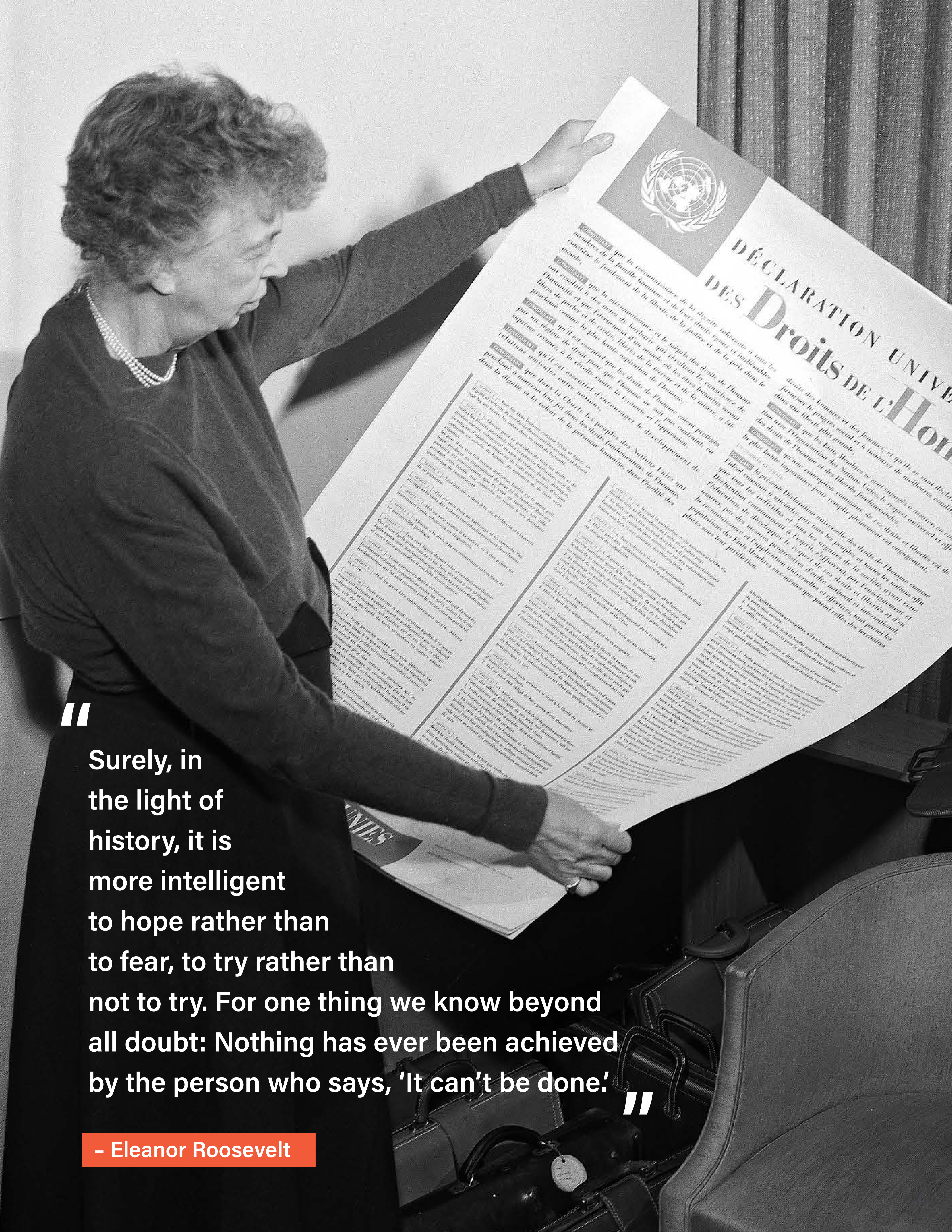


The Next 25:

A Collection of Essays
on the Future of
Human Rights

December 2023





“
Surely, in
the light of
history, it is
more intelligent
to hope rather than
to fear, to try rather than
not to try. For one thing we know beyond
all doubt: Nothing has ever been achieved
by the person who says, 'It can't be done.'”

- Eleanor Roosevelt

Foreword

Mary Robinson

UN High Commissioner for Human Rights (1997-2002)
First Female President of Ireland (1990-1997)

As we mark 75 years since the adoption of the Universal Declaration of Human Rights (UDHR), I am struck by two things: how relevant this document remains today, and how much deeper we must dig and further we must go to realise the vision that inspired it.

Coming together in the wake of the death, destruction, and enormous human suffering of World War II, the UDHR's drafters sought to articulate a set of fundamental principles to guide governments in building a peaceful world in which all human beings can live with dignity and rights. As we look to the future of human rights – and more broadly, of life on this planet – perhaps it is best to begin with this vision, and to identify what we must do differently, and urgently, to realise it. For me, there is no more urgent priority than tackling that which threatens our very existence: the climate crisis.

The drafters of the UDHR would have no doubt been amazed that, less than a century after they gathered to adopt the landmark declaration, human activity might cause entire island nations to lose their sovereignty in the near term – and could cause our entire species to go extinct in the long term.

And yet that is exactly where we stand. All the top scientists say that if we do not make transformative changes in the next six to seven years to lower greenhouse gas emissions and



restore natural carbon sinks, we face critical tipping points. These tipping points will harm the most vulnerable among us first: poor communities, small island nations, and other peoples who live close to the land and have done next to nothing to contribute to the problem. But eventually, it will hit even the most resilient parts of the globe.

The message is clear: For humanity to have a future in which we can even dream of living equal in dignity and rights, we must re-examine our relationship with nature, change our behaviour toward it, and unite across issues and movements to confront the economic systems and global powers that are not only permitting climate change, but actively and purposefully prolonging it.

One way we can achieve these goals is to articulate and codify climate rights in international and national law. The establishment of the right to a healthy environment was an enormous step in this direction, but we must do more.

We must consider the rights of nature not to be destroyed. These rights will of course look different from human rights; but until we acknowledge, humbly, that we do not control nature, but rather are part of nature and, as such, owe it our care and respect, we cannot meaningfully change our relationship to it.

We must also listen and learn from those already on the frontlines of this crisis – groups that overwhelmingly include indigenous and farming communities, women, and people of colour. During my service as the UN High Commissioner for Human Rights, it was these communities that realised the link between rights and environment, long before I did. Like many in our movement, I missed it. But they showed me the way, and now I am more committed than ever to uplifting their voices so the world can hear them.

Defending civic space is one of the most important ways to support these groups. As we seek to tackle not only the climate crisis but also the many other human rights crises we face – from mass displacement to regional and civil conflicts, to the threats posed by nuclear weapons and the misuse of technology – we must defend those working to shine a light on human rights abuses and hold those responsible to account.

As activists work toward these goals at the local, national, and international levels, philanthropy has a critical role to play in supporting them. In my view, the most important thing philanthropists can do right now is fund movements. Why? Because movements work. I saw this at the UN Climate Conference in Paris in 2015. Activists from around the world, working on various issues and supported by key policymakers, united to successfully pressure the organisers to reference 1.5 Celsius as the maximum degree of warming the earth can tolerate in the resulting agreement.

Movements may be vague, they may be hard to fund, but it is the duty of philanthropy to find a way if they truly want to have an impact – not only on the climate crisis, but for any critical issue facing our world today.

This collection of essays touches on a range of these issues. While I have focused on climate here, the message I would impart on all those seeking to make our world a safer, kinder, more livable place is this: as you look to the future, revisit the roots of human rights. Push yourself to go beyond thinking of them in strictly legal and policy terms, remembering that those terms were developed to give a name to something we recognise intuitively: that all human life has value. And recognise that nature, too, has innate value, and that when we live in balance with it, we all benefit.

The UDHR is a living document, the contents of which were prescient in many ways. But as we seek to tackle the climate crisis and other human rights threats, we must grow it, and we must centre humanity and nature in that growth.

“

For humanity to have a future in which we can even dream of living equal in dignity and rights, we must re-examine our relationship with nature, change our behaviour toward it, and unite across issues and movements to confront the [climate crisis].

”

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Introduction

Darian Swig & David Keller

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In Dec. 10, 1948, the world witnessed an extraordinary moment in history: the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly. Drafted by a nine-member committee led by Eleanor Roosevelt, the declaration sought to articulate, for the first time, a comprehensive list of the protections and privileges to which every human being is entitled, regardless of who they are or where they were born. The result was a landmark document that provided the foundation for international human rights and humanitarian law and fueled the growth of a global movement dedicated to defending dignity, justice, and equality for all.

Seventy-five years later, the human rights movement stands at a pivotal juncture. Our members – a diverse group of activists, youth, lawyers, policy advocates, academics, funders, and others – have made notable progress. Many have helped build the existing global infrastructure through which human rights can be protected and justice for abuses can be sought. Many more have worked to expand upon the rights listed in the UDHR to ensure overlooked groups are fully protected – for example, people with disabilities and LGBT people – and close key gaps, such as the omission of the right to a healthy environment. Countless others have been on the frontlines of local battles to protect the full range of human rights, including many community-based activists with a direct stake in the outcome.

Perhaps because of these successes, we now face an extraordinary backlash to our work. This comes at a time when we also face unprecedented challenges to our shared mission, such as the spread and staying power of authoritarianism, pervasive inequality and inequity, and the existential threat posed by the climate crisis. The people who benefit from these harmful trends are using increasingly sophisticated methods to not only perpetuate the status quo, but worsen it. The misuse of technology is often central to their strategy, used to cloud the facts by spreading misinformation and disinformation, silence dissent through online harassment and stalking, and undermine access to information and freedom of speech through internet censorship and shutdowns. Meanwhile, we continue to confront perennial human rights challenges – such as armed conflict, the proliferation of nuclear weapons, and mass displacement – albeit with modern twists.

Having spent more than a decade working at the nexus of human rights and philanthropy



We at Article3.org believe

that the movement can

meet this moment. To do

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persistent, and be united.



and listening, learning, and collaborating with hundreds of experts and activists worldwide, we at Article3.org believe that the movement can meet this moment. To do so, we must be bold, be persistent, and be united. This will mean embracing new approaches; breaking down the silos that divide us across issues, sectors, and geographies; and forging new alliances, both within the human rights movement and without it.

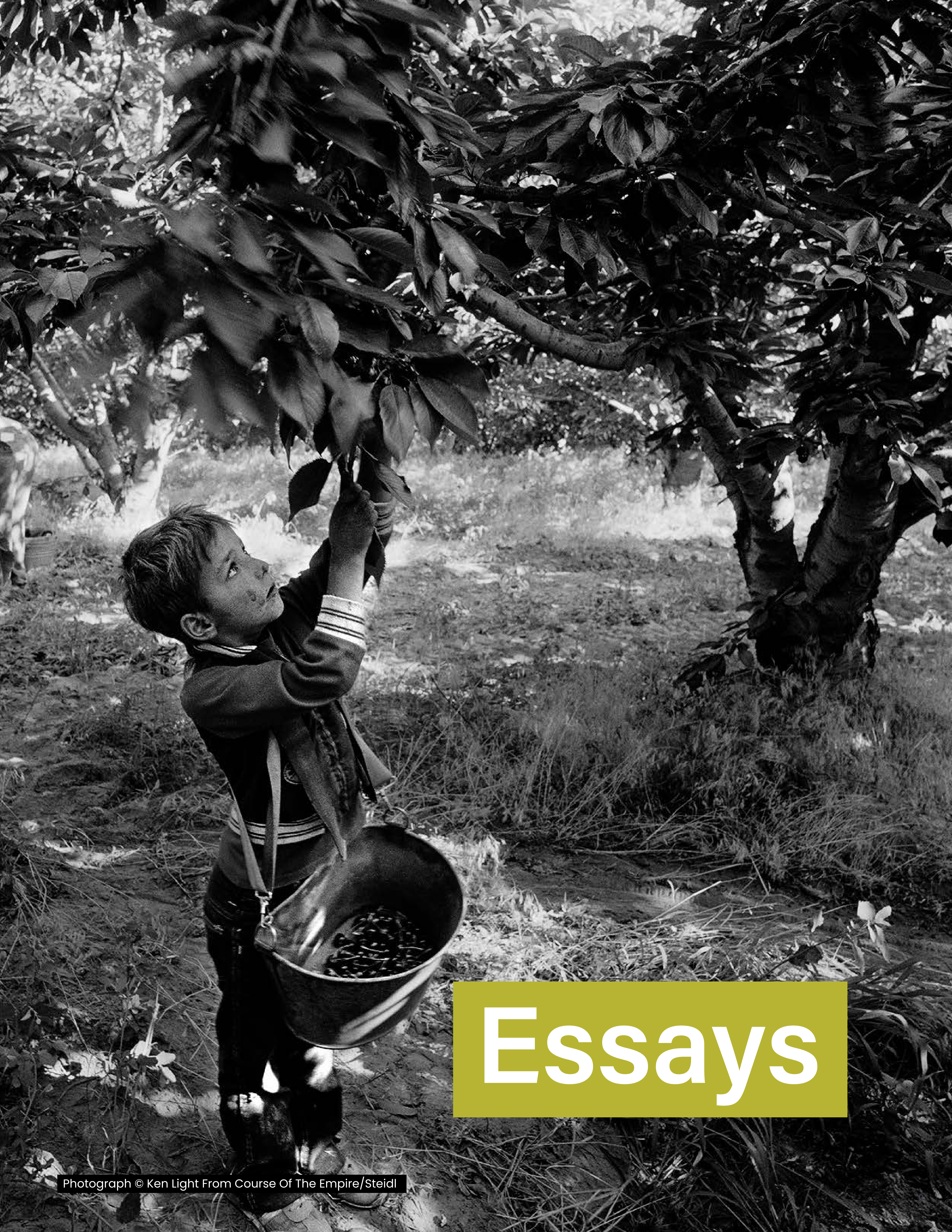
This essay collection aims to help us take the first steps in the next chapter of our history. While far from exhaustive in the topics covered and voices included, it contains the best thinking of 20 activists and experts from leading human rights institutions – longtime partners of Article3.org that have spent years working for change. Asked to be bold in their thinking about the next 25 years of human rights, they offered insights, reflections, and suggestions to help our movement chart a course toward the vision behind the UDHR: that of a peaceful world in

which every person can live with dignity and equality. We hope their words spur further discussions in other corners of the globe and circles of our movement, and that the best and most transformative ideas that arise reverberate across it. We also hope our readers will consider supporting the ideas and strategies the authors present, as partners, funders, and allies.

We are deeply grateful to the individuals whose words grace these pages, to the photographers – including Ken Light and Marcus Bleasdale – whose images bring the issues to life, and to the countless other activists and organizations who tirelessly strive for a more just world. May their collective wisdom inspire us to take action, ignite change, and build a future where the inherent rights and freedoms of every human being are cherished and protected.

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Essays



Part 1

The Climate Crisis

How the Human Rights Movement Can Help Tackle Climate Change

Brad Adams, Executive Director

Climate Rights International



Climate change is the planet's greatest existential challenge. It is also a human rights emergency.

While Big Oil knew decades ago about the catastrophic consequences of our reliance on fossil fuels, the drafters of the Universal Declaration of Human Rights (UDHR) couldn't have imagined the climate crisis we now face. Around the world, warming temperatures, rising sea levels, and extreme weather events are wreaking havoc on communities – spurring floods, famines, heat waves, and wildfires that have left thousands dead and harmed millions more. Those most responsible for the crisis are best situated to weather the effects, while its impacts are disproportionately felt by people in the Global South.

Activists worldwide are fighting back against climate change, including through exposure of government and corporate responsibility, public protests, and legal action to seek accountability, justice, and compensation. Such activism is critical given the general failure of governments to adequately address the crisis. Despite the signing of the Paris Agreement in 2015, states have largely continued to do business as usual – approving new oil and gas projects, allowing continued deforestation, and failing to deliver on pledges of assistance to the Global South for mitigation and adaptation.

The simple truth is that the pace of climate change is far outpacing governments' ambitions and actions to address it. Vulnerable communities, including Indigenous Peoples, minority groups, drought-stricken farmers, female-headed households, and the urban poor, are paying the price.

As we mark the UDHR's 75th anniversary, we in the human rights and climate movements need to ask ourselves how we can support efforts to confront this threat and secure humanity's future.

Fortunately, international law is always evolving, and can be adapted and expanded to protect basic rights in a rapidly warming world. To avert global catastrophe, these changes will have to happen quickly, then be incorporated into national laws, regulations, and policies. To address the crisis, we will also have to apply the revolutionary principle established by the UDHR, but rarely practiced: "universality."

Universality is critical because climate change is the quintessential transnational issue. Emissions from anywhere affect people everywhere. The fossil fuel industry and big greenhouse gas emitters – such as the United States, European Union, China, Russia, and India – are responsible for killing, displacing, and causing other serious harms to people, particularly the poor, including in countries with little or no responsibility for the problem.

