

CARR CENTER FOR HUMAN RIGHTS POLICY HARVARD KENNEDY SCHOOL



Looking Ahead / Human Rights Priorities in 2022

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Human Rights Priorities in 2022

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Around the world, the past two years have been eye-opening.

This pandemic has brought to the forefront the human rights issues that millions of us struggle with each day, from economic inequality and racial discrimination to global the rise of authoritarianism and the threat of new technology and rampant disinformation.

To mark International Human Rights Day, we're looking ahead to 2022 and identifying the top four areas of concern to improve and protect our human rights: discrimination and racial inequality; impoverishment and economic inequality; accountability and authoritarianism; and technology and artificial intelligence.

In honor of the anniversary, several of our Carr Center affiliates have commented on these themes, identifying central areas of focus to lay the groundwork for a better world.

Discrimination & Racial Inequality

“In the United States we are facing pernicious laws—and gerrymandering—that seek to disenfranchise Black people and other voters of color.”

KEISHA N. BLAIN

Carr Center for Human Rights
Policy; University of Pittsburgh





KEISHA N. BLAIN

One of the greatest challenges we're facing is the growing threat to democracy across the globe. This is a fight occurring on many fronts, but in the United States we are facing pernicious laws—and gerrymandering—that seek to disenfranchise Black people and other voters of color. Many conservative legislators are still propagating lies about the results of the 2020 presidential election in an effort to rally their base.

By October of 2021, 19 states passed laws to further restrict voting based on these lies. The state of Georgia, for example, has created provisions that would allow the state government to override county election boards and potentially disqualify ballots. People of color in the United States face an interwoven set of human rights challenges, including economic injustice and limited access to quality healthcare. Voting alone will not solve all of these problems, but it can certainly help to ensure that we have political representation that reflects the diverse needs of communities. Most significantly, voting helps to provide a bulwark against the various forces threatening our democracy.



MEGAN MING FRANCIS

It's been almost two years of the pandemic. Our world has changed, and there is a lot of anxiety about things we seemingly have no control over—and things we do. COVID is still rampant, police are still killing, and our election system is still in crisis. A good portion of the country seems perfectly fine with the violent white supremacist insurrection of January 6. It strikes me that the thing that people have been fighting against the most both now and in the past is violence. More precisely, the structuring role of violence in American society. Today, we have the audacity to act surprised that a country founded on the plunder of native nations and built by the labor of enslaved Black people is still violent and racist. We can and should understand how these foundational moments have structured everything else, and then we should take action to right the wrong.

The events of the past two years have shown us that another world is possible. People have come together in ways that I couldn't have imagined through marches against institutional racism. Together, people across this nation—poor and wealthy, non-citizen and citizen, Black, Indigenous, Latinx, AAPI, and White—are starting to build a new world. But how do we do it? Building a different world where people not only feel valued, but safe, requires that we center and address not just the present, but the past, about how this country has used racial violence—and how that violence operates through people and institutions—and how people have mobilized against it.

Recent legislative efforts to reinvigorate the federal voting rights protections have stalled, but they must be restarted to ensure that our democratic processes will be equally open to all.



NICHOLAS ESPÍRITU

The last few years have seen a revitalization of efforts to address the widespread racial inequalities that impact all aspects of American life, from police violence to political representation. But just as in past eras of attempted reform, there has been a backlash against efforts to address systemic discrimination. This has included new laws that restrict access to the ballot, attack activists protesting racial inequality, and undermine the ability of our educational system to equip the next generation to grapple with the history of racism.

In 2022 we will see the finalization of redistricting plans throughout the country that will fundamentally reshape voting power. This is a crucial juncture that will determine whether we can restore these cornerstones of democracy, or whether they will be further eroded. A constant in American history is the use of the redistricting process to dilute the voting power of communities of color, and in recent years the Supreme Court has severely weakened legal protections for voting rights. The recent legislative efforts to reinvigorate the federal voting rights protections have stalled, but they must be restarted to ensure that our democratic processes will be equally open to all for years—if not decades—to come.

Impoverishment & Economic Inequality

A photograph showing a row of multi-story buildings, some with balconies and laundry hanging out, situated along a river. The buildings appear to be in a densely populated, possibly informal settlement. The river is in the foreground, and the sky is overcast.

