FRA EUROPEAN UNION AGENCY
FOR FUNDAMENTAL RIGHTS

PUTTING HUMAN RIGHTS AT THE HEART OF EUROPE'S FUTURE

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HUMAN RIGHTS LEADERS AND EXPERTS MEETING

MEETING REPORT

This report distils the meeting discussions, including analysis, ideas and proposals for action, as expressed by meeting participants. The report is not a negotiated and agreed text, and in no way commits any of the participants. It does not necessarily represent the views either of individual participants or of FRA.

Fundamental Rights **Forum**

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Foreword

In one fashion or the other I have worked in international affairs for over thirty years. Throughout that time, I have observed serious problems in our societies – war, persecution, deep inequality, persistent patterns of exclusion and deprivation. Today is no different.

Actually, it is worse. Beyond intolerable practices perpetrated or tolerated by the powerful on the weak, we can observe other important phenomena, that, together, suggest we live in a moment of existential significance for the wellbeing and sustainability of our societies.

Since the 1940s, the human rights system has been intrinsic to the rebuilding of national, regional and international orders. Human rights standards infuse our national constitutional systems. Human rights advocacy and litigation have transformed our societies. Human rights have frequently been termed as modernity's greatest achievement.

But, for all such achievements and accolades, much has changed in recent years. There is widespread scepticism about the efficacy of human rights and of rights-based approaches to the resolution of our great social challenges. It is telling that many national and regional human rights bodies are underfunded and under resourced.

It is a time when fresh thinking on human rights is sorely needed – both within the continent and on the global stage. In this vein, the European Union Agency for Fundamental Rights (FRA) brought together a group of human rights leaders and experts to consider what contribution human rights could make to addressing the global crises we are facing. We discussed how to engage the complexity of issues afflicting our world and to seek constructive ways forward.

The discussions brought to the fore what works, rehabilitated what has been undervalued, proposed innovative approaches, sparked fresh thinking and participants offered each other mutual challenge, reflection and encouragement. In particular, they considered how we can do better together, demonstrating how partnerships can be transformative.

Despite the magnitude of the issues discussed, the meeting ultimately gave rise to a qualified sense of hope, as fragile as the grounds may be. Cultivating hope involves optimism and pragmatism, breaking down the seemingly impossible into achievable steps, and being propositional about the future. The focus must be on building political will and public support for change and coalitions to enable this.

Hope is ultimately grounded in experience: in the ways that we have seen human rights work changing lives; in a belief in the fundamental decency of the people with whom we live; and in our ability to see ourselves in the vulnerability of others, seek out a story to link us and act upon it.

Michael O'Flaherty
Director

AN INFLECTION POINT FOR EUROPE?

Europe stands at a delicate moment in its history, a moment of existential significance for the wellbeing and sustainability of our societies. It is emerging from the pandemic caused by the coronavirus disease, only to face a set of major overlapping challenges which pose profound questions about the political, economic and societal future of the continent.
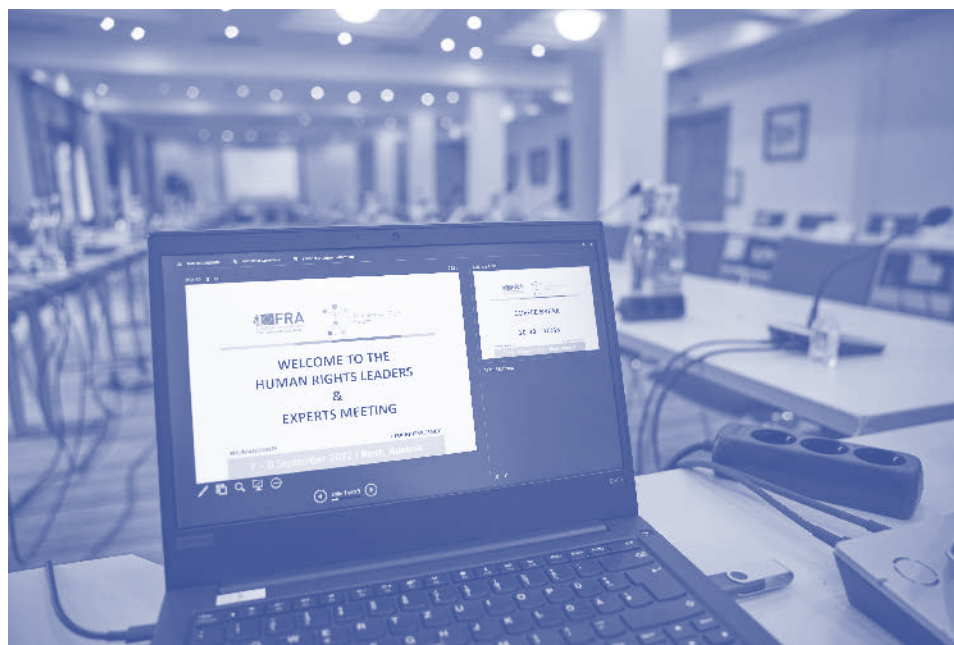
Some have termed this a moment of "polycrisis", conveying the sense of multiple concurrent challenges which because of their interdependence amount to more than the sum of their individual parts. With the long tail of the pandemic, the climate crisis, Russia's invasion of Ukraine, an elevated nuclear threat, an energy crisis, inflationary pressures, a growing cost-of-living crisis and increasing political polarisation, there are plenty of reasons for anxiety about the future.