A key foundation for an evolving international legal system would be to agree on a global "foreseeable harm" standard to hold governments and corporations accountable for the damages caused by climate change. Just as tort law requires compensation for foreseeable harms, so too should a new international framework on climate change. To act as a deterrent, violations should carry significant financial penalties.

States should bring the foreseeable harm standard to life at the national level through laws that require full oversight over supply chains. This means no more acceptance of claims that companies didn't know about the deforestation caused by agribusiness, for example. Sustainability and due diligence should be legally required, not part of voluntary industry pacts. We are making progress on this: Due diligence laws passed or under consideration by the EU and many countries will, if implemented, be an important step forward. This should become the norm and part of international agreements. If governments can establish rules for money laundering and global trade, why not create rules for corporate responsibility for global warming?

The Duarte case pending before the European Court of Human Rights could set an important precedent in this arena. In the case, six young Portuguese citizens have accused 32 governments of taking insufficient action to mitigate climate change and therefore, violating their fundamental human rights.



The simple truth is that the pace of climate change is far outpacing governments' ambitions and actions to address it. Vulnerable communities, including Indigenous Peoples, minority groups, drought-stricken farmers, female-headed households, and the urban poor, are paying the price.



If the court rules in their favor, it would establish a precedent for holding states liable for foreseeable climate harms.

The protection of the rights of future generations should be placed at the heart of legal developments. Both the International Court of Justice and the Inter-American Court of Human Rights are due to provide guidance on state obligations about climate change, which could be a major step forward in clarifying those obligations.

International criminal law also needs to evolve to address the climate crisis. To hold the worst abusers individually accountable and deter further harms, governments should agree to add the crime of ecocide to the Rome Statute of the International Criminal Court. An expert panel has already proposed defining ecocide as "unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts." The next step is to codify ecocide into international law.

New legal agreements are needed to address the reality that millions of people are moving within and across borders because of the climate crisis. Existing international law

concerning the rights of people on the move fails to adequately account for those who have fled their homes due to the impact of climate change. Meanwhile, right-wing and xenophobic political parties and politicians are framing migrants in an overwhelmingly negative light, and traffickers and smugglers have turned displacement into a deadly multi-billion-dollar industry. Legal protection must be expanded to cover individuals who have fled due to the climate crisis alongside those fleeing conflict and persecution. Governments should also establish genuine “safe and legal pathways” to seek protection and a safe future for all refugees and displaced persons.

Just as important as the “right to move” is the “right to stay” in one’s own home and community. Protecting this right requires things like enforcing the requirements of “free, prior, and informed consent” (FPIC) for Indigenous Peoples, protecting climate activists and forest defenders, and making serious efforts at climate adaptation that will protect livelihoods.

Perhaps of greatest importance to poor countries – and to the wider principle of equity – is to create a binding legal framework for

climate finance (grants, not loans), adaptation efforts (including technology transfers), and contributions to the loss and damage facility established at COP 27 in 2022 in Egypt. Voluntary pledges will not suffice, as wealthy countries have long promised little and provided even less.

Article 25 of the UDHR states that, “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in **circumstances beyond [their] control.**”

It is hard to think of anything more beyond the control of vulnerable people than climate change. Members of both the human rights and climate movements and the international legal community must take urgent action to evolve international law and practice to ensure the rights outlined in the UDHR 75 years ago are fully protected against this unprecedented threat.



Our Response to the Climate Crisis Will Determine Our Children's Future

Julia A. Olson, Executive Director &

Chief Legal Counsel

Our Children's Trust

The health of young developing bodies, minds, hearts, and spirits is contingent upon the health of home, family, community, and planet. From the latter, we source clean water, oxygen, sustenance, and the other foundations of human life – and indeed, the life of all species with which we share the earth. If through democratic governance we allow the knowing degradation of our home planet – and worse yet, do little to nothing to stop our pollution and destruction – we not only undermine the health and well-being of our children, we threaten their very futures.

And yet this is exactly what governments around the world are doing when they prop up fossil energy and do not take the available urgent actions needed to mitigate climate change and

stop global heating. As we look to the future of human rights 75 years since the adoption of the Universal Declaration of Human Rights (UDHR), we in the human rights movement have a choice: prioritize the rights of children to live and develop in a healthy environment, or accept that the status quo will inevitably lead to more children suffering – and in the worst-case scenarios, more deaths as climate chaos grows and further destabilizes the global political order.

Fortunately, the challenge before us is not insurmountable. While the climate crisis may be the most irreversible of the multigenerational human rights violations if this generation does not urgently act, it may also be the one we can most swiftly and systemically address. Alternative sources of energy are available, as are the technological means to eliminate fossil fuels and the life-degrading pollution they cause. Critically, it is essential to heed the best science available, which establishes that the level of carbon dioxide pollution in our atmosphere should not exceed 350 ppm. This year, largely due to fossil fuel burning, it stands at [418 ppm](#).

One way that activists from the human rights and climate movements can work together to protect both children and the planet is through litigation that centers and directly engages young people in both the cases and the public discourse. When Our Children's Trust was founded in 2010, there were no human rights cases to defend children and their rights to a life-sustaining climate system. Many human rights organizations did not connect human rights to the climate crisis. Meanwhile, the environmental movement's symbol for climate protection was the polar bear.

“

**Climate crisis is the single
greatest driver of health for
every child born today.**

”

– Dr. Lisa Patel, Executive Director of the Medical Society Consortium on Climate and Health | Clinical Associate Professor of Pediatrics at Stanford School of Medicine

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One way that activists from the human rights and climate movements can work together to protect both children and the planet is through litigation that centers and directly engages young people.

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Just over a decade later, with Our Children’s Trust’s leadership and support, youth and their lawyers have filed more than 50 cases against almost as many nations and states.

This summer brought a watershed moment for climate litigation when youth in the United States testified in the world’s first constitutional climate trial and, shortly thereafter, won an historic ruling against the State of Montana – one of the largest reservoirs of fossil fuels in the US – for its role in causing fossil fuel pollution. After years of getting close to trial in a number of cases, Our Children’s Trust broke through the legal defenses of governments who tried every trick to shut the courtroom doors and prevent the youth’s access to justice. A trial of the evidence with 10 experts, 14 fact witnesses, and the government’s own documents, allowed the truth to be told and rights to be upheld. The *Held v. Montana* ruling established that every additional ton of greenhouse gas pollution is causing constitutional, *human rights* injuries to these young people. It makes clear that ending the era of fossil fuel energy systems is essential to protecting the life, health, and dignity of every child, everywhere. The legal victory stops fossil fuel expansion in Montana, specifically, and will require the phase out of those fuels by mid-century – exactly what the science demands. It also forges a legal pathway that all courts everywhere can take to protect climate rights.

With this win in hand, young people, their lawyers, and all of us together can create and enforce, in law, the protections needed for our planet and our children. Our Children’s Trust is working to replicate this win across the US and help others to do so globally. In so doing, we will strengthen democracies and the role of our government institutions in addressing the climate crisis and its human impacts. By working alongside our youth, we will give them the voice, the respect, and the agency they need to help write the future they deserve.

To leverage language from the UDHR, the “inherent dignity” and “equal and inalienable rights” of children, on which “freedom, justice, and peace in the world” depend, can be realized or irrevocably desecrated by the actions this generation of adults takes to end or perpetuate human fossil fuel energy systems. The life and dignity of every child born today is at stake.

As we begin today to reimagine and advocate for the next 25 years of universal human rights, let’s turn our attention to that which every child needs to become a healthy adult citizen of our world. If we stay mindful of the reality that the UDHR, like most legal documents setting forth human rights, has an adult-centric lens, we can consciously bring children into view as we work to realize the world its drafters imagined.

Children’s invisibility in human laws and justice systems perpetuates injustice. When the voices of our children and our scientists no longer take a backseat to politics and adult-centered, short-term interests, we can carry forward the foundations of a true *Universal Dedication* to Human Rights.



Photograph By Robin Loznak For Our Children’s Trust

How a Global Collaborative Effort Led to the Right to a Healthy Environment

Libby Marsh, Vice President of Development

Earthjustice

Reflecting on the 75th anniversary of the Universal Declaration of Human Rights (UDHR) – from the vantage point of a career that has spanned over a decade at Human Rights Watch, an international human rights organization, and seven years at Earthjustice, the premier public interest environmental law organization – I wonder what our world might have looked like had both human rights and environmental rights been inextricably linked and explicitly codified in the landmark document. Would ecocide alongside genocide be a prosecutable crime before the International Criminal Court? Would disproportionately impacted communities have been prioritized instead of targeted, or human rights elevated instead of trampled, as extractive and fossil fuel industries undertook global infrastructure projects? Would activists representing frontline [communities](#), decimated for decades by environmental harms, have been centered as leaders? Would [Greta](#) and today’s youth activists have had childhoods filled with joy, instead of climate anxiety and grueling advocacy for a healthy future?

We may soon realize these possibilities: In July of 2022, after a decades-long global effort, the right to a healthy environment was finally recognized by the United Nations General Assembly. This milestone was accomplished through a merger of two movements, hundreds of organizations, and thousands of people – actors that joined forces to form The Global

Coalition of Civil Society, Indigenous Peoples, Social Movements, and Local Communities for the Universal Recognition of the Human Right to a Clean, Healthy, and Sustainable Environment. On Dec. 10, 2023 – the same day we mark 75 years since the UDHR was adopted – the Coalition will receive the [2023 UN Human Rights Prize](#). As one of the Coalition’s lead convenors, Earthjustice will be there.

This award is a call to action. We must act now to fully realize the right to a healthy environment, and to change the trajectory of the multifaceted crises we face – climate change, biodiversity loss, and pollution. As global actors and states, we must accelerate the clean energy transition – and more importantly, not double down on human rights violations and community harms to meet the urgency of this moment. If done recklessly, the rush to meet the world’s climate deadlines could perpetuate environmental injustices, moving energy sacrifice zones from communities decimated by fossil-fuel extraction to communities laid waste by “[critical mineral](#)” mining to build zero-emissions energy technologies such as wind, solar, and electric vehicles.

We can power countries, communities, and economies without sacrificing clean air and water, by centering community health and human rights. It is at the nexus of the environmental and human rights movements that we can push for lasting and sustainable change and do so expeditiously. Earthjustice has been at the forefront of this space since 1991, when our International Program began partnering with organizations and communities around the world to establish, strengthen, and enforce national and

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We must act now to fully realize the right to a healthy environment, and to change the trajectory of the multifactored crises we face.

”

international legal protections for the environment and human health. We were one of the first organizations to advocate for the international right of all people to a healthy and sustainable environment, recognizing that the burdens of the fossil fuel economy were falling disproportionately on Indigenous peoples and other communities of color. This recognition, and the advocacy it spurred, grew from the relationships we built with these communities – partners from whom we gleaned the knowledge and legitimacy needed to power a successful global campaign.

Since winning the recognition of the right to a healthy environment as part of the Global Coalition, Earthjustice has been catalyzing the global clean energy transition, providing legal guidance to vanguard city leaders who make up the C40 Cities Climate Leadership Group and progressive national electricity regulators in key countries. In collaboration with Environmental Justice Australia and Environmental Defenders Office, we centered the human rights of Australia’s Indigenous groups – who bear much of the burden of the country’s fossil fuel extraction – when fighting coal mines, coal plants, and toxic coal-ash dumps.

When the Indonesian government sought to undermine environmental safeguards, together with two national NGOs – the Indonesian Center for Environmental Law (ICEL) and the Indonesian Legal Aid Foundation (YLBHI) – we spearheaded the strategy behind the country’s first-ever court ruling to block a coal project due to failure to assess climate impacts. We also helped win a citizen suit that resulted in a regional and national implementation plan to bring the capital city of Jakarta into compliance with air quality laws, including regulating transboundary pollutants from coal-fired power plants in neighboring provinces.



It is at the nexus of the environmental and human rights movements that we can push for lasting and sustainable change and do so expeditiously.



As our ongoing efforts and those of our global partners show, the UN’s recognition of the right to a clean, healthy, and sustainable environment is not an endgame in and of itself, but a step to creating a more just and livable world for all. The lessons we learned through the coalition’s creation – the merger of siloed 75-year-old movements, the centering and leadership of impacted communities, the uprising of youth, and the advocacy of hundreds of the world’s most respected NGOs – and the resounding clarity of calls for accountability and action, will together help us realize the future we all deserve, for generations to come. We hope that you will join us in our fight.





Part 2

The Global Economy

Who Profits When People Suffer?

Elizabeth Krisher, Deputy

Director of Editorial

The Sentry

Last year in the Central African Republic (CAR), [5.6% of the population died](#) – an incomprehensible number, twice as high as anywhere else in the world. In Sudan, civil war and famine have become the defining characteristics of everyday life. In Azerbaijan and Zimbabwe, members of the opposition and the press are being targeted, detained, and killed. In the Democratic Republic of Congo (DRC), voter rolls are in question as the election draws near. Meanwhile, in Brazil, Israel, Thailand, the United States, and elsewhere around the world, current and former leaders have been accused of crimes ranging from election interference to bribery and abuse of power.

These stories encompass different contexts, different backgrounds, different issues, and a myriad of complexities; but as we reflect on the state of human rights 75 years after the adoption of the Universal Declaration of Human Rights (UDHR), the links between these seemingly diverse issues are coming into focus.

In CAR, a weakening president sought to safeguard his position by bringing in a private military contractor in need of gold. And the people suffered. In Sudan, two military factions with significant economic interests vie for dominance. And the people suffer. Around the world from Azerbaijan to Zimbabwe, politicians

who don't want to face scrutiny or challenge are seeking to maintain or barter for power, often funding their ambitions with resources looted from the state. And so people suffer.

This human suffering – the violation of the human right to life, liberty, and security of person enshrined in the UDHR – is undeniably evident. It is visible, it is heartrending, and so it often becomes the issue itself. But if we want to alleviate it and build a world in which human rights are universally respected and upheld, we must go further in tackling its root causes.

If you pull back the curtain on wars, mass atrocities, and other human rights abuses, you will almost always find grand corruption and unchecked greed. Power and profit incentivize kleptocratic leaders and corrupt perpetrators to maintain systems of violence and oppression, thereby undermining attempts for peace and good governance. It is inherently a structural problem.

It's easy to point to the face of a regime and say, "That is the person to be held responsible." But no single individual or entity can commit a genocide or suppress a population, and no



Photograph © Ken Light From Course Of The Empire/Steidl

kleptocratic leader or corrupt regime works on their own. They rely on captured state apparatus, hijacked legal systems, and co-opted military and security services. They are propped up by greedy and indifferent enablers and facilitators across multiple countries and industries, each taking their cut. These are the structures designed to maintain power and profit at the expense of the population, and these are the predatory structures that need to be toppled in order for dignity, justice, and human rights to prevail.

The international community is continually striving to hold the individuals and entities profiting from and perpetuating conflict and deprivation to account. But we must also recognize that, when they fall, the structures that maintained them may survive.

In the DRC, for example, President Joseph Kabila built a robust kleptocratic system over the course of his tenure, one that expanded on existing corrupt power structures and included influential international gold miners, key players at the electoral commission, and even an entire bank. When Kabila decided not to run for a third term – a decision that sources indicate was influenced by the sustained sanctions on his close network – President Felix Tshisekedi stepped into the role following a contested election. Hopes were high that he would reform Kabila’s kleptocratic system, but it is increasingly apparent that he has, instead, begun to co-opt it for his own use.

Dismantling these kleptocratic structures and thereby disempowering the perpetrators and enablers of conflict and corruption will not be easy. It will be a long-term process requiring international cooperation, deep intentionality, and constant vigilance. As an issue with reverberating impact across matters of shared concern – resource extraction, trafficking, human rights, and environmental crime – it will involve new critical alignment between local, regional, national, and international actors and

between the Global North and Global South. Governments, global banks, media outlets, civil society, and other public and private organizations must come together to work strategically and comprehensively to stem the flow of funds and the construction and maintenance of corrupt power structures.

We already have tools and processes that we can put to work, and no doubt there will be more to come. Where money touches the international financial system, tools of financial pressure – including anti-money laundering and illicit finance measures, targeted network sanctions, compliance actions by banks and other private companies, and asset recovery – can be employed. When corrupt actors attempt to keep the balance off-book with gold, diamonds, timber, or other natural resources, governments, financial institutions, and civil society actors can explore enhanced due diligence practices, responsible business reporting requirements, targeted regulations, and advisories. And because no kleptocratic leader or corrupt regime works alone, regulations and legislation targeting enablers and facilitators, such as beneficial owner registries, should be adopted, along with policies and processes to govern the legal, accounting, and real estate sectors, among others.

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If you pull back the curtain on wars, mass atrocities, and other human rights abuses, you will almost always find grand corruption and unchecked greed.

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This work must be ongoing. It must be holistic, adaptive, and coordinated. Perhaps most important of all, it must be funded and resourced.

