Human Rights – Conversations Across Generations
Episode: Manfred Nowak
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MEREDITH LOCKWOOD 0:04
Hi, welcome to our podcast, Human Rights, Conversations Across Generations. I'm Meredith Lockwood, founder of Lockwood Creative, a purpose-driven creative agency. And I'm here with my dad.

BERT LOCKWOOD 0:16
And I'm Professor Bert Lockwood, the director of the Urban Morgan Institute for Human Rights at the University of Cincinnati College of Law.

MEREDITH LOCKWOOD 0:26
Together, we are your father-daughter co-hosts.

BERT LOCKWOOD 0:29
For over 50 years, I've had a front-row seat to the evolution of international human rights.

MEREDITH LOCKWOOD 0:35
And now, we're sharing that expertise with you by connecting to the powerful stories and insights of human rights voices from around the world.

BERT LOCKWOOD 0:43
We bridge the past and the present, making complex human rights issues more approachable and understandable.

MEREDITH LOCKWOOD 0:50
So, pull up a chair and join our table as we speak with Nobel Peace Prize recipients, political leaders and the world's leading human rights scholars and activists.

Hi, listeners. Today, my dad and I are honored to welcome Professor Manfred Novak to the show. Professor Novak is the Secretary General of the Global Campus of Human Rights and Professor of Human Rights at the University of Applied Arts in Vienna.

the United Nations Special Rapporteur on Torture and has decades working at the forefront of international human rights law, accountability, and justice.

on Children Deprived of Liberty in 2019, a landmark effort that that brought global attention to the millions of children living in detention, migration and other settings where they cannot freely leave. Manfred is the author of more than 600 publications in the fields of public and international law and human rights. in our conversation, we reflect on the realities of detention and torture prevention and on the urgent need to protect children deprived of their

liberty around the world. We also consider the responsibility we all share to safeguard the dignity and well-being of the most vulnerable members of our global community. joins us today from his home in Venice, Italy, where he is continuing his work in human rights education and global collaboration. When we begin our conversation, my dad and I could not help but notice the message on his t-shirt. It's a simple but powerful reminder about human rights that immediately sets the tone for our time together. Rather than beginning with a formal introduction, we simply started talking as friends and colleagues often do. So that is how our conversation unfolds. Let's tune in now.

MEREDITH LOCKWOOD 2:45
Manfred, I was curious if you could share what your shirt says. Does it say human on it? All humans

BERT LOCKWOOD 2:53
are born and equal in And rights. OK.

MANFRED NOWAK 2:59
Yeah, that's a T-shirt of the Global Campus of Human

MEREDITH LOCKWOOD 3:03
I need that T-shirt. That is a great T-shirt.

BERT LOCKWOOD 3:06
yeah, I had for a while, uh, Human Rights Quarterly, T-shirts that were

MANFRED NOWAK 3:09
Rights.

BERT LOCKWOOD 3:09
very popular,

MEREDITH LOCKWOOD 3:10
We should bring back the T-shirts, Dad. They were

MANFRED NOWAK 3:12
Uh,

MEREDITH LOCKWOOD 3:12
really good.

MANFRED NOWAK 3:13
yes.

MEREDITH LOCKWOOD 3:13

OK, Manfred, I would love to start with your journey into human you take us back to your degree? Could you take us back to the beginning, and what first drew you to international law and human rights?

MANFRED NOWAK 3:26
I started to at the University of Vienna in spring 1973. So, it's quite some time ago. And, at that time, there were two new fields. The one was environmental protection, and I actually started to work in that. And the other one was human rights. And at that time, those were two totally different fields. And now, both have come together with the right to a clean environment, the rights of future generations. But my human rights work was inspired by my teacher, Felix Amakora, who was one of the pioneers of human rights in the Council of Europe in the United Nations. He was, since 1967, a member of the working group on human rights in South Africa. Then he was chair of the human rights commission just after the Binochet coup in spring 1974. He became also a member of the, the working group on human rights in later special rapporteur in Afghanistan. So, he had a lot of experience. He was investigating the Greek case before the Commission of Human Rights at that time. So, that was very inspiring. the killing of Allende really was falling in this first year, 1973, which had a major impact on me. Then I went to Colombia, And the second main person who influenced my thinking about human rights was Louis Henkin. He was, at that time, my professor at Colombia. And I wrote, under his supervision, a thesis, kind of master thesis on torture in national socialism and Stalinism. But he was also such an inspiring teacher. So, I got a lot of inspiration from his way of teaching, interactive teaching. So, and I remained a good friend of until his death, actually. So, those were the two people who influenced me most. And then, it turned out that, for me, human rights was the interesting topic at that time than environmental protection. So, that's how I into that.