But precisely for those reasons, this is also a moment to look to the future with new ideas and a fresh agenda. Leadership on human rights must be an important element of this because human rights are essential in facing up to these crises. As if to underline this point, 2023 will mark two significant anniversaries for human rights: the 75th anniversary of the Universal Declaration of Human Rights (UDHR) and the 30th anniversary of the Vienna World Conference.

Sitting between the recent Conference on the Future of Europe, the Fundamental Rights Forum 2021 and the 2024 European Parliament election, now is the time for renewed commitment to put human rights at the heart of our vision for Europe's future. It is also time to demonstrate our determination to work together to this end.

Against this background, the European Union Agency for Fundamental Rights (FRA) brought together around sixty human rights leaders and experts from the European Union (EU), Council of Europe (CoE), Organization for Security and Co-operation in Europe (OSCE), United Nations (UN), academia, civil society, the business world and artistic and faith communities to discuss elements of a human rights vision for the future and to identify opportunities for action. The group was diverse in backgrounds, disciplines and generations, and rich in different perspectives. The meeting was held under the Chatham House Rule, which enabled a frank discussion.

This report distils the meeting discussions, including analysis and ideas, and concludes with proposals for action, as expressed by meeting participants. While the report is

faithful to the overall meeting discussions, it is, however, not a negotiated and agreed text, and in no way commits any of the participants. It should also be noted that the report does not necessarily represent the views either of individual participants or of FRA.

The meeting focused on three major and overlapping challenges: the climate crisis; the rise of disinformation and corresponding decline in civic engagement; and Russia's war of aggression against Ukraine. These challenges are not unique to Europe or the EU, including the war which has a global impact. Nor are they the only challenges facing Europe. But the question of how to engage the multiple challenges is the great issue of our time. They cannot be considered in isolation from each other but require joined-up, coherent responses. They demand both careful self-reflection and bold action.

These are not exclusively human rights challenges, but complex systemic challenges with significant human rights dimensions. However, it should be unquestionable that human rights are central to any strategy to fix our world. The ambition of this meeting was therefore to consider what contribution human rights could make in response, and to inspire action to this end.

As the FRA Director emphasised in his opening speech, the challenge was to "heighten the visibility of what works, rehabilitate what has been undervalued, propose innovative approaches, spark fresh thinking [...] offer each other mutual challenge, reflection and encouragement, [and] consider how we can do better together, demonstrating how partnerships can be transformative"[1].

There were three main objectives, as follows, to:

— strengthen our collective understanding of the current challenges from a human rights perspective, including the cross-cutting elements and how they influence each other;
— formulate specific responses, being as pragmatic and propositional as possible;
— create opportunities for transformative partnerships based on shared visions of societies across Europe that respect fundamental and human rights.

UNDERSTANDING WHAT WE ARE FACING

Although the agenda was framed around three distinct challenges, the discussions confirmed that none of them could be disentangled from each other or from wider contextual factors. To understand what we are facing is to understand the relationship between different challenges as much as it is to understand each of them on their own.

Many of the interconnections are obvious and observable. Russia's invasion of Ukraine has driven unprecedented numbers of people to seek refuge across Europe; the climate crisis may yet do the same on a larger scale. The energy crisis caused by the war is driving a cost-of-living crisis, exacerbated by the changing climate, with serious implications for social and economic rights. Yet, some of the proposed solutions would further contribute to climate change. Disinformation and assaults on democratic institutions, which flourish easily in times of economic difficulty, are complicating the response to each of these crises.

On a deeper level, there is a profound relationship between the climate crisis and our economic system, and the existence of gross inequality. We must engage this interconnectedness if we are to find solutions that are genuine and sustainable.

The challenges set out below go well beyond the scope of human rights to resolve. However, as the discussions made clear, there is an important place for human rights in tackling each one of them.

Climate crisis

The accelerating climate crisis threatens to upend human civilisation. Europe experienced viscerally the effect of rising temperatures and prolonged drought during the summer of 2022, with livelihoods under threat and water levels in arterial rivers dropping dramatically and disrupting supply chains. But it is the poorest who are most vulnerable, both in Europe and globally. The worst effects are being felt overwhelmingly by parts of the world which have contributed vastly less to the crisis, with the famine in East Africa and floods in Pakistan standing as stark warnings to the world of what may become more and more inevitable.

It is increasingly well-established that the climate crisis is also a human rights crisis. It also forces a critical engagement with global inequality and its causes, and there are important resources within human rights for grappling with these issues.

From a normative perspective, there are many standards in human rights which are applicable to the climate crisis: the right to life, the right to health, the right to bodily integrity, the right to housing, the right to a family life, the right to own property and the prohibition of inhuman and degrading treatment, to name only a few. Human rights also provide a framework for delineating responsibility, linking together harms and victims, and enabling victims to seek redress. This has played out in litigation such as the Urgenda case in the Netherlands, now followed by two cases at the European Court of Human Rights (ECtHR).

Human rights standards are also evolving and expanding to fit the shape of the climate crisis. The global momentum around a newly-created right to a clean, healthy and sustainable environment is leading to consideration of a new binding instrument within Europe. This normative expansion of human rights comes with risks around enforceability and extra-territoriality,

especially in the event that any new instrument is not widely ratified. It is also a different conceptual fit for human rights in which the duty-bearer and victim are not clearly defined. There continue to be divergent views, therefore, on whether new norms are required, or simply the application of old norms to a new context.

Ultimately, a coherent human rights-based position may urge a rethink of certain economic orthodoxies. Global warming is often attributed to human activity in general, but this fails to capture the highly uneven nature of cause and effect in the climate crisis. It is rooted in economic systems that privilege some at the expense of others, with young people and those living in poorer countries most disadvantaged. This is starkly true on a global scale.

