STRENGTHENING THE HUMAN RIGHTS SYSTEM

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FOREWORD

As crises engulf the world, the 75th anniversary of the Universal Declaration of Human Rights (UDHR) must spark more than perfunctory reflections. Climate breakdown is upon us. Conflict is proliferating. Civilians are targeted and the killing of children seemingly tolerated. Authoritarians loom large in forthcoming elections; democracies openly flout international law; and human rights are challenged by governments of all stripes. Poverty and hunger are on the march again while technology is poised to upend our societies.

Our failure to put in place just and effective solutions has undermined trust in leaders and institutions. There is a widespread perception that human rights are applied selectively—within and between countries. At the national level, women, minorities and those living on low incomes are less likely to enjoy their rights, from access to justice to access to healthcare. Internationally, the charge of "double standards" echoes loudly as the governments that pushed hard to protect civilians in Ukraine and Israel, now fail to do the same for civilians in Gaza and many other places. Meanwhile, collective rights, to a healthy environment, for instance, are deprioritized across the world.

As a result, activists and autocrats have become unlikely bedfellows in critiquing the international human rights framework of which the UDHR is a cornerstone. They argue that it reflects a narrow Western understanding of rights that lacks legitimacy and—increasingly—impact as the framework's other cornerstone, the post-1945 international order, has frayed.

It is a persuasive argument. Naming and shaming, for years the go-to tactic for campaigners, falls flat when the targets are shameless. The rallying cry of human rights has been diluted by accusations of elite capture and fringe appropriation. Erstwhile defenders of rights seem diminished or compromised. The multilateral system anchoring rights is itself in crisis, its lack of enforcement mechanisms and funds now compounded by a failure to keep up with challenges such as artificial intelligence (AI).

But this is not the whole story. The *Open Society Barometer*,[1] a poll of over 36,000 people in a representative group of countries, found that most people believe in the value of human rights. Over 70 percent said that human rights "reflect the values I believe in" and are "a force for good" in the world.

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1   The *Open Society Barometer*—a representative poll across 30 countries—is one of the largest studies of global public opinion on human rights and democracy ever conducted: https://www.opensocietyfoundations.org/publications/open-society-barometer-can-democracy-deliver

Actors such as human rights lawyers, NGOs and international organizations continue to provide hope, support, and redress to those seeking justice and protection. And they are joined by a growing cohort of others, from rural communities to Indigenous peoples to political and social movements. They may not use the language of rights but their work is grounded in them. They cannot afford to have theoretical debates about the relevance of the UDHR. They need support and solutions.

In this paper, David Griffiths lays out 10 proposals for how to make the 75th anniversary count, including: prioritizing economic inequality and climate change, exposing the failure of authoritarians to deliver, defending civic space, rethinking migration, widening accountability and strengthening the human rights system.

Drawing on 18 months of research and material from at least 65 interviews with people from all parts of the world, as well as the *Open Society Barometer*, these proposals provide inspiration for those of us approaching this anniversary with a heavy heart. It is vital that we avoid paralysis and gloom, which only plays into the hands of abusers and authoritarians.

We must become more creative in how we support those defending rights, whether they are in the courtroom or community center, or on the streets marching for debt relief and climate justice. We must invest in the leaders and tools of tomorrow, instead of playing catch-up with authoritarians, while doubling down on our backing for traditional actors and approaches that continue to deliver results.

And now more than ever, we must nurture a global movement—of the sort that was not possible in 1948—to reaffirm the simple truth that lies at the heart of the Declaration: that all human beings are equal, that every life has value.

Natalie Samarasinghe
Global Director, Advocacy

INTRODUCTION

> *"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"*
>
> **Universal Declaration of Human Rights**

The Universal Declaration of Human Rights (UDHR), 75 years old on December 10, 2023, has become part of the tapestry of our lives. The vast majority of people alive today were born after it came into being. It has been celebrated as the most translated document in history.[2] Its provisions have been woven into constitutions and laws around the world, and into the fabric of the multilateral system.

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2   OHCHR, "New Record: Translations of Universal Declaration of Human Rights Pass 500," November 2, 2016, https://www.ohchr.org/en/ohchr/node/16711/new-record-translations-universal-declaration-human-rights-pass-500.

If the anniversary of the UDHR is an opportunity to reflect on the way forward for human rights, the alarming state of the world urgently calls for answers from the human rights system. Conflict is proliferating again, amid dangerous polarization and a frayed multilateral system. Divisive populist demagogues and hardline nationalists loom large in a series of significant elections. The COVID-19 pandemic from which we are recovering exposed the narrow limits of international cooperation, worsened structural inequities in the world, and increased extreme poverty.[3] The unrelenting climate and biodiversity crises increasingly threaten the livability of the planet. Breakneck technological development, including AI, is revolutionizing the world and concentrating power in the hands of a small number of corporations.

Throughout history, there has never been anything inevitable about realizing the vision of the UDHR. This remains palpably true today. But the findings of the *Open Society Barometer*[4] offer reasons for hope for the future of human rights—as well as revealing deep challenges about whether and how that hope can be realized.

The hope is that the human rights set out in the UDHR continue to enjoy strong popular support. Around the world, 72 percent of people expressed a belief that human rights have been a force for good. Seventy-one percent said that human rights reflected values they believe in. A clear majority of 58 percent believed that the UDHR is still fit for purpose, rising to 66 percent for people aged between 18 and 34. This offers a basis for being ambitious for the future of human rights.
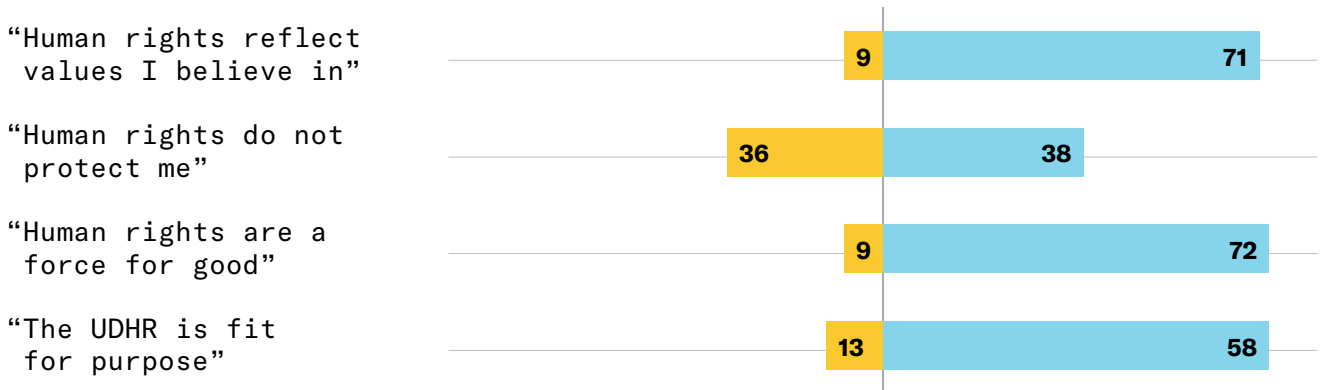
But the *Barometer* also draws out three dilemmas. The first dilemma is a disjuncture between people's widespread support for human rights in principle and their faith in the ability of human rights to make a meaningful impact on their lives. When faced with the sobering statement that human rights "do not protect me and my family," only 36 percent of people disagreed.

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3   Priya Joi, "The Stark Reality of How COVID-19 Has Worsened Global Inequality," *Gavi* (blog), June 29, 2022, https://www.gavi.org/vaccineswork/stark-reality-how-covid-19-has-worsened-global-inequality.

4   Open Society Foundations, *Open Society Barometer: Can Democracy Deliver?* September 11, 2023, https://www.opensocietyfoundations.org/publications/open-society-barometer-can-democracy-deliver.
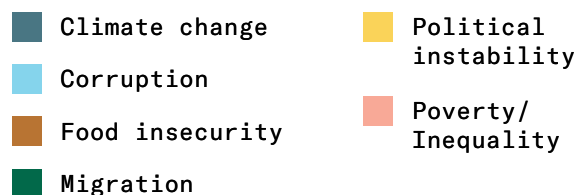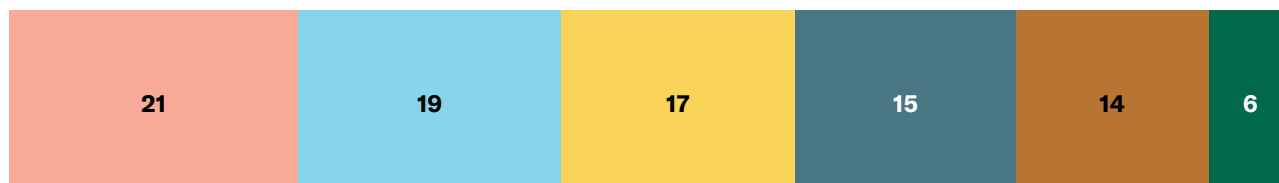
GRAPHIC 1
HUMAN RIGHTS (%)

■ Disagree   ■ Agree

Global Average

"Human rights reflect values I believe in"	9	71
"Human rights do not protect me"	36	38
"Human rights are a force for good"	9	72
"The UDHR is fit for purpose"	13	58

This is a gap that those who are invested in human rights should take seriously. The problem is not that human rights are redundant as a set of ideas, but that their impact needs to be felt in people's lives. Human rights are of no use as a decorative backdrop. In a time of profound disorder and compounding crises, human rights should articulate a compelling vision of how we want to organize our societies—but they must also offer meaningful recourse against violence, structural inequality, and the abuse of power.

The second dilemma is that the areas where people are looking for transformative change are extraordinarily complex. In the *Barometer*, people identified poverty/inequality and corruption as the most pressing issues in their daily lives. They highlighted corruption as the priority at a national level, and poverty/inequality and climate change as the key challenges facing the world. These are all areas where human rights ideas and mechanisms can make an important contribution, but they offer little prospect for quick wins. Identifying the specific role of human rights in addressing these systemic issues without becoming mired in complexity is an important challenge.