“Despite growing global prosperity... economic inequality remains pervasive, with the richest and the poorest further apart than ever before.”

JACQUELINE BHABHA

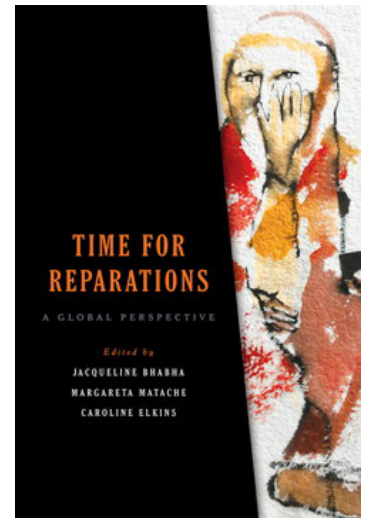


JACQUELINE BHABHA

Economic inequality is both a cause and a consequence of multiple human rights violations. It drives subjection to exploitative work and spousal abuse, and it results from entrenched discrimination and from denial of access to healthcare or education. Despite growing global prosperity and over half a century of binding human rights conventions, economic inequality remains pervasive, with the richest and the poorest further apart than ever before. Many of the drivers of these economic inequalities have long histories. State perpetrated injustices, such as enslavement, genocide, colonization, and their enduring legacies are a critical part of the history, and they have devastating impacts on economic rights. Populations subjected to these forms of violence often experience inter-generational poverty and the many other inequities related to it.

On International Human Rights Day, a group of us, including several Carr Center Harvard faculty members, are launching a new book entitled *Time for Reparations: Addressing State Responsibility for Collective Injustice*. Our book spans multiple subject and geographic domains impacted by economic inequality. We cover the continuing economic impoverishment of formerly enslaved Guadeloupians and the efforts to make reparations to African American descendants of enslaved university employees; we address the enduring legacy of unsolved state injustice against Armenians, Palestinians, and Kurds in the Middle East and the impact

of efforts to make reparations to Colombian citizens economically devastated by decades of civil war; we scrutinize the claim to reparations for starvation crimes and the strategies needed to address continuing exclusion of the EU descendants of formerly enslaved Roma. We argue that reparations for past state injustice are urgent and imperative, as a key mechanism for addressing enduring inequities, including the pervasive and devastating impact of economic deprivation.





AMINTA OSSOM

One major challenge is the failure to perceive impoverishment and economic inequality as matters of justice. It is troubling that, more than 70 years after the adoption of the Universal Declaration of Human Rights, investments in social and economic wellbeing are seen either as charity or as debatable political choices rather than as human rights issues. It is unfortunate that decisions to fight poverty and economic inequality are seen as different and somehow less important than those aiming to roll back repression and exclusion, when in practice these realities are intertwined. Such a perception has implications for societal tolerance of corruption, environmental degradation, fiscal policies privileging only a selected few, and crumbling social safety nets.

The policy choices we make about whether to condone torture, persecution, and discrimination are rightfully subject to human rights scrutiny. The policy choices we make about stewardship over our shared resources should be subject to just as much scrutiny considering the enormous impact these choices have on human welfare and survival.



JOHN SHATTUCK

"Liberty," declared President Franklin D. Roosevelt during the Great Depression, "requires opportunity to make a living—not only enough to live by, but something to live for." Roosevelt proclaimed that "freedom from want" is essential to the survival of American democracy. The United States today faces unprecedented economic, environmental, and public health challenges that require its democratic institutions to develop policies to secure the promise of freedom from want. After decades of public disinvestment and burgeoning inequality, millions are being left behind.

A July 2020 national poll conducted by the Carr Center found that more than eight out of ten Americans believe that a right to equal access to the basic necessities of life is "very important," including rights to quality education, clean air and water, and affordable healthcare. Yet, fewer than one in five believe these rights are secure. Since the early 1980s, politically dominant economic theories have restricted government spending and regulation. With the priority on private economic activity, the federal government failed to secure the freedom from want. Now with the nation struggling to overcome the long-term effects of the COVID pandemic, the stage may be set for a significant shift. In the 2020 Carr Center poll, more than eight out of ten Americans reported that "events in recent months have made me think differently about the role and responsibility of government to protect the rights of all Americans.

