6. Utilise and create new possibilities of cooperation across professional and political silos.

The challenge of global trends to national and multilateral governance is that they force national, regional and global institutions to recognise new possibilities of both horizontal and vertical cooperation across professional and political silos. This includes state-, non-state – and business actors, bringing together professional and political expertise from various backgrounds. This development will call for forums that facilitate this expertise in ways which aim at a mutual understanding, rather than listing the statements of interest groups. The incorporation of human rights perspective across policy areas supports coherence, but also tackling human rights impacts of global trends more effectively.

A) The states are the subjects of international law and continue to hold power over regulation. It is the responsibility of the states to ensure that human rights are properly implemented and respected within their jurisdictions. The inconsistence in the treatment of NGOs is currently leading to situations where organisations are forced to relocate their operations into allowing states. At the same time, business actors may be inclined to invest and settle their operations within states with less regulation.

Recommendations:

- For national and multilateral governance, the task of mitigating the human rights impacts of global trends requires breaking the silos through better coordination between policy areas. This can be supported by searching for concepts that can be employed across the sectors. Examples of such concepts are resilience and sustainability. The fact that even commonly shared concepts differ in emphasis, and even their interpretation, across policy areas can be utilised to widen the scope of the interpretation of those concepts.

- The principles of equality and non-discrimination should be included and assessed by default within ministries, working groups or parliamentary committees, for example, when actions concerning the environment, migration or new technologies are considered.

- The Finnish government and politicians should recruit more people specialised in gender equality and human rights that could advise, for instance, ministers and other people who negotiate on human rights.

- Gender equality and human rights goals should be acknowledged in every policy area in the foreign ministry and also in other ministries. This requires common goals and actions, as well as coming out of silos.

B) Researchers have pointed out that, while states are becoming more occupied with sovereignty over solidarity, a simultaneous trend is shifting power away from state actors toward non-state actors, including privately owned businesses and public actors such as cities. Some states are reducing the operational space of **NGOs** through budgetary power, both nationally and in multilateral organisations. Yet, the NGOs have potential to bring attention to the human rights impacts of environmental degradation or land ownership, racism and misogyny or insufficient access to technologies needed to access to basic services. There are also strong links between environmental movements, activism, such as the MyData Movement or NGOs providing legal assistance for immigrants and democratisation. Thus, the expertise and networks of NGOs are highly beneficial for mitigating the negative impacts of these trends.

Ensuring that the state supports an active and free **civil society** is crucial from the perspective of mitigating the human rights impacts of global trends. Supporting an active civil society with strong grassroots movements would promote environmental awareness and the mitigation of the negative impacts of combating environmental change with the implicated groups. It also helps in identifying the most implicated groups in a context-sensitive way, by providing local expertise and experiences.

Working for inclusive participatory practices, providing information and expertise combined with practical help, such as childcare or language tuition, facilitates working for the goal of supporting the integration of migrants in their receiving states. Yet NGOs also help migrants during their journeys by offering health care, legal assistance or food and shelter. Providing access to the digitalised communications environment, educating the disadvantaged groups into using new technologies and providing information on rights concerning personal data, for example, can be credited to NGOs and civil society actors along with the states and local governing bodies. And, finally, NGOs contribute to the infrastructure of human security by hosting safe houses for vulnerable people, such as victims of domestic violence, sexual abuse or less-advantaged children. As globalisation highlights the interconnectedness of phenomena and actors, channeling between the local, regional and global becomes increasingly important. Otherwise, the local impacts of global actions are only communicated by the most powerfully voiced actors.

Recommendations:

- Finland should keep the support of NGOs and free civil society on the agenda, not only via financial support and support for HRDs, but also by actively seeking their expertise in global issues as well.

- Finland should support the building of strong grassroots movements, since they are best way to promote gender equality. This can be supported by a strong civil society and NGO's that promote gender equality and human rights.

- Human rights defenders face an increasing amount of violence and physical threats. The government needs to acknowledge this and defend people who work for human rights and gender equality (see Goal 5).