GRAPHIC 2

WHICH CHALLENGE HAS A HIGHER IMPACT ON YOUR LIFE? (%)

■ Climate change   ■ Political instability

■ Corruption

■ Poverty/ Inequality

■ Food insecurity

■ Migration

Global Average

| 21 | 19 | 17 | 15 | 14 | 6 |

The third dilemma is that while human rights enjoy strong support from around the world, there is also a widespread perception that they are applied selectively or even punitively. When asked if human rights are "used by Western countries to punish developing countries" on average 42 percent agreed, rising to 61 percent in Pakistan and 76 percent in Bangladesh.

This points to a fundamental tension in the relationship of human rights with power. On one hand, human rights are a narrative of solidarity and liberation from repression and the abuse of power. The UDHR sets out a vision, an idealist expression of common humanity which one interviewee for this paper suggested has an almost spiritual quality to it. Human rights offer energy and mobilizing power to people who yearn for a more equitable and more just future.

But alongside this, human rights take the form of mechanisms and institutions that are agreed and used by those who wield power—the ones whose behavior is supposed to be regulated by human rights. The institutional human rights system is built around legally binding commitments by states, who are supposed to hold each other to account. This is where human rights are caught up in politics with all its complexity, compromise, and arbitrariness—and where they are relentlessly politicized by powerful countries.

How can we envisage a way forward for human rights which builds on past strengths and ongoing popular support while engaging these dilemmas?

It is important to acknowledge that human rights have different modes that are inevitably in tension with each other. The human rights ecosystem is a sprawl of international treaties, constitutional provisions, laws, UN bodies, regional and national institutions, and courts, as well as NGOs, individual activists, and fleeting movements which in their different ways use the UDHR in their pursuit of justice, equality, dignity, freedom, and peace. Yet this ecosystem—often messy and sometimes incoherent—continues to offer important resources to tackle the problems of the world.

A world of disorder and crisis urgently needs the resources that human rights can bring—and the 75th anniversary of the UDHR is an opportunity to recommit to a central role for human rights in addressing these crises. But if we are to rediscover a belief in human rights, then the human rights ecosystem in all its rich diversity will have to make a difference to the things that really matter to people's lives.

This paper offers 10 proposals for how this could happen:

1. Start with economic inequality and the idea of a human rights economy

2. Keep the planetary crisis at the heart of the human rights agenda

3. Expose the failings of authoritarian government to deliver more equitable economic and social outcomes

4. Defend civic engagement relentlessly as a condition for human rights progress

5. Create conditions for the widest possible participation by states in the multilateral human rights system

6. Widen the options for accountability, including targeted sanctions

7. Raise the bar on business and human rights

8. Tap into human solidarity to rethink migration

9. Get ahead of the curve on technology

10. Fund human rights properly

1. START WITH ECONOMIC INEQUALITY AND THE IDEA OF A HUMAN RIGHTS ECONOMY

Leveraging the human rights system to tackle economic inequality should be a priority. The post-pandemic context has created a moment of opportunity for transformative thinking about the future of the global economy. The human rights ecosystem should seize the moment.

Global economic inequality has come sharply into focus since the COVID-19 pandemic, which exposed and exacerbated deep inequalities in the world. While overseas development assistance reached a symbolic high of $204 billion in 2022,[5] this figure was inflated by exceptional spending on Ukraine and on using these budgets to support refugees within donor countries. The remaining assistance of $165 billion was lower than 2021,[6] and the downward trajectory is

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5   OECD, "Foreign Aid Surges Due to Spending on Refugees and Aid for Ukraine," April 12, 2023, https://www.oecd.org/dac/foreign-aid-surges-due-to-spending-on-refugees-and-aid-for-ukraine.htm.

6   Annalisa Prizzon and Bianca Getzel, "Prospects for Aid in 2023: A Watershed Moment or Business as Usual?" *ODI* (blog), April 18, 2023, https://odi.org/en/insights/prospects-for-aid-in-2023-watershed-moment-or-business-as-usual/.

expected to continue even as inequality widens, and poverty increases. Today, there are growing calls to reform development financing, climate financing, and the whole international financial architecture.

The *Barometer* showed the extent of global concern about poverty and inequality. Along with climate change, people ranked poverty/inequality as the most important issue facing the world. They also ranked poverty/inequality as the challenge with the greatest impact on daily life, ahead of corruption.

Strikingly, 41 percent globally identified economic and social rights as the most important category of rights (ahead of civil and political rights at 25 percent)—and this pattern was replicated in every country except for Bangladesh. The 26 states[7] that have failed to ratify the International Covenant on Economic, Social and Cultural Rights are badly out of step with global opinion.

GRAPHIC 3

WHICH RIGHTS ARE MOST RELEVANT TO YOU? (%)

■ Civil and political
■ Digital
■ Economic and social
■ Environmental

Global Average

41	25	16	9
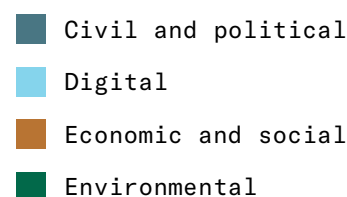
The mandate for economic and social rights is both strong and global—contrary to any notion that they are more resonant in some parts of the world than others. In terms of closing the gap between people's support for human rights in principle and their right to expect that human rights will make an impact on their lives, this is the obvious place to start.

The global trajectory on poverty and inequality is worrying, exacerbated by globally high inflation and the expectations of recessions in many

7   OHCHR, "Ratification of 18 International Human Rights Treaties," n.d., https://indicators.ohchr.org/.

countries. In the *Barometer*, 69 percent of people perceived economic inequality as a bigger challenge now than a year ago. Their concern is well-founded. Extreme poverty increased during the pandemic, for the first time since 1998, but the rate of reduction was already slowing by that stage.[8]

In the context of globalized capitalism, it is not impossible to imagine a future when the gulf between rich and poor becomes almost unbridgeable—with the highly mobile global rich consolidating their control over resources and technologies that underpin society, while the global poor suffer the growing effects of climate breakdown and the ensuing conflict over scarce resources. Such a future would make a mockery of the UDHR's assertion of human equality.

Human rights bring considerable resources to the complex challenge of tackling economic inequality—fulfilling the promise of economic and social rights and creating the conditions for stable and peaceful societies.

The economic and social rights agenda—including the crucial issue of tackling inequality between states—has for decades been championed mainly by lower-income countries, and deprioritized or disregarded by many Global North[9] states whose human rights agenda has become very narrow. Yet, there is a new ambition for meaningful progress in a post-pandemic world facing climate disaster—such as through the Bridgetown 2.0 Initiative[10] and Vulnerable 20 Group.[11] This context presents an important opportunity to reorient the global human rights agenda towards tackling economic inequality.

This has begun to crystallize in the concept of a human rights economy, championed among others by the UN human rights office, OHCHR. It is a framing that has potential. The basic concept is that human rights principles and obligations should be integrated into economic decision-making to yield better outcomes for people and for the planet.[12]

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8   UN Statistics Division, *The Sustainable Development Goals Report 2021*, n.d., https://unstats.un.org/sdgs/report/2021/goal-01/.

9   The terms "Global North" and "Global South" are used as a shorthand for groups of states based on economic status and historical experience that still has bearing on the current global order. However, these terms are highly approximate and obscure considerable diversity.

10   UN Sustainable Development Goals, "With Clock Ticking for the SDGs, UN Chief and Barbados Prime Minister Call for Urgent Action to Transform Broken Global Financial System," April 26, 2023, https://www.un.org/sustainabledevelopment/blog/2023/04/press-release-with-clock-ticking-for-the-sdgs-un-chief-and-barbados-prime-minister-call-for-urgent-action-to-transform-broken-global-financial-system/.

11   "V20," n.d., https://www.v-20.org/.

12   OHCHR, "Leverage Human Rights to Rescue the SDGs," 2023, https://www.ohchr.org/sites/default/files/documents/issues/sdgs/2023/SDG-Summit-2023-OHCHR-key-messages.pdf.

Economic and social rights already provide the basic building blocks, including the principle that each state should work towards the progressive realization of these rights to the "maximum of its available resources."[13] The challenge is to elaborate what this means in practice—and to make it happen.

The first element should be to lend weight to efforts to reform the international financial architecture, with the aim of increasing the fiscal and policy space for lower-income countries to deliver adequately on social security—instead of servicing debt at unsustainable levels or addressing climate shocks.[14] Today, 3.3 billion people live in countries that spend more on interest payments than on education or health.[15] The human rights ecosystem brings strong arguments, ideas, and narrative power to efforts to change this. Encouragingly, the case for reform of the international financial architecture as a pathway to fulfilling economic and social rights was acknowledged in a UN Human Rights Council resolution adopted by consensus in October 2023.[16]

Reforms to climate financing are particularly important, including funding for adaptation and loss and damage, which may eventually dwarf current levels of overseas development assistance even though progress has been relatively slow so far. Estimates of the economic costs of loss and damage in developing countries range from $290 to $580 billion by 2030 and $1 to $1.8 trillion by 2050, vastly outweighing the GDP of many poorer countries.[17]

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13   International Covenant on Economic, Social and Cultural Rights (1966), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights.

14   Bridgetown 2.0 gives an excoriating verdict on the international financial architecture: "[it is] entirely unfit for purpose in a world characterized by unrelenting climate change, increasing systemic risks, extreme inequality, highly integrated financial markets vulnerable to cross-border contagion, and dramatic demographics, technological, economic, and geopolitical changes."