MEREDITH LOCKWOOD 5:49
you have spent decades working now, both within academic and the United Nations system. From your early experiences that helped shape your understanding of international human rights, what do you understand about the current relationship between international law, as well as lived human experiences, and how those intersect?

MANFRED NOWAK 6:14
I mean, I should perhaps also still add, an experience in New York. That was the time of the end of the Vietnam War. I was founding an amnesty group at the campus of Columbia University, and we, uhm, big events. One, uh, was for me especially, uh, beautiful, it was in, uh, St. Joan's Cathedral in Amsterdam Avenue where I met Joan Baez, who was one of my kind of icons at that time. I knew all of her songs and, uh, uhm, and, uh, we were sitting together because, uh, she was part of that struggle and that was all related to the, to the end the Vietnam War and the celebrations in Central Park, et cetera. but then I was invited, I mean, I did my academic study and, uhm, I worked on the commentary on, on the covenant on civil and political rights, but at the same time I was invited by non-governmental organizations to do fact-finding. So, one that had a strong, kind of impression on me was fact-finding on the invitation of the Catholic Church, the Bishop's Conference in Brazil to uhm, landless peasants

and this, uh, conflict between the rich landowners, the façanderos, with the landless peasants who were driven away from their lands and, uh, many of them were killed, and it was very, I mean, going to these with priests in that time, priests and bishops, who were really the theology of liberation in the, in the Catholic Church in Latin America, which was a very progressive

and seeing how children in particular, but also people in these villages were trusting into commission of the CPD, so this commission of the church that actually supported those people and to see how ruthless they were simply killed when they were demonstrating against losing their lands, etc. So that was one, and the second one was since worked and was director of the Netherlands Institute of Human Rights in Utrecht, and I spoke Dutch. And after they could do in Surinam, they invited me, was international alert, to do a fact-finding mission in Surinam, and they didn't want to have a Dutch person who might be kind of as the colonial power be biased, s it was good to have somebody with a human rights experience and the Dutch language, and that was one of the most difficult fact-finding missions because I should have done it with another person and he then moved out, so I was totally but you should never do in a fact-finding mission. But I found quite a lot of, aga, killings and torture by the military junta in Surinam,

BERT LOCKWOOD 9:31
might have been a unique person, being able to speak not being Dutch, in the human rights field. There can't be too people that fall into that category, I would think.

MANFRED NOWAK 9:41
Right. Ri. And so there were many people who were really... Yes. that threatened the whole NGO movement and, and this killings that was even going into the center of the power, the military barracks. Yes. But then I didn't know when you go alone there, do you get out again afterwards. And, Mr. Sital, who was the kind of military leader. And then we engaged in a discussion about Marxism. They were Marxists. And Kind of made it somewhat easier to talk to each other, so we had a common ground, and, but knowing that you sit alone in a military barracks with the person who is responsible for most of the killings, together with Mr. Bouterse, the head of this whole regime. So, that gives you this feeling, uhm, human rights are more than a theoretical concept, they have to do with the everyday life of human beings who are threatened.