As we mark the 75th anniversary of the UDHR, we, as a global community, must be vigilant and proactive in dismantling the structures and systems that incentivize conflict and repression, and we must seek solutions that instead encourage and promote the safeguarding of human dignity. The future of human rights will only be secure when we come together to ensure that violence, oppression, and war crimes don't pay.



The future of human rights will only be secure when we come together to ensure that violence, oppression, and war crimes don't pay.



Photograph © Ken Light From Course Of The Empire/Steidl

Missing Links: Human Rights and the Global Economy

Rona E. Peligal, Ph.D., Vice President

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The Fund for Global Human Rights



Having worked in the human rights field for more than two decades, we are proud of the movement's many accomplishments since the signing of the Universal Declaration of Human Rights (UDHR) 75 years ago. As a result of the work of human rights activists – supported by donors and others – we have seen the passage of protective laws, the ending of harmful practices, the recognition of marginalized peoples, the prosecution of warlords, and many other successes that fulfill the UDHR's vision of dignity and justice for all.

And yet there is so much we have yet to accomplish and where we wish more progress had been made. In our opinion, many international human rights organizations and donors have been adept at promoting liberal ideas – the rule of law, the importance of institutions, democratic governance, bodily integrity, and the like. We ardently support these, but, in an age of burgeoning global inequality, our movement must press for more.

By and large, mainstream organizations and donors have failed to grapple with the root causes of the human rights abuses that we

seek to end, including how the global economy underpins, and even incentivizes, violations. Many rights organizations in the Global North have shied away from criticizing key aspects of capitalism, such as the profit motive, the denial of public goods, the relentless extraction of raw materials, and the poisoning of our air and water.

But these characteristics drive some of the most pressing human rights challenges of our time: from growing inequality to the rise of authoritarianism to the human impact of the climate crisis. Unchecked neoliberal economic practices have uprooted economies, dispossessed workers, thwarted employee organizing, fed misinformation, and undermined the essential role of the state in securing social welfare. The human rights movement has focused on laws, rules, agreements, and processes, but not on the ways unbridled capitalism fuels and sustains human suffering.

We know that human rights abuses are the product of unchecked power. And yes, people in power can be ruthless, narcissistic, and sociopathic. Dissent or resistance by activists can seem threatening to those who want to maintain their authority at all costs.



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But why? Because the stakes are high and the spoils are great. Governments and corporations crack down on environmental defenders not just because they can, but because fighting to protect our planet stands in the way of significant financial gains. Pharmaceutical companies block access to life-saving drugs around the world, not just because they can, but because price-gouging and intellectual property claims generate enormous sums for their executives and shareholders. The global economic system affords these elites with the incentive to suppress ordinary people's voices in favor of buttressing their own power, privilege, and profit.

Why haven't more international human rights organizations spoken out about this? Part of the issue is that, when operating in a precarious funding context and volatile political environment, organizations face pressure to avoid accusations of being radical or quixotic. As such, they have often pinned their credibility on being apolitical and nonpartisan. They have used a legalistic methodology that evades the critical question of the economic system – a fact that has also led many to address economic, social, and cultural (ESC) rights as secondary to civil and political rights. This has been an important and missed opportunity. Pushing for ESC rights at an earlier stage could have bolstered, and even enhanced, the acceptance of human rights norms.

At the local level, the erroneous theoretical distinction between economic and political rights, fortunately, has proven to be less salient. The Fund for Global Human Rights partners with many groups in the Global South who have demonstrated the importance of advancing the full breadth of human rights, as the UDHR set forth. Women's rights groups in India seeking to improve the well-being of widows, for example, prioritized economic rights when they advocated for – and

ultimately achieved – inheritance rights and access to land for farming. Children's rights groups seeking to end the forced conscription of young people into militias in Africa also centered ESC rights in their efforts, ultimately facilitating the release of these youth and providing education and shelter for them.

Many of these same groups and communities have undertaken work that challenges the dominant economic system. These groups have often drawn on knowledge and traditions that could help us change our relationship with dwindling natural resources and address the looming existential threat of climate change. Indigenous and peasant farmer groups in Guatemala, for example, protected both their rights and the environment when they mobilized their communities to demand and obtain free, prior, and informed consent for mining projects undertaken by the government and private companies. Their efforts demonstrate the power of effective community organizing to rein in extractive industries that displace residents and often deprive them of arable land and clean water. Similarly, a well-respected community organization in Honduras achieved a measure of food security and food sovereignty during the Covid pandemic by moving away from reliance



Photograph Courtesy The Fund For Global Human Rights

on export crops and instead emphasizing local and regional markets. In so doing, they proved there are sustainable economic alternatives to current industrial systems that deplete the soil, increase greenhouse gas emissions, and ultimately undermine food security.

Sadly, instead of being celebrated for their defense of human dignity and the planet, many environmental and human rights activists in places like Guatemala and Honduras are being denied their rights, jailed, and even killed by government and corporate actors. And while mainstream rights organizations, donors, and policymakers have rallied to protect these defenders and demand justice, they have failed to systematically advocate for economic alternatives to the systems that have put activists in the crosshairs of such powerful foes.

Fortunately, it is not too late to change our approach. If we are to be led by the people most impacted by rights violations in the coming years, then international organizations and donors – particularly those based in the Global North – must interrogate the ways in which we continue to benefit from a system that is designed to impoverish and disempower those we are ostensibly trying to help. We must think broadly, deeply, and radically about our strategies. And we must invite grassroots and local activists on the frontlines of human rights crises into the discussion as equal partners with critical lessons to share. Only then can we realize the founding vision of the UDHR: political and economic security, dignity, and freedom for all.



Photograph Courtesy The Fund For Global Human Rights



Part 3

Conflict & Security

Protecting Civilians in Modern Armed Conflict

Udo Jude Ilo, Interim Executive Director

Arnaaz Ameer, Research Fellow

Center for Civilians in Conflict



The end of the Second World War inspired the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 and the Geneva Conventions in 1949. The basis of international human rights and humanitarian law (IHRL and IHL), these instruments exemplified humanity's collective commitment to minimize the impact of warfare, uphold human dignity, and promote justice and accountability for the world's worst atrocities. Seventy-five years later, it is important to reflect on their effectiveness, the current realities that communities in conflict face, and the wider conversation about the adequacy of IHRL and IHL in protecting civilians in modern warfare.

In principle, the UDHR identifies inalienable rights that must be guaranteed to all civilians, everywhere, regardless of whether they live in peace, or under active conflict or occupation. The right to life, liberty, and security – Article 3 of the UDHR – is codified in IHRL and complemented by the principles of distinction and proportionality under IHL. The principle of distinction prohibits attacks against civilians and civilian objects in armed conflict, and proportionality necessitates that expected incidental harm from military targeting is not excessive compared to the anticipated military advantage. IHRL and IHL also work together to

prohibit discrimination, torture, and unnecessary suffering, and to protect humane treatment of civilians in times of war.

The existing IHRL and IHL regime is commendable, especially considering the varying complexities of geo-politics and proliferation of non-international armed conflicts in the 21st century. However, due to changes in how wars are fought, existing international laws fall short in protecting civilians from the full breadth of threats they face in modern conflicts. As members of the human rights movement and allies look to the future of civilian protection, we must urgently address these gaps.

Many wars today involve modern technologies that raise novel questions around the attribution of responsibility, military efficiency, and ethical considerations of machines making autonomous decisions about military targeting. Urban warfare, including the use of explosive weapons with wide area impact in populated areas, is another phenomenon affecting local communities in contemporary conflict. Armed conflict also frequently causes mass internal displacement, in addition to refugee flows. Climate disasters compound protection risks faced by civilians in conflict and often undermine state capacity to fulfil their protection mandate. Additionally, Private Military and Security Companies (PMSCs) are increasingly serving as proxies for states in non-international armed conflict, blurring the lines regarding who controls these combatants.

The impact of these trends in modern warfare has made it harder to uphold IHRL and IHL. For example, international law holds that during an armed conflict, all warring parties must ensure unimpeded passage of humanitarian relief to civilians. But when non-state actors are involved, it can be hard to hold them accountable to these laws, which were originally envisioned for governments.

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Meanwhile, the often-disproportionate impact of modern warfare on vulnerable groups – including older people, people with disabilities, women, and children – challenges states’ abilities to adequately account for their humanitarian and protection needs. That is especially true when those states are operating with limited resources.

The introduction of new legal agreements and international treaties to address the specific concerns of vulnerable communities is a potential solution to some of these issues. However, it is a challenging prospect in the current global order. When the UDHR and Geneva Conventions were adopted in the late 1940s, there were far fewer countries at the negotiating table. Today, some 193 countries compose the UN General Assembly. Not surprisingly, there is substantial divergence among states on how to address emerging unsettled areas of international law, including the regulation of modern weapons, the treatment of civilians directly participating in hostilities, and environmental harm resulting from warfare.

But history shows these obstacles can be overcome. For example, in the 75 years since the adoption of the UDHR and the Geneva Conventions, scientific innovations have made military targeting more efficient and less destructive, and made the distribution of resources and humanitarian aid more fair and equitable. Recent treaties on the regulation of conventional weapons, cluster munitions, and the arms trade and the political declaration on explosive weapons with wide area impacts all demonstrate that international co-operation to minimize civilian harm during conflict is possible, and that many countries support stricter rules for modern warfare. Even as full compliance with IHL on the battlefield remains a challenge, [states still routinely respect their respective military manuals](#) on the targeting of civilians and the treatment of civilians and detainees.

Moving forward, [engaging directly with non-state armed groups](#) to include them in the norm-making process could prove integral to improving compliance with general human rights principles and IHL. International nongovernmental organizations (INGOs) and civil society groups can play a key role in this, as they can be well-positioned to bridge the gap between affected communities, states, and non-state actors. Detailed reporting on specific vulnerabilities affecting civilians in modern conflicts can also help shed light on issues that often remain unaddressed in high-level international discourse. While states and non-state parties to a conflict are ultimately responsible for protecting civilians, civil society actors, humanitarian organizations, INGOs, and local communities possess valuable expertise and knowledge to ensure effective protection. Routinely including them in academic, policy, and legal discussions about civilian protection is thus critical.

As the world continues to grapple with the complexities of conflict, the UDHR and the Geneva Conventions serve as reminders of the international community’s covenant to uphold human dignity in the worst of times. Recommitting to the principles they enshrine will involve accounting for the changing nature of modern conflict and including civil society and vulnerable communities as active participants in international norm-setting.



Centering Humanity in Nuclear Policymaking

Elizabeth Warner, Executive Director

Ploughshares Fund

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Today, humanity is just one misunderstanding, one miscalculation away from nuclear annihilation.

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hese sobering words were [spoken by United Nations Secretary-General Antonio Guterres](#) in August 2022, at the Tenth Review Conference of the Parties to the [Treaty on the Non-Proliferation of Nuclear Weapons \(NPT\)](#).

Guterres was right. For the first time since the end of the Cold War, the number of nuclear warheads in global stockpiles – currently [estimated at just over 12,500](#) – is expected to increase. We are on the verge of a new nuclear arms race between the United States, Russia, and China. The US and Russia have embarked on major modernization campaigns, introducing new aircraft, land- and sea-based missiles, and warheads. China is building hundreds of new missile silos in its western desert while growing its nuclear arsenal, presumably to reach parity with the US. Meanwhile, Russian President Vladimir Putin’s threats to use nuclear weapons

to advance his war in Ukraine could negate a moral imperative against nuclear use that has stood since the end of World War II. It could also embolden more countries to pursue their own arsenals.

Against this backdrop, it is more critical than ever to explore new ways to address this urgent, global challenge. As the human rights movement takes stock of its progress and shortcomings 75 years since the signing of the Universal Declaration of Human Rights (UDHR), one new strategy for addressing nuclear challenges is to apply a humanitarian lens to the problem – one that centers the voices and experiences of those directly impacted by nuclear weapons.

For decades, most strategies to reduce nuclear weapons have focused on policy and legal change. Following the devastation of World War II and the horrific nuclear bombings of Hiroshima and Nagasaki, global leaders tried to establish and protect our fundamental human rights to safety and security through a series of declarations, treaties, and conventions. These efforts included the UDHR, the [Geneva Conventions](#), the NPT, and most recently, the Treaty on the Prohibition of Nuclear Weapons ([TPNW](#)).

Those of us in the human rights and nuclear threat reduction fields have spent ample time educating policymakers and national and global leaders on the threats posed by nuclear weapons. Our hope was that more compelling reports and better analysis would create the political will to reduce states’ reliance on nuclear weapons and uphold global treaties.

The multiple [international conferences](#) that led up to the TPNW, a [2020 conference and report](#) from the International Committee for the Red Cross (ICRC), and a [2022 Nuclear Famine Report](#) by Lili Xia, Alan Robock, Kim Scherrer, et al., clearly demonstrate the extraordinary impacts of nuclear testing and

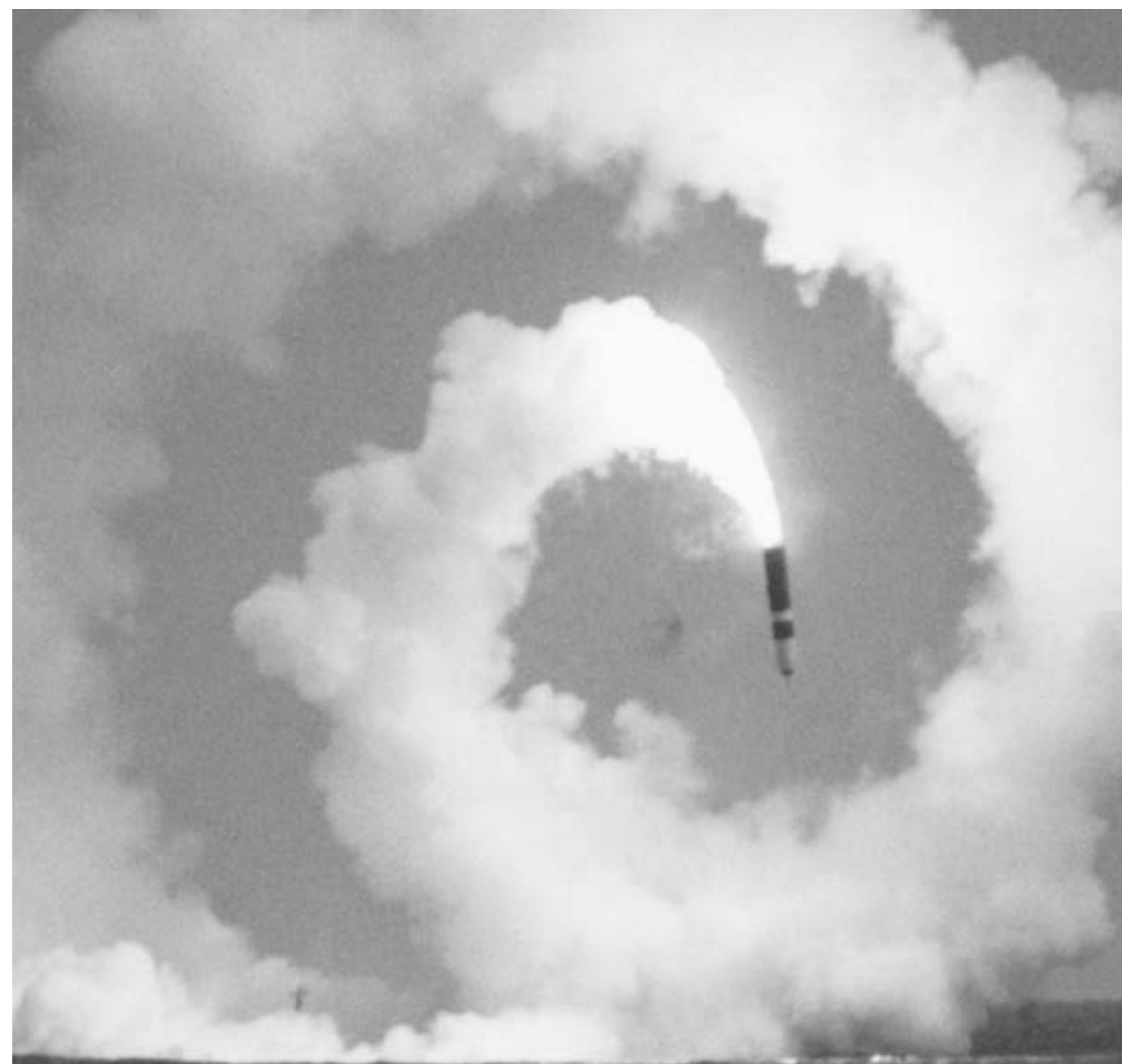
nuclear war on the environment, food security, mortality and infant mortality rates, the climate, ocean acidification – and of course, lives lost should a nuclear war occur. According to the Nuclear Famine Report, “more than 2 billion people could die from a nuclear war between India and Pakistan, and more than 5 billion could die from a war between the United States and Russia.” That’s more than half of the global population.