The increasingly severe consequences of the climate crisis will be borne mostly by younger and future generations. Yet, as the consciousness of this has grown around the world, it is still the plight of the wealthy which is often given priority. The warnings and traumas of those who have already suffered the most serious effects of the climate crisis, including many Indigenous peoples, have been and continue to be neglected, and their knowledge and wisdom in responding to the crisis is widely disregarded.

Meanwhile, the technical global solutions to the crisis are largely known, as laid out in the Intergovernmental Panel on Climate Change (IPCC) reports, but the necessary political and systemic shifts seem insurmountable. Even the European Green Deal may be insufficient to meet commitments under the Paris Agreement, while much effort still needs to be expended on stopping pending fossil fuel projects – often described as "climate bombs". The failure of the Conference of the Parties (COP) to deliver convincingly on climate financing, as well as the lack of urgency from wealthy countries in responding to crises, is breeding cynicism and distrust.

Yet, public opinion is strongly on the side of climate action, and almost every country in the world has signed the Paris Agreement. There is potential to generate stronger political will for more radical action.

Disinformation

Disinformation has a profoundly corrosive effect on societies, as a kind of social cancer which eats away at a sense of shared humanity and prevents us from building bonds of trust. It degrades politics and civic engagement and stands in the way of solving major global challenges. It is also worth noting that Russia's invasion of Ukraine has been a major flashpoint for disinformation.

At a time when states have been handing a greater role to security services to deal with disinformation, a human rights-based approach is crucial. There is a particular need to safeguard a diverse media landscape, underpinned by strong protection for freedom of expression.

However, grappling with the challenges of disinformation opens up a variety of other interrelated issues, and as such it raises many alarms for human rights. Among them are the following:

— The issue of safety and the need to protect vulnerable people from discrimination or violence where disinformation accentuates the spread of racism, misogyny or other forms of hate.
— The question of how to regulate hate speech in a manner consistent with freedom of expression and instead cultivate a healthy information and media environment.

— The conditions which enable disinformation to take hold, including economic disenfranchisement.
— The relationship between human rights and democracy, and the challenge of securing the societal conditions needed for the fulfilment of human rights.

These questions are particularly acute in the context of digitalisation, which greatly facilitates the spread of disinformation. Digital technology does not have a monopoly on disinformation, which has long been a feature of legacy (or pre-digital) media, but it is a key battleground for efforts to combat the problem.

The discussions at the meeting focused on two drivers of disinformation. The first driver is the business model of big technology companies, which directly incentivises the spread of inflammatory or bias-affirming material to drive engagement and advertising revenue. With users locked in by monopolistic industries which have become inescapable parts of societal infrastructure, almost everyone is vulnerable to their algorithms in some way. Combating disinformation is therefore in part a matter of regulating corporate power, specifically big technology companies.

The second driver is the way that certain states or political leaders exploit this technological infrastructure, attempting to exert political control or capitalise on economic deprivation, such as by stoking chaos or polarisation. There is a particularly acute risk where particular platforms or apps are associated with states.

Correspondingly, there are roles both for states and technology companies in combating various aspects of disinformation. For tech companies, the main task is content moderation, but this is a highly imperfect discipline. There has been a strong bias towards the English language; tech companies report finding it difficult to arbitrate in the absence of expert knowledge of facts on the ground or applicable standards; and we have at best a limited idea of what works in terms of removing problematic content. As disinformation becomes more sophisticated, there is a need for more research into how it is effectively debunked and removed.

The regulatory onus is ultimately on states, and in the case of Europe, on the EU. In too many cases, states have been too slow to put in place clear,

coherent regulation, leaving self-regulation as the only safeguard. The EU has, however, introduced a series of legislation which positions it on the leading edge of regulation globally and provides an important foundation on which to build. This includes the General Data Protection Regulation (GDPR), the Digital Services Act (DSA) and the Digital Markets Act (DMA), which have already been adopted, as well as the proposed European Media Freedom Act (EMFA) and a proposed political advertising regulation which will target the role of governments in stirring polarisation.

The DSA regulates harmful content and targeted advertising, including requiring transparency on algorithms and moderation decisions (despite strong opposition from some companies) and access to user data, while the DMA chips away at the business model of the biggest technology companies. The codes of conduct created by the DSA may become an important mechanism in due course, although this is yet to be tested.

In the area of artificial intelligence, both the EU's proposed Artificial Intelligence (AI) Act and the CoE's work on a binding legal framework on AI will require ongoing vigilance and engagement from the human rights community to ensure coherence with human rights standards.

Russia's invasion of Ukraine
It hardly needs saying that Russia's invasion of Ukraine is a human catastrophe, causing immense destruction and suffering on a scale not seen in Europe for decades. Its effects reverberate far beyond. The continued nuclear threat casts a shadow over Europe and the world. The energy crisis resulting from the war has driven a cost-of-living crisis across the continent. Over 7.6 million people have fled Ukraine into Europe, while there are 6.2 internally displaced persons within Ukraine.[2]

Human rights norms and tools offer only some of what is needed to address Russia's war of aggression against Ukraine and its consequences. This is a moment to reflect upon the relationship between peace and human rights: that human rights can only be realised in a context of peace and that human rights are, as set out in the UDHR, "the foundation of freedom, justice and peace in the world". There is therefore a strongly felt appeal from the human rights community of Europe that the EU and other institutions should work with allies beyond the continent to push for an end to Russian aggression and for a just peace in Ukraine.