MEREDITH LOCKWOOD 10:44
That's really fascinating, and Manfred, I had the honor of living in the Netherlands for three years in and I lived in the neighborhood Oost, which many of my neighbors were Surinamese, Moroccan, Afghani, Iraqi, and, Candidly, as an American, I didn't know much about Suriname in the history, and it wasn't until I moved there, and one block away was this amazing Surinamese restaurant, and I got to know the owners, and I probably ate there once a week, and I really wanted to invest in learning about the colonization and the history between the Dutch and the Surinamese. And just listening that you got to go there, and have first-hand accounts and interview persons that, went through history of colonization, survivors, etc. I

could talk about this topic for so much and my dad and I both share a fondness of Utrecht, and knowing that you, were at the University of Utrecht. A few of my dear friends have moved from Amsterdam to Utrecht, so we share the love of the Dutch people.

MANFRED NOWAK 11:49
And I mean, I was living also a few years in Amsterdam, so it was one of most beloved cities.

MEREDITH LOCKWOOD 11:55
Mine too. Where in Amsterdam did you live?

MANFRED NOWAK 11:59
Eh de Nierwe Prinzuchacht. So that is on the other side of the Amstel, but, uh, So over de maheren bruch. you take the bike and then, S so, it was very close and I worked at the

uh, institute of, uhm, European, Public European Law at that time. and I enjoyed it very much,

MEREDITH LOCKWOOD 12:20
I knew exactly where you were. I over by the Javeplein.

MANFRED NOWAK 12:23
Okay.

MEREDITH LOCKWOOD 12:24
In

MANFRED NOWAK 12:24
Yes.

MEREDITH LOCKWOOD 12:24
Oster. So, for me, I loved being in the hustle and bustle of Amsterdam, but it was always nice to bike home that was a little quieter in the East. and on Amnesty, I to see about a personal and professional connection that is very dear to my dad and I, is, if you got to work with Sir Nigel Rodley, as he was one of the first lawyers of Amnesty International.

MANFRED NOWAK 12:48
Yes, actually it was quite interesting. But before I went to Utrecht, I had two offers. And the one was actually his job, his later as the head of the International Department at Amnesty International in London. And I had been living in London before in 1978 and I loved the city. Uhm, and, uh, at the same time I also got this offer, to become director of the Netherlands. Institute of Human Rights. So I had to both offers at the same time and I had to make a decision. and I, uh, actually decided for Utrecht because my wife was Dutch and, uh, and also I felt that London has really deteriorated, under the, the Thatcher regime. So, also for the, the salary you, you, you almost couldn't, find an, an, an, a decent apartment and this kind of thing. So I finally decided, and that is the that was when Ian Martin was Secretary General of

Amnesty and that is the job for,for Nigel. And we, we knew each other already quite long before, uh, from Essex University. uh, so I, I became a very close friend of Nigel and I was very honored, to kind of take over the Special Rapporteur on Torture, from him and Theo van Boven who was in between Nigel and myself. we didn't always agree on all legal issues, but I think, uhm, I had a very, very high respect, f Nigel's, broad mind and also, what he did as Special Rapporteur on Torture was, really developing the mandate very much.

BERT LOCKWOOD 14:28
what I particularly appreciated on, that mandate is, I can remember approaching write a book that was directed toward a general audience to give them some insight into what a Special Rapporteur uhm, and, uh, it, it's, the book you did for the Penn Series I think- very, very important because it does regular people, if you will, with some insight into what's involved and one of the mechanisms which we, tend to believe, I think, is one of the most in the international human rights fields the Special Rapporteurs. it's sort of ironic that, When we, uh, talk effective ways of implementing human rights, it is often that people will point to the Special Rapporteurs. uh, uh, it's sort of crazy, I mean, the Special Rapporteurs are typically full-time professors, and they do this on top of that and don't get paid for it, but, that's where we are, sort of, that is one of the most effective ways of implementing it. uh, but it, of goes to, the question the modest resources that are, put into, uh, international human rights and, the enforcement, part of it.