Ploughshares Fund has supported this kind of analysis and advocacy for more than 40 years. Our aim has been to find and fund the smartest people with the best ideas to reduce and ultimately eliminate nuclear weapons. Our programs have evolved over the years to offer not just funding, but also organizing and convening capacities in service of core policy objectives. And our community has contributed to significant victories, such as New START, the Iran nuclear deal, and most recently, the Radiation Exposure Compensation Act (RECA).

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Photograph Courtesy Ploughshares Fund

Yet the US – and indeed all nuclear weapons states – continue to violate basic human rights by growing their arsenals and developing new weaponry, all in the name of “national security” and “deterrence”.

It is clear that we must pursue additional, innovative strategies for change. Unfortunately, over the last decade, both interest in and resources for our cause have decreased. Until last year, public interest and agency on this issue were at all-time lows. Meanwhile, institutional funders long committed to the peace and security of a world without nuclear weapons, are shifting their priorities and cutting funding from the very people and organizations working to protect our right to a safe and secure future.

After deep reflection on our work and the challenges we face, one thing that we believe will make a significant difference is bringing a humanitarian lens back to our efforts. For far too long women, people of color, and indigenous communities have been excluded from nuclear policy conversations. As Mariana Budjeryn writes in [Breaking the Mold of Nuclear Patriarchy](#), “Women and economically disadvantaged communities are just as affected by nuclear policies and would suffer

just as much, if not more, from a nuclear accident or a nuclear war, and therefore they should have a well-represented and meaningful voice in nuclear policymaking.”

What would our national security and nuclear policies look like if we centered the people most impacted by nuclear weapons in our discussions? What if we lifted up the stories of uranium miners whose rights to health and safe water have been violated? What if we shared the stories of environmental contamination around nuclear weapons production facilities like Hanford and Savannah River? What if we amplified the stories of downwinders radiated from nuclear testing, like those in New Mexico and the Marshall Islands, whose health and homelands were destroyed forever? These are the questions we are asking ourselves, and we encourage partners in the movement to ask them as well.

While we acknowledge that centering the humanitarian impact of nuclear weapons will not alone bring about the change we seek, we do believe that together, our fields – those of us

focused on reducing nuclear threats and those working to protect and advance human rights – will be stronger for it.

Ultimately, human rights are about the rights of individuals. Not states. Not companies. Not political objectives or military victories. Perhaps by applying a humanitarian lens to the problem of nuclear weapons, we can humanize the impact of these horrific weapons, draw in more political support, and create the public demand that can pull us back from the brink of nuclear war.



Photograph Courtesy Ploughshares Fund



Part 4

Migration & Displacement

Reducing Global Displacement and Upholding Human Rights

Dr. Simon Adams, President &

Chief Executive Officer

Center for Victims of Torture

It is impossible to grasp the full significance of the Universal Declaration of Human Rights (UDHR) without considering the dark history that shaped it. The groundbreaking document was adopted at *Palais de Chaillot* in Paris on Dec. 10, 1948. Less than a decade earlier, Adolf Hitler had posed for a conqueror's photograph outside the same building, with the Eiffel Tower in the background, as his tanks rolled across Europe. By the time international diplomats met at the Palais in 1948, the full extent of the misery inflicted by Nazism and the Second World War was painfully evident. At least 70 million people were dead. The gas chambers of Auschwitz and the horrors of the Holocaust had been exposed. Saturation bombing and atomic warfare had obliterated entire cities. Europe was in ruins and millions of people had become refugees or were living in displacement camps.

The UDHR emerged from this grim reality. It was intended to signal that a new era of multilateralism and international law was developing. With its 30 succinct articles, the declaration established the principle that human rights are inherent and inalienable for every person on our planet. These include the right to a nationality; to freedom of thought,

conscience, and religion; to peaceful assembly, and so on. The UDHR is not a legal treaty, but it has shaped all subsequent human rights conventions, instruments, and institutions.

Central to the UDHR was Article 14, which states that everyone "has the right to seek and to enjoy in other countries asylum from persecution." Article 14 directly influenced the adoption of the 1951 United Nations Convention on Refugees (and its 1967 protocol), a key pillar of international law. The types of violations and abuses that might force a person to flee are also explicitly addressed in the UDHR, not least of all in its prohibition of slavery (Article 4), arbitrary arrest or detention (Article 9), and its attestation that no one "shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (Article 5).

It is sobering, therefore, to consider that 75 years since the UN General Assembly adopted the UDHR, we are in the midst of the greatest refugee and asylum crisis since the Second World War. According to the UN, at the end of 2022 there were more than [108 million people](#) around the world forcibly displaced by persecution, conflict, and atrocities. This included 62.5 million internally displaced people, 5.4 million asylum seekers, and 35.3 million refugees.



Photograph By Shravan Vidyarthi For Center For Victims Of Torture

When the UN publishes its 2023 figures, these numbers will be even higher, and will include four million people newly displaced in Sudan since civil war erupted last April.

According to the annual [Freedom in the World report](#), whose methodology is largely derived from the UDHR, “global freedom declined for a 17th consecutive year in 2022.” Besides those fleeing armed conflict, this erosion of human rights and civil liberties is the other major reason why one in six people on our planet is now displaced.

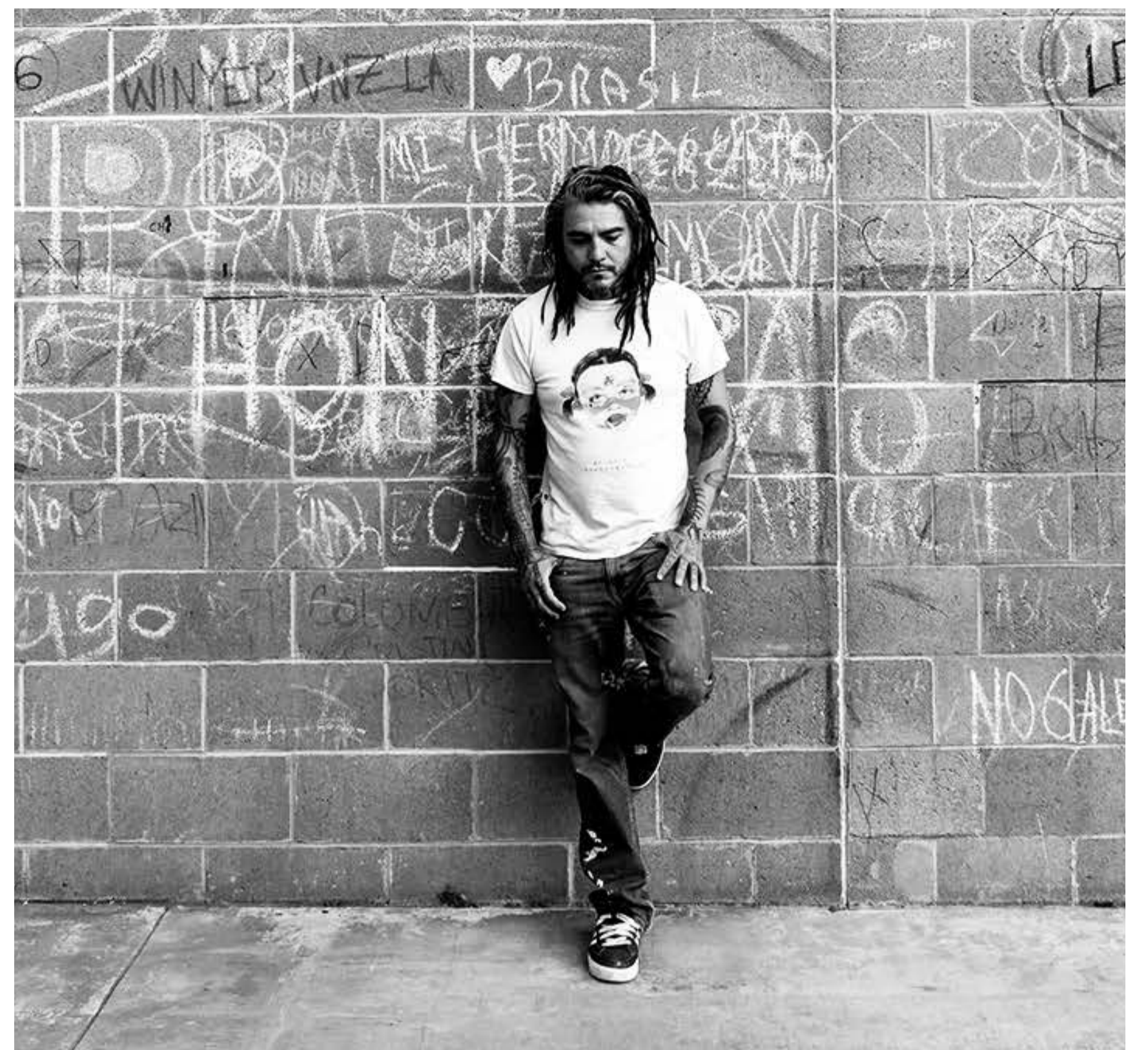


It is sobering, therefore, to consider that 75 years since the UN General Assembly adopted the UDHR, we are in the midst of the greatest refugee and asylum crisis since the Second World War.



It doesn't need to be this way. In the 1990s, following the end of the Cold War, many abusive dictatorships crumbled while a new political climate facilitated the resolution of armed conflicts in Angola, Cambodia, Mozambique, and elsewhere. It seemed like massive refugee camps might be a thing of the past. With some notable exceptions, the number of people requiring protection from the UN High Commissioner for Refugees kept falling. By 1998 the number was under 19 million – only 17% of today's figure.

What this indicates is that today's global displacement crisis is not unsolvable. This point is underscored when one considers that



Photograph By Chris Leon For Center For Victims Of Torture

76% of the world's 35 million refugees come from just six countries: Syria (6.5 million), Ukraine (5.7 million), Afghanistan (5.7 million), Venezuela (5.4 million), South Sudan (2.3 million), and Myanmar (1.2 million). What these countries have in common is that they are all experiencing armed conflict and/or are ruled by authoritarian governments unwilling or unable to uphold the human rights of all their people.



Photograph By Agnes Montanari For Center For Victims Of Torture

Reversing these trends and halving the global displacement number in time for the UDHR's centenary in 2048 is possible but will require fresh approaches to multilateralism. Just like those delegates at the Palais de Chaillot did 75 years ago, the international community needs to re-center human rights and humanitarianism at the core of global diplomacy. And all countries could meaningfully advance human rights by:

- Incorporating the UDHR into domestic law and ratifying all core international human rights instruments, including the Rome Statute of the International Criminal Court.
- Consistently opposing human rights violations and abuses at home and abroad, not just when it is politically convenient.
- Helping protect civil society and providing meaningful support to human rights defenders.
- Establishing safer transit routes for those fleeing persecution and conflict. The journey to a refugee camp or asylum should not be rendered more deadly or difficult than necessary.
- Ensuring that states increase their share of the refugee resettlement burden and strictly uphold the legal principle of non-refoulement.
- Increasing accountability through the tightening of domestic laws to freeze or seize the assets of serial human rights abusers. The United States' Global Magnitsky Act provides a useful template for this

The UDHR was drafted by pen and adopted before laptops or the Internet existed, yet its contents remain indelible. If we want to dramatically reduce mass displacement over the next 25 years, the 193 states who constitute the modern UN must put an end to this new age of impunity and uphold these rights with consistency and courage.



Just like those delegates at the Palais de Chaillot did 75 years ago, the international community needs to re-center human rights and humanitarianism at the core of global diplomacy.



To End Cruel Migration Policies, Humanize Those They Impact

Tirana Hassan, Executive Director

Human Rights Watch

At various times in recent generations, members of my family were forced to leave their home countries. My father, born a Muslim in India, was one of thousands who had to relocate during partition in 1947. Thirty years later, my parents preemptively chose to leave Singapore after my father, an academic, published a book critical of the authorities that drew the ire of the government of the day. Fortunately, each time my family was uprooted and forced to start over, we had options. We emigrated to Australia when I was 3, which afforded me the opportunity to become a human rights lawyer.

But what if my family didn't have those options? What if, instead, the countries in which we sought refuge had turned us back, locked us up, or resettled us in camps where we were left to languish – harsh realities for many of today's migrants? It's a question I can't help but ponder as governments around the world scramble to curb migration, no matter the human cost – or, in many cases, the damage to the human rights principles they ostensibly endorse.

The European Union and its member states have developed a blueprint for circumventing and outsourcing their human rights obligations to asylum seekers and migrants, especially those from Africa and the Middle East. From pushing

them back to other countries, to striking deals with abusive governments, to keep them outside of the European bloc, externalization has become the EU's preferred response to mixed migration. This response has [exposed the EU's own double standards](#) in honoring its human rights commitments and contributed to a growing, but unfounded, fear by portraying migration as an unmanageable security concern. Some EU member states have even gone so far as to [criminalize providing humanitarian](#) aid to migrants and asylum seekers.

The United States has its own strategies for evading its legal obligations to those seeking to cross its borders. Policies aimed at preventing migrants and asylum seekers from reaching the US, [jointly implemented by the US and Mexico](#), have left many struggling to obtain protection or legal status. The US has closed off legal pathways to entry, criminalized migration, and created a shrinking and unnavigable asylum infrastructure. The [human cost is tragic](#): families ripped apart, protection denied, and asylum seekers stranded in northern Mexico, where they are left vulnerable to being killed, disappeared, raped, extorted, or subjected to other abuses. Meanwhile, US deterrence policies have proven ineffective at reducing migration, while failing to address the causes of displacement or protection needs.

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These violations are being carried out despite international legal protections for refugees, migrants, and asylum seekers – protections that have their roots in the Universal Declaration of Human Rights (UDHR) signed at the United Nations 75 years ago. Indeed, the US and EU’s policy gymnastics to prevent migrants and asylum seekers from reaching their soil is a far cry from the principles underlying both the UDHR and the 1951 Refugee Convention. The latter was created in the wake of World War II to ensure that people fleeing persecution would never again be callously left to perish. It outlines a rigorous process to determine who is eligible for asylum and who is not. The treaty falls short in important respects, but for millions of people it has been the difference between life and death.

Yet some authorities choose to ignore this asylum process, shirk their human rights obligations to all migrants, and instead [peddle fear](#) for political gain. Sadly, this is not new. In October 2001, Australia, the country that provided so much opportunity for me and my family, was headed into a federal election. The government of Prime Minister John Howard, who had been campaigning on a hardline position against immigration, claimed that a group of asylum seekers headed by boat to Australia had thrown their own children overboard in a cynical ploy to secure rescue.

It was a deliberate lie intended to demonize them as devious and cruel. A government inquiry later found that no children had been thrown overboard, but the most senior government officials, including the prime minister himself, chose to mislead the public and exploit voters’ fears of illegal immigration.

There is a devastating human cost to this callousness. Before Australia started putting refugees and asylum seekers on remote Pacific islands like Nauru and Manus, it locked them up in remote desert detention centers.

I worked with people detained in one of them – an abandoned rocket launching site in a desert town called Woomera. Detained for years, people became so desperate that some resorted to drinking bleach in an attempt to end their lives. Others threw themselves on the rolls of razor wire. A group of Afghan women stitched their lips together in a desperate act of protest. As a former social worker, I could see the profound impact on children. Some stopped speaking because of trauma. One boy developed haunting dark sacks under his eyes and would on occasion fall to the ground and lose consciousness from years of internalized stress and anxiety in detention.

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We utilized the courts to generate public pressure to shut down Woomera and, eventually, the refugees and asylum seekers were moved to a new facility and processed. It was still deeply problematic, but they had marginally better access to services since their location was less remote. Some were granted refugee status and released. Pro bono lawyers worked their cases, doctors quietly provided free health care. “Circles of friends” were created where groups of volunteers banded together and sponsored families, helping them find housing and register

their children for school – showing that even when their leaders fail, their countries still have humanity.

It is this humanity that the human rights field needs to tap into to address cruel migration policies that contradict international human rights law. We have learned important lessons from the EU, the US, and Australia – lessons about how governments will leverage rhetoric, domestic law, and regional policies and politics to evade their responsibilities to refugees, migrants, and asylum seekers. To fight this and uphold human dignity, we must work with an array of partners at the local, national, and international levels to humanize these groups of people and build public and political pressure to protect them.

Providing protection to migrants and asylum seekers is a legal obligation. Those who breach international law should be aware that the truth will catch up to them. In the meantime, we must work together to ensure that our laws and human decency outlive the flawed approaches of our governments.