The COVID-19 pandemic's effects on the health of individuals, which inhibited their ability to work and therefore earn living wages, highlights the urgency in which we need to address health-related issues.



KHAHLIL LOUISY

By now, we understand with greater clarity the importance of our health status and its link to household economic conditions. The COVID-19 pandemic's effects on the health of individuals, which inhibited their ability to work and therefore earn living wages, highlights the urgency in which we need to address health-related issues. Poverty and inequality because of poor health have disproportionately impacted minority and other vulnerable communities. They become stuck in poverty traps because they are unable to gather the resources necessary to be productive citizens. The long-term effects of this have been thoroughly researched and quantitative evidence exists, yet policymakers have not been able to come to consensus on appropriate measures to mitigate these challenges.

Going into 2022, we need to address health disparities with fierce urgency. Technology has created new avenues through which we can expand access to health and other public services that are vital for maintaining and improving the work capacity of our citizens. Of course, as with all other public goods and services, we need to ensure that there is equity in access to these tools and that proper protections are put in place to protect the rights of users. Population-level health is taking up a large amount of our consciousness presently, both because of the human suffering that accompanies threats at that level, but also the economic effects. We must prioritize innovations in that space.

Accountability & Authoritarianism



KATHRYN SIKKINK

Promoting democracy is a long game, in which the weight of consistent words and actions accumulates over time.

President Biden's decision to host the first of two Summits for Democracy on December 9-10, 2021, is a fitting way to celebrate Human Rights Day. Democracy is being challenged by rising authoritarianism around the world. The Summit must condemn elected leaders who have hollowed out their democracies from within, such as President Orban of Hungary or Erdogan of Turkey, and celebrate some of the lesser-known democratic success stories around the world, such as Costa Rica and Uruguay in Latin America; South Korea and Taiwan in Asia; Botswana, Ghana, Namibia, and Senegal in Africa; Estonia, Latvia, and Lithuania in Europe. But no one should expect a new push for democracy to produce immediate results.

The current crop of authoritarians, many of them now well-entrenched, is unlikely to be threatened in the short-term by a change in US policy. Promoting democracy is a long game, in which the weight of consistent words and actions accumulates over time. And US efforts to support democracy abroad will have more credibility if we simultaneously work to enhance our own democracy at home, starting first with the passing of the John Lewis Voting Rights Act.



CHILE EBOE-OSUJI

It is time to breathe new life into the words that the first Earl of Birkenhead and Lord Chancellor of England & Wales carefully left in the pages of history on November 6, 1918. At the time, he was Sir Frederick E. Smith KC, UK Attorney-General, and was addressing the UK Committee of Inquiry into the Breaches of the Laws War during WWI, known as the “MacDonnell Committee.” With great clarity and characteristic eloquence, he communicated the firm determination of the British Government to “reassert” the “authority of international law” under “circumstances of the utmost possible notoriety,” ... “looking into the future of the World,” so that “our children and our grandchildren, and those who come after them, shall be spared what this generation has gone through” in the just-concluded WWI. To the British Empire, it was necessary, he insisted, that the new international law to be forged at the upcoming Versailles Conference (1919) must become an “effective deterrent”—so that “for all ages men who are tempted to follow the wicked and bloody path [trodden in WWI] shall have present before their eyes not a picture merely of the brilliant and meretricious glamour of military success, but also the recollection that in this great conflict, punishment followed upon crime.” The French Government was precisely of the same mindset.

It was on those premises that the two governments insisted that the Kaiser William II of Germany must stand trial before an international tribunal, as must any Head of State who committed international crime in future. They shall not enjoy immunity. Those were the origins of the current norm of customary international law that precludes immunity for even Heads of State accused of international crimes. Sadly, it seems that there are some legal scholars who are leading the parlor game of questioning the existence of that norm today—in the same way that there are lawyers leading the sport of questioning whether President Joe Biden won the 2020 election. Victims of a future genocide, crimes against humanity, war crimes, and the crime of aggression can ill-afford such games that scholars play from the ivory tower of academia. This shouldn't be a challenge in 2022. But there it is.