MANFRED NOWAK 15:47
No, I actually very grateful for having the opportunity to write this book, because it also helped me to overcome some of the kind of traumatism you take away from, so, in such an intensive way, dealing with the worst forms of torture, uhm, and the torture survivors, and, uh, so, I still uh, nightmares, uh, often I'm dreaming about torture, and that is now, 16 years ago, that I had this mandate, so, I think it was, for me, good to write that down. you're right It's an unpaid job, uhm, and I 70% of my time, on the torture mandate in those six years. And that's quite a lot if have a main job and that is teaching at the university, doing research. But on the other hand, it's a cross fertilization. I was writing at the same time a commentary for Oxford University Press on the Convention Against Torture. so I can use my practical experience, uh, as Special Rapporteur on Torture for the theoretical work on how do you define torture and, uhm, all the different articles of the Convention Against Torture. And vice versa, this academic research helped me very much in the, the, kind of, arguments that I had in particular also with the U. S. government about how to define torture and, uh, is it an absolute right or not and, and all these kind of things. and the university, I mean, I was at the University of Vienna, which is a public university. uhm, I still remember talking, uh, with Philip Ballston and he said, but at NYU this simply doesn't work. I mean, they say we pay you a good salary so that you are fully available for NYU. So, you should do your UN work in, in your free time, in your holidays, etc. uhm,

BERT LOCKWOOD 17:50
uhm,

MANFRED NOWAK 17:50
and I was having a good understanding of my rector and saying that also, helps the reputation of Vienna University. uh, but I think, if you have people like you, being very much also in the, uh, the public domain, in the media, etc. you should only say that you do that, U. N. Special Rapporteur on torture, as professor of international law at Vienna University. Uh, so, in, in that I had the privilege, of having so much free time. But, of course, if you come back, then, uh, you need actually time to, to recover, to be with your family. And, in reality, then the work at the university was kind of, uh, you had to do all your teachings and, and, uh, all your administrative work. So, it was, it was stressful, I don't regret at all having done this, unpaid, uhm, mandates for the United Nations. It was a big experience.

BERT LOCKWOOD 18:47
you mentioned you were sort of haunted by, some of the, uh, people that you presumably that had been tortured. is there a particular example someone that comes to mind that you met that was particularly memorable?

MANFRED NOWAK 19:02
Um, yes, many, uh, people. Uh, but for me, I mean, you, see so many people who have been severely tortured. Um, I'll just give you one example, um, what we call "Palestinian hanging" and I never found out why it's called "Palestinian hanging" but it means, that you are suspended, so your, your, your hands are tied behind your back and then you are suspended from the ceiling. Um, and it gives you a very, very strong pressure on your, joints here so that sometimes it's, it's, it's excruciating pain. and for instance, I found in, in Jordan, um, in the, the central, um, police, uh, investigation and police headquarters actually in, in Amman. and then they tried to bring these people away when I entered at 11 o'clock in the evening, but, um, they were so, kin of ensured that they couldn't bring them away. So, do, to, to, to speak to, to, to those people who were just before an hour or two subjected to this form of torture. But for me, the most difficult was to see children. children, whether in orphanages, whether in special, uhm, institutions for children with disabilities, uhm, children as young as seven, eight, already convicted of some kind of minor crimes. Uh, because they're usually street children who steal something in order to survive and then they get convicted and so to see children behind bars, uhm, who have been ill-treated that is uhm, k of breaking your heart. So that, that is the most but also child soldiers. I've seen child soldiers, 14 years old, girl and boys in Nepal, for instance, who were first abducted by the Maoists and also tortured by them. So when they tried to flee, they were cutting off, uh, a toe or a finger, uh, so that they would, you would not flee anymore from the Maoists. Then they finally, uh, were able to flee and then they were, uh, arrested by the military and the military said, "You are, are terrorists." And, uh, again, they were torturing them uh, and then you saw those 14 year olds, 15 year old girls somewhere somewhere somewhere somewhere in military detention facility or in an anti-terrorist detention it's heartbreaking to, to see that their life has been destroyed uhm, so, but the same also in other countries like Sri Lanka. So, so those are usually the worst experiences, but they, yeah. I could tell you many, many more stories.