An Intersectional Approach to the Crisis at the US-Mexico Border

Rose Cahn, Human Rights Program Officer

Angie Junck, Human Rights Program Director

Heising-Simons Foundation



When Bartolo, a Mexican farmworker who came to the United States looking for work, crossed the border, [he was arrested by Texas police for trespassing](#) and locked in a prison for months. There he faced numerous due process and human rights violations, waiting for weeks without being assigned an attorney, spending more than a month without charges filed against him, and waiting even longer to go to court – all while living in atrocious conditions where he was fed raw chicken and went hungry for days. When he finally saw a judge, he was given the choice of paying a \$2,500 bond – money he did not have – or pleading guilty to secure his release. He ultimately pled guilty and was released on Christmas, handed over to immigration officials, and deported the same day.

Bartolo is just one of the thousands of casualties of Operation Lonestar (OLS), a \$9.5 billion effort by the administration of Texas Governor Greg Abbott that dehumanizes, degrades, and criminalizes migrants, including those seeking asylum. Despite the facts that asylum seekers are protected under US federal law, that thousands of migrants are children, and that many key sectors of the US economy have long depended on migrant labor, Texas has decided to characterize these individuals as imminent security threats and to deny them their dignity in ways that should shock anyone.

As the philanthropic community looks to the

future of the human rights movement 75 years since the signing of the Universal Declaration of Human Rights (UDHR), those of us working to end the crisis at the US-Mexico border and protect people like Bartolo must embrace an intersectional approach to the issue. This must include recognizing the ways in which systemic racism, inhumane immigration laws and policies, and a deeply flawed criminal legal system work together to undermine the principles and rights enshrined in the UDHR. These include, but are not limited to, the rights to freedom of movement and asylum; the right to equal protection under the law; and the prohibitions against involuntary servitude, torture or cruel, inhuman or degrading treatment or punishment, and arbitrary detention.

The Human Rights Program at Heising-Simons Foundation approaches grantmaking through the lens of people, not policies. Our program works to build the power and agency of those directly impacted by mass criminalization, supporting them to dismantle systems of oppression and build a safer, more just world. In response to the border crisis, and to OLS specifically, we have been working closely with grassroots groups, advocacy organizations, and other funders to support impacted communities' response. In the process, we have gleaned lessons that might help other donors interested in tackling such a critical and complex issue.

First, throughout our work, we have held close to our hearts Audre Lorde's admonition: "There is no such thing as a single-issue struggle because we do not live single-issue lives." As we mentioned earlier, the border politics at play in Texas necessitate an intersectional

approach – one that involves the movements for human rights, immigrant rights, criminal justice, racial justice, environmental justice, and economic justice. Beyond violating the rights of thousands of asylum seekers and undermining the universal right to freedom of movement, OLS discriminates against communities of color and is dramatically ballooning the carceral state. The buoys and water barriers erected to deter migrants wreak environmental havoc on river flows while the dollars dangled for OLS participation prey off the systemic underinvestment in rural communities. Our program supports frontline partners that recognize the crisis as an issue no organization or sector can tackle alone.

Another lesson is the importance of centering the leadership and wisdom of those most impacted by the border crisis. While we fund larger groups in Texas with the capacity to backstop statewide coalition efforts, we are also keenly aware that emerging grassroots, community-based groups are critical to building powerful statewide opposition. As a national funder, we may not be best positioned to identify hyper-local groups, so we intentionally coordinate with our statewide grantees to set aside some of their overall grant for local and grassroots groups. As a result, groups large and small are all part of the statewide [End OLS Coalition](#), which is now more diverse and representative than ever before – in part thanks to locally-led regranting efforts that have helped build relationships, identify emergent and critically important groups, and meet their individual needs.

Finally, we have learned that we must commit to resourcing campaigns for the long haul and be open to emerging strategies that do not necessarily yield short-term results. After several demoralizing losses at the state legislature, our partners in Texas are beginning to move away from defining themselves by what they are opposed to (OLS) and are instead focusing on what they know is possible

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Those of us working to end the crisis at the US-Mexico border and protect people like Bartolo must embrace an intersectional approach to the issue. This must include recognizing the ways in which systemic racism, inhumane immigration laws and policies, and a deeply flawed criminal legal system work together to undermine the principles and rights enshrined in the UDHR.

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at a local level: nurturing communities rooted in human dignity and compassion. To this end, our partners are working to decrease the isolation of border communities and to support and expand local organizing. This has meant engaging groups outside the traditional nonprofit and advocacy organizations, including rotary clubs, libraries, and children’s services organizations.

There is evidence that this approach works. On Aug. 1, 2023, End OLS Coalition members supported residents of Eagle Pass, Texas, to successfully advocate for their city council to rescind the mayor’s “private property” designation on their public park. The mayor’s designation had granted the Department of Public Safety authority to arrest migrant

“trespassers,” resulting in over 500 arrests – more than 10 times the amount in other counties. Advocates call Eagle Pass the epicenter of OLS; over 1,000 feet of razor wire-laced buoys line the riverbanks. The Coalition coordinated [testimony](#) from local community members who convinced the city council and the mayor to [revoke the designation](#) in a unanimous vote. City council members called this a humanitarian crisis and an embarrassment to their local values.

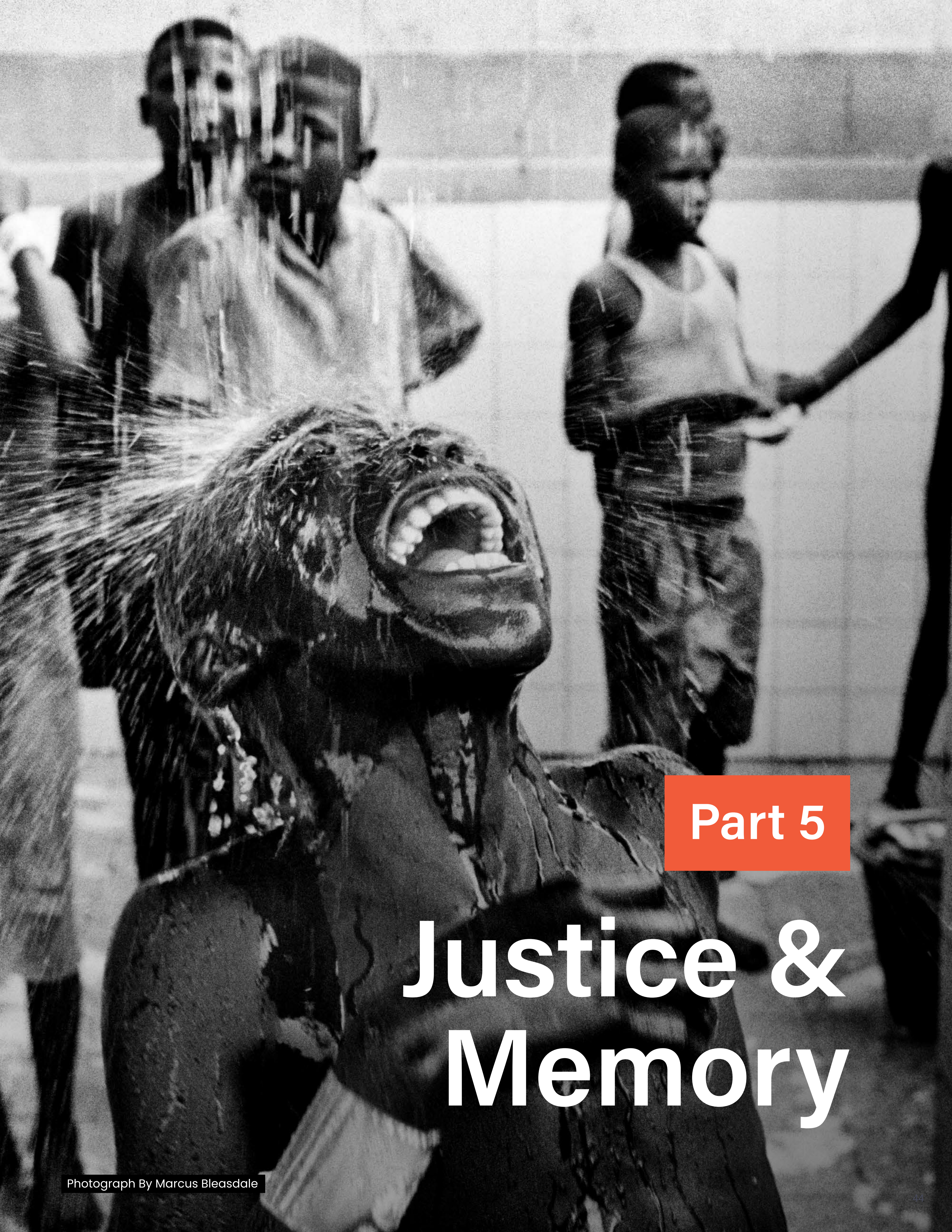
work, groups and community members are building across issue areas to reclaim and reframe the border as a site of welcoming inclusion. As funders, we must follow their lead.



Through tenacious,
resourceful, and
persistent work,
groups and community
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welcoming inclusion.



The growth and expansion of OLS exposes the way that multiple systems of control and punishment – immigration and criminal – have been calculatingly interwoven to circumvent international human rights outlined in the UDHR. The brutality that propagates at the intersection of those two systems should be a wakeup call that our understanding of criminalization, migration, and human rights in the US must evolve; that our strategies must sharpen; and that traditional silos must be transcended if we are to uphold human dignity and protect the most marginalized people. Through tenacious, resourceful, and persistent



Part 5

Justice & Memory

Impacted Communities Hold the Key to Justice for the World's Worst Crimes

Carmen Cheung Ka-Man, Executive Director

The Center for Justice and Accountability

In 2011, Syria witnessed a violent crackdown by the government of President Bashar al-Assad on a wave of popular protests sparked by the Arab Spring. This crackdown soon escalated into a full-blown conflict that has engulfed the country for more than a decade and displaced millions of Syrians internally and abroad. While all sides have faced allegations of abuse, the Assad regime, in particular, is accused of a wide range of international crimes, including indiscriminate bombings, the use of chemical weapons, forced displacement, sexual violence, torture, and extrajudicial killings.

In the face of this growing catalog of atrocities, Syrian civil society has mobilized over the past decade to investigate and advocate for accountability. Their efforts have contributed to notable successes, including criminal prosecutions of Assad regime officials in Europe and the creation of the United Nations International, Impartial and Independent Mechanism (IIIM) on Syria in 2016.

While this is welcome progress, much of the discussion surrounding accountability has been dominated by male-led Syrian civil society organizations – particularly those with strong relationships with governments funding international justice efforts. While women have been engaged in investigations and advocacy,

their voices are too often de-emphasized within the accountability movement. This imbalance has meant that issues primarily affecting men receive more attention and priority than those affecting women or other marginalized groups, and that the experience of women impacted by the conflict is often reduced to “sexual violence”.

It is time to change this – not just in the case of Syria, but in all situations involving egregious human rights abuses. Some 75 years since the adoption of the Universal Declaration of Human Rights (UDHR) and the Geneva Conventions – founding pillars of international human rights and humanitarian law – we who support international justice must work to make it more inclusive and applicable for all. This requires centering the voices, experiences, and ambitions of the communities most affected in accountability efforts. It means going a step further to identify communities that remain marginalized, even within victim and survivor groups, and ensure their voices are heard.



Photograph By Marcus Bleasdale

And it entails supporting these communities to take a leading role in research, advocacy, and litigation of their cases, including as lawyers and investigators.

Our work at the Center for Justice and Accountability (CJA) offers some valuable insights and lessons on how to support these goals. One of the most important is to truly listen to the communities we support, and to respond to their calls. Through our interactions with Syrian activists and lawyers, we heard both a desire and a necessity to prioritize women's voices and support women leaders within the accountability movement. In response, we embarked on a project in 2018 aimed at supporting Syrian women lawyers and human rights defenders in acquiring the skills and opportunities needed to enhance their leadership roles.

The incredible achievements of our partners over this time exemplify the power of truly representative, community-led efforts for international justice. One partner, the Syrian British Consortium (SBC), recently concluded a two-year investigation into the 2012 massacre in Daraya: a mass killing of 700 men, women, and children by Assad forces and their allies that took place over one week. The investigation was led by lawyer Dr. Yasmine Nahlawi. With support from CJA, Dr. Nahlawi conducted the investigation along with other SBC investigators, many of whom had ties to the Daraya area. These personal ties allowed for an investigation that was deeply contextualized and characterized by unusual sensitivity to the traumas suffered by the victims, including women. The results were groundbreaking: While the massacre was widely reported when it took place, it had not been thoroughly documented. SBC's report provided crucial details and a comprehensive legal analysis of the crimes committed, the responsible entities, and the means through which the attack was carried out. It also included testimonies from survivors who had

never before been interviewed. Its findings were widely publicized by the international media, and the evidence it contained was shared with the UN accountability mechanism for Syria (IIIM).

SBC's Daraya investigation is a powerful example of how human rights defenders from an impacted community can – when adequately resourced – play a leading role in seeking accountability for atrocities. In that example, CJA was privileged to work with an existing organization of human rights defenders. But sometimes, organizations need a bit of support to come together. Such was the case with two Syrian women lawyers who wanted to form a women-led organization to investigate international crimes committed in Syria. At their request, CJA initially provided resources and knowledge to develop their individual investigative skills. Several years later, they spoke to us about formally creating a non-governmental organization (NGO) in Europe, where they were living in exile. We collaborated in thinking through organizational structures and other governance issues.

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Some 75 years since the adoption of the UDHR and the Geneva Conventions ... we who support international justice must work to make it more inclusive and applicable for all.

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Today, their NGO, Huquqyat, is the first Syrian women-led organization dedicated to legal accountability, with the mandate to support inclusive justice in Syria by “promoting women lawyers and legal practitioners to take an active part in and to lead investigations and accountability proceedings.”

Finally, our work in Syria has taught us that we sometimes need to adjust our own practices to reflect the needs of the impacted community. For example, when we began investigating torture in Syrian detention centers, we consulted extensively with the families of the detained and disappeared to construct a piece of strategic litigation that reflected the range of harms experienced by all those affected. We spoke with organizations representing families of the detained. We talked to Syrian-led civil society advocates. We consulted with survivors’ groups. Based on this listening and learning, we are now developing a case that seeks to reflect the myriad of harms experienced by a community when their loved ones are detained or disappeared by Syrian authorities.

These examples underscore why, to maximize impact and meaning, international justice efforts must be guided by the communities affected – groups that not only possess the most profound understanding of what is required to advance accountability, but are also the ones who will persist in the fight over the long term, even as global politics and priorities shift. It is the responsibility of international organizations and entities with global influence to aid these grassroots initiatives by redistributing access, capacity, and resources to ensure their sustainability. These partnerships are essential for challenging an international system marked by an unequal distribution of power and for advancing the crucial work of international justice over the next 25 years.



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Virtual Tribunals: Preserving Memory, Connecting Courts, Writing New Histories

Michael Eastman, Researcher, Special Projects

Center for Human Rights and International Justice, Stanford University



Every right is grounded in history. To protect and promote human rights now and in the future, the Center for Human Rights and International Justice at Stanford University is reaching into the past through one of its premier initiatives, Virtual Tribunals, which seeks to digitize and make accessible all international criminal tribunal records since World War II. By resurrecting and sharing these forgotten memories, we hope to strengthen the development of human rights law, deepen our understanding of history, and inspire new ideas to advance human rights.

The Universal Declaration of Human Rights (UDHR) grew out of the experience of World War II, a war eclipsing all others in both its scale and its cruelty. Within that vastness were millions upon millions of personal tragedies – the ending of lives, the breaking of bodies, the torturing of minds, and the stealing of hopes.

To answer those tragedies, the UDHR rooted the safety of society in the recognition and celebration of each individual person. It was, however, not only an intellectual summary of what would best serve the community of nations. It was also a document which provided the basis for a cascading series of treaties that bound governments to its purpose of protecting

and promoting human rights. It is these treaties that make up the foundation of modern human rights law.

This attempt at perpetuity also sought to address another sin of war – that it destroys memory. The UDHR stood as a written record of what should not be lost again. It was not alone, though. One of the more reliable ways in which the lost memories of war are resurrected is through international criminal tribunals, often called war crimes courts. These bodies seek to discover flagrant suffering and hold accountable those responsible. Investigations are made, tribunals are convened, and through them, responsibility is determined.

Yet, while these tribunals are meant to give a permanent story of what happened, of what was lawful and what was not, they were, until recently, not themselves permanent.



Photograph Courtesy National Archives And Records Administration (111-SC-290910). Image Cropped From Original.

Established in the aftermath of each individual war, they would close when their work was done, transferring their records to tightly controlled and difficult-to-access archives. This near-embargo creates a considerable risk that the records of these tribunals – and the horrors they sought to uncover – will disappear from memory.

The elimination of records is dangerous for the rule of law. For law relies on the soldering together of past, present, and future. This is clearest in common law jurisdictions where, through the doctrine of precedent, courts are bound by the decisions of earlier courts. But the past also appears in civil code jurisdictions, where effective customs, widespread and longstanding, are made into rules. Globally, then, law treats the experience of the past as a rule for the present and a teacher for the future.