However, the invasion of Ukraine also raises other major human rights considerations, notably on migration and asylum policy and on transitional justice.

Europe's response to these displaced people has expanded the range of possibilities for accommodating a large migration flow. It also confronted the continent with the risk of creating a two-tier system based on ethnic and national origin.

Many people fleeing the horrors of Russian military aggression have met with the best of what Europe can offer, including extraordinary solidarity and welcomes. The EU Temporary Protection Directive has been activated for the first time, and Eurobarometer has continued to show high levels of public support for people arriving from Ukraine. However, the racially differentiated treatment of people fleeing Ukraine is a deeply troubling aspect of the response, including widespread reports of mistreatment of non-Europeans and pushbacks for Roma people who lack papers. The question remains

what Europe will learn from the current experience, and how it will influence the way European leaders respond to refugees and migrants in the future.

Another aspect of the response to the large numbers of displaced people is the support that the EU provides to host countries. Most of the 7.6 million people who have arrived in Europe are in cities. While public attitudes remain favourable towards them, there is a risk for the future if the social provision for local people is negatively affected by the provision for displaced people. The current situation is likely to be protracted. EU countries which have received the largest numbers of people from Ukraine will need ongoing support to build capacity in areas such as housing, education and health services.

However, the EU needs to balance the funding needs against consistency on principles of upholding democracy and the rule of law in all EU Member States. Ensuring the right conditions for supporting displaced persons and local communities without compromising a firm line in support of principles will be a persistent challenge for the EU. Finding the right channels, including through local authorities, may be the key here.

Looking further ahead, there will eventually be a large-scale transitional justice task in Ukraine. The EU and other governments and institutions in Europe should already be planning for this. Learning from post-conflict successes and failures in the Balkan states may be a useful resource in this regard. Europe must also insist upon accountability based on international law.

There are already multiple avenues leading in this direction, including the International Criminal Court (ICC) investigations, the UN Commission of Inquiry (COI) and Human Rights Monitoring Mission (HRMMU) and the OSCE Moscow Mechanism report. The EU, United Kingdom, and United States have together established the Atrocity Crimes Advisory Group (ACA) to strengthen and coordinate efforts aimed at accountability. Together these initiatives amount to a significant push, far in excess of most conflict situations past and present, and they need to deliver. It is equally important that the crime of aggression is investigated and punished.

Further, we need to maintain focus on the gender dimensions of Russia's invasion of Ukraine. FRA will conduct a survey on women's experiences of gender-based violence and other abuses in Ukraine, during their journeys and on arrival in host countries. Tackling issues of sexual violence, trafficking for

sexual exploitation and exploitation in employment in host countries need to be at centre of both protection and accountability efforts.

Europe should not lose sight of the need to treat both Russia and Ukraine in a consistent and objective way. The outcome of Russia's war of aggression is not yet known, and there are many possibilities for the future. The push for accountability will overwhelmingly need to target Russia, but it should not be blind to abuses on the Ukrainian side. It will also be important to maintain vigilance on the human rights implications of potential future restrictions in Ukraine, such as on the Russian language or migration from Russia. Ukraine still needs to ratify the Rome Statute of the ICC and to meet all the conditions for EU candidate status.

At the same time, Europe needs to hold open channels and offer to human rights defenders who are increasingly isolated within Russia as well as Belarus. There are real human rights risks in the securitisation of Europe's response, including border closures. Genuine security concerns need to be balanced against human rights protections, including ensuring that eligible Russians can enter the EU for legitimate or humanitarian reasons and claim asylum if appropriate.

Besides all its immediate consequences, Russia's invasion of Ukraine holds up a mirror to Europe and poses questions about how to build rights-based and resilient societies which can withstand pressures of polarisation and autocracy. This is a moment for Europe to assert and demonstrate its values in opposition to the conditions of war and the conditions which led to this war of aggression. The vulnerability of women, children, older people and people with disabilities in Ukraine demands the question of whether they are able to thrive in Europe. And faced with the devastating consequences of autocracy and degradation of the rule of law, the EU must reflect on its own response to authoritarian shifts within Member States, up to and including taking action under Article 7 of the Treaty on European Union, which provides for the suspension of voting rights. It should also reflect on the impact of the Russian state bringing the media under its control and dismantling the last remnants of media freedom and consider how to prevent this outcome within other European countries.

Cross-cutting themes

Throughout the discussion, there was a strong emphasis on the interconnections between the three main themes and other issues shaping the human rights landscape of Europe. In this context, there were five cross-cutting issues which emerged strongly.

— **Gender**: Despite years of attention, both real and nominal, gender equality remains an unfulfilled promise. Instead, there are signs of regression across Europe, including in legislative developments and in the insidious promotion of misogyny and hatred. The climate crisis, disinformation and Russia's invasion of Ukraine all have specific gender dimensions. Gender-based violence remains a serious challenge across Europe, including for refugees and migrants who have particular vulnerabilities. Meanwhile initiatives that ought to be progressive, such as the European Green Deal, pay insufficient attention to gender and the differentiated impact on women. There is an important question now about what could be done to re-energise the push for women's rights and gender equality across Europe. This includes making non-human rights-based arguments, such as the economic benefits of gender equality.

— **Racism**: There continues to be endemic racism across Europe, including deep-rooted antisemitism and Islamophobia and mistreatment of Roma people. This manifests in many forms of intolerance and discrimination, including hate speech and violence. The enduring legacies of colonialism are also encoded into many human rights challenges of today. The pandemic proved fertile ground for racist messaging, often spread through online spaces and fuelled by disinformation leading to extreme polarisation.

