



Questionnaire

A consultancy study on the contribution of development to the enjoyment of human rights (A/HRC/RES/41/19, para. 13)

1. Please share your views on the contribution of development in promoting and protecting human rights, including its context, concept, specific aspects and means of implementation.

Contribution of development to:

(1) Civil and political rights.

In the context of the wrongfully arrested, while a human rights approach to prison practice has been strengthened through the development of monitoring mechanisms and national inspection units, there are certainly also other contradictory signs on the horizon. One of these has to do with the role of human rights as a legal, political and moral force. During the 1970s, human rights began to appeal to broad communities as a cause of justice and across the western world. As already known, this was also the period when the rights of prisoners began to be acknowledged by national courts as well as the OHCHR. However, human rights have since followed a path 'from morality to politics' and today the prominence of human rights may turn out to be short lived. According to Stephen Hopgood, the 'End time' of what he calls universal 'Human Rights' (with capital letters) are in fact fast approaching as the vast superstructure of international human rights law and organization is no longer "fit for purpose". The concept of human rights is questioned and lack the broad political support that it did in democratic states just a few decades ago. In addition, a number of developments specifically challenge prison and punishment standards and threaten to roll back or eliminate a human rights approach to this area.

These challenges include the phenomenon of penal populism, the terrorism and security agenda following 9/11, the processes of globalization and migration, the war on drugs and corruption in Latin America, and the dangerously growth of the liberal "Woke" agenda. To start with the first, there is little doubt that recent decades have witnessed an increased focus on retribution and the introduction of more punitive sentencing and penal practices in several jurisdictions. The US has for the last three or four decades inspired and led this international trend and in doing so reached an unprecedented level of imprisonment. During the early 1990s, this wave of punitive policies reached Europe and prison populations grew significantly.

It is well-known how the anti-terror legislation introduced since 2001 has challenged due process and rule of law principles in many parts of the world, by giving states increased power to control and monitor their citizens. Within the framework of the War on Terror this security agenda has also had a specific impact on prison conditions and prison standards as the former international leader of the human rights movement, the US, created and upheld inhumane and degrading prison and interrogation practices on a large scale in, for example, Afghanistan and at Guantanamo and various black sites around the world. By doing this, and by officially and legally redefining torture, the US administration arguably ridiculed international law, prisoner rights and the entire human rights movement. Post-9/11 security policies have also impacted prison and human rights issues in many other parts of the world.



Thirdly, the broader processes of globalization and migration have caused a significant rise in the number of foreigners in many prison systems along with political initiatives aimed at getting rid of these prisoners. In some places, there has also been political pressure towards treating such prisoners worse than their national counterparts. Novel methods to lessen the pressure on prison systems are also discussed and the members of the UN have recently begun to send prisoners to the Netherlands for example, where they have rented prison space (something which Belgium is also doing). The result looks like an experiment with international human rights law. In countries like Mexico, Colombia, and Latin America in general, the political scheme has took its own form, where drug traffic has been ruling the whole political, social and economic systems, making the Justice system the perpetrator of these injustices.

The challenge for the UN is to observe and actively intervene with the UN members in their policies regarding Human Rights, encouraging the governments to stop justifying the violation of Human Rights in the name of Drug trafficking or Terrorism.

(2) Economic, social and cultural rights.

The biggest challenge the United Nations and it's affiliated members will encounter for the following years in the Social and Cultural realms, is to keep the balance of the world narrative. For the past years, the totalitarian tendencies of the so called Social Justice Warriors, has become the actual oppressors of freedom of speech and culture in general. So leaned to the totalitarian side that the early stages of the Nazism are surging again, an example of this is the so called "Cancel Culture" movement, this movement far from being stopped, is being praised by most of the countries. The United Nations have not only the responsibility but the moral obligation to balance these arguments in order to respect the basic freedoms mentioned in the Chart of Freedoms claimed by all the countries members of the United Nations.

(3) The right to peace, the right to development, environmental rights, and digital rights.

Another indicator of the totalitarian temptations within today's identity politics is the surging reality of violence. There is the psychic violence of vendettas pursued by Twitter hunting packs. There are the shout-downs, table-turnovers, and physical trashings that the "non-woke" now regularly face on campuses. Smashed buildings and statues, looting, and arson became commonplace in American cities. Unfortunately these acts of violence in the name of "Social Justice" are sprouting not only in the United States but in a more global scale. The United Nations must ensure the right to peace to everyone.

The extreme-liberal ideologies that we refer to as "Wokeness" or "Critical Social Justice Theory" posit a concept of radical subjectivism and socialization into power-laden biases. In this worldview, there is no such thing as a "reasonable person," and nothing can be considered "reasonable," because the very application of "reason" is a mere application of whatever is accepted by the dominant power structure at hand. No one is reasonable because everyone is biased; there are only people who speak into dominant discourses or who resist them.