In recent decades, the possibility of holding the perpetrators of atrocities to account has improved, thanks to the establishment of the International Criminal Court and the increasing number of national courts prosecuting such crimes. However, these courts are institutionally separate from one another and disconnected from tribunals of the past, making it difficult for them to access records and build a cogent, clearly developed system of law on the gravest human rights abuses. In short, knowledge cannot carry forward.

As a university, it is our duty to create, preserve, and impart knowledge. To that end, our Center has partnered with Stanford University Libraries to collect the records, encode them with metadata, and place them on an online platform, Spotlight at Stanford, where they will be available to all, always. In so doing, Virtual Tribunals will give courts, through the ages and across geographies, the ability to connect their jurisprudence, permitting them to develop more robust human rights law.

The task of finding and preserving the records is daunting. Most records are only on paper, enormous in size and scope. A large portion were released to archives only decades after their proceedings ended and without guidance on their content. So, for a prototype project, Virtual Tribunals digitized the records of a recent tribunal, the Special Panel for Serious Crimes, East Timor. Though the records were small, the experience gave us the ability to initiate a larger task: the digitization of World War II records.

It was in the courtroom of the International Military Tribunal at Nuremberg, at which the surviving leadership of Nazi Germany were prosecuted, that the world came to know of the Holocaust and other crimes committed by the Nazi war machine. From this reckoning would grow the principles of human rights that would be written into the UDHR. Seeking to immortalize this crucial foundation of human rights law, Virtual Tribunals digitized the complete record of proceedings of Nuremberg – records that are now permanently accessible.

Vital as Nuremberg was, it tried less than two dozen men, all of whom were far removed from the hell they initiated. The actual perpetrators of the horrors in the concentration camps and

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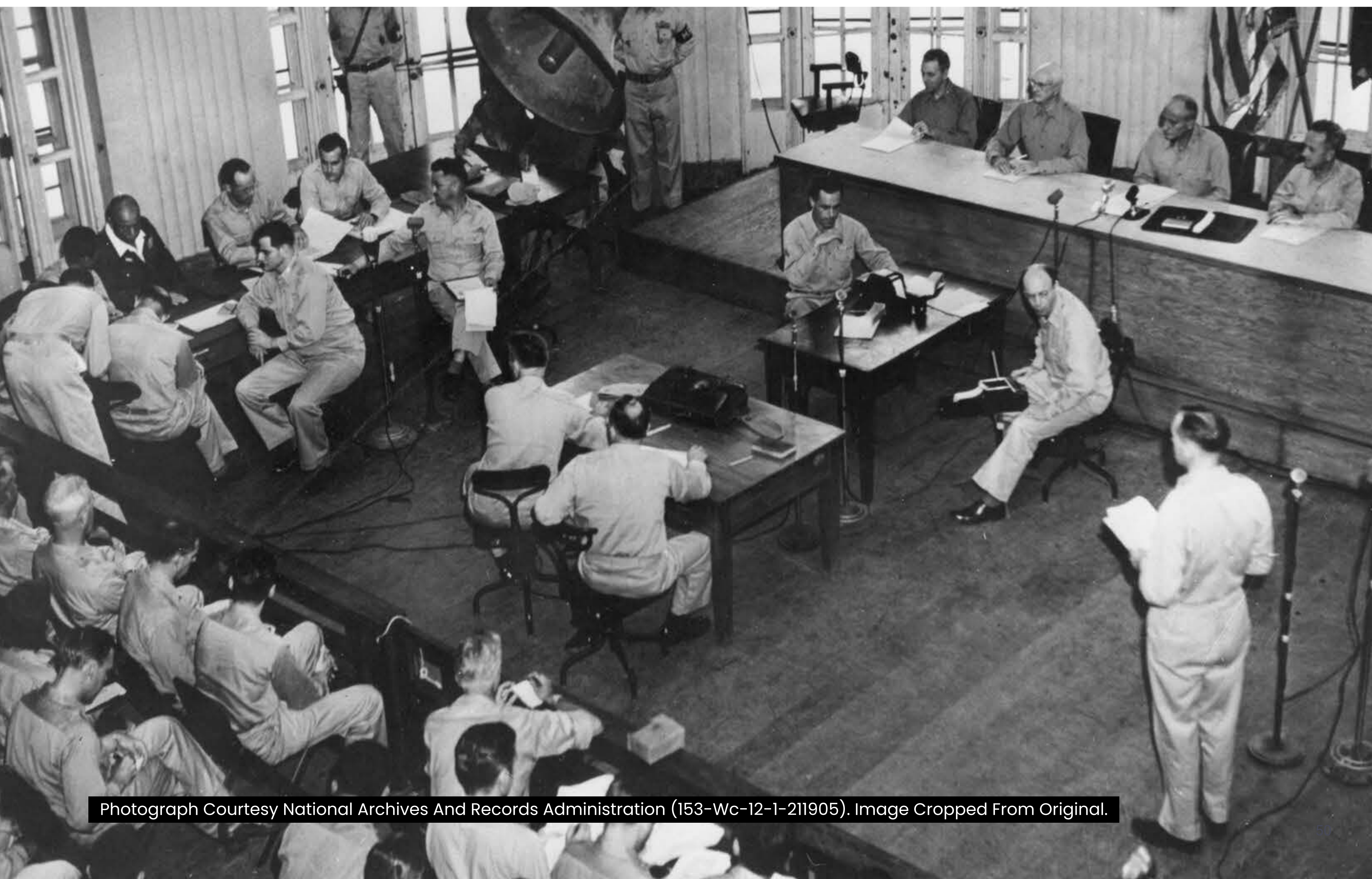
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elsewhere – the doctors and dog-handlers, the guards and clerks – were tried by military courts, administered by the individual Allied powers. The US Army was foremost in trying these other war criminals. Although thousands would be punished, today these tribunals are almost forgotten, and little scholarship has considered them. Virtual Tribunals turned to these records next. To mark the 75th anniversary of the UDHR, we will be releasing digitized records for 800 World War II war crimes trials, covering the US Army courts in Europe and the Asia-Pacific region. For the first time, and in incredible detail, the investigations, trials, rulings, and sentences for war criminals from Nazi Germany and the Empire of Japan will be made available to the public.

From these records, we anticipate that readers will draw a richer understanding of the atrocities committed and of the role of law in holding the

perpetrators to account. As tools of law, we hope they will give future courts a better sense of the legal mechanisms on which they build, so leading to clearer development of human rights law. As instruments of teaching, we hope the records will take students to the beginnings of human rights and international justice, allowing them to understand that which made the world they will inherit. Ideally, with their writing of new histories, shall come the seeding of new ideas. Finally, as repositories of memory, we hope these records preserve history for the future, guaranteeing that knowledge shall not be lost. We hope that, by providing this portal into the past, we can grapple further with what it has meant – and will continue to mean – to protect and promote human rights.



Photograph Courtesy National Archives And Records Administration (153-Wc-12-1-211905). Image Cropped From Original.

To Build a Brighter Future, South Africa Must Confront its Dark Past

Ntombenhle Shezi, Advocacy & Communications Manager

The Desmond and Leah Tutu Legacy Foundation



On April 27, 2024, South Africa will celebrate 30 years since the end of apartheid and the holding of its first democratic elections. A milestone not only for South Africa but for the global movements for human rights and racial justice, this date is a reminder of the power of movements to achieve change.

But while the end of apartheid was an historic achievement, it was not the end of racial inequality in South Africa. The dehumanizing aspects of apartheid remain deeply embedded in the collective memory of our people. And while the nation has made commendable progress in dismantling apartheid-era legislation and promoting reconciliation, the lingering effects of this period in our history reverberate in ways that harm historically marginalized groups. From a lack of reparative justice for those who were victims of dispossession and violence under the apartheid regime, to systemic racism, to the scourge of intergenerational poverty – the impact of apartheid continues to be felt by many.

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Forgiving is not forgetting; it's actually remembering – remembering and not using your right to hit back. It's a second chance for a new beginning. And the remembering part is particularly important. Especially if you don't want to repeat what happened.

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– Archbishop Desmond Tutu

With the 75th anniversary of the Universal Declaration of Human Rights (UDHR) upon us and the 30th anniversary of democracy in our country fast approaching, now is an opportune moment to reflect on the painful historical backdrop that has shaped our path, and to do the hard work of examining how the legacy of apartheid lingers in ways that prevent many citizens from enjoying their human and constitutional rights. To do this, we must begin long before apartheid, with the colonial conquest of our country.

It is crucial to recognize that the seeds of apartheid were sown well before the apartheid regime officially began in 1948. In fact, the roots of apartheid can be traced back to the institution of slavery, which Dutch colonists introduced in South Africa in 1653, and which both the Dutch and British colonial powers maintained until slavery's abolition in 1834. The society these colonial powers created was built upon the brutal exploitation of people, including slaves brought from abroad – mainly the Indian subcontinent and Southeast Asia.

Lawyer and academic Tembeka Ngcukaitobi described the relationship between colonization, apartheid, and modern South African society in *The Mail and Guardian*, writing:

“We have, however, forgotten what preceded apartheid: the brutalising colonial conquest of the British. For two centuries before apartheid formally began, the British had long laid the seeds of racial segregation, property dispossession, and the construction of a racial oligarchy. To make sense of the disruption of native lives, we should first consider the role played by them ... The enslavement of local people is one of the most significant, yet the least spoken of, periods in the shaping of modern South Africa.” (May 2011)

The parallels between the system of control used during the era of slavery and the

apartheid laws instituted in 1948 are striking. Apartheid, which literally translates to “apartness” in Afrikaans, was the formalized system of racial segregation and discrimination that South Africa endured for nearly half a century. Many of the apartheid laws, such as the Group Areas Act (1950), the Natives Act (1952), and The Bantu Education Act (1953), mirrored the oppressive tactics employed to regulate the movements and economic advancement of enslaved individuals during the colonial era. Under apartheid, racial groups were strictly categorized, with people being classified as white, coloured, Indian, or black. This classification system led to the enforced separation of communities and the forced removal and relocation of people into designated areas, reserves, or “Bantustans”. These places were often arid and far from economic hubs of the cities.

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The future of human rights in South Africa hinges on the nation's willingness to confront its past, dismantle the persistent legacies of apartheid, and forge a path toward a more equitable and inclusive society

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This spatial separation is evident through the physical separation of communities, particularly along racial lines. This persists today and is visible in cities like Cape Town and, to some degree, Johannesburg.

People, especially those from historically disadvantaged backgrounds, often find themselves living in townships on the outskirts of cities – places that they were forced into decades ago, and that are far from the economic opportunities and social services that the city offers.

The lack of access to economic resources, adequate educational structures, healthcare, water and good sanitation, and electricity is a stark reminder of the inequalities that apartheid ingrained within South African society. The Constitution of South Africa includes a Bill of Rights which maps out the fundamental human rights that all South Africans should enjoy, including the right to adequate basic education, housing, and human dignity. Yet the new government has been unable to fulfil its promises because of government corruption. Until these rights are realized and the historical roots of current inequalities are recognized, South Africans will not attain the vision many hoped they would achieve when apartheid fell.

South Africa has taken significant strides toward achieving reconciliation and justice since the end of apartheid; but the journey toward the full realization of human rights for all citizens is far from over. It is a continuous process that necessitates unceasing commitment, introspection, and collective action. The 30th anniversary of democracy serves as a poignant reminder of how far South Africa has come, but also as a call to address the deep-seated wounds, and current disappointments in governance, that continue to affect our people.

The future of human rights in South Africa hinges on the nation's willingness to confront its past, dismantle the persistent legacies of apartheid, and forge a path toward a more

equitable and inclusive society while acknowledging the dark chapters of its history. In doing so, South Africa can stand as a beacon of hope for other countries – particularly those struggling with similar legacies of colonization and slavery – by demonstrating the transformative power of acknowledging and addressing historical injustices.





Part 6

The Rise of Technology

Digital Open Source Investigations: Strengthening the Future of Human Rights

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Alexa Koenig, Co-Faculty Director &

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UC Berkeley Human Rights Center



When the drafters of the Universal Declaration of Human Rights sat down to enumerate the rights to which every human being is entitled, they could not have imagined how important technology would become to people's ability to secure those rights. It was 1948 – a time just before the Digital Revolution and years before the internet and smartphones. As we pause to envision the future of human rights 75 years later, we must examine how the birth and spread of these technologies has both helped and hindered our cause, and how we can better leverage them for good. The latter includes improving, expanding, and supporting digital investigations into human rights abuses.

At the UC Berkeley Human Rights Center, we use a variety of methods to uncover truth, hold perpetrators accountable, and pursue justice in partnership with marginalized communities. We began 30 years ago by collaborating with experts using forensic anthropology and DNA technology to investigate war crimes and identify the disappeared, using DNA analysis to reunite families with children abducted or given up for adoption during armed conflict.

Today, we continue to set precedent in the area of digital open source investigations. We train students and advocates to collect, preserve, and verify information of human rights abuses worldwide. We also partner with leading human rights, legal, and news organizations to use the evidence we uncover to shape the course of international criminal law. While we have supported a growing number of peer institutions to launch similar programs, there is still a vast need for more investment in training on-the-ground advocates and practitioners to conduct digital open source investigations.

Why is this work so important? Social media has irrevocably changed the information ecosystem, connecting communities in a way never before experienced. Camera phones that can upload photos and video information directly to the internet are largely affordable and available globally. In the hands of people experiencing atrocities, a smartphone with internet connectivity becomes a tool to bear



Photograph Courtesy UC Berkeley Human Rights Center

witness. Further, satellite imagery – once the sole purview of governments – is now commercially available to give an aerial perspective on activities in conflict zones. With so much digital information available, it is critical that we effectively capture it, verify its authenticity, and get it into the hands of people with the power to do something about it. But how?

We founded the Human Rights Investigations Lab in 2016 to answer that question, and to explore how new and emerging technologies – including information from social media and



There is still a vast need for more investment in training on-the-ground advocates and practitioners to conduct digital open source investigations.



other publicly available sources – could be effectively harnessed to support human rights investigations. We began with a diverse cohort of UC Berkeley students – the majority of whom are young women of color – and trained them to gather and verify digital open source information of potential human rights abuses. Since then, the Lab has exploded in scope, feeding cutting-edge online research to leading organizations, including the United Nations, New York Times, Washington Post, Associated Press, Amnesty International, Human Rights Watch, Physicians for Human Rights, and countless grassroots groups.



Photograph Courtesy UC Berkeley Human Rights Center

We have also worked with peers in the space to replicate our model, which is now being used at close to a dozen universities. Most recently, we mentored UC Santa Cruz's Dolores Huerta Center and UCLA's Promise Institute to launch their own labs and have collectively co-founded the women-led University of California Network on Human Rights and Digital Fact-Finding. Through our partnership with Amnesty International, we've supported the launch of similar student-run investigation labs in Canada, Germany, Hong Kong, Mexico, South Africa, and the United Kingdom.

Beyond our university-based training model, we travel worldwide to provide digital open source investigation training programs to frontline human rights defenders. Participants have included civil society groups from Ukraine, journalists and human rights advocates from Libya, and Yemen's National Commission to Investigate Alleged Violations of Human Rights. In partnership with the Institute for International Criminal Investigations, we also hold regular trainings at The Hague for investigators from the UN, the International Committee of the Red Cross, and the International Criminal Court (ICC), among others.

Seeking to support as many investigators in as many corners of the world as possible, we collaborated with the UN Office of the High Commissioner for Human Rights to develop guidelines for digital investigations. The result is [The Berkeley Protocol on Digital Open Source Investigations](#), which we co-published in 2020. The Protocol sets international standards for the collection, preservation, and verification of digital open source information that can be used in investigations of violations of international criminal, humanitarian, and human rights law. As the world's first international guidelines on how to responsibly conduct online investigations with the goal of admissibility for international courts, the Protocol is changing the ways we document conflict – updating expert methodologies to reflect the current state of crisis and address how social media has changed the human rights landscape. It is being translated into all official UN languages and is in active use by Ukrainian prosecutors documenting Russian war crimes.

As part of our partnership with the Institute for International Criminal Investigations, we are also developing recommendations for digital investigations of systematic and conflict-related sexual violence. The Murad Code – honoring Nadia Murad, the Yazidi activist and Nobel Prize winner – is a set of existing global guidelines aimed at making international criminal investigations of systematic and conflict-related sexual violence (CRSV) more ethical and effective by being more victim-centered. However, guidance for digital open source investigators was largely left out of the Code. Given our principle role in creating the Berkeley Protocol and our longtime work on CRSV, we have led the development of a practitioner's guide to complement the Code. This tool is deeply needed to facilitate digital investigations of CRSV in Ukraine, Myanmar, Israel/Palestine, and elsewhere around the world.