— **Migration**: The generous response to people fleeing Ukraine raises the difficult question of why Europe has been reluctant to do the same for people fleeing conflicts outside the continent. In choosing not to implement the Temporary Protection Directive when 1.3 million migrants arrived in 2015, the EU deprived itself of an opportunity to learn and prepare for the present situation. There is now an opportunity for a wider dialogue about protection of migrants, regardless of origin.

— **Inequality**: Economic inequality, and to an extent rising poverty, were central themes in many of the protest movements around the world in 2019 and it continues to feed into political polarisation in Europe and beyond. The pandemic exposed Europe's failures to invest in economic and social rights and worsened existing inequalities. Now with price inflation and possible recession, there are fresh risks to the economic and social rights of the poorest people, bringing urgency to the issue yet again. The fault-lines of inequality run through every society in Europe; they also run between east and west. In the context of crisis following crisis, there is a serious risk that inequalities will become increasingly entrenched. This, in turn, contributes to the fertile ground in which populism, polarisation and autocracy are able to take root.

— **Democratic backsliding**: In the context of democratic backsliding, it is a damning indictment that surveys repeatedly show young people putting more faith in authoritarianism than democracy. There is a profound need in Europe for democracy to show that it can deliver, including on the climate crisis, on economic inequality and on the full spectrum of human rights issues. This is a particularly acute challenge in the context of digitalisation with the new risks it creates for the foundations of democracy, including a healthy media environment.

INTROSPECTION: INTERNAL CHALLENGES AND OPPORTUNITIES FOR HUMAN RIGHTS

Before setting out how human rights can contribute to addressing these challenges, it is also important to reflect on the condition of the human rights system itself.

There is a sense of malaise within the human rights community, and widespread scepticism about the efficacy of human rights approaches to addressing the grand challenges. The much-quoted phrase of Theodore Parker that "the arc of the moral universe is long, but it bends towards justice" gave rise to an understanding that we must play our part in bending the arc, and we began to think we knew how to do that. Progress on women's rights, among many others, seemed to confirm this. But today, the inevitability of progress towards justice looks far from assured. There is no longer any teleological certainty; rather, any progress looks provisional and fragile.

In this context, some soul-searching is necessary within the human rights community. There are indeed systemic weaknesses to confront, which are partly the result of neglect or complacency both from the human rights community itself and from states.

— **Marginalisation**: There is a felt absence of public support or popular demand for human rights, especially among younger people. The scarcity of education about human rights is partly responsible for this, as is the chronic underfunding of human rights institutions and initiatives. The lack of widespread public engagement with human rights raises the question, do we have the wrong framework altogether, or the right framework but the wrong language? Human rights derive much of their legitimacy from public consent and support, but this can no longer be taken for granted.

— **Fragmentation**: In a divided world, the human rights agenda has become splintered, with rights being deployed in a utilitarian way to argue for the interests or one group or another, sometimes at odds with each other. This is an attack on the universal character of human rights.

— **Distortion**: The human rights discourse has become confused, separating civil and political rights from economic, social and cultural rights in a way that has led to serious distortions in emphasis, analysis and programming. Human rights practitioners must take some responsibility for not doing enough to overcome this. As we grapple with the impact of gross inequality and its relationship with the climate crisis and with political polarisation, this failure is ever more glaring.

Yet, these weaknesses also hint at the great potential strength of human rights as a resource for tackling major global challenges. This is a crucial time to invert the weaknesses and reaffirm human rights as essential and non-negotiable; to insist upon human rights as a comprehensive, universal language; and to reclaim human rights as a force of cohesion in the world.

Moments of crisis are also moments of opportunity; this idea is implied in the Greek word *krisis* itself. In the context of significant global upheaval, there is now an opportunity to revive support for human rights and demonstrate its relevance to improving people's lives.

However, achieving this will require a more joined-up approach within the human rights ecosystem in Europe. It is essential to widen access to ensure that a greater diversity of actors is able to influence human rights agenda-setting and decision-making and to access funding. There are many barriers standing in the way of this, including language and the dominance of the professional human rights sector. The institutional complexity is another challenge: there are multiple bodies with overlapping mandates and many organisations with limited cohesion among them. In this context, there is a clear need for partnerships and smart forms of co-operation, including beyond the sector, to maximise impact and minimise duplication or conflict.

TOWARDS SMART, JOINED-UP HUMAN RIGHTS RESPONSES

The meeting strongly reaffirmed that the present moment demands radicalism and boldness. This involves a willingness to critique our approaches and set an ambitious human rights agenda for the future. In this spirit, the discussions brought out six main approaches for the task of strengthening human rights responses to serious challenges converging upon Europe. They are all complex in their own right, but they are all crucial for the renewal of a human rights agenda in Europe.

Bringing economic, social and cultural rights to the centre of our agenda

Economic, social and cultural rights have long been underemphasised by countries in the Global North, including in Europe. But today it has become ever clearer how problematic this is. This is true both within Europe and in terms of Europe's narrow human rights proposition to countries in the Global South, where China's development-focused discourse often resonates more strongly.

It is time for the human rights community in Europe to draw on its full range of tools to rediscover and rehabilitate a truly integrated vision of human rights. This means developing a serious proposition about economic, social and cultural rights. Economic inequality remains a neglected feature of the human rights landscape in Europe, and economic rights include powerful tools to address this. Meanwhile a sober emphasis on cultural rights could help to address and perhaps defuse elements of the incendiary "culture wars" that have become a feature of populist politics.