- The government should be aware of anti-gender actors, both governmental and non-governmental organisations. It is crucial to know what their aims are and that there are international organisations behind the movements. The officials should be able to estimate whether some messages are actually coming from human rights NGOs, or whether they are coming from anti-gender NGOs (see goal 5).

C) At the same time, **business actors** have become increasingly engaged with the human rights framework over the past decade. They involve the private sector and the state actors through ownership and involvement in all global trends described in this

report. The states are responsible for the regulation of business actors within their jurisdictions. Guidelines from the UN and the OECD, most notably, include the concrete articulation of the expected responsibilities and tools for managing the human rights impacts that companies have in the form of environmental issues or working conditions, for example. The development of global and regional frameworks in the UN, and ILO and the OECD seeks to address these issues from the gender perspective as well.

Encouraging business actors to engage more actively with human rights discourse is valid for, firstly, accessing expertise on technological innovations or, for instance, information on environmental impacts. It is important to incorporate the human rights perspective into business design as a premise at an early stage, not solely as an effective remedy. The actions of businesses implicate workers, communities, indigenous peoples, children and women and, especially, people with disabilities who may be provided with, or denied, an opportunity for work. The human rights implications include the right to work, the right to health, the right to privacy, cultural rights etc., not to mention the principle of non-discrimination.

In the UN, the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights (IGWG) endeavors to elaborate on the legally binding regulation of business activities in international human rights law. It is, important to keep in mind that the state responsibility to guarantee human rights nationally also includes the responsibility to protect human rights in relations between non-state actors. The principle of due diligence holds the states responsible for legally regulating the activities of non-state actors and ensuring the protection of human rights.

Recommendations:

- The aim should be to have sufficient regulation on all levels: in international law, EU law and national law. A combination of legally binding norms, international guidelines and standards set up by the companies themselves provides a well-functioning basis for regulation.

- Finland should actively seek international cooperation for regulating business actors. Particular attention should be paid to the actions of state-owned or controlled businesses and their practices.

- Finland should actively consider the gaps in international regulation and be prepared to support international legally binding solutions for regulating business activities in international law (and EU law). It should also promote the

wide application of the UN Guiding Principles and highlight the principle of due diligence in its activities.

- Global trends influence the conditions and activities of businesses, which is why common ground should be sought where the interests of the states and business actors coincide. The minimum for business is the do no harm principle, but the aim should be to engage businesses to "do good".

- The SDGs framework including human rights elements is already widely accepted and familiar in the business world, which is why it should be actively promoted.".

- Finally, it is crucial to stress the primary responsibility of the states to respect, protect and fulfill their human rights obligations.

Goal 7. Support the states' commitment to the multilateralism by investing in activities that increase its legitimacy.

A current topic within the international human rights systems is the lack of legitimacy in the Western states. One of the reasons for this is that human rights and the international human rights system is not actively recognised as a meaningful and active part of modern societies. It is not only the fact that the system is based on normative agreements that limit the states' sovereignty over the treatment of individuals. The problem is also that, for the "general public" in the West, human rights have become distant on an everyday level and are easily associated with the debates on immigration or minorities as the rights of "others". One the one hand, this can be conceived as a positive signal on the success of the national and regional implementation of human rights. On the other hand, this development makes the international human rights system vulnerable in the face of populist movements and politics that seek to increase their power through strong divisions of population groups. The aim of these groups is not to replace the existing multilateral system with new infrastructure and institutions, but to promote new interpretations of established agreements.

The successful implementation of human rights is also a myth, often especially regarding ESCs, but also sometimes with CP rights, even in countries that do well according to several indicators. In Finland, for example, the level of social protection is considered insufficient. Also, the implementation of participation rights in the form of access to information or equal treatment in the use of technologies in health care should be taken seriously. The legal system and the links between international law,

the EU law and national constitutions and legislations are often not commonly under-stood. Hence, the role of international human rights law and its meaning for the lives of all citizens, not just particular groups of them, is left aside.