**We all must give up
giving in to the fictions
of personal powerlessness.
We must stand up,
individually and collectively.**



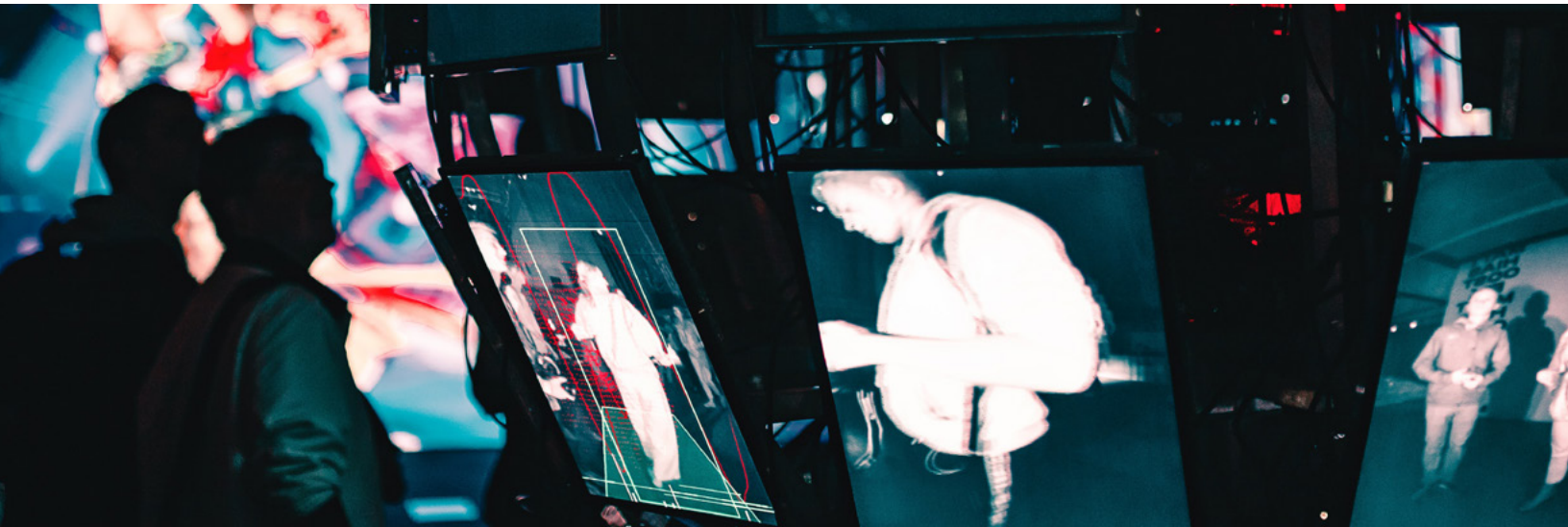
KATE GILMORE

The 9/11 attacks didn't weaken democracy, governments' responses to it did. The 2008 financial crisis didn't worsen inequality, governments' responses to it did. It's not the COVID-19 pandemic that is stripping people in the Global South of their longer-term wellbeing, but governments' responses are, including their appalling vaccine-nationalism. The climate crisis is not responsible for irreversible damage to our planet—that lies with the failures of our governments to act boldly, transparently, and accountably; not all governments all the time, but always the most powerful and the most authoritarian, without exception.

For human rights, the only reliable solution to appalling supply-side failure is radical intensification on the demand-side. In 2022, we all must give up giving in to the fictions of personal powerlessness. We must stand up, individually and collectively, in unrelenting demand that the powerful give the performance that our children's children deserve—all children's children.

James Madison once asked: "Is there no virtue among us? If there be not, we are in a wretched situation. No theoretical checks—no form of government can render us secure." All of us must resist, insist, and persist, not merely because we might succeed, but because if we fail to even try, we have become them too, and that truly would be wretched.

Technology & Artificial Intelligence



ANNETTE ZIMMERMANN

During 2020 and 2021, there has been a wave of local bans on the use of particular AI tools, such as facial recognition technology used in law enforcement, which has been shown by multiple landmark studies to be susceptible to racial and gender bias.