15   UN Conference on Trade and Development, "A World of Debt: A Growing Burden to Global Prosperity," n.d., https://unctad.org/publication/world-of-debt.
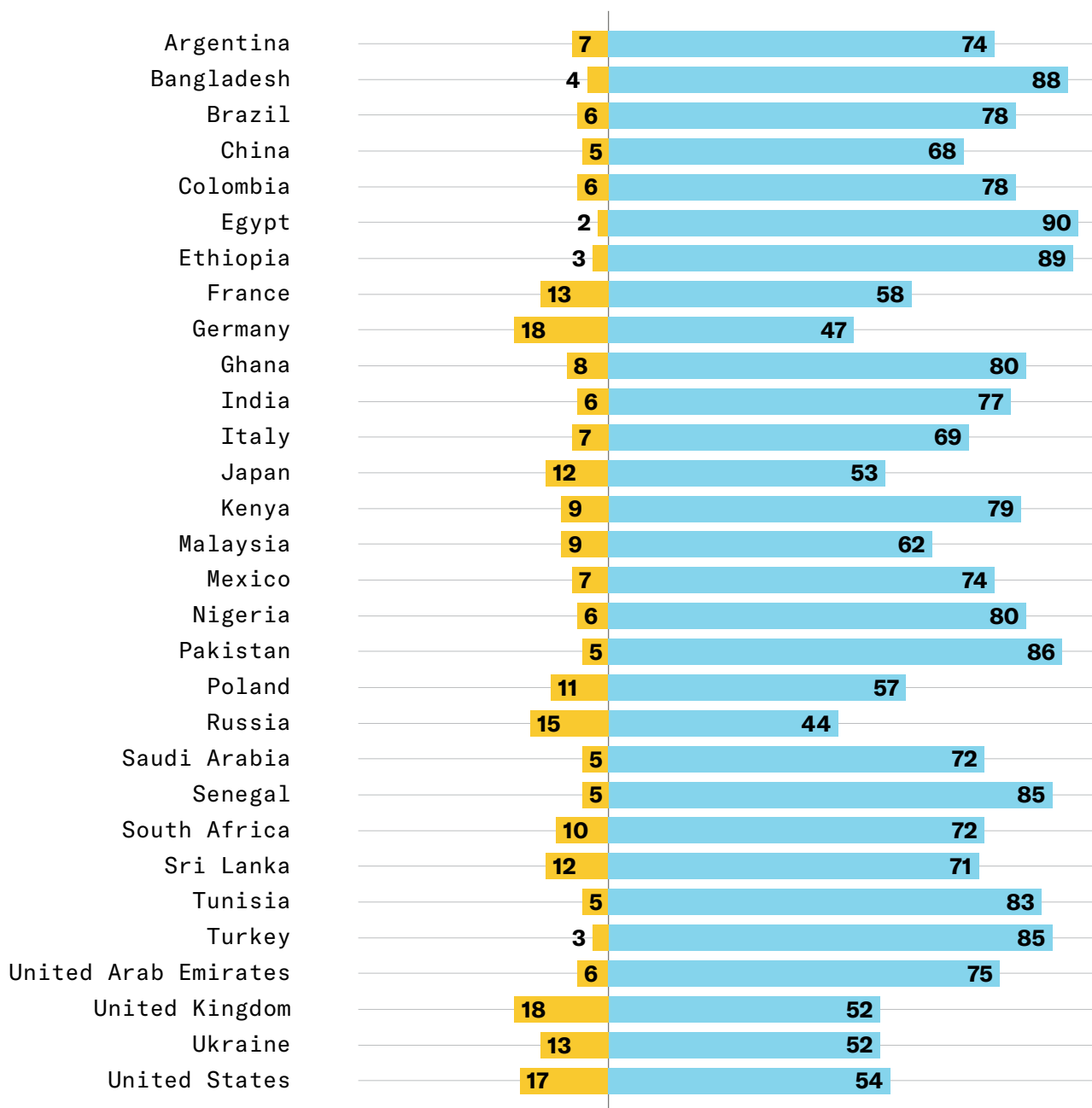
16   A/HRC/RES/54/22. Promoting and Protecting Economic, Social and Cultural Rights within the Context of Addressing Inequalities: Resolution/Adopted by the Human Rights Council on 12 October 12, 2023, https://digitallibrary.un.org/record/4025244?ln=en.

17   London School of Economics, "What Is Climate Change 'Loss and Damage?'" October 28, 2022, https://www.lse.ac.uk/granthaminstitute/explainers/what-is-climate-change-loss-and-damage.

GRAPHIC 4

HIGH-INCOME COUNTRIES SHOULD TAKE THE LEAD ON
Compensating low-income countries for economic losses caused by climate change (%)

■ Disagree ■ Agree

Country	Disagree	Agree
Argentina	7	74
Bangladesh	4	88
Brazil	6	78
China	5	68
Colombia	6	78
Egypt	2	90
Ethiopia	3	89
France	13	58
Germany	18	47
Ghana	8	80
India	6	77
Italy	7	69
Japan	12	53
Kenya	9	79
Malaysia	9	62
Mexico	7	74
Nigeria	6	80
Pakistan	5	86
Poland	11	57
Russia	15	44
Saudi Arabia	5	72
Senegal	5	85
South Africa	10	72
Sri Lanka	12	71
Tunisia	5	83
Turkey	3	85
United Arab Emirates	6	75
United Kingdom	18	52
Ukraine	13	52
United States	17	54

The *Barometer* provided important insights on attitudes in this area. Globally, 71 percent of respondents said that high-income countries should take the lead on "compensating low-income countries for economic losses caused by climate change." Unsurprisingly, there were clear differences between countries based largely on income level—within African countries included in the poll, the level of support ranged from 72 to 90 percent compared with 44 to 69 percent in G7 countries—but in no country did more than 18 percent disagree with the statement.[18]

A second element is to use human rights tools to tackle corruption. In the *Barometer*, a clear majority selected corruption as the most important challenge facing their country. In some countries, including Colombia, Ghana, Mexico, Nigeria, and South Africa, corruption was vastly ahead of any other issue.

Global North governments have often sought to downplay corruption in their own countries—including hosting vast kleptocratic wealth—and focus on corruption in developing states. This has played into the hands of authoritarian governments in the Global South that have used anti-corruption measures to root out activists or political opponents. Corruption is a grotesque and often transnational abuse of power that undermines economic progress and poisons the context in which all human rights can be fulfilled.

A third element of the human rights economy is simply the vision that it can offer in reconceptualizing what a flourishing society looks like. It is well-established that GDP is a crude and inadequate measure for judging the true prosperity of a country, yet its dominance persists. Human rights-based metrics on the conditions for inclusive, peaceful, equitable societies need to come to the fore—including social rights such as education, health, and housing. After all, as the UDHR suggests, it is these things that provide the foundations for freedom, justice, and peace.

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18   There was a similar pattern in attitudes towards high-income countries giving more money to the World Bank.

2. KEEP THE PLANETARY CRISIS AT THE HEART OF THE HUMAN RIGHTS AGENDA

The triple planetary crisis of climate change, pollution, and biodiversity loss is the most severe threat facing humankind, and people know it. The impact of these challenges is likely to be profound in all areas of life, and therefore central to the human rights agenda of the future.

The health of the planet is under serious threat from climate change, pollution, and biodiversity loss. These crises are already having serious impacts on human rights, but in a highly uneven way. In the longer term they will affect the entire global context for all human rights.

For people around the world, climate change is beginning to feel increasingly personal. In the *Barometer*, when asked to choose between six issues as the most important challenge facing the world, more people ranked climate change (alongside poverty/inequality) than any other issue, at 20 percent. But this was not an abstract fear: 16 percent chose climate change as the most important issue affecting

their daily life. Seventy percent were anxious that climate change would affect them next year. The realities of the climate crisis are intruding into people's lived experience.

While climate change often dominates discussion of the planetary crisis, biodiversity loss and wider environmental degradation are equally pressing—including their human rights impacts. UN human rights chief Volker Türk has justifiably lent his support to recognizing ecocide as an international crime.[19]

The interconnections between human rights and the environment have long been championed—including by Indigenous peoples' movements around the world—and the important role of environmental human rights defenders has been well established. The institutional human rights system is catching up, having recognized the right to a clean, healthy and sustainable environment in 2021. Perhaps unsurprisingly, this is an agenda that resonates with younger people—in the *Barometer*, almost one in five respondents aged between 18 and 34 ranked environmental rights as the most important category of rights.

The mandate for environmental rights is there, and is only likely to become stronger over time. But the question remains of what the distinctive contribution of human rights should be in addressing the planetary crisis.

In a general sense, human rights need to be built into both the problem analysis and the solutions. There are already many ways that the planetary crisis is impacting human rights—in areas including the right to life, self-determination, development, health, food, water and sanitation, adequate housing, and cultural rights, with particularly serious impacts for the most vulnerable people.[20] But in the longer term, the consequences are likely to be far-reaching, as whole regions become unlivable, provoking conflict, migration, and political turmoil. Like climate science itself, the human rights chain reactions are impossible to predict beyond a certain point.

So far, the human rights contribution has focused largely on three areas.

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19   OHCHR, "Türk: Human Rights Are Antidote to Prevailing Politics of Distraction, Deception, Indifference and Repression," September 11, 2023, https://www.ohchr.org/en/statements/2023/09/turk-human-rights-are-antidote-prevailing-politics-distraction-deception.

20   OHCHR, "Understanding Human Rights and Climate Change: Submission of the Office of the High Commissioner for Human Rights to the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change," n.d., https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/COP21.pdf.

The first is litigation based on human rights law, which has spread around different parts of the world and already yielded important rulings and precedents. These rulings have an indirect significance too—they strengthen a sense of momentum and belief about the impact of human rights in addressing the climate crisis and create a narrative about different possibilities opening up in future. They offer an important basis for hope and contribute to a virtuous cycle of more action and litigation, as one interviewee suggested.

The second area is the proactive work of applying standards and building political consensus around action to address the planetary crisis. One promising example is the process leading to the Escazú Agreement between states in Latin America, which entered into force in 2021. The agreement included protection for environmental rights defenders and for access to information, as well as acknowledging the rights of future generations. This could provide a model for similar treaties in other regions.

Initiatives of this kind also demonstrate how a rights-based approach can complement what is sometimes seen as a transactional debate around climate finance—by focusing on creating the conditions to protect what is at risk and recover what has been lost. Similarly, human rights offer a language and a framework for addressing non-economic loss and damage—such the loss of territory, cultural heritage, or Indigenous knowledge, and the psychological impacts that they bring—including through the rights set out in the UN Declaration on the Rights of Indigenous Peoples and the area of cultural rights.[21] The loss of cultural heritage is not only a violation of cultural rights; it threatens to deprive us of forms of knowledge, including Indigenous traditions, that should be considered as assets in tackling the climate crisis.

The third important contribution of human rights has been the concept of a just transition—an insistence that in the context of the transitions needed to address the planetary crisis, people who are most at risk from what these transitions entail should be protected from harm. This includes people whose communities have been reliant on fossil fuel industries and whose land is being prospected for rare earth minerals. Public opinion and political consensus are essential for swift action to address the planetary crisis, and the concept of a just transition offers a powerful way to speak about the human impact of disruptive change—including to address the skepticism of those who have much to fear from rapid shifts away from fossil fuels.