These ideas are incompatible with one another. It is not possible to rely upon a standard of reasonableness or to defer to a reasonable person if no such thing is believed to exist. Even worse, the reasonableness principle is wholly undermined by the further notion that any semblance of or consensus about what is reasonable is an application of the very sort of oppressive politics that our laws and courts in free countries are supposed to guard their citizens against. As these “critical constructivist” ideas, as they’re formally known, rise in prominence in our culture, they therefore present a significant threat to the very rule of law that makes liberal societies like ours possible — to say nothing of securing equal rights for all citizens.

The answer, as it always is with the Woke, is power that suits them and disenfranchises those who disagree with them. In place of reason, we would be given Critical Theories, mostly of identity, and our legal structure would have to be reorganized around these new principles. Their focus would be systems of power. They would begin with assumptions like that our system is white supremacist, heteronormative and homophobic, patriarchal, cisnormative and transphobic, and so on. Our entire legal landscape would be reinterpreted under the assumptions that these unjust applications of systemic power are permanent so long as the system lasts, and therefore need constant redress.

These critical principles would redefine our legal system and thus our society not only in a way that regards equality as suspect, but also in a way that deems it an explicit tool of oppression.

The United Nations and the NGOs must ensure that the legal system won’t corrupt itself into an identity politics-based replica of the worst failures of history, those in which some ruling ideology becomes the basis for the law and its standards. That is, these assumptions aren’t just wholly incompatible with the idea of a free and liberal society, they are the guarantor of its replacement by a totalitarian ideology and Party designed to be favored by it. In this case, that party is the Critical Theorists of Identity, and under its rule, the madness and naked caprice of this passing summer will be but a warm-up act that presages a completely new Iron Rule of Woke Law.

2. How to ensure that development contributes to promoting and protecting human rights? (The principles, strategies, policies and laws, action plans and programmes of development, what contents are important and what responsibilities should be taken into account)

(1) At the international level.

The most important thing to keep under international observance is the impact of Social Media on the population in general. The algorithms used by the most powerful private companies are capable of changing commercial habits but also they are capable of changing voting habits, ideologies that can be directed to the side of the UN principles or to the side of Chaos. If we want the Human Rights to be respected, we must ensure that the channels promoting Human Rights are free from biased ideas stained with either political or social views. The promotion of Human Rights must be transmitted in the cleanest way possible and for this we need to encourage the Countries members of the UN the regulation of their Electronic Media by ensure their compliance of the national and international laws.



(2) At the national level.

At the national level, the UN must encourage the countries to be vigilant of the power that the Social Media can achieve, encouraging the laws that permit the visualization of a clear line between commercial purposes and those pertinent to the political and social aspects, respecting the most basic of rights.

(3) Through global and regional partnerships, civic space and engagement.

The best way to extend the arms of the United Nations has always been the support of those NGO's who are the first liners of any situation, hence the importance of keeping facilitating grants to those NGO's that promote and fight for the Human Rights, we think today more than ever, that Organizations that promote and fight for freedom of speech must be supported as well, since it is a basic right consider also to be a Human Right.

3. Please share any concrete examples of best practices of contribution of development to the enjoyment of human rights. Challenges, obstacles, lessons learned and experience with regard to principles, strategies, law and policies, action plans and programmes, the role of communities, organizations, and individuals and/or other stakeholders.

2018 and 2019 proved to be two prolific years in terms of adding visibility to the victims of wrongful convictions in Latin America, raising global awareness regarding institutional practices leading to false incarcerations and tortures, and building partnerships with national governments to eradicate these practices. Together with our local partners, we held two major conferences on the issue: one at the Mexican Deputy Chamber in Mexico (two major conferences were held in November 2018, the other at the Senate of Colombia in March 2019). Following the first of these two conferences, the Mexican Federal Government asked En Vero to share our database of wrongful convictions in order to take concrete measures to evaluate these cases and work toward an effective solution to release victims of unjust imprisonment.

There are many causes of wrongful incarceration, though most tend to focus squarely on corruption. While this is undoubtedly a key factor, it is definitely not the only one. Our experience has shown many contributing factors. Our project 'Bridging the Justice Gap' looks to directly target them all in a cohesive and comprehensive way. We would host three separate convenings spanning from Mexico to Colombia, a region responsible for an inordinate amount of wrongful incarcerations. Each convening will include top government officials with whom we have already built relationships, local non-profits, local authorities and prosecutors from some of the worst offending and best performing cities to discuss what leads to wrongful arrests and what best practices can bring them to an end. To prove the need for the convenings, we will collect at least 100-150 cases of wrongful imprisonment in this region. These cases will be separate from the cases we have already worked on at En Vero.



4. Are there any other aspects relating to the contribution of development to the enjoyment of all human rights for all that you would recommend for the study to focus on?

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. There is no doubt that nurturing good governance is essential to ensuring respect for human rights. Without the rule of law, independent courts and other institutions of the modern society - essential components of good governance - the promise of human rights may remain just that: a promise unfulfilled. Enforcement of fundamental freedoms when it matters may be impossible. The lesson of history is that transparent, responsible, accountable and participatory governance is a prerequisite to enduring respect for human dignity and the defence of human rights.

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