We should avoid repeating the same mistake by over-compensating and neglecting civil and political rights, which are integrally linked to economic, social and cultural rights. We should instead embrace the full spectrum of rights and move ahead with confidence and courage.

Developing an inter-generational approach to tackle human rights challenges

The climate crisis, which is also now recognised as a human rights crisis, demands that we apply an inter-generational lens to all our thinking about human rights. The roots of climate change lie in economic models that have been increasingly understood to disadvantage young and older people, particularly those living in vulnerable situations. The climate crisis' worst impacts still lie ahead, and therefore younger and future generations will have to deal with it.

As a vision of progressive optimism for human rights has dissipated, members of a younger generation are instead inheriting deep existential threats to the world and confronting an anxious future. Meanwhile, older people are especially vulnerable to an unstable future, whether the immediate impacts of climate change or economic turmoil, and this vulnerability requires specific attention.

Many young people do not feel heard as they express their fears and their anger at what they are inheriting. They are losing faith in institutions and in democracy itself to listen to them and to deliver for them. The human rights community must respond to this challenge. This is not an easy task, as there are no established narratives or tools for thinking about inter-generational justice. However, we must more intentionally find ways to involve the diverse voices of the younger generation in decision-making processes, and to develop a deep instinct for considering the rights of future generations.

Embracing inter-disciplinary responses

The meeting stressed the need for systems thinking and inter-disciplinary responses. There are two aspects to this. The first is acknowledging the deep interconnectedness of the challenges and crises we face. The second is embracing the potential in inter-disciplinary responses to these challenges.

One core insight is the integral relationship between colonialism, the climate crisis, economic inequality, racism and political polarisation. None of these

can be addressed in isolation from the others, and the whole set of issues should be considered in terms of system change. Similarly, in the context of Russia's invasion of Ukraine and the corresponding rise of a securitisation agenda in European countries bordering Russia, human rights cannot be disentangled from peace and security.

In view of these complex interdependencies, different disciplines need to be engaged to make sense of them and to develop ways forward. We must remember that the task of championing human rights does not belong to any particular group of people. Instead, it demands attention from across society. The human rights community should seek to build connections with other fields such as economics and peace and security, as well as cultural, artistic and faith-based communities. There is a challenge for the human rights community to learn to speak the language of other disciplines, even as we expect others to speak ours.

The discussions gave particular emphasis to the need to generate fresh economic thinking informed by human rights, and to the importance of seeking a deeper interaction between these two fields. The human rights community should not shy away from critiquing economic models and their impact on inequality and the climate crisis.

In the context of Ukraine, there will be a crucial role for human rights in influencing, shaping and potentially constraining or critiquing a range of peace and security efforts in the coming months, while maintaining pressure for accountability.

In the longer term, the human rights community should be bold in setting out an expansive vision for human rights, giving consideration to issues such as inter-generational justice.

Building public support for human rights
Ultimately, the legitimacy of human rights depends on public consent and support. But there has never been a point in history when the case for human rights has been made decisively and conclusively. Rather, there must be a constant process of reaching out to people in a way that resonates with them and shows how human rights protect and can improve their lives, while the human rights framework itself continues to evolve and expand to meet new challenges in the world. Human rights must resonate with people's thirst for fairness and values-driven governance.

This is a process in which education, the arts, religion and many other forms of public communication and outreach play an essential role. Formal education about human rights is necessary and important. Faith communities are able to cultivate a sense of shared humanity, into which human rights can speak. There is also a deeper role for the education and artistic sectors in creating a sense of mutuality and shared humanity, as well as nurturing the collective imagination about alternative possibilities for the future. There is something essentially human about the ability of the arts to reject binary positions and enable us to experience different perspectives and understand our responsibilities to each other.

There is also a foundational need to foster the conditions for informed public debate about the complex challenges we face. This is an essential basis for the democratic functioning of our societies and for the legitimacy of human rights. In particular, there can be no complacency about protecting media freedom and the conditions for investigative journalism and public sector broadcasting. We need to see the information space filled with good journalism and accessed by people with high levels of media literacy, including digital literacy. This can be a powerful antidote to disinformation, since journalists ought to be the best fact-checkers. Journalists are able to probe the inner workings of big technology companies, as well as the means by which states are able to manipulate public opinion. A healthy media environment, based on freedom of expression, is crucial for promoting transparency and accountability.

Building public support for human rights also means building a diverse human rights culture, based not on uniformity of thought but on a tolerance of disagreement and mutual respect. This requires effort to break out of binary ways of seeing each other and developing a culture of solidarity rooted in an awareness of our impact on each other's lives. True solidarity is not simply magnanimity but an ability to recognise ourselves in the vulnerability of others.

Confronting legacies of colonialism
Since 2020, the human rights community in the Global North has made some effort to become more attuned to the dynamics of racism and the legacies of colonialism. This includes seeking to understand how they shape human rights challenges today, and how the human rights community faces a constant choice either to tackle or to perpetuate and replicate the legacies of colonialism through its ways of working.

Europe bears a deep responsibility through its historic role in the world. There are also experiences of colonial domination within the continent, and Russia's invasion of Ukraine represents a disturbing return of colonialism to Europe. But across the rest of Europe, the treatment of Roma, Muslims and migrants is reminiscent of some elements of colonialism.

Confronting economic inequality and the climate crisis also requires an understanding of the historical and present dynamics of colonialism, including the way in which economic systems have been built and the consequences they are bringing to those who benefit least from it. This analysis is perhaps also relevant to how we address the control of our information environment by a small number of technology companies using algorithms that perpetuate pre-existing patterns of discrimination, and the need to put more power in the hands of users.