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21   Karima Bennoune, "A/75/298. Field of Cultural Rights: Note by the Secretary-General," n.d., https://digitallibrary.un.org/record/3885231?ln=en.

In the future, we will need to draw on human rights in different ways to address the full scope of the planetary crisis—including the related threats of biodiversity loss, water and air pollution, and wider environmental destruction. In doing this, the lens of intersectionality will be crucial, to identify the particular vulnerabilities of particular people—including women, children, Indigenous peoples, and others—and seek to protect them from the risk of compounding injustices. The contribution of human rights should include articulating what good outcomes look like, presenting a vision of the world that is able to deal with the climate crisis and emerge more equitable and peaceful. In a time of endemic cynicism, some idealist vision is an important corrective. It will then be necessary to draw on human rights ideas, laws, tools, and institutions to realize such outcomes to the fullest extent possible. This will require the efforts of the whole human rights ecosystem.

The planetary crisis also calls for more focus on areas of human rights that are new or have been under-appreciated, at least in some parts of the world. One is the concept of a human rights economy that would help governments to build more resilient societies and deal with climate shocks.[22] Another is to make much more space for Indigenous peoples' movements in the mainstream of human rights—including a focus on collective rights. Yet another is to develop the nascent idea of intergenerational rights—that there is a continuous line from our choices to the world that future generations[23] inherit, and that we must therefore consider the temporal as well as the spatial dimension of human rights.

In the longer term, the planetary crisis may challenge us to consider the justification for an anthropocentric view of the world in which humans are uniquely worthy of rights. The coming decades may force us to reinterpret human rights in a context of how we can live in healthy balance with a fragile natural environment.

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22   UDHR article 28, which states that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized," is relevant in this context.

23   In 2024, the UN General Assembly is expected to adopt a Declaration on Future Generations at the Summit of the Future: United Nations, "Our Common Agenda Policy Brief 1: To Think and Act for Future Generations," March 2023, https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-future-generations-en.pdf.

3. EXPOSE THE FAILINGS OF AUTHORITARIAN GOVERNMENT TO DELIVER MORE EQUITABLE ECONOMIC AND SOCIAL OUTCOMES

Human rights are under severe threat from authoritarianism —amid weakening support for democracy among young people around the world. But authoritarians will not satisfy people's hunger for a more equitable and just world, and the human rights ecosystem needs to make this case diligently.

The rise of authoritarian government in many parts of the world poses a stark threat to the future of human rights.[24] Confronting authoritarianism needs to remain a central focus for the human rights ecosystem.

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24   CIVICUS, "People Power Under Attack 2022," https://monitor.civicus.org/globalfindings/.

But the *Barometer* offered both positive and negative responses in this area. Probably its most alarming finding was the lower support for democracy and higher support for authoritarianism among younger people. Among people aged 18 to 34, only 57 percent expressed a preference for democracy over other forms of government, compared with 71 percent for people aged 56 and above. Thirty-five percent of the youngest age category had a positive view of a strong leader who does not bother with parliaments or elections, compared with 26 percent of those from the older bracket.
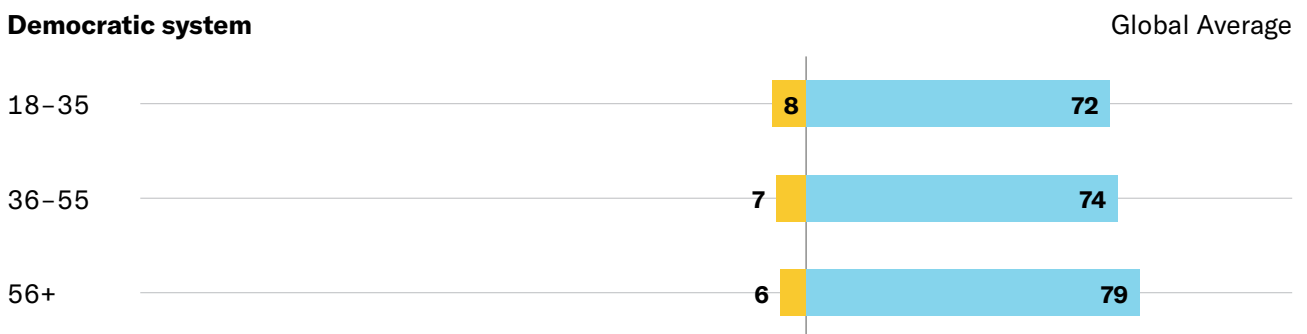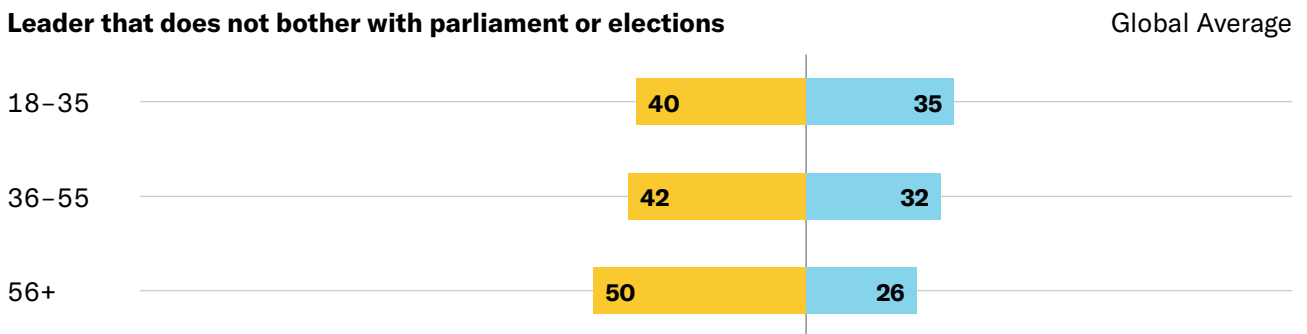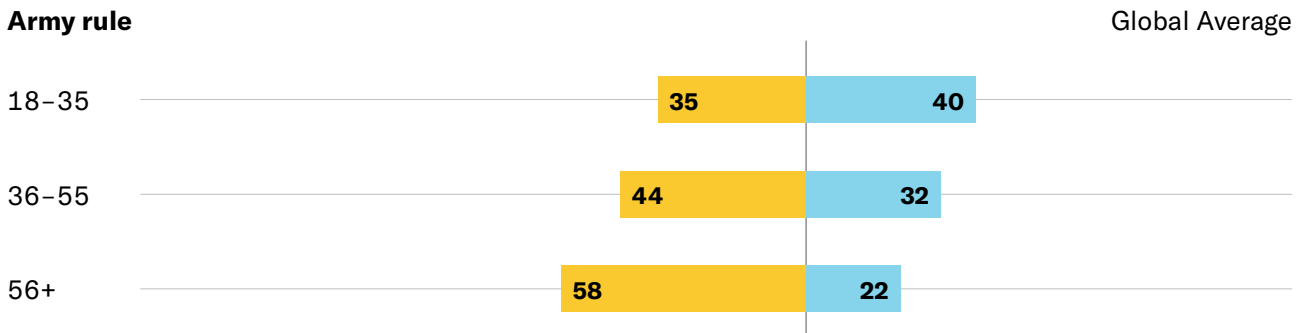
This constitutes a serious warning. However, it does not necessarily indicate that younger people are ideologically opposed to democracy or to human rights. For example, they also expressed higher levels of support for the UDHR than older people. But this does suggest that many younger people may be experiencing deep disillusionment with a system that does not work effectively for them—and that they may be looking for systemic change. It also shows that support for democracy cannot be taken for granted. The quality of democracy itself is always at risk of corroding, as one interviewee stressed, and it must justify itself afresh in each generation.

There are two distinct elements to the human rights case against authoritarianism. The first and most important is that authoritarian government is typically based on the direct repression of human rights—including restrictions on civic freedoms, suppression of a free media, arbitrary detention of political opponents, attacks on human rights defenders and civil society organizations, and more. Authoritarian government is by nature antithetical to civil and political rights.
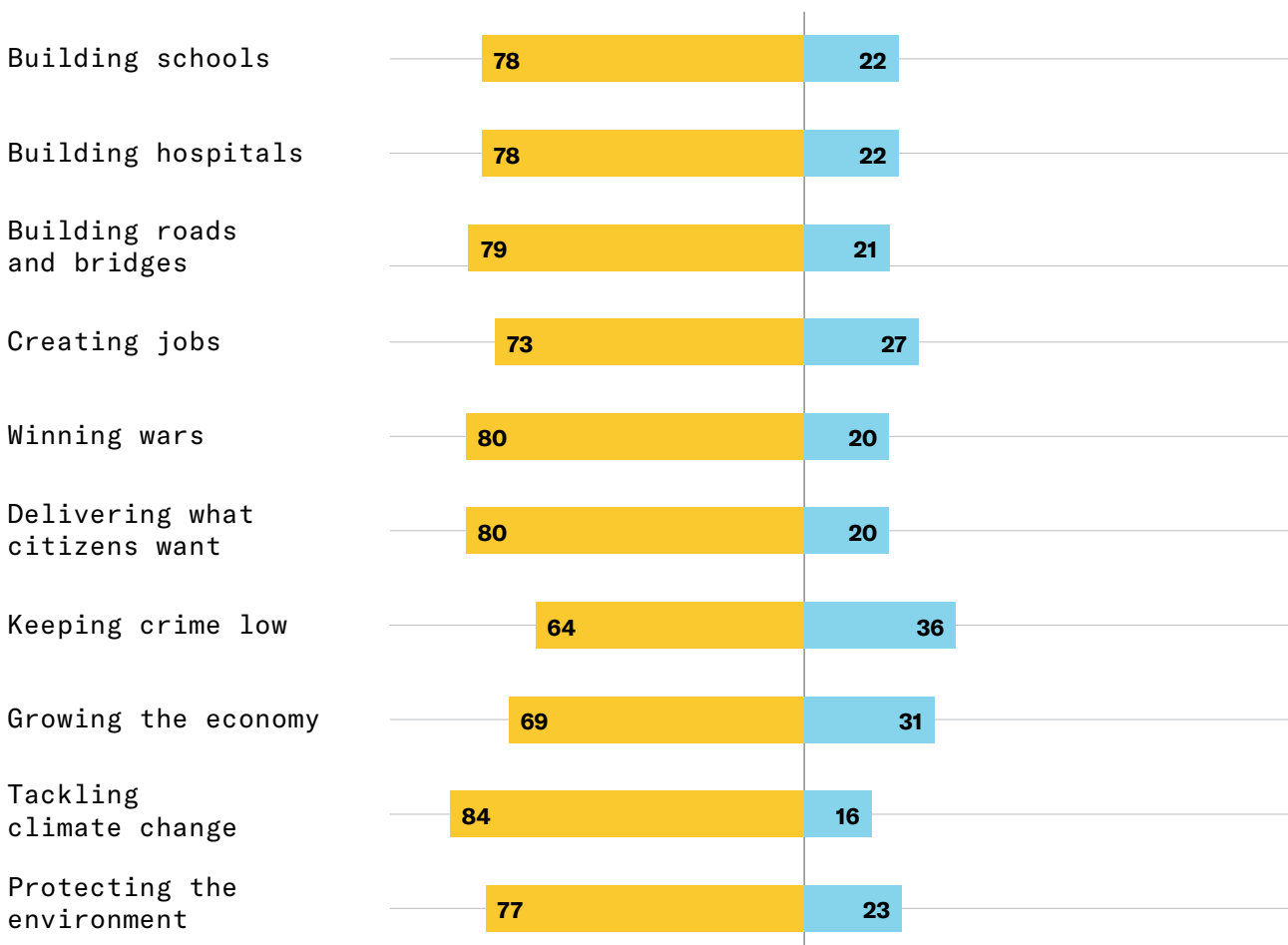
GRAPHIC 5