While we apply what we uncover in our digital open source investigations to pursue accountability and raise awareness, we also use it to influence the landscape of international criminal law. Earlier this year, we submitted our second Article 15 Communication to the ICC making the case that Russian cyber-attacks against Ukraine's critical infrastructure should be considered war crimes within the terms of the Rome Statute. Since then, the ICC Prosecutor has stated publicly that he will now consider the role of cyber-attacks in all of his investigations.

In a world with no shortage of human rights abuses, it can feel impossible to prioritize one issue over another. At the Human Rights Center, we believe training students and advocates in innovative and rigorous investigative skills will increase our ability to address a range of these issues by helping uncover and preserve the foundation of all human rights work: the facts. With these facts in hand, we can work to end, prevent, and secure justice for human rights violations, building a safer and more dignified world for generations to come.



With so much digital information available, it is critical that we effectively capture it, verify its authenticity, and get it into the hands of people with the power to do something about it.



Internet Shutdowns and International Law: Analog Laws in a Digital Age

Peter Micek, General Counsel &

UN Policy Manager

Laura O'Brien, Senior UN

Advocacy Officer

Access Now



For human rights defenders operating in 2023, the Universal Declaration of Human Rights (UDHR) is woefully deficient in an area critical to both their security and their work: digital rights. It does not mention the internet and digital technologies nor private corporations – two forces overwhelming our advocacy and manipulating civic space in innumerable ways.

Fair enough. The internet's development began about 20 years after the signing of the UDHR, and the rise of multinational corporations evaded

scrutiny by human rights instruments for decades more.

Where the UDHR lacks clarity on “how” and “who” is to ensure our rights, though, it is visionary in defining and expounding on those rights, even in this digital age. By affirming our right to “seek, receive and impart information and ideas through any media, and regardless of frontiers,” its Article 19 so welcomed the rise of the borderless, multimedia internet.

In our work at Access Now, a global organization defending and extending the digital rights of individuals and communities at risk, that's where our fight lies: protecting access to information and ideas via the open, secure, and interoperable internet.

In today's world, protecting internet access is key to upholding fundamental human rights, including the right to the freedoms of opinion and expression, which is enshrined in both Article 19 of the UDHR and the International Covenant on Civil and Political Rights. Free expression enables the exercise and protection of all other human rights, by facilitating journalism and creating civic space for dialogue and dissent on matters in the public interest. As such, denying a person or entire community access to the internet violates their rights to expression, as well as many other rights.

Worryingly, denials of internet access through



Graphic By Access Now

shutdowns have become more popular since the Arab Spring uprisings in 2011, when the Egyptian government under Hosni Mubarak hit the internet “kill switch” to quell popular unrest – and with it, the rights and freedoms of millions of people.

The impact of internet shutdowns is particularly grave in situations of armed conflict. Those suffering internet shutdowns lack access to life-saving information, including channels to reach emergency medical services, locate humanitarian aid, and know the latest movements of combatants in their neighborhoods. Family members cannot check on their loved ones, send mobile money, or direct them to safe passage.

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The exercise of human rights in a fragmented, hybrid, and digitized world depends more and more on open, interoperable, affordable, and secure connectivity to the global internet.

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Yet internet shutdowns abound. In 2022 alone, governments and other actors disrupted the internet at least 187 times across 35 countries – the most states to hit the kill switch in a single year. (Access Now uses a broader [definition](#) of “shutdown” to include throttling and deprecation of connectivity to the point where the internet is effectively unusable.)

As the world celebrates the 75th anniversary of the UDHR, we want to focus attention on the

threat of internet shutdowns, and to chart our advocacy path to maximize the United Nation’s reach in defending digital rights in ways that strengthen international law and are rooted in human dignity and the rights affirmed in the UDHR. Of course, the internet does not always serve the interests of the people. Like the practice of law, people develop and use the internet more often to benefit the powerful and privileged than to address injustice or redistribute wealth. But the invention holds great promise for upending established knowledge silos and power structures, and for righting inequities. It has a decent track record of helping marginalized people and communities [find each other](#) and [form rank](#), building campaigns and even movements to advocate for their rights.

Therefore, while internet use must be governed to create guardrails that protect against abuses such as digital harassment of human rights defenders and stalking through tracking and other privacy violations, internet access merits all the protection of a fundamental right. In short, the exercise of human rights in a fragmented, hybrid, and digitized world depends more and more on open, interoperable, affordable, and secure connectivity to the global internet.

So what happens when governments begin to shut down the internet? Currently, not enough – but not for lack of effort. After Egypt’s shutdown, UN experts jumped into action, turning 2011 into a pivotal year for application of the international human rights framework in the digital age. Global experts issued a [Joint Declaration](#), applied international law directly to digital spaces (in [General Comment 34](#)), and issued groundbreaking [reports](#).

Civil society has rallied as well. In 2016, Access Now launched the [#KeepItOn coalition](#). Today, #KeepItOn comprises more than 300 organizations from 105 countries around the

globe organized to fight internet shutdowns through a variety of creative approaches, including grassroots advocacy, direct policymaker engagement, technical support, and legal intervention. We have had a front row seat into how the international ecosystem has evolved, with many States – albeit mainly Western – now spearheading initiatives at the UN and beyond to condemn internet shutdowns worldwide.

The obstacles, and the progress made, have crystallized amidst the current Israel and Hamas conflict, where repeated [internet shutdowns in Gaza](#) have beset a population already under siege. The International Telecommunication Union (ITU) issued a [condemnation](#) of the “communication blackout in Gaza,” while International Committee of the Red Cross (ICRC) officials called out the disruptions for blocking humanitarian access and aid. The UN High Commissioner for Human Rights made an [unequivocal statement](#), asserting the threat to human rights and humanitarian access posed by bombing and disruption of telecommunications.

Despite the rhetoric, though, we still see frustration at the highest levels of multilateral policymaking, and painfully little progress on the streets. The UN General Assembly resolution on Gaza did not mention the internet, telecommunications, or electricity. Not until our leaders understand access to information and expression as a fundamental driver of human rights, akin to food, shelter, and medicine, will we bring the foundations of the UDHR firmly into the digital age.

Building on 2022’s [UN Human Rights report on internet shutdowns](#), we see several areas for stakeholders to play a role in fighting internet shutdowns:

- To all States, and in commemoration of the UDHR: Pledge to #KeepItOn and extend internet access universally.
- To the tech sector: Work with civil society and policymakers to monitor more nuanced forms of censorship, like “throttling” and downgrading of bandwidth.



- To humanitarians: Study shutdowns for their impacts on humanitarian access and assistance to civilians, peace negotiations, and information gathering in conflict environments.
- To academics: Study shutdowns in particular situations, like protests and elections; their impacts on climate advocacy and educational and health outcomes; how they obstruct accessibility and inclusion; and where their impacts are gendered.
- To legal experts: Support more strategic litigation efforts at the national, regional, and global levels, including through lawyers' and judges' trainings and normative development.

The UDHR may have been drafted long before the internet, but it remains pertinent 75 years later. By taking the above actions and continuing to re-interpret the UDHR based on contemporary developments, we can ensure its central tenets are upheld, in the digital age and beyond.





Part 7

Philanthropy & Social Investment

What Philanthropy Can Learn From the Human Rights Movement

Sam Underwood, Global

Director of Programs

*Forward Global
(formerly The Philanthropy Workshop)*

Many debates around philanthropy center on a single tension: how can resources accumulated as a result of inequitable systems be used to remedy the social and environmental crises caused by those very same systems?

This tension not only fuels attacks on philanthropy from outside the sector; it also creates self-doubt from within, as donors grapple with the inconvenient realities surrounding the origins of their wealth. This self-awareness is having particularly profound repercussions on second generation philanthropists poised to inherit their families' vast fortunes in what is the greatest intergenerational transfer of wealth in history.

Further complicating matters is the fact that philanthropy lacks a collective vision, with donors polarized by politics and struggling to navigate waves of trends such as strategic philanthropy, trust-based philanthropy, effective altruism, and reparative justice. Philanthropy also remains highly opaque, with even celebrated donors like MacKenzie Scott keeping their strategy behind closed doors.

Based on our nearly 30 years of experience supporting high-net-worth individual donors and social investors – first as The Philanthropy Workshop and now as Forward Global – we believe that the human rights movement offers

important lessons to help philanthropy overcome these barriers and mount a more effective response to pressing issues. At the heart of this belief lies a core idea: that although philanthropists are not duty-bearers in the same way as governments, a rights-based approach can provide the accountability and integrity which is crucial not only for a sense of legitimacy, but for effective and impactful practice.

With this in mind, we have identified three lessons from the human rights movement philanthropists should consider: (1) the importance of building collective consciousness of the need to address root causes of systemic issues; (2) the need to center human dignity as a core principle in all aspects of work; and (3) the need to embrace the universality of dignity by looking beyond grantmaking.

The first lesson is the need to build collective consciousness for coordinated, systemic action to address contemporary issues.



Photograph By Marcus Bleasdale

This awareness is something the drafters and signatories of the Universal Declaration of Human Rights (UDHR) shared when they brought the landmark document to life in 1948. One drafter, Hernan Santa Cruz, [explained](#) that the Declaration “was born in one of those supreme moments in the life of mankind when man feels the bonds that tie him to his fellow-man ... when ... peoples and their leaders are capable of penetrating into the underlying causes of war and conflict and of prescribing suitable remedies.”

The world stands at a similar “supreme moment” today. The combined impact of the climate crisis, the Covid-19 pandemic, racial injustice, pervasive inequality, and the rise of artificial intelligence (AI) – sometimes called the polycrisis – has increased awareness of the very real, very imminent threats we face. At the same time, we are vested with the knowledge that we can change the status quo and avert catastrophe. For example, we are the first generation in history that has the power to irreversibly change the biosphere for millennia to come and is conscious of that power. While this awareness has brought notable achievements at the global level, including multiple climate declarations, change has been incremental and commitments have rarely turned into action. Both governments and businesses have been held back by structures that incentivize short-termism, risk aversion, and a protection of the status quo.

Philanthropy is one of the few spaces where leaders can move with the urgency required to address the underlying causes of the polycrisis. Forward Global members are supporting initiatives aimed at transforming some of the very systems that have been part of their personal history of wealth accumulation – including finance, land and property, business practice, and tax policy – to minimize harm to people and climate. These funders understand that their work is part of a collective mission to contribute to a more just and sustainable

economy, where economic, social, and environmental rights are respected alongside civil and political rights.

The second lesson is the need to center human dignity as a core principle. Unfortunately, philanthropy has historically contributed to a system where the very communities it seeks to support are often treated in undignified ways, from degrading representations in fundraising adverts to racism and stereotypes in the workplace. These often unintended consequences originate with the exclusion of people with lived experience from decision-making processes. This violates the principle popularized by the Disability Rights Movement, “nothing about us without us.”

There are myriad stories demonstrating where [lack of representation led projects to fail](#) – from unused water pumps in Africa to unwanted chickens in Latin America. Global human rights bodies are also subject to this criticism: activists have [called on the UN Refugee Agency](#) (UNHCR), for example, to have more representation from people with lived experience of displacement in decision-making.

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Multiple funders have successfully put the principles of dignity and power-sharing into practice. The Roddenberry Foundation has taken a “+1” approach to grantmaking that allows their grantees to suggest new applicants for funding – one of many forms of participatory grantmaking growing in popularity. The decision of UK foundation Lankelly Chase has moved the wealth from its endowment to funds more proximate to the communities they served. In Brazil, the growth of endowed community-led funds has brought decision-making far closer to historically oppressed communities.

Within Forward Global, more members are building teams of community leaders with lived experience to inform or even shape their strategies, and some are transferring resources directly to community-led institutions. By sharing power in this way, funders can feel more confident in their own legitimacy and bring more transparency to an otherwise highly opaque sector. They can also ensure their work is guided, and even led, by the people they seek to support.

The third lesson is recognizing the importance of universality. This principle states that, while human rights may apply differently in different contexts, the rights themselves are no more or less important depending on sector or situation.

For individual philanthropists, applying this principle means considering how the values they apply as grant-makers influence their practice as investors, business leaders, citizens, and consumers. The norm that investment capital should be mobilized only for financial return has rapidly lost credence, and has been replaced by a norm where funders work to align their investments with their philanthropic values. A range of funders have adopted this norm, from large institutions like the [Church of England](#), which has divested its endowment from fossil fuels, to smaller family foundations



By sharing power in this way, funders can feel more confident in their own legitimacy and bring more transparency to an otherwise highly opaque sector.



like the [Trottier Family Foundation](#), which aligned its endowment with its mission to fight climate change.

Forward Global members are increasingly leveraging their investments for changes in business practice. Some are part of collectives like Patriotic Millionaires, which go a step further by advocating for higher taxes on the wealthy. Such efforts recognize that any impact from grant-making will be rapidly undermined if the root causes that exist within wider socioeconomic systems, including tax evasion and mass inequality, go unchallenged.

So, how can funders be the bridge from the unjust and unsustainable world that made philanthropy possible, to the better world it wants to create?

We believe adopting a human rights-based approach will be crucial in this effort. And while the above examples only scratch the surface of what funders can learn from human rights, the conclusion is clear: Every funder should commit to learning from the human rights movement – for legitimacy, accountability, and ultimately, lasting impact.



Working Together for a World Where Everyone Can Flourish

Srik Gopal, Managing Director

Humanity United

The work of [Humanity United](#) – and of all of us who strive together to create a powerful force for human dignity – was shaped in part by the historic adoption of the Universal Declaration of Human Rights (UDHR) on Dec. 10, 1948.

On that day, the United Nations General Assembly laid out a list of privileges and protections to which every human being is not only deserving, but entitled by birthright.

Nearly 20 years ago, when Humanity United was founded, its creators also shared a vision of a world where every human being had the opportunity to flourish. First influenced by the horrors of expanding genocide in Darfur and a growing awareness of the prevalence of human exploitation around the world, the early HU team crafted a mission, values, and culture that shifted HU from a focus on “preventing and ending” genocide, atrocities, and modern slavery to a focus on “building and advancing” peace and human freedom. Today, our focus is on cultivating three specific conditions: agency, accountable and responsive institutions, and recognition of shared humanity.

Key to our work is our commitment to support and accompany our partners in a way that

honors their expertise as well as the lived experience and agency of those closest to the issues. We support efforts to shift and build the power of individuals and communities to best address their needs. We seek to elevate those who have lived the issues, not just studied them.

One way we act on that commitment is to provide unrestricted funding when possible and appropriate. Our partners have reported back that this type of funding provides them the flexibility to adapt to both crisis and opportunity, to sustain their work through the ebbs and flows of resources, and to fill in gaps that other types of funding may not cover. Unrestricted funding gives organizations working closest to their communities the power to make their own decisions on using resources in ways that best support their work. The result is powerful. For example:

- Our work with partners in Colombia contributed to the historic [Truth Commission](#) report in 2022. Those most impacted by the violence have embraced this creative and transformative process of transitional justice, dedicating themselves to “[building a culture of peace](#),” no matter where in society they worked.



Photograph © Ken Light From Course Of The Empire/Steidl

- Leading up to the 2022 World Cup in Qatar, HU and partners helped shift the narrative from a mega sporting event to one tainted by corruption, forced labor, racism, and the deaths of several thousand migrant workers, primarily from South Asia.
- Fourteen years since its founding, the Alliance to End Slavery and Trafficking (ATEST) – initially an HU “Action” group that we supported to become a formal coalition – is the preeminent voice on anti-trafficking law, policy, and implementation in the United States. The ATEST coalition has successfully advocated for federal appropriations to support anti-trafficking efforts around the world, as well as the passage of laws and stronger enforcement of anti-trafficking regulations.



Unrestricted funding gives organizations working closest to their communities the power to make their own decisions on using resources in ways that best support their work. The result is powerful.



The above are just a few examples of the impact our flexible, partner-centered approach has had. We apply this approach across three interconnected portfolios of work: Peacebuilding, Forced Labor & Human Trafficking, and Public Engagement.

The Peacebuilding portfolio acknowledges that those working at the frontlines of peace hold the deep expertise and relationships



Photograph © Ken Light From Course Of The Empire/Steidl

necessary to transform their societies, and yet their efforts are often deeply undervalued within global systems of peace and security. We believe that peace is not simply the absence of war, but a process for restoring human dignity and creating societies that can manage conflict, resist shocks, and promote the agency and power of all citizens.

The Forced Labor and Human Trafficking portfolio’s strategy acknowledges that worker exploitation in all its forms is enabled and emboldened by severe power imbalances. Migrant workers and other workers who already face significant social, economic, cultural, and environmental challenges face an ever-widening power gap between themselves and the corporations and governments that benefit from their work. This strategy also recognizes and aims to correct the fact that these workers find themselves shut out or tokenized within the movement to end forced labor and human trafficking, and are rarely called upon to lead efforts to find solutions. Through this strategy, the portfolio supports safer labor migration for migrant workers, increasing the power of marginalized workers, and increasing efforts to meaningfully



Peace is not simply the absence of war, but a process for restoring human dignity and creating societies that can manage conflict, resist shocks, and promote the agency and power of all citizens.



hold corporations accountable for their activities that generate or contribute to labor exploitation. Specific focuses include the Nepal-Qatar migration corridor, conditions within seafood supply chains, and levers for change within the corporate sector's global supply chains.