MEREDITH LOCKWOOD 21:48

Manfred, I wanted to ask you quickly, the saying, "A Palestinian hanging as a torture mechanism." And you said you're not really sure where that term came from. Is that a global term

MANFRED NOWAK 22:02
yes,

MEREDITH LOCKWOOD 22:03
Wow. Okay. Just everything that's currently happening. I had to pause there and my, my, I felt like I had a glitch of like, "Oh, we're not talking about just in Palestine." You were

MANFRED NOWAK 22:12
no.

MEREDITH LOCKWOOD 22:12
talking about Jordan and

MANFRED NOWAK 22:14
I mean, in Turkey, for instance, it was always Turkey, already in the 1980s, 90s, that was a very, very common form of torture. And it comes, I mean, many of the torture methods, go back to the Spanish Inquisition. It was called "Strabado" at that time. like also waterboarding. Waterboarding was done by the, the Spanish Inquisition of the Catholic Church. so many of those physical torture methods have a long history. They're simply called differently then.

MEREDITH LOCKWOOD 22:46
Yes, I wanna speak about children, cuz you've done a lot of work with that. But if I may just give our listeners a little more context before we talk about your work. on "Deprived your book that you published with my dad's Penn series, where he's a book your book is called An Expert's Confrontation with an Everyday Evil." from 2004 to 2010, as you noted, you were the unpaid United Nations Special Rapporteur on Torture. Which, a sidebar to that, we will be talking with you about human rights, capitalism, and economics. Which I think for many of our listeners, they do not know nor realize United Nations Special Rapporteur on Torture, which a sidebar to that, we will be talking with you about human rights, capitalism, and economics, which I think for many of our listeners, they do nor realize that a very prestigious title in the work you did as the Special United Rapporteur of Torture, which there's only one at any given time, is actually not paid work. Through your work writing this book, which again, for our listeners, I will link that in our show notes, you describe torture, not as isolated abuse, but something that emerges when legal and security systems begin to break down under pressure. And for example, at the height of the war on terror under the Bush administration in the United States, you examine cases including Guantanamo Abu Ghraib. I learned from you in one of the interviews I listened to you noted that

created more terrorism when we were trying to fight terrorism. It did the exact opposite thing presidents, politicians, even media was marketing that we were fighting this big war on terror,

but it actually had long term consequences around the world. And I During that period from 2004 to 2010, what stood out to you most when you were looking at how detention interviewing practices were being justified in the quote, name of security?

MANFRED NOWAK 24:45
I'll give you one example that actually explains very well why I said, that, uh, this practice has such a negative impact in general on the prohibition of torture. When I was on official fact-finding mission in Jordan, I met one of my first interlocutors was the speaker of the Jordanian parliament. and his first question was, I mean, you are invited by the Jordanian government, but why are you coming to Jordan to investigate torture? Uh, I mean, if even the United States of America, which is the cradle of democracy and human rights and whatever, they are trying to sell human rights to the rest of the world, they are officially torturing. So, if, um, if the US is torturing, why should we not also torture, we are even cooperating and we know today, and at that time we suspected, that there was also a black side of the CIA in Jordan, and, uh, I actually was there, but at that time we couldn't, we couldn't find the people held by the CIA. Okay, so it had this kind of effect that even the United States, by balancing, um, so-called balancing of security with human rights, the United States, uh, uh, we're saying torture is the lesser evil, if we can get good information from those suspected terrorists about future attacks, about other terrorists, et cetera. so, um, as soon as you start putting the absolute prohibition of torture into question, you are crossing a red line, and that's exactly what the Bush administration did with all those, uh, John Yoo and, and Jay Bybee and all these, uh, torture memos, e cetera, saying torture is only excruciating pain, more or less, uh, heart and organ failure, et cetera. So, all these redefinition of torture, that, uh, is simply not in line with international law. so for me, also, writing this report about Guantanamo Bay and then also another report about, secret detention in the fight against terrorism where we found, uh, 66 states that are actually using secret detention. Many of them cooperating closely with, the U. S. Um, with the U. S. in the, uh, in the rendition program like also European states like Poland, Romania, and Lithuania. and Lithuania. So it was for amazing to interview the survivors of these kind of practices of music torture, whatever, Afghanistan or in any of those CIA black sites.