SUPPORT FOR... (%)

■ Disagree ■ Agree

Army rule Global Average

	Disagree	Agree
18–35	35	40
36–55	44	32
56+	58	22

Leader that does not bother with parliament or elections Global Average

	Disagree	Agree
18–35	40	35
36–55	42	32
56+	50	26

Democratic system Global Average

	Disagree	Agree
18–35	8	72
36–55	7	74
56+	6	79

However, the second element is that authoritarian governments are simply not worthy of trust to deliver improvements to people's lives, nor to foster the international cooperation required to address challenges that are global in nature. The *Barometer* showed a striking lack of faith in authoritarian governments: faced with a set of indicators which ranged across environmental protection, building infrastructure, strengthening the economy, and security, people overwhelmingly placed higher faith in democratic countries than authoritarian countries to deliver. Meanwhile, 66 percent of people believed that democracies contribute more to global cooperation. Given the transboundary nature of people's concerns, the verdict was clear—authoritarian government is a poor vehicle for action to improve the state of the world.

GRAPHIC 6

AUTHORITARIAN COUNTRIES ARE BETTER AT... (%)

Disagree   Agree

Global Average

	Disagree	Agree
Building schools	78	22
Building hospitals	78	22
Building roads and bridges	79	21
Creating jobs	73	27
Winning wars	80	20
Delivering what citizens want	80	20
Keeping crime low	64	36
Growing the economy	69	31
Tackling climate change	84	16
Protecting the environment	77	23

Taken together, these points offer a powerful repudiation of authoritarian government. Yet the fact remains that it is on the rise, including in countries with electoral systems, and has proven resilient to challenge. The human rights ecosystem needs to be creative and flexible in how it approaches this.

For one, it is important to understand and engage with the cultural traditions and values to which authoritarian (and especially populist) politicians often appeal. While they do so to divide people and build barriers, human rights actors should also appeal to cultural values—but in an inclusive way. As one interviewee said, "We need to engage in the politics of persuasion again," and not rely on technocratic arguments and intellectual supremacy. The somewhat lazy pairing of human rights and democracy by some countries in the Global North also risks underplaying human rights harms within democracies or caused by democratically elected governments.

Additionally, it is important to look for success stories, learn lessons, and share them widely. The task of confronting repressive authoritarianism is at least partly about being ready to capitalize on the moment of opportunity for change—whenever it comes.

4. DEFEND CIVIC ENGAGEMENT RELENTLESSLY AS A CONDITION FOR HUMAN RIGHTS PROGRESS

Probably the single most important condition for protecting human rights in the future is a strong culture of civic engagement. Creating the right conditions for a diverse and effective civil society is an urgent human rights imperative.

Strong civic engagement is an essential condition for achieving human rights progress. It is almost impossible to envisage meaningful and sustainable progress on any human rights issue without civil society in its broadest sense playing a central role.

According to the *Barometer*, between 40 and 44 percent of people were prepared to put faith in international institutions, governments, civil society, and social movements as drivers of human rights progress. The qualified level of support perhaps reflected a lack of faith overall in the human rights system to deliver, but also suggested an appreciation of the broad span of actors engaged in the human rights ecosystem. An important question for the future of human rights is how to strengthen the efficacy of these actors, create the conditions for their success, and improve the connections and interfaces between them.

The context is not promising. Civil society—including social movements and NGOs—faces increasing hostility in many countries around the world, severely imperiling its work in areas from service delivery to human rights monitoring and creating political pressure for change. The barriers civil society faces are many, including national laws and local harassment, elimination of funding, and serious reprisals offline and online. We cannot simply take the continuation of civil society for granted but must fight for it. Strengthening protection for civil society, particularly groups and movements operating in authoritarian or dangerous contexts, should remain a huge human rights priority for the future.

But it is also important to recognize the gulf that often exists between the professionalized human rights sector and the other parts of the ecosystem—including social movements that often come together around specific crises and may be temporary in nature. The idea of human rights, at its most fundamental, is about people having recourse against the abuse of power. Yet, as one interviewee stressed, the system that has been created means that the least powerful are often the least likely to be present in the forums where human rights are discussed and decisions are made. Meanwhile, more states are taking steps to restrict disruptive forms of protest or to shut out the most critical voices.

This raises the question of what kind of civic space we want to foster—whether it is oriented to those who know how to play by the rules, or whether it can accommodate those who seek to overturn the unjust structures of power and hierarchy. A sanitized version of civic space in which governments set narrow parameters for acceptable forms of dissent is a dangerous prospect for the future.

One clear imperative for the future is to improve the interface between the formal institutions and often-ephemeral social movements. This does not mean searching for synthesis between all the different parts of the human rights ecosystem. But it is essential that UN bodies and NGOs do not only engage the professionalized human rights sector. As one interviewee argued, there is a constant danger of losing sight of the visceral character of human rights, which are about affirming justice based on a conviction of the equal value of every human and their aspirations to live in dignity and freedom. When this is distilled into a professional discipline, it can become sterile and bureaucratic and lose the connection with real people's lives.

The onus for fostering a broad human rights ecosystem rests with institutions, including the UN. Its leaders should set an example—including facilitating access to the multilateral human rights conversation, reacting strongly against reprisals for those who speak out, championing a digital environment to maximize participation, and providing infrastructure support for a diverse human rights movement. There are calls from civil society for the UN secretary-general to appoint a civil society envoy, which could help to create momentum around these ideas.

5. CREATE CONDITIONS FOR THE WIDEST POSSIBLE PARTICIPATION BY STATES IN THE MULTILATERAL HUMAN RIGHTS SYSTEM

Some of the most powerful and creative human rights leadership is coming from smaller and lower-income states, despite the pressures of political polarization and the persistence of double standards. Powerful and wealthy states should create space for them and support their leadership.

Global politics is often seen through a lens of competition between the United States and China. But global power dynamics are much more complex. This is arguably now a "G21 world"[25] in which a growing number of mid-sized states from different regions have influence and agendas to pursue and are prepared to take initiative. The decision of the UN General Assembly in April 2022 to hold a debate each time a veto was cast in the UN Security Council was perhaps indicative of deeper shifts in the global distribution of power.

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25   In September 2023, the African Union joined what was previously the G20.

Within the multilateral system—including the UN human rights system—many diplomats lament rising polarization and the pressure to fall in line with either U.S. or Chinese leadership. But paradoxically, this has created a context in which smaller states are now pursuing a multitude of creative agendas on pressing global issues. African states have taken a fresh leadership role on racism and the legacies of slavery and colonialism,[26] Vanuatu and other small island states have seized the initiative on climate change,[27] and Barbados has put forth bold proposals on reform of the international financial system. Such states are playing influential roles that belie their political heft.

States looking to address issues of global inequity through the human rights system—often on the basis of their own historical and current experience—deserve to be backed by more powerful states including in the Global North. For example, African states have long sought to address inequality between countries through the human rights system. Article 28 of the UDHR states that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." Countries in the Global North should work with them on practical ways to implement article 28—including in areas such as addressing economic inequality and providing climate finance.

This will take political courage from the leaders of countries in the Global North where increased cooperation with countries in the Global South may be seen by some domestic constituencies as giving up power. However, the *Barometer* showed there is appetite for change, even in richer countries. Around the world, 61 percent of respondents agreed that lower-income countries should have a greater say in global decision-making, and 57 percent expressed support for the African Union joining the G20. Support was lower within the G7 countries that were polled, but still significant.

A focus on building a more equitable and inclusive international order would provide a way to address two problematic areas in human rights discourse. The first is the issue of selectivity, perceived and actual, in the human rights agenda pursued by many powerful countries in the Global North.

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26 A/HRC/RES/47/21. Promotion and Protection of the Human Rights and Fundamental Freedoms of Africans and of People of African Descent against Excessive Use of Force and Other Human Rights Violations by Law Enforcement Officers through Transformative Change for Racial Justice and Equality: Resolution Adopted by the Human Rights Council on July 13 2021, https://digitallibrary.un.org/record/3937802.

27 International Court of Justice, "Request for Advisory Opinion: Obligations of States in Respect of Climate Change," April 12, 2023, https://www.icj-cij.org/case/187.

Throughout the history of human rights, there have been abundant examples of bias in the application of rights by the most powerful states, including notably different responses to atrocity crimes as well as a failure to treat their own human rights abuses seriously. It is also the case that some Global South leaders use the charge of selectivity, along with arguments of cultural relativism, to deflect from their own failings and undermine human rights, often ignoring civil society and minority communities in their own countries. A more inclusive approach to human rights that gives voice not only to a broader range of governments but also to the diverse groups within their populations would go some way to support the more consistent application of human rights laws and norms.