Corporations have responded to the backlash against such technologies by self-imposing *temporary* deployment moratoria. The logic behind such corporate moratoria seems to be that facial recognition tools will be *redeployed* in sectors like law enforcement as soon as they have been sufficiently optimized in a way that is maximally accurate for all socio-demographic groups. This implies that maximally accurate technology, which would allow societies to scale up their *existing* policing practices, is a desirable goal.

However, there are strong normative reasons to resist this view in 2022, and possibly to double down on previous justice-oriented non-deployment efforts in this domain. Given that existing policing practices themselves often amplify larger-scale conditions of structural injustice, merely scaling up such practices via optimized technology does not get us close enough to a more just society that better secures each person's right to equal protection under the law. This is the right moment to question how public institutions, including law enforcement and criminal justice, might be fundamentally transformed and reimaged in a deeper way beyond brute optimization.



FLYNN COLEMAN

These are perilous times for human rights. Insidious threats from advancing technologies are fracturing communal norms, raising the decibel level of information barrage to a deafening cacophony; with much getting lost in translation. Social media platforms, originally promoted as tools to build stronger, more equitable communities, are deepening political divides, fueling propaganda and authoritarianism, often drowning out the voices of the most marginalized while amplifying the most extreme and salacious.

Linked by instantaneous, knee-jerk communication, binary alternatives, spectacle over substance, and groupthink on message boards, everything from dogma to hunches to hate to anti-vaccine pseudoscience to climate change denial to surveillance traps can quickly travel unchecked, far and wide, revealing how vulnerable our online worlds remain when bereft of methods to properly manage conflict, promote fairness, and protect human rights. How we seek knowledge online may be rewiring our very brains, so it's imperative we find the will and the way to infuse compassion, justice, and equity into everything we do, including our technology, to protect our democracies, our humanity, and the very planet we call home.



VIVEK KRISHNAMURTHY

Getting governance right is the key to ensuring that new technologies advance human rights instead of threatening or undermining them. This must start with the design of new technologies themselves, and with what Lawrence Lessig famously described as the “West Coast Code” that regulates those domains where such technologies are used. To the extent that the private sector is in the business of developing and deploying new technologies, such companies must take seriously their responsibility to respect human rights—a notion that our late colleague John Ruggie did more than anyone else to advance.

But getting governance right also requires governments to think carefully about how they regulate. There is currently a rush in many parts of the world to enact new regulations to address some of the very real social problems that new technologies are creating or exacerbating. In so doing, governments that should know better are giving short shrift to human rights principles to achieve their ends. All of us who care about human rights must live our values in proposing measures to address technological harms so as to ensure the vitality of human rights for years to come.



Around the world, disinformation has become part of the authoritarian toolkit.



PHIL N. HOWARD

Organized disinformation about the COVID-19 pandemic has degraded public understanding of the crisis and threatened the reputation of credible vaccines and health policy. Around the world, disinformation has become part of the authoritarian toolkit, alongside censorship and surveillance for social control. Disinformation is a means through which racial, gender, and religious discrimination, extremism and violence are stimulated, condoned, or ignored. Indeed, disinformation itself is an existential threat, because it can prevent action on almost any other global problem.

Dulling the impact of disinformation requires immediate action from social media platforms: sharing data with researchers, proactively promoting civic engagement, participation in elections, and healthy news habits. It also requires a long-term strategy from our elected leaders, which can involve promoting digital literacy skills, policies that prevent media concentration, and market-led initiatives that direct revenue back towards independent journalism. We are well past the point of industry self-regulation. But because the causes and consequences of disinformation are global, the solution must also involve better coordination internationally. The critical challenge ahead involves identifying which light-touch regulations have the most impact and protect human rights at the same time. If we get it right, social media can still help us deepen civic engagement and build back better.



MATHIAS RISSE

What I'd like to see in 2022 is for the Biden Administration to get more involved in Artificial Intelligence regulation, and perhaps also use such efforts for a partial renewal of transatlantic relations with the European Union and its member countries. The EU is a leader in AI regulation, and much AI, within smaller companies, is also produced there—but the large companies are in the US and in China. Regulation in China is done in the spirit of fostering state interest. My hope is that the EU and the US can come together in the domain of AI regulation, in the spirit of democratic and rule-of-law values that would also be attractive to other parts of the world.