BERT LOCKWOOD 27:41
one of the valuable things you did for me is I remember writing to you and the Bush people were saying that one of the difficulties that they had was that the definition of torture was blurry, vague, wasn't clear. And wrote to you and asked you to write for the quarterly. Take that on

MANFRED NOWAK 28:03
Exactly.

BERT LOCKWOOD 28:04
and say, know, no, this is what we clearly understand constitutes torture under international law. And that was a very article in the quarterly that greatly appreciated your undertaking and doing a brilliant job just confronting that question that the Bush administration had attempted raise there.

MEREDITH LOCKWOOD 28:29
Yes. it is one of the worst legacies of the Bush quite a shame on the U. S. history. Manfred, I wanted to share with our listeners, the sheer magnitude of how many books and articles in this field you have written, over 600.

We could have 600 podcast episodes with you just discussing your various books and articles.

BERT LOCKWOOD 28:55
Well, Meredith, let me share one, uh, additional thing. I asked Manfred it, it may have been the, um, the torture article and I remember his sending it to me and, apologizing that, he didn't have the opportunity passing it by a, um, English speaker first before sending it to me and he would be happy to do so if it was necessary. And I have to tell you, I think it was the cleanest manuscript, uh, ever received, It hardly needed any editing, uh, at

MANFRED NOWAK 29:35
That's very nice that you say that, yes.

MEREDITH LOCKWOOD 29:38
I, I can't say I'm knowing that you're also fluent in Dutch and dad, that reminds me of your also, kind compliments to your dear friend, Cees Flinterman, who also, you know, is Dutch and university of Maastricht, um, where my dad met him at university of Virginia.

BERT LOCKWOOD 29:57
1970, yep.

MEREDITH LOCKWOOD 29:59
my dad was just in awe of how many languages Cees

BERT LOCKWOOD 30:04
Yeah, well, I think I told the story uh, going to the library. We were both graduate students and, here he would have books open in five languages, uh, to, to do know, research on and, and, and writing. And, uh, I, I was still struggling with English.

MEREDITH LOCKWOOD 30:21
so Manfred, if I um, one your most significant contributions to international human rights law has been your leadership of the United Nations global on children deprived of liberty, which was published in 2019. The study expanded the definition of detention far beyond prisons. It went into migration systems, juvenile justice, institutional care, armed conflict. We mentioned children, soldiers, and also national security settings. Could you what the definition of children deprived of liberty is for our listeners?

MANFRED NOWAK 31:05

in fact, I didn't expand the definition deprivation of liberty, which is the same like detention, only detention has a more narrow connotation. but in fact, deprivation of liberty means that you are confined to a certain area that can be a cell, but it can also be a prison. It can be, an institution, a migration detention center, but a place that you cannot leave on your own free will. that is the right to personal liberty as it is let down in international human rights law. And, every restriction is, um, can be justified, can also be arbitrary or non-justified. And for children, the Convention on the Rights of the Child is very, very clear. So, um, it says every form of deprivation of liberty should only be a measure of last resort. And if it's really absolutely necessary because a child is, very, very dangerous, has committed a serious crime, et cetera, is it dangerous to him or herself or to others, then that is an exception. But then only for the shortest appropriate period of time. That's the language of the convention. Now, we found that, uh, more than seven million children, uhm, were deprived of liberty per year on a global, level, whereas UNICEF before has always talked about one million, so, it's, and this is a very conservative figure, because that's really based on scientific evidence, that we could find. Those are so, for instance, out of the seven point two million, we had about three hundred thousand, children in migration-related detention, of which, uhm, more than hundred thousand were only in the United States. Uhm, probably, the real number is much higher. The is also, of course, for police custody and, uh, pre-trial detention also imprisonment of children, but also seven point two million is far too much compared to the legal standards, and, uh, and for children, uhm, for children, uhm, depravation of liberty, imagine yourself, your own childhood or your own children, children are developing their personality in childhood. They, they have so much energy, they wanna run around, they want to do sports, they want to, if you, really refine a child into, a detention cell or even, uh, a small place of an institution where they really they cannot go out, you are really depriving children of their childhood. and, uh, I have seen and spoken to, uhm, quite a number of children who spent most of their childhood behind bars because they were already in a very early stage put in an orphanage then, and I have seen some of those orphanages which are heart-breaking. and then, they run away, and then, they, they become street children and, uh, the, the street children, the police is, is, is picking them up and then, they are committing some kind of hopefully, um, minor, minor crimes, as I said, to survive, steal something, then they get into the criminal justice system and, so they come out from one institution, for anti-social behavior, or however you call it, and then finally they end up in the, the juvenile justice system. And for those children it's very, very difficult when they get adults to really overcome that and could, get back to society. back to society. Uhm, for those children it's very, very difficult when they get adults to really overcome that and could get back to society. Uhm, and for those children it's very, very difficult when they get adults to really overcome that and get back to society. and get out of this vicious circle. if you follow the stories of those children it's, yeah, it's so, so distressing, they, they, they are coming from backgrounds that are certainly the most underprivileged and marginalized Many are, kind of minorities, uh, the Roma children in, in Europe, or indigenous, um, children in, in many cultures, or children that have certain disabilities, which also often means that the parents are not really able or educated enough to deal with them, and then they're pushed into this kind of, uh, institutions that are very often, um, really a nightmare, because one child was for me so