But there are important internal lessons for the human rights community as well. The human rights system is all about people, and a constant effort is required to ensure that our efforts are undertaken *with* rather than *for* people. The way we do human rights work needs to critique and undo structures and modalities that are colonialist in nature, instead of perpetuating them.

Defining responsibility, expanding participation and partnerships
The onus is often placed on the human rights community to safeguard human rights. However, the meeting included a rich discussion about the proper roles of different constituencies in creating positive human rights change. Underpinning this was an acknowledgement that primary responsibility rests with states and that public support is a crucial condition for human rights progress.

States are the primary but not the only duty-bearers. In the context of Europe, the EU itself has a state-like authority. But the governmental and inter-governmental levels are not the only appropriate locus for action on human rights. Corporations have certain defined responsibilities, for which clear and coherent state regulation is needed alongside self-regulation. The nexus between states and corporations is significant for human rights protection, because while states are heavily susceptible to corporate pressure and able to position themselves as diminished by the enhanced role of the private sector, they nevertheless hold regulatory authority. It is especially important to monitor the relationship between states and technology companies who substantially control the information environment. In view of this, we need to strengthen the institutions that will hold political leaders to account.

It is also important to consider the local level. Cities can play a crucial and innovative role on human rights, as the Human Rights Cities Network has shown; they are places of connection and encounter, and they can play an important role in education, in shaping public attitudes, in building social cohesion and in combating inequality through the provision of services. Cities have often provided the first point of contact for people fleeing Ukraine. There are other forms of local community too: religious communities can offer moral leadership and large constituencies of engaged people.

Civil society plays an important bridging role: it must be protected and empowered, including with funding, but should then use its position to protect and empower others. In particular, the formal civil society sector (including the professional human rights community) should aim to give voice and agency to activists and human rights defenders in all their diversity.

Rights-holders themselves, especially those from marginalised or otherwise vulnerable communities, must be enabled to speak for themselves on matters of human rights and to claim rights for themselves. Inclusivity and diversity must always be key principles for the human rights community, including within institutions.

But the web of actors and disciplines involved in human rights protection is broader still. Litigation has shown itself to be particularly promising especially where progressive legislation is in place. Law, journalism, trade unions, professional groups, the arts, religion, culture, entertainment, education, sports and the field of economics are all among the diverse places where human rights work needs to be done. The tent is large; and there is room for more.

MAKING IT REAL: PROPOSALS FOR ACTION

The following proposals expressed by meeting participants are addressed primarily to EU institutions and European governments. However, they are not limited in this scope but have relevance to a wider range of actors involved in protecting human rights.

ENSURING A BALANCED AND COHERENT APPROACH

— **Crisis interventions**: Ensure that crisis interventions, including responses to Russia's invasion of Ukraine and the use of the Temporary Protection Directive, are integrated into a long-term agenda for the fulfilment of human rights.

— **Consistency**: Strengthen unity and consistency on EU internal and external diplomacy on human rights. Maintain a strong line on regression in EU countries, using all available legal and budgetary tools, and ensure that the provision of necessary support for communities hosting new arrivals from Ukraine interferes as minimally as possible with this.

— **Human rights vetting**: Ensure consistent human rights assessment of policies, directives and legislation.

— **Institutions**: Protect and strengthen institutions which exist to safeguard human rights and hold political leadership accountable.

STRENGTHENING A HUMAN RIGHTS CULTURE

— **Communicating human rights**: Invest in raising awareness of the benefits of human rights to people's lives, speaking to the heart and to cultural values.

— **Freedom of information and the media**: Strongly defend media freedom and cultivate a diverse media landscape across Europe. Equip public institutions to counter disinformation effectively. Monitor and tackle state monopolisation of the media. Promote and celebrate high professional standards in journalism.

— **Human rights education**: Establish a programme to improve human rights literacy for politicians. Invest in public understanding of human rights, including through civic education for children and young people.

— **Inclusivity**: Focus on increasing diversity in human rights institutions, through employment and other means. Ensure that the most marginalised rights-holders are able to exercise agenda-setting and decision-making power. Support initiatives to increase space for under-represented groups to make themselves heard and exert influence over decisions about their lives.

— **Arts**: Uphold the importance of the arts in public education. Sponsor initiatives to promote solidarity through the arts.

LEVERAGING FUNDING FOR GREATEST IMPACT

— **Climate financing**: Under the duty of international cooperation, deliver on climate financing to meet and build upon agreed targets under the UN Framework Convention on Climate Change (UNFCCC).

— **Flexible funding**: Support people, organisations, and movements, not only projects. Ensure direct funding is available for civil society organisations and community groups helping people who have arrived from Ukraine. Offer small grants and minimise administrative impediments for human rights defenders to access funding.

— **Scalable impact**: Invest in building and sustaining a pluralist media landscape in order to strengthen a culture of healthy debate.

— **Vulnerable communities at risk**: Provide targeted support for displaced people from Ukraine and for host communities in EU countries in a way that maximises the potential for integration. Plan for the economic uplift of left-behind communities, including those at high risk of political polarisation.

DEVELOPING A GLOBAL ECONOMIC RIGHTS AGENDA

— **Leave no one behind**: Create a new narrative around economic, social, and cultural rights. Develop a holistic human rights proposition which is consistent with the Sustainable Development Goals (SDGs) to build bridges with Global South countries. Progressively apply a human rights lens to development assistance programmes.