Human Rights Priorities 2022

Top Takeaways from Carr Center Affiliates

Discrimination & Racial Inequality

Over the past two years, protests in support of racial equality have shown us that another world is possible. What must be done to reduce the threat of discrimination and racial inequality?

- 1 Voting alone will not solve the human rights challenges facing people of color in the United States, but can help to ensure political representation that reflects the diverse needs of communities. *Keisha Blain, Carr Center Fellow*
- 2 Building a different world where people feel valued and safe requires that we center and address how this country has—and still does—use racial violence at an institutional level. *Megan Ming Francis, Carr Center Fellow*
- 3 The recent legislative efforts to reinvigorate the federal voting rights protections have stalled, and must be restarted to ensure that our democratic processes will be equally open to all. *Nicholas Espíritu, Carr Center Fellow*

Technology & Artificial Intelligence

In the hands of both public and private institutions, new technological developments such as deepfakes and facial recognition have the potential to undermine our human rights. What must be done to reduce the threats these pose to human rights?

- 1 We must understand how the development of new technologies—such as facial recognition—can negatively impact human rights, and consider justice-oriented non-deployment efforts in this domain. *Annette Zimmermann, Carr Center Fellow*
- 2 Social media platforms are deepening political divides, fueling authoritarianism, and drowning out the voices of the most marginalized, which must be countered by infusing justice and equity into technological development. *Flynn Coleman, Carr Center Fellow*
- 3 Getting governance right is the key to ensuring that new technologies advance human rights instead of threatening or undermining them. *Vivek Krishnamurthy, Carr Center Fellow*
- 4 Dulling the impact of disinformation, which has become part of the authoritarian toolkit around the world, requires immediate action from social media platforms, a long-term strategy from elected leaders, and effective international coordination. *Philip N. Howard, Carr Center Fellow*
- 5 The United States must prioritize Artificial Intelligence regulation, teaming up with the European Union to promote the spirit of democratic and rule-of-law values.

Mathias Risse, Director of the Carr Center for Human Rights Policy, Berthold Beitz Professor in Human Rights, Global Affairs and Philosophy

Accountability & Authoritarianism

What must be done to reduce the threat of authoritarianism and increase political accountability?

- 1 The failure of governments to effectively address the COVID-19 pandemic, financial and climate crises, and more, must be met with individual and collective demand for radical changes. *Kate Gilmore, Carr Center Fellow*
- 2 The norm of customary international law that precludes immunity for even Heads of State accused of international crimes must be upheld and protected. *Chile Eboe-Osuji, Carr Center Fellow*
- 3 US efforts to support democracy abroad and counter rising global authoritarianism must be met with simultaneous work to enhance our own democracy at home in order to increase credibility. *Kathryn Sikkink, Ryan Family Professor of Human Rights Policy*

Impoverishment & Economic Inequality

The COVID-19 pandemic has laid bare the rampant issues of impoverishment and massive economic divides worldwide. What must be done to reduce impoverishment and economic inequality?

- 1 Reparations for past state injustice are urgent and imperative as a key mechanism for addressing enduring inequities, including the pervasive and devastating impact of economic deprivation. *Jacqueline Bhabha, Professor of the Practice of Health and Human Rights, HSPH; Jeremiah Smith Jr. Lecturer in Law, HLS*
- 2 The United States faces unprecedented economic, environmental, and public health challenges that require its democratic institutions to develop policies to secure the promise of “freedom from want.” *John Shattuck, Carr Center Fellow*
- 3 For many, the COVID-19 pandemic inhibited their ability to work and earn living wages, highlighting the need to address health disparities with fierce urgency, while ensuring equity in access to new tools. *Khahlil Louisy, Carr Center Fellow*
- 4 We must perceive impoverishment and economic inequality as matters of justice, and the policy choices we make about stewardship over shared resources should be subject to human rights scrutiny. *Aminta Ossom, Carr Center Fellow*

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