The Public Engagement portfolio is rooted in our recognition that, to cultivate conditions for peace and freedom, we must engage the public and policymakers through the additional levers of advocacy, media, and journalism. Comprised of HU's Policy & Government Relations, Independent Media & Journalism, and Strategic Communications teams, the portfolio supports public interest journalism and media, advocates for policy change, and leverages strategic communications to support HU's partners and broader mission.

The Public Engagement portfolio strives to embody HU's approach of being expansive in its efforts by directly and indirectly increasing the capacity of HU's partners and networks, creating more cultural and political space for progress, and helping connect new audiences with critical and proximate voices, information, ideas, and approaches. These approaches complement each other while closely collaborating with HU's

Peacebuilding and Forced Labor & Human Trafficking portfolios to help shift harmful systems and practices to recognize shared humanity, and to bring attention, accountability, and action to issues of conflict and exploitation.

All of HU's strategies and portfolios are grounded in the organization's [five strategic pillars](#): working through relationships; practicing a philosophy of accompaniment; being learning-focused, systems-enabled, and people-centered; being expansive in our efforts; and investing internally so we can grow with our partners.

These words from the UDHR's preamble reveal how, even 75 years later, the document remains deeply relevant: "...disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people ..." As we mark the 75th anniversary of the UDHR, we honor the work that shaped it, that continues to inform our efforts today, and that will guide us into the future.



Unprecedented Threats Demand Transformative Philanthropy

Glen Galaich, Chief Executive Officer

Stupski Foundation

Over the past two decades, I have worked in American high-net-worth philanthropy, often with a focus on human rights and social justice. During that time, I have served in a variety of leadership roles with a range of nongovernmental organizations (NGOs), including as a regional development director at a leading international human rights research and advocacy organization, as the head of a philanthropic initiative dedicated to donor education and collaboration, and as a Board member for over half a dozen groups working for social change. Currently, I am the CEO of the Stupski Foundation – a private, spend-down foundation whose founders are returning their wealth to their home communities by 2029.

As I look back at these experiences, I have come to a difficult but critical conclusion: that despite supporting important progress to advance discrete human rights, development, and social justice goals over the years, high-net-worth philanthropy has consistently failed to provide the transformative investments changemakers need to maximize their impact and improve the lives of millions upon millions of people. As we look to the future and consider the multiple crises humanity faces – including the existential threat of the climate crisis – we in the high-net-worth philanthropic community must urgently shift this trend, step up our giving, and provide

transformative investments to the civil society organizations and movements standing on the frontlines of these battles.

To understand where we in American high-net-worth philanthropy are today, we must first revisit our roots.

After the collapse of the Soviet Union and the conclusion of the Cold War, pro-democracy advocates and human rights defenders celebrated the dawn of a new world order – one that they believed would usher in a period of peace, freedom, prosperity, and equality in countries across the globe. This optimism mirrored that of those who gathered to adopt the Universal Declaration of Human Rights (UDHR) in 1948, when the darkness of the Second World War gave way to hope for a future in which such atrocities would never again occur. In the years that followed, the founding treaties and conventions of international human rights and humanitarian law were passed, providing a legal framework through which human rights could be defended and human dignity protected.

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While some wealthy families had previously set up foundations to channel their wealth to chosen social causes, high-net-worth philanthropy became much more common after the Cold War, when globalization, fueled by rapid technological breakthroughs, enabled more individuals to generate massive amounts of historic wealth. These individuals and their families started transferring assets into various tax instruments, including private foundations and donor-advised funds (DAFs), to maximize their returns, protect their assets, and pursue their charitable interests. In short, in the early 1990s, democracy, human rights, and personal wealth were on the rise across the globe – it was a time of great hope and celebration.

Against this backdrop, the world was (once again) confronted with horrific atrocities, including the genocides in Rwanda and the Balkans. In response, many global NGOs, particularly those focused on human rights, sought philanthropic investments that would enable them to grow in size, scope, and profile – investments they hoped would increase their ability to go toe-to-toe with governments in promoting human rights and holding their leaders and militaries accountable when they violate them.

Yet while philanthropic coffers were growing robustly, donors responded to NGO calls for support with caution masked as strategy.

Why?

Because too often, American philanthropy prioritizes the perpetuity of their endowments over making transformative investments in the causes we claim to wholeheartedly support. The reasons for this vary. In many cases, high-net-worth philanthropists are guided by legal and financial advisors who discourage such investment. In others, their philanthropy is simply a matter of convenience, with the tax breaks being the primary objective. In almost all cases, our individual egos play a part.

Many of us want to be a part of the conversation. We want access to the people and venues where critical action happens. And we want to be a part of it for as long as we can imagine. While these desires are deeply human, they are, quite frankly, not helpful.

The critical implication of all of this is that we limit our annual output to the legal American minimum annual payout of five percent. We do this while humanity needs as much as we can spare. I know that we can do many good things with five percent, but as our temperatures rise and autocracies grow to unsustainable levels, it's clear that we have not risen to the challenges and the opportunities before us. If we continue to hold tightly to our vast assets, we risk witnessing unprecedented levels of devastation, after which I wonder if we will still be celebrating the size of our endowments and the institutions we built.

Great leaders of the biggest foundations bristle at this kind of call. They make persuasive and compelling arguments about the power of their institutions and the need to be available for future crises. And, by doing so, they seem to cut off the conversation about giving all we have

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now, while waxing poetically about the numerous interventions we must take to save humanity – none of which are feasibly possible without transformational investments that go well beyond a five percent annual payout.

The essays in this collection scream out for action. They scream out not for five percent of foundation assets annually, but for transformational investments now. They call for foundations to consider drastically redefining themselves and how they work, putting their brands, buildings, institutions, jobs, lifestyles, and economic and political power under threat.

Fortunately, every day is an opportunity for philanthropy to meet the challenges before us. As those challenges evolve, compound, and grow, we cannot respond with the relative pocket change we have thrown at them in the past. Frontline organizations are asking why it's more important for foundations to hold these resources rather than channel them to those poised to act. Large and small foundations and DAFs cannot ignore this question any longer. If we do, we may end up having to ask ourselves another question when humanity collapses: did we truly do all we could to prevent it?





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Part 8

Reclaiming Human Rights

Human Rights and the US Constitution

Abdi Soltani, Executive Director

ACLU of Northern California



The 75th anniversary of the Universal Declaration of Human Rights (UDHR) is an opportunity to redouble our commitment to its principles worldwide. For those individuals and organizations whose focus is human rights within the United States, we are called to do two things. First, rather than cede the US Constitution to powerful forces who would use it to turn back the clock, we must embrace a vision of this founding document as a vehicle to protect and advance human rights. And second, rather than retreat or only play defense, we must deploy a concerted strategy at the local, state, and federal level to realize that vision.

The UDHR and the US Constitution were each born following a war – World War II and the US Revolutionary War, respectively. They are different in purpose, scope, and application, but what they have in common is an articulation of core principles of human rights.

The drafters of the UDHR sought to articulate and define an exhaustive list of fundamental human rights that all countries should work to protect and uphold. A number of these rights are also protected in the US Constitution, particularly those classified as civil and political rights. These rights were initially spelled out in the first 10 amendments, known as the Bill of Rights. They were then expanded upon in the Reconstruction Amendments, which abolished slavery, provided equal citizenship, and secured the right to vote

without regard to race after the Civil War; and the 19th Amendment, which secured women's suffrage.

Despite this strong legal framework, the story of human rights in the US is not one of linear progress. Indeed, following each expansion of constitutional and legal rights to protect more people, powerful reactionary forces have turned the laws of the country – and the Constitution – against human rights. We are facing such a backlash today, particularly from the US Supreme Court and multiple state governments which often undermine fundamental rights through discriminatory laws, policies, and court rulings.

As human rights advocates work to counter this harsh reaction, it can help to remember that it has happened before, and that activists have overcome it. At one of the lowest points in our country's history, courts and elected leaders embraced the Constitution as a force for slavery. Frederick Douglass countered them head on in his powerful 1860 speech, "The Constitution of the United States: Is it Pro-Slavery or Anti-Slavery?" Instead of letting pro-slavery forces co-opt the Constitution to justify heinous abuses, Douglass recast it as an anti-slavery document. The freedom movement of which he was a part leveraged this reframing to maximum advantage, and eventually succeeded in amending the Constitution to bar slavery.

Undeterred by these developments, reactive forces responded by applying the Constitution to embrace segregation (*Plessy v. Ferguson*) and other forms of discrimination, and to prioritize the rights of property and corporations over those of workers or the public (*Lochner v. New York*). But the forces allied with the Constitution as a force for freedom and equality also refused to relent, securing a series of major court victories in the 1950s and 1960s, and enacting the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

As modern political forces seek to once again turn the Constitution away from its true purpose – to uphold the rights of every person to freedom and equality – human rights advocates must follow Douglass’ lead by articulating a rights-based vision of the document and deploying a strategy to ensure that vision prevails. Four areas in particular warrant attention: equality, migrants’ rights, free and fair elections, and economic rights. As noted below, the UDHR protects each of them, often with language that extends beyond that of the US Constitution and relevant laws.

Equality: In recent years, the US Supreme Court has moved to a definition of equality under the law that makes it harder and harder to consider race as part of the remedy to discrimination. In some instances, the Court has also elevated religious freedom as granting individuals a license to discriminate. The Supreme Court has reversed a nationwide right to abortion, which is critical to equality, privacy, and bodily autonomy. The UDHR states that “All human beings are born free and equal in dignity and rights,” affirms that everyone shall enjoy the rights and freedoms of the declaration “without distinction of any kind,” and articulates equality before the law.

Migrants’ rights: Upholding the rights of migrants and asylum seekers coming to the US is among the most pressing human rights issues we face today. The entire UDHR is about the rights of all persons, without regard to national origin or citizenship, and states that “Everyone has the right to recognition everywhere as a person before the law.” This simple sentence echoes the US Constitution’s 5th and 14th amendments, which extend fundamental rights to due process and equal protection to all persons, and not just citizens, throughout the country. Article 14 of the UDHR is even more specific, protecting the rights of people seeking asylum.

Free and fair elections: Widespread voter suppression and attempts to undermine election results (as evidenced through the events leading up to Jan. 6, 2021) pose a real threat to the human right to democratic participation and fair elections. The UDHR states that “[t]he will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

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Constitution – against
human rights.”

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Economic rights: The UDHR goes farther than the US Constitution to name a range of economic, social, and cultural rights. As one example, the UDHR specifically names the right to housing. The US would do well to do the same. Cities and states should prioritize offering shelter and permanent housing, rather than fines and arrests of unhoused people who have nowhere to go. Our homeless crisis is also tied to other issues of systemic inequality, with Black and Indigenous people far more likely to be homeless as a result.

In the above and other areas, human rights in the US face threats from courts that may undermine the constitutional protections, or from elected officials who seek to attack vulnerable people for their own political advantage. In response, human rights advocates must unite to mount a strategic defense that reclaims the Constitution as a human rights document. To this end, we must continue to go to court, including federal courts in which we invoke the Constitution or federal laws, and increasingly, state courts where we

can reframe state constitutions as charters of human rights. At the same time, we must press forward in our efforts to secure human rights directly through law, with the enactment of stronger local, state, and federal legislation. Throughout these efforts, we must exercise the most basic of rights: our right to free expression and assembly to participate in the decisions of our government.



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Advocates must unite to mount a strategic defense that reclaims the Constitution as a human rights document.

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The Case for Human Rights

Regan E. Ralph

Founding President of the Fund for Global Human Rights (2002–2022)



Human rights are facing a crisis of confidence.

In recent years, critics have challenged the relevance and effectiveness of the human rights movement, saying that it hasn't delivered on its promise to uphold dignity, equality, and justice for all. Allies have questioned the wisdom of focusing on cautious and politicized international institutions as key drivers of change. Donors have closed their human rights funding programs. Observers posit that the cynical use of human rights by the United States and other governments to justify invasions and harmful policy has gutted the human rights framework of its moral force.

As a human rights lawyer and activist of many years, I've heard these and other criticisms from various corners, including from people who fundamentally support the human rights cause. They say that our movement has failed to connect with popular struggles, that our tactics are overly legalistic, and that we are too dependent on international institutions that have never been good at enforcement and, lately, have been undermined by political leaders who question their legitimacy. For some, the current geopolitical moment, with the rise of authoritarianism and the flouting of the international, rule-based order, makes the closing argument for the case against human rights. Despite decades of struggle, everything is heading in the wrong direction.

But is it?

There certainly is merit to critiques of the human rights framework and the movement itself. Undeniably, it is a bad moment for transparent government and access to justice. To take just one measure, the Rule of Law Index recently released by the World Justice Project found that, from 2016 to 2023, the rule of law declined in 78% of countries.

But fair criticism and negative global trends do not amount to a case for abandoning human rights as both a vision and an organizing principle for activism. Such a conclusion rests on a series of mistaken assumptions that it's time to put to rest.

The first assumption critics make is that there is one global human rights movement that is led, defined, and represented by a handful of international and some regional organizations. Although international and regional organizations were among the first to champion human rights norms and undertake investigations exposing abuses of power, they are far from the only – or even the primary – members of the human rights community. It is thus a mistake to evaluate the impact of human rights activism by looking at one slice of a much bigger ecosystem – one that includes countless activists working at grassroots and national levels to effect change.

Labor rights activists in Mexico, communities preventing domestic violence in Uganda, and indigenous activists combatting destructive mining in Guatemala have all grounded their struggles in human rights terms. Show me a country with even the slightest space for freedom of expression, and I will show you activists coming together under the banner of human rights. This has led to unprecedented breadth and depth in human rights activism, which in turn has delivered game-changing results for millions of people. Even when trends

at the macro level are discouraging, local activism has been able to deepen roots and claim victories. Local activists are building the capacity of their societies to press for long-term, sustainable improvements in people's lives by pioneering new strategies and building popular support for human rights. Future efforts to build rights-respecting societies and stop the march toward authoritarianism must build on the power of such local organizing and benefit from the strength and diversity of local movements.

Which brings us to a second mistake people make when assessing the value of the human rights framework: seeing it primarily as a legalistic approach focused on securing accountability for past wrongs. This would make human rights the province of lawyers, not grassroots activists and popular movements. For reasons historic and context-specific, early human rights advocacy focused on exposing and pursuing justice for human rights violations. Seeking to build recognition and credibility for human rights norms, early advocates made tactical decisions to take an incremental approach and build on the consensus, following the atrocities of World War II, that there should be consequences for the world's most egregious crimes.

Decades later and thanks to the efforts of thousands, human rights have stepped beyond the courtroom to offer a vision of a world where all are entitled to live in dignity, with equality and justice. This vision is so powerful that struggle after struggle has framed its critique of the status quo and its goals in human rights terms. For 30 years, I worked with and learned from scores of local human rights activists on the frontlines of those struggles in countries around the world. To this day, these activists are pursuing systemic change and devising countless strategies to get there. They are also breathing new meaning and power into human rights norms. There's nothing moribund about it.

One last assumption we can leave behind is the notion that human rights need to stand apart from politics. Human rights activists are, in fact, small 'p' political actors seeking to change their societies for the better. There need not be anything sully about this. Ambitious change requires far more than moral rectitude. I once asked an influential figure in Washington to assess the state of human rights advocacy. His diagnosis: Human rights advocates prevail only when there is no cost to policymakers. Without money or votes, we lose to those who have them, no matter how just our cause.

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But fair criticism and negative global trends do not amount to a case for abandoning human rights as both a vision and an organizing principle for activism.

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Human rights advocates don't want to lose. That's why in many places, they are forging new alliances, often across borders, to build the needed political power to advance their work. Activists across eight countries in Meso-America combined efforts to challenge exploitative mining. They pooled strategies, mobilized public opinion, and successfully curtailed the activities of a far better resourced opponent. Elsewhere, advocates are partnering with new allies, such as farmers' collectives and student unions, and in some cases, unlikely allies, such as corporate actors, to make change.

When we look beyond the fog of dated assumptions, it's clear just how essential human rights activism is to our shared future. Seventy-five years since the Universal Declaration of Human Rights, the activism that has built on its central tenets offers a compelling vision of human dignity – one supported by a growing and dynamic global constituency – and of just societies with transparent and accountable governments.

Human rights are not dead; they are busily offering inspiration, power, and even answers for those who know where to look.



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Show me a country with even the slightest space for freedom of expression, and I will show you activists coming together under the banner of human rights.

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