— **Rethinking economic models**: Grapple seriously with this challenge. Adopt a bold approach to rethinking the prevailing economic orthodoxy, including a focus on social and ecological outcomes and the requirements of economic and social rights. Deeply engage progressive economists and the younger generation in this effort.

— **Climate transition**: Rapidly implement a just transition away from fossil fuels towards renewable energy produced in a manner consistent with human rights.

— **Corporate power**: Develop more progressive tax policies. Strengthen the framework for corporate sustainability due diligence. Challenge corporations to engage and contribute positively on economic rights and the climate crisis.

STAYING THE COURSE ON REGULATING TECHNOLOGY

— **Business model**: Build on existing regulations which have positioned the EU arguably as the global leader on regulating technology companies. Tackle monopolisation and insist that technology companies unbundle their services. Push harder on transparency and work towards a full ban on surveillance-based advertising.

— **Enforcement**: Attend carefully to the enforcement of DSA, DMA, and other relevant legislation including GDPR, as well as the proposed EMFA, political advertising regulation and regulatory frameworks for artificial intelligence, both within Europe and beyond. Ensure that this is backed by sufficient resources, and that companies are ultimately responsible for financing the system of enforcement.

— **Information infrastructure**: Set a vision for a resilient information infrastructure in Europe, which takes account of diversity and puts users in control of their own data.

SHIFTING MIGRATION POLICY

— **Displaced people from Ukraine**: Strengthen coordination across Europe. Attend specifically to those fleeing who are at high risk of trafficking, exploitation or discrimination, regardless their ethnic origin.

— **Consistency**: Seize the moment of high levels of public support for people fleeing Ukraine to launch a wider conversation about protection for migrants, regardless of origin, and legal pathways with respect for international and EU law and without discrimination. Actively prevent the emergence of a two-tier system based on race.

— **Climate refugees**: Prepare the ground in terms of policy and public messaging for people fleeing climate impacts in future. Develop a framework for granting refugee status.

— **Temporary Protection Directive**: Ensure that lessons are learnt from the current experience, including on integration. Consider extending protection and rights for Ukrainian arrivals based on residency instead of nationality.

— **Borders**: Support Frontex's efforts to protecting fundamental and human rights in securing EU's borders. Ensure there are no arbitrary border closures.

PREPARING FOR UKRAINE'S FUTURE

— **Peace**: Consider working with allies to launch a just peace initiative, ensuring that it does not conflict in any way with the need for accountability.

— **Transitional justice**: Consider lessons to be learnt from previous transitional justice experiences, including in Balkan states 30 years ago. Support all existing pathways to accountability. Work towards a tribunal on the crime of aggression.

FINAL WORD: A GROUNDED HOPE

Despite the magnitude of the issues under discussion, the meeting ultimately gave rise to a qualified sense of hope. At first, the emphasis on systems thinking may seem to militate against hope: the prospects for fundamental social, economic and political changes appear remote, particularly within the short time horizon for preventing the worst effects of the climate crisis.

Yet, as the Irish poet Seamus Heaney wrote, hope is "something rooted in the conviction that there is good worth working for". That is ultimately what human rights are about. Leadership on human rights involves an inescapable responsibility to cultivate hope, as fragile as the grounds may be.

Cultivating hope involves pragmatism, breaking down the seemingly impossible into achievable steps, and being propositional about the future. There is a risk of overcomplicating the tasks ahead of us. We already know much of what needs to be done. The focus must be on building political will and public support, and on building partnerships and coalitions to enable this.

Even the darkest places offer hints of hope. In Europe today, hope is perhaps most clearly embodied in the resilience of the Ukrainian people, which is mirrored in some way by the solidarity of Europeans. The border between Ukraine and Poland is a meeting place between the best and the worst of what humans can do to each other.

Flowing from that, perhaps the generous embrace of many people displaced by Russia's invasion of Ukraine could become a resource to tackle the political orthodoxy of "Fortress Europe". The high levels of public support across Europe might create conditions for a dialogue around Europe's role in the global task of offering protection to all refugees, while the institutional responses create positive precedents that can be applied in other cases. Perhaps the outrage against Russia's military aggression will give fresh impetus to a pursuit of accountability which has become increasingly remote in recent years.

As the FRA Director expressed it in his closing remarks, hope is grounded in experience: in the ways that we have seen human rights work changing lives and in a belief in the fundamental decency of the people with whom we live. This gives renewed impetus to our understanding of human rights as a universally agreed distillation of what it looks like to honour human dignity.

Hope is, in the end, about solidarity: about seeing ourselves in the vulnerability of others, seeking out a story to link us together, and then resolving to act upon it.

Endnotes

1   Michael O'Flaherty, 'Putting human rights at the heart of Europe's future'
    (https://fra.europa.eu/en/speech/2022/putting-human-rights-heart-europes-future).
2   ReliefWeb, 'Ukraine Situation Flash Update #32 (7 October 2022)'
    (https://reliefweb.int/report/ukraine/ukraine-situation-flash-update-32-7-october-2022).

FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

Europe stands at a delicate moment in its history. It is a moment of existential significance for the wellbeing and sustainability of our societies. It is emerging from the pandemic caused by the coronavirus disease, only to face a set of major overlapping challenges. These pose profound questions about the political, economic and societal future of the continent.

To discuss elements of a human rights vision for the future and to identify opportunities for action, FRA brought together a group of sixty human rights leaders and experts with diverse backgrounds from across the continent.

This report distils the meeting discussions, including analysis and ideas, and concludes with proposals for action. It does not represent the views either of individual participants or of FRA.