Supporting claims-making and citizen's active engagement with communities helps to make the meaning and benefits of the international human rights system concrete on a personal level. Some examples of defending and strengthening the international human rights system against the movements that undermine it have already been seen.

While transparency, the openness of information, the fast travel of ideas and innova-tions are beneficial to societies, the digitalised communication environment also bears grim tidings for such things as democratic institutions or well-functioning bureaucratic infrastructure. Complexity does not translate well into fast-tracking information chan-nels, and, on the other hand, communicating with haste easily produces false infor-mation. Well-crafted and thought out addresses take time and make the whole politi-cal system seem slow and inefficient in the face of grave issues.

On the other hand, reporting on violations and problems in the implementation of hu-man rights should not be overshadowed by the positive developments either. At-tempts for creating better ways to talk about the meaning of the international human rights system and fundamental rights are, however, evolving. For example, as a re-sponse to the growing pressure of populism and anti-human rights agendas in Eu-rope, the FRA has launched a campaign to reach the general public through the bet-ter communication of human rights as rights protecting all individuals.

Recommendations:

- Finland should ensure that its human rights policy is coherent. Finland has been noted to have one of Europe's worst records of racism against Muslims, and the problem of hate speech (both in racist and gendered forms) has been brought up even as a problem for democracy. These issues, which include vi-olence against women, treatment of the elderly and the level of social protec-tion, have direct links to the mitigation of the negative human rights impacts of global trends, and should be addressed as effectively as possible.

- The coherence approach helps in building up a credible human rights agenda, also from the domestic perspective. It also serves the purpose of focusing re-sources and the use of multi-stakeholder expert groups to gain in-depth knowledge and expertise on the topic. In the institutional sense, this approach should be applied vertically to all levels of governance and horizontally across all relevant policy areas.

- The discourse on developing better ways for human rights communication should be carefully followed. At the same time, the importance of respecting independence of media and journalists in their work should be kept on the agenda for tackling the negative developments of recent years also in Europe.

Goal 8. Promote a broad concept of participation and the right to education to mitigate the negative impacts of global trends.

Participation in political processes, the labour market, education and culture helps to consolidate and promote a human rights based approach in both the bottom-up and top-down sense. To secure the incorporation of human rights based activities in communities, it is essential that these rights are not only designed by policymakers and active non-state and business actors, but also claimed by engaged local individuals and communities. On the other hand, states need to be held responsible for the institutionalisation and implementation of human rights, also by ensuring that the channels and opportunities for participation are properly secured and that the principles of equality and non-discrimination employed.

The right to high-quality education is a significant goal in promoting equality and non-discrimination. Everybody needs to have access to education on all levels (preschool, primary school, secondary and tertiary education, plus lifelong learning). Particularly within EU, gender segregation in education is seen today as a gender equality problem. The gender perspective as well as the minority perspective are important for identifying possible problems and inequalities and groups that do not have access to education. In addition to the formal possibilities for education, the outcome needs to be addressed: do girls and boys, women and men and people belonging to different minorities actually participate equally in education. For instance, girls and women who are pregnant or have children need to have access to education.

Recommendation:

- Encouraging participation by supporting local institutions, secure spaces for participation also for women, girls and minorities and promoting an inclusive approach to decision-making should be included in Finland's human rights activities. In connection to this, access to information and transparency of governance should be aimed at in any activity, excluding cases which put human rights defenders or other individuals in jeopardy.

- The right to education should be kept on the agenda by highlighting its positive effects to local communities, industries and states. Mitigating gender segregation in education could also be added as a goal on the Finnish agenda

(women's participation in technical fields, men's participation in the fields of health and education).

- Education should be kept safe for everybody. Combating harassment and bullying in schools and on the way to school is a thing that needs to be addressed. Particularly within EU, gender segregation in education is seen today as a gender equality problem. Providing education on sexual and reproductive health and rights should be is a crucial part of the right to education.

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