when, uh, he, it was a good boy, said, even if you have terrible parents and they beat you and whatever, but then, in the evening, somebody brings you to bed and says, sleep well or sing you a lullaby or whatever.

So,

MEREDITH LOCKWOOD 35:54
uhm,

MANFRED NOWAK 35:54
there is still some kind uh, personal relationship caring, even the worst parents who take drugs and who are not caring well do that. If you're an institution, nobody sings a lullaby, nobody brings you to bed. They just say, now it's eight o'clock or nine o'clock. And now everybody has to go to bed. And if you are not sleeping immediately, uh, then there's a collective punishment, and it's an institution has a totally different regime. There is no love, there is no caring, you cannot bond with anybody, uhm, because, uh, those are simply employees, and the next evening there's somebody else coming, it's the family environment. even in bad circumstances is in principle, unless there's really serious sexual abuse etc., in principle always better than these institutions and, I mean, in particular in the Soviet Union in successor states that was still very much the kind of normality that children growing up in these kind of institutions. But a lot of progress has been done. I was recently in Bulgaria, uhm, looking into where they stand today and, uh, from all those institutions, only very few are left and we said also these have to be closed down, and replaced by family type settings.

BERT LOCKWOOD 37:22
Have you written this up, Manfred?

MANFRED NOWAK 37:24
It's written in the global study, UN study on children deprived of liberty uh, and we do, as a global campus of human rights, uh, we do a lot of follow-up disseminating the study but also assisting governments in implementing our recommendations and we are aiming at 2029, uh, 10 years assessment of, uh, the, uh, development since 2019, have there been actually progress or, uh, also deterioration of the situation worldwide so we are, always again going to different, countries or regional consultations to see whether the recommendations have a certain impact and to some extent yes they have.

MEREDITH LOCKWOOD 38:11
I think that will be a very remarkable study to do the 10 year gap and to see what has and has not changed.

Um, and speaking of different regions, I'd love to take us into Palestine, and also if we may the United States here. So before I do that, Manfred, thank you so much sharing your first-hand experience, uh, I can only imagine how resilient you are to be able to interview detained and hurt children. if I may ask more of a human level question, um, for the global study, again

published in 2019, one of the methods was interviewing, if I have the number correct, was 274 children globally, for you and if you want to speak to any of your colleagues that were part of the study. And I know, like you said, you partnered with UNICEF, other United Nation agencies as well as trusted NGOs on the ground.