The second is the perpetuation of binaries or hierarchies of rights that undermine the indivisibility of civil, political, economic, social, and cultural rights, and pit individual against collective rights. These are distortions of human rights. They have have roots in different perceptions of the past century and the purpose of the multilateral system, which is viewed in the Global North largely through the prism of two world wars and the Cold War, and in many Global South countries in terms of empire and post-empire.

Many Global North states have now defaulted to a narrow conception of human rights and are reluctant or unwilling to accept agendas from the Global South, such as the right to development which was originally advanced by African states as a way to address article 28. Although the right to development is a difficult fit for human rights as the right rests with the state rather than individuals, it nonetheless reflects an important agenda for many lower-income countries and richer countries should be willing to engage.

We should not be naïve about human rights diplomacy: countries from all parts of the world will continue to exploit the human rights system in pursuit of wider political goals. But a more equitable conversation is a necessary condition for a more varied agenda reflecting the priorities of different parts of the world—and that would be a good sign for the future of human rights.

6. WIDEN THE OPTIONS FOR ACCOUNTABILITY, INCLUDING TARGETED SANCTIONS

Magnitsky sanctions have become an important and direct form of accountability for individual perpetrators of human rights violations, where legal accountability has often been lacking. However, countries imposing such sanctions should develop shared standards to ensure they are transparent and respect the human rights values that they are intended to promote.

Ideally, legal accountability should be among the principal offerings of the human rights system to victims of violations. But not even the most ardent supporter of human rights would argue that this is the reality— at least, not often enough. Language sometimes obscures the highly political nature of the difficult struggle for accountability: there is no "international community" to step in when domestic remedies fail.

The extreme difficulties in securing accountability need to be acknowledged openly without damning the entire human rights system. There is nothing surprising about how difficult it is, and that it depends on political will. Accountability should rightly continue to be among the highest aspirations of the human rights ecosystem in which bodies such as the International Criminal Court and regional courts are important.

Against this background, widening the range of options for accountability is essential to raise the cost for perpetrators of human rights violations. The increased use of universal jurisdiction has been one important development. Another has been the recent and rapid expansion of so-called Magnitsky regimes of individual targeted sanctions during the past decade, an important innovation encouraged by many human rights organizations. However, when it comes to these sanctions, it is important to proceed with caution.

Magnitsky sanctions bear the name of Russian tax lawyer Sergei Magnitsky.[28] In 2012, the U.S. passed a law authorizing individual travel bans and asset freezes on certain Russian officials held to be responsible for human rights violations. The law was then expanded to apply beyond Russia alone, and similar legislation has been adopted in numerous countries as well as the EU—almost all of them higher-income countries.

Magnitsky sanctions create a direct link between violations and consequences for the perpetrator. They offer the possibility of quick and decisive action by states against individuals. As one interviewee stressed, they have brought something new and dynamic to the toolbox of human rights advocacy—and have been taken up enthusiastically by civil society organizations. But these same advantages have their downsides. There is a risk that Magnitsky sanctions largely serve the interests of sanctions-issuing states as a "feel-good measure" while little is still known about their effectiveness as a deterrent or a form of retributive justice.

The signaling element is important. Magnitsky sanctions can send a message that human rights violations bring consequences. But dangers lurk here as well. Almost inevitably, the names and the timing of sanctions designations will involve political choices and may be somewhat arbitrary. Once sanctioned, the designated individual has no practical means of recourse, and may not even know the reason for their sanctioning and whether it meets the threshold of a recognizable international crime. Without due process, there is a risk that sanctions are seen to undermine

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28   Sergei Magnitsky died in 2009 after exposing a huge tax fraud allegedly implicating high-level officials in Russia.

the very values that they purport to promote. And to the extent that they can be applied and removed in an opaque way, they are also open to charges of being politically driven and unaccountable, especially when applied by states that themselves harbor kleptocratic wealth.[29]

The *Barometer* showed that there is strong support in principle for the kind of sanctions that Magnitsky regimes can impose. Globally, 63 percent agreed that tools such as travel bans and asset freezes are useful ways to bring human rights violators—with consistent support across almost all countries. This is a deep well of support. However, it is also important to keep in mind that 42 percent agreed that human rights laws are used by Western countries to punish developing countries. Magnitsky sanctions are wide open to criticism as being a way for Global North countries unilaterally to judge and punish people in the Global South.

Magnitsky sanctions can be important and useful as an approximation of accountability in a context where legal accountability remains extremely difficult to achieve. But to ensure that the sanctions meet this ambition, sanctions-issuing countries should acknowledge the criticisms and address them, instead of leaving it to those at the receiving end.[30] A set of shared standards would be a useful step forward, including on how to make decisions around designations and how to lift them, improving alignment between sanctions-issuing states, and ensuring a level of transparency and accountability in the process. It is also important that sanctions are, and are seen to be, applied more evenly around the world. They also need to be used against perpetrators and enablers of human rights violations in Global North countries.

The main risks around Magnitsky sanctions derive from the relationship that they imply between human rights and power. Human rights need bite, but they can become dangerous when used as an instrument of the powerful against those with less power. At present, it is almost inconceivable that a military general from a G7 country, for example, would be sanctioned for human rights violations in a poor, conflict-affected state. Magnitsky sanctions deserve support as a useful tool—but such support should not be blind or unconditional.

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29   David Griffiths, *Human Rights Diplomacy: Navigating an Era of Polarization*, Royal Institute of International Affairs, April 19, 2023, https://www.chathamhouse.org/2023/04/human-rights-diplomacy.

30   Human Rights First, Open Society Foundations, Raoul Wallenberg Centre for Human Rights, and Redress, *Multilateral Magnitsky Sanctions at Five Years*, November 2022, https://humanrightsfirst.org/wp-content/uploads/2022/11/Multilateral-Magnitsky-Sanctions-at-Five-Years_November-2022.pdf.

7. RAISE THE BAR ON BUSINESS AND HUMAN RIGHTS

The largest corporations are major geopolitical actors with significant influence. The extent to which some companies dominate aspects of our life means that they are increasingly part of the social contract. The next phase for human rights should grapple with this.

Over the past 25 years, the field of business and human rights has brought an important focus to the responsibilities of corporate actors, notably through the UN Guiding Principles on Business and Human Rights. This is a soft-law instrument based on a protect-respect-remedy framework, in which states have binding obligations and companies have responsibilities.

The UN Guiding Principles serve an important purpose. But they alone are not sufficient to the task in a world where corporations are so vast and powerful. The largest five companies in the world—Apple, Microsoft, Saudi Aramco, Alphabet, and Amazon—have a market capitalization in 2023 which ranges from $1 trillion to $2.75 trillion. In 2022, Apple posted pre-tax earnings of $394 billion, roughly equivalent to the GDP of Denmark.[31] Dozens of corporations reported revenue that would place them inside the top 25 percent of richest countries in the world.

The influence of corporations is far more than their financial size—they are deeply relevant to almost every issue covered by this paper. Tech companies shape the information ecosystem and have an instrumental role in the functioning of democracy. The energy sector is central to the planetary crisis. The financial and tech sectors have an enormous impact on the structures and systems that perpetuate inequality. Private sector companies play a significant role in the supply of surveillance and security technologies that underpin authoritarian governments. For better and for worse, corporations are profoundly entangled in each of these issues which are crucial to the human rights agenda.

In such a world, it seems increasingly untenable to treat vast multinational corporations as a sidecar to the human rights system, relying solely on states to regulate them effectively. Their heft and influence are simply too great. Efforts to create a legally binding treaty on business and human rights have been underway since 2014, but it is a politically complex process that will be difficult to conclude given the interests involved.

It is important to acknowledge the sheer breadth of views on corporations that exist within the human rights ecosystem. To some, corporations are irredeemably self-interested, and the logic of profit overrides any potential that exists for them to make a positive impact on human rights. The only option is hard-nosed regulation and litigation to restrain their worst behavior. Corporations are the backbone of a global capitalist system that will never allow structural inequalities to be addressed or enable any radical transformations in society. There is particularly deep distrust (and disgust) directed at companies in the fossil fuel industry, whose grotesque history of manipulating scientific consensus and public opinion for the sake of profit at all costs is castigated as unforgivable.

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31   Statista, "Apple's Global Revenue from 1st Quarter 2005 to 4th Quarter 2023," n.d., https://www.statista.com/statistics/263426/apples-global-revenue-since-1st-quarter-2005/.

To others, corporations are an inescapable part of life with the potential to do good as well as harm and should be engaged as such—especially as most businesses benefit from the same conditions that create positive civic space, including strong institutions and the rule of law. They are staffed by humans with complex motivations, and a majority are not engaged in actively harmful activities. Many have the potential to expand the conditions for peace and prosperity in any society, even the most fragile. To engage businesses primarily as bad actors is not to deal with the world as it is, but simply limits the possibilities for achieving change.

Notwithstanding this breadth of views, the expectations of businesses from investors and consumers to play a responsible role in the world are undoubtedly rising. One of the ways this has been articulated is in the idea of "geopolitical corporate responsibility"—raising the bar of expectations on companies to play an active role in fostering a rules-based system from which they benefit.[32]
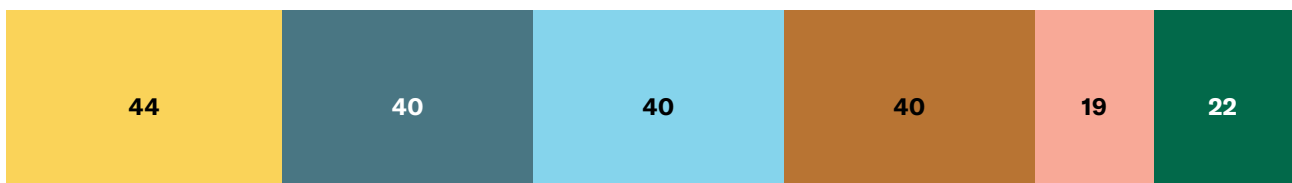
The *Barometer* reflected some ambivalence about the role of corporations in relation to human rights. Asked which actors are the main drivers of human rights progress, 19 percent of people selected corporations—lower than any other category, but still significant. Among people under 35, the figure rose to 22 percent. This may reflect a sense of the global influence of corporations and a measure of expectation that corporations act responsibly. Forty percent of people expressed trust in business leaders to work in their best interests—more than national politicians at 30 percent.

GRAPHIC 7

DRIVERS OF HUMAN RIGHTS PROGRESS (%)

■ Social movements   ■ International bodies

■ Civil society   ■ Corporations

■ Governments

■ Regional bodies

Global Average

44	40	40	40	19	22

32   Bennett Freeman, "Geopolitical Corporate Responsibility Can Drive Change," July 26, 2022, https://www.chathamhouse.org/2022/07/geopolitical-corporate-responsibility-can-drive-change.

To businesses, this should not be an invitation to complacency but rather to step up. For those who are prepared to embrace the expectation, there is an opportunity to demonstrate a commitment to being responsible geopolitical actors. There are good examples of companies taking culturally appropriate remediation measures where they have contributed to human rights harms[33]—but there is potential for corporations to go further than the protect-respect-remedy framework by actively seeking to make a positive impact on human rights. Businesses can play such a role across a multitude of areas, from labor rights to refugee integration to the energy transition.

However, voluntary action is a small part of the equation—particularly in the urgent context of tackling the planetary crisis and harnessing AI while mitigating harmful impacts. We also need a tighter regime of regulation, and the involvement of a wider range of stakeholders in holding corporations accountable. As corporations continue to grow in influence, coherent global regulation—including tax policy and transparency on beneficial ownership—will become ever more important and will require multiple different actors to play their part. States and bodies such as the EU need to lead on human rights due diligence legislation and tighten regulation across key areas, while investors can raise the cost of companies abusing strategic lawsuits against public participation (SLAPPs) to intimidate critics.[34]

This is a field which calls for significantly increased attention. The past 25 years have seen some good progress; in the next 25 years the role of corporations should be squarely in the sights of human rights actors with a view to pushing them to raise their game significantly.

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33 Institute for Human Rights and Business, "Remediation and Operational-Level Grievance Mechanisms," n.d., https://www.ihrb.org/uploads/reports/EC-Guide_OG-12_Part-3_Section-VI.pdf

34 Harriet Moynihan, "Investors and the ESG Blind Spot," Royal Institute of International Affairs, July 3, 2023, https://www.chathamhouse.org/2023/07/investors-and-esg-blind-spot/conclusion-and-recommendations.

8. TAP INTO HUMAN SOLIDARITY TO RETHINK MIGRATION

The world needs to implement a fair deal for refugees and forcibly displaced people, based on principles of solidarity and fair sharing of responsibility. This should include the development of a viable framework to manage migration driven by climate change and its effects.

The number of people being forced to flee their homes is steadily on the rise, driven in large part by political conflict and instability. Statistics from the UN refugee agency, the UNHCR, showed that 108.4 million people were displaced at the end of 2022 as a result of "persecution, conflict, violence, human rights violations or events seriously disturbing public order."[35]

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35   UNHCR, *Global Trends: Forced Displacement in 2022*, June 2023, https://www.unhcr.org/global-trends.

This marked an increase of 19 million from 2021, the highest annual rise the UNHCR had ever recorded, largely driven by people fleeing conflict in Ukraine as well as the crises in Afghanistan and Venezuela. But there is a large and growing new challenge which will require significantly more attention—that is, displacement caused by climate change.

The extent to which migration has been weaponized by populist politicians in wealthy countries is grossly out of proportion to the problem. Public attitudes in many countries reflect this. In the *Barometer*, 66 percent of people globally supported opening more safe and legal routes for refugees. Ninety-two percent of people disagreed that governments could remove the rights of refugees. Only 7 percent identified migration as the most important challenge facing their country, with migration ranking lowest in a list of six.

The mistreatment of refugees by rich countries—including pushbacks and attempts to outsource refugee obligations—has become a rallying cry for those who champion values of compassion and humanity. Conversely, in some European countries the *Barometer* revealed sizeable minorities who did see migration as the single most important issue facing their country and were opposed to opening more safe and legal routes for refugees.

In the longer term, it will be important to take some of the political heat out of this issue in order to reach viable solutions—which means finding ways to reduce the political rewards for those who take extreme positions against migration. To some extent, the plight of refugees and displaced persons is a technical and logistical problem to solve, and it would be an achievable one if the political will were there—international cooperation and fair responsibility sharing must be the way forward. But there are also strong emotional dimensions. Attitudes towards immigration go to the heart of cultural beliefs around identity, inclusion, and belonging. Public generosity is an important resource and the success of community sponsorship schemes for refugees in some countries is testament to this.[36] Community- and solidarity-based responses should be an important part of the future.

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36   UNHCR UK, "Community Sponsorship," n.d., https://www.unhcr.org/uk/what-we-do/build-better-futures/long-term-solutions/local-integration/community-sponsorship.

The importance of depoliticizing migration is rendered especially urgent by the likely future challenge of addressing climate-induced migration that falls outside the scope of current definitions and institutions. There has been some thinking about accommodating this within the existing system—it was referenced in the 2018 Global Compact on Refugees and both the International Organization for Migration and the UNHCR have grappled with the issue.

Whatever may eventually transpire, we need to prepare for a future of vastly increased climate disruption. While sudden-onset events such as storms and flooding will cause mass displacement, the slower effects of desertification, soil salination, dwindling water supplies, more frequent intense heat, and rising sea levels will be slower and more insidious—with the potential to create conflict and render life increasingly intolerable for millions of people at a time. It is, of course, the poorest people who will have the greatest exposure and the least resilience to these threats.

This points towards a future which could explode many of our preconceptions and put new pressures on the existing global order. One expression of this is the new constitution recently adopted by Tuvalu, which includes a definition of statehood that exists independently of the physical territory:

> *"The State of Tuvalu within its historical, cultural and legal framework shall remain in perpetuity in the future, notwithstanding the impacts of climate change or other causes resulting in loss to the physical territory of Tuvalu."*[37]

This is a bold vision for nationhood in the future. It suggests that climate migration may ultimately need to be considered through the lens of self-determination, throwing open major questions about the relationships between people, nationhood, and territory.

This in turn may reopen wounds from the ending of empires and the borders put in place, which now, in the context of the climate emergency, may delineate whether or not life is plausible in a particular territory. These are profound questions and understandably the short-term focus remains on addressing the immediate crises. But it would be a mistake not to look ahead to a future in which whole territories have become uninhabitable, and to find ways of grappling with this based on principles of self-determination and our common inheritance of the planet we call home.

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37   The Constitution of Tuvalu Bill 2022, n.d., https://dfa.gov.tv/wp-content/uploads/2022/12/Tuvalu-Constitutional-Bill-.pdf.

In this context, it will be important for the human rights system to reimagine how to address climate-induced migration. This could include a new legal regime alongside the 1951 Refugee Convention, to accommodate different forms of forced displacement. Any such process is likely to be highly complex and fraught with political challenges, and would need to be undertaken with great care. But the *Barometer* shows there is a measure of goodwill for taking on this task—perhaps more than we had realized.

9. GET AHEAD OF THE CURVE ON TECHNOLOGY

Setting the right direction for AI is one of the great strategic challenges of our time. Both the vision and the ongoing regulation should be deeply influenced by human rights.

Like the planetary crisis, technological change looms large for the future of humankind, and therefore also for the future of human rights. Societal infrastructure is increasingly digital, and technology mediates interactions between people. Six of the seven largest companies in the world are U.S. tech firms, and their influence is increasingly ubiquitous.[38]

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38   Statista, "The 100 Largest Companies in the World by Market Capitalization in 2023," n.d., https://www.statista.com/statistics/263264/top-companies-in-the-world-by-market-capitalization/.

The *Barometer* showed that 9 percent of respondents globally think digital rights are the most important category of rights for them and their communities. Among people aged 18 to 34, the figure rose to 12 percent—less than for other categories of rights, though still significant. Given that this age group also reported less favorable attitudes toward democracy, their perceptions of the links between technology and democracy may merit further inquiry.

Looking at the role of technology in the future, AI looms largest of all—for good and ill. In the global scramble to build a regulatory framework, it is not clear that governments, tech companies, or UN bodies are yet clear on what needs to be regulated and how this could be enforced.[39] This is precisely the stage at which voices from the human rights ecosystem need to be heard.

Human rights interventions in the AI regulation debate should focus on both process and substance. It is likely that advances in AI will accentuate inequality, bringing huge dividends to the rich and the biggest downsides for those who wield the least power. In terms of the formative processes of establishing AI regulation, therefore, a human rights approach calls for inclusivity—ensuring that a diversity of voices is able not only to participate in discussions but have a meaningful impact on their outcomes.[40]

Ironically, the multitude of different forums in which AI is discussed is itself a barrier to inclusivity, because under-resourced civil society actors struggle to engage across all of them, as one interviewee highlighted. The UN secretary-general is seeking to align efforts—he has put together a high-level advisory board on AI and backed the adoption of a Global Digital Compact. Others believe that the solution lies outside the confines of the UN, which may not lend itself to the multistakeholder approach required. One interviewee suggested the Venice Commission[41] could be a potential model.

39   *The Economist,* "The World Wants to Regulate AI, But Does Not Quite Know How," October 24, 2023, https://www.economist.com/business/2023/10/24/the-world-wants-to-regulate-ai-but-does-not-quite-know-how.

40   The Open Society Foundations and other funders have launched a new initiative in this area, https://www.opensocietyfoundations.org/newsroom/open-society-and-other-funders-launch-new-initiative-to-ensure-ai-advances-the-public-interest.

41   "Venice Commission," n.d., https://www.venice.coe.int/webforms/events/.

The substantive intervention of human rights in AI regulation can be broken down into two parts. For one, human rights should be an important resource in the ethics conversation, particularly in setting a vision and direction for what we expect AI to deliver for humans in the future. As a set of applied ethics drawn from many different cultural traditions, in which there has been much careful consideration of how to balance competing considerations, human rights have much to offer here.

For the other, human rights concepts offer a specific legal framework that can guide and place limits on the ongoing development of AI. Human rights analysis can bring attention to present risks and instances of abuse—from algorithmic bias to the potential for strengthening the state architecture of repression—and contribute to more speculative discussion about future impacts of AI, such as its implications for justice systems or for war. Setting the right course in response to current challenges is likely to help address different challenges in the future.

More broadly, the growing sophistication of technology is challenging some of the fundamentals on which both human rights and democracy are based—including even the notion of human autonomy and the possibility of making decisions free from unyielding influence and manipulation. Article 18 of the UDHR (and correspondingly the International Covenant on Civil and Political Rights) concerns the right to "freedom of thought, conscience and religion"—yet it is only recently that freedom of thought has become a topic of serious discussion. In 2021, the then UN special rapporteur on the right to freedom of religion or belief, Ahmed Shaheed, wrote what was "the first attempt to comprehensively articulate the right's content and scope" in the UN system.[42]

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42   Ahmed Shaheed, A/76/380. Freedom of Religion or Belief: Note/by the Secretary-General, October 5, 2021, https://digitallibrary.un.org/record/3945858?ln=en.

However, freedom of thought is perhaps now an idea whose time has fully arrived. The need to protect the human mind from unprecedented intrusions enabled by technology is emerging as a clear human rights priority. The scholar Nita Farahany has recently made the case for the development of a new right to "cognitive liberty," bringing together the rights to privacy, individual self-determination, and freedom of thought.[43] As technology becomes more sophisticated and the boundaries begin to blur between what is human and what is machine, one interviewee suggested that we may also have to pay close attention to the attribution of rights.

Just as the planetary crisis will force us to rethink human flourishing in relation to our natural environment, so we will need to think carefully about the relationship that we want with our technological environment. This is a conversation that needs philosophers and technologists, psychologists, and lawyers—but human rights should be an integral part of it.

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43   Nita A. Farahany, *The Battle for Your Brain: Defending the Right to Think Freely in the Age of Neurotechnology* (New York: St. Martin's Press, 2023).

10. FUND HUMAN RIGHTS PROPERLY

The UN human rights system is grossly underfunded relative to its status as one of the three pillars of the UN. The UDHR anniversary is an opportunity for states and private donors to scale up resourcing for human rights— not only the OHCHR but the broader ecosystem.

If the UDHR anniversary offers an opportunity to re-energize human rights, this needs to be backed with resources.

Within the UN system, the human rights institutions are severely under-resourced relative to other parts of the UN. More than 93 percent of the regular budget goes to the other two pillars—peace and security, and development. The UN human rights office, the OHCHR, receives around 3 percent of the regular budget. Sixty percent of the OHCHR's budget comes from additional contributions.

The argument for boosting human rights funding is strong. It is important to remember the high level of global support for human rights as a force for good in the world—72 percent, according to the *Barometer*. But the business case for investing in human rights protection is deeply rooted in the importance of human rights for the prevention of conflict or repression. Putting adequate resources into supporting human rights is important both on its own terms and as a hedge against calamitous situations in the future.

On the occasion of the UDHR anniversary, states should back the OHCHR's call for doubling its budget. Additional private funding and voluntary contributions from states are required to meet this ambition. But to avoid the potential for bias (or the perception of bias), it is also important that no single state or private donor should become too dominant. Accordingly, funding should be transparent, pooled, and not earmarked.

Further funding should aim to improve the interface with the wider human rights ecosystem. Additional country offices for the OHCHR could go some way to do this, as well as increasing digital platforms and embedding human rights and civil society officers in UN field offices. For many human rights defenders, access to the institutional conversation is practically impossible—from the financial and physical barriers to entry to the need for socialization into a complex system, and, most troublingly, the prospect of reprisals for doing so. Funding for access and training for human rights defenders could be a way of beginning to address this.

But beyond the UN institutions, this should also be a moment for fresh investment across the wider human rights ecosystem—particularly grassroots and women's movements that are historically underfunded through overseas development assistance or other mechanisms.[44] In the end, human rights are based upon solidarity and people's struggles against the abuse of power. It is through strengthening and animating a broad and diverse human rights ecosystem that we can look for the promise of the UDHR to be fulfilled to the greatest extent possible.

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44   AWID, "Where Is the Money for Feminist Organizing?" May 24, 2021, https://www.awid.org/news-and-analysis/new-brief-where-money-feminist-organizing.

CONCLUSION

The world is in a dangerous and alarming state. Seventy-five years from the adoption of the UDHR—which was to be a foundation of freedom, justice, and peace—resurgent conflict and growing inequality are exacerbating dangerous fissures in the global order. These are outcomes of a breakdown of faith in this world order and they are bringing great suffering. There are new challenges too, from the planetary crisis to technological changes that are progressively reshaping our experience of being human.

Such a time calls not for despair but for action and renewed commitment to solutions. Hope, however unlikely it may appear, is a crucial commodity. Human rights themselves are hope transposed into laws, mechanisms, and institutions, and serve as an important counter to hopelessness and disorder. We often reach for human rights in times of crisis.

As the *Open Society Barometer* shows, there is hope in the strong popular support for the UDHR and the values it expresses. But people also deserve a human rights system that delivers real change in their lives, including on the issues that matter most to them. In a highly complex world, it is important that we think of human rights in an interdisciplinary context. However, they should not be reduced to a melting pot of global discourses ostensibly to improve the state of the world. Rather, we must identify the specific opportunities for human rights laws, mechanisms, and institutions to make distinctive and meaningful interventions on complex global challenges—and to ensure this happens in an equitable and inclusive way, addressing structural inequalities within the multilateral system.

In doing this, it is vital to recover a sense of belief in human rights. For years, a narrative of decline has often set the tone. But we should look to the future with hope and ambition, looking for a mature human rights system to make an impact on seemingly intractable challenges. Perhaps there is even an opportunity for a renaissance of human rights.

What could this look like? There is a notably strong mandate for action on economic, social, and environmental rights, corresponding to the areas which people around the world see as the biggest challenges—including poverty/inequality, climate change, and corruption. Climate change and the wider planetary crisis are likely to become increasingly dominant, impacting the whole context for human rights. But there are also opportunities into which the human rights system should speak, including reform of the international financial architecture, the implementation of loss and damage financing, the eventual successor to the Sustainable Development Goals, and the Summit of the Future in 2024 which aims to strengthen international cooperation around the great global challenges of now and beyond.

The civil and political rights agenda is equally important, all the more so in a context of worrying regressions. There is no prospect of sustainable human rights progress without a strong civil society, which now operates under serious restrictions and threats in many countries. Inclusivity is a central methodological challenge for human rights. Broadening the voices at the table so that different lived realities are heard and represented is essential.

Finally, we must rediscover a vision of human rights as a way for ordinary people to push back against the abuse of power. The forms that abusive power takes may be constantly changing, whether from states or vast corporations. But the inherent dignity and the equal and inalienable rights of all members of the human family remains profoundly worthy of protection.

Methodology

This paper draws from 65 interviews conducted by the author over the past 18 months in the context of his work looking to the future of human rights—including 15 interviews specifically for this paper—drawn from all parts of the world and in roughly equal proportion between women and men. It is also based on the findings of the *Open Society Barometer* and what they mean for human rights. The potential reading material for such a broad paper is vast, but the author has ranged widely. Any misrepresentations or omissions are his responsibility alone.

About the author

David Griffiths is a consultant on human rights strategy, working with philanthropy, governments, IGOs, and NGOs. He is an associate fellow at Chatham House, where he has published papers on human rights diplomacy and the renewal of human rights, and a member of the OSCE Panel of Experts on Freedom of Religion or Belief. He was previously director of the Office of the Secretary General at Amnesty International, and before that began the process of establishing a regional office in Sri Lanka as deputy director for Asia. He holds degrees from Oxford University and SOAS (University of London).

Photo Credits

Cover

People shelter with umbrellas from extreme rainfall along a street in Bengaluru, India, on November 18, 2021.

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Introduction

A protestor holds up a copy of the Universal Declaration of Human Rights during a demonstration in Paris, France, on January 30, 2021.

© Christophe Archambault/AFP/Getty

Proposal 1

People collect their belongings after a storm destroyed the roof of the shelter where they were living in Miami, Florida, in September 2017.

© Kadir van Lohuizen/NOOR/Redux

Proposal 2

A woman collects plastic during a cleanup of toxic waste and other pollution generated by mining companies at Uru Uru Lake in Oruro, Bolivia, on April 7, 2021.

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Proposal 3

Soldiers walk past a train derailment that killed 30 people and injured dozens of others in Nawabshah, Pakistan, on August 6, 2023.

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Proposal 4

LGBTQ rights activists march despite a ban on the Istanbul Pride parade, Istanbul, Turkey, on July 1, 2018.

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Proposal 5

The UN Secretary-General Antonio Guterres meets with the President of the Republic of Ghana Nana Addo Dankwa Akufo-Addo at UN Headquarters in New York on March 28, 2023.

© Lev Radin/Sipa/AP

Proposal 6

A woman holds a poster calling for targeted sanctions against Russia in Lviv, Ukraine, on February 19, 2022.

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Proposal 7

A man looks at surveillance cameras on display at a security exhibition in Shanghai, China, on May 24, 2019.

© Aly Song/Reuters/Redux

Proposal 8

A woman holds an infant at a shelter after she fled her home due to a severe typhoon in Loboc, Philippines, in December 2021.

© David Hogsholt/Panos/Redux

Proposal 9

People demonstrate to demand regulation of the use of artificial intelligence in Berlin, Germany, on June 16, 2023.

© Sean Gallup/Getty

Proposal 10

An auto rickshaw passes the United Nations Economic and Social Commission for Asia and the Pacific offices in Bangkok, Thailand, on January 8, 2019.

© Lillian Suwanrumpha/AFP/Getty

ABOUT THE OPEN SOCIETY BAROMETER

The Open Society Foundations surveyed 36,344 respondents across 30 countries between May 18, and July 21, 2023. The countries were chosen to reflect the following considerations: A mix of country income levels with the majority in the lower middle-income category; balanced geographic spread; and a mix of countries in important international institutional groupings, e.g., the G21, BRICS, as well as "non-aligned" countries, including groupings such as the Vulnerable 20 (V20) countries. There were some limitations on country selection based on: where it was possible to reach a nationally or urban center representative sample, good online coverage, and a possible sample size of 1,000 people; and where our fieldwork partners had local providers on the ground able to conduct robust research.

The full 2023 *Open Society Barometer* can be found online here: osf.to/OpenSocietyBarometer