When you when you yourself, um, are interviewing these children. is there ever a moment that it's hard for you to hold back emotion, listening to their stories and perhaps their parents dictating said stories.

do you have to hold a level of professionalism at your best? but you're also only human. I myself would find it challenging not to let certain emotions and sensitivities come to the surface. That's

MANFRED NOWAK 39:38
a very good and also difficult question. I give you one example from Kazakhstan. And that was before

I mean, one of the reasons why I have been chosen by the then secretary general of the UN, to lead this study was that I had a lot of experience already, dealing with children as special rapporteur on torture. and in Kazakhstan, I visited, um, um, child center, Svyaren, Svyaren was the, the, the, the Kazakh name for that, typically institution. The youngest was three years old. And if you already saw them, um, they were all like,like in a, in a prison. So the shaved, all the heads were shaved. They had a kind of a uniform to, to wear between three and 16 years old. Um, uh, uh, the three years old were simply orphans, um, uh, and, uh, and, uh, ended up there. But they were treated similarly then, uh, let's say 12, 13 years old, who were already had, difficult, having committed some kind of, uh, illegal acts. And, uh, very often these are minor acts. um, what we heard was lies all the time. So the, the, the kind of leadership said, I mean, they are treated very well and, uh, um, and they can go out every day and they can play soccer outside in the soccer field. Uh, so it's, um. ...the best that you, that, that you can offer those children. now, we looked at the soccer field that was so full of plants that certainly for five years that has never been used. and then we were interviewing those children and, of course, you have also ethical considerations of interviewing children. and we realized that every child told the same, they were really trained how to respond. Also said, uh, what is the daily routine and, uh, yeah, yeah, we go and playing soccer, we're going out and we do sports and whatever. Well, we knew that could not be true. And, at a certain point, th, we said, we cannot go on like this, we hear all the same stories, there must be something wrong. And then we really, and that's the advantage of a UN official, you can say, order the whole stuff, you leave this whole institution. Now you go out to your soccer field and we want to stay alone with those kids. They were terrified, because they were always looking around and saying, there are certainly, uh, all, all kind of surveillance. Um,so we said, can we find a place where there is no, and they knew exactly where the surveillance was, so, And it took us quite long and then we said, very openly, we said, stop this bullshit. We know that what you're saying is not true. We really want to find out what's happening in reality and you can be sure that

nobody now listening to us, so be, please be honest. And then they started crying, they started, and then they told us that they are beaten up every day.

And We had actually fairly professional relationship with the government of Kazakhstan. They wanted, only Central Asian state that had invited us at a time when they became a little bit more open to human rights.

So, um, we then immediately, talked to our counterparts at the highest level of the government and said, "We have been talking to them and you have to ensure that there are no repercussions against those kids, for whatever they told us." and I didn't hear, then, that there were any repercussions, but it just gives you one, one example of, how interviewing children, and can, can, um, can be very distressful on the one hand, but also, they are, they, they finally tell the truth. and, um, and that helped, I think, certainly changing the system in Kazakhstan about child detention in um, institutions. and, um, and it was similar also, uh, with some of those interviews we did in the, uh, uh, in the global study on children deprived of liberty, the voices of the children for us are extremely important. They are experts in their own rights. they know what it means to be deprived of liberty. They can tell you so much more, what is, uh, most are institutions, but, of course, also, when you are, in the criminal justice system. And very often it's simply because the criminal justice system is corrupt and doesn't work well, and if there's such a lot of pressure on the police...

already there was some kind of crime committed, um, and then there's a pressure by the politicians, by the prosecutors, by the judges, by the media, etc. the police has to solve that and they simply do not know better than arresting somebody who looks suspicious. And, of course, street children always look suspicious. And, of course, street children always look suspicious. The homeless, eh, et cetera. So people who already once were in conflict with the law, they are simply picked up and then they are tortured and children very often don't have the resistance and the resilience. So they simply say, yeah, yeah, I committed a crime and then they end up in very, very long pretrial detention and they're simply behind bars and nobody cares for them because often they don't have families. they are simply left on their own. So that's, um, as I said before, to deal with children is, um, because you, you, you think about your own children, you think about your own childhood, how vulnerable children actually are, even if they pretend that they are tough children, it's, they are very vulnerable.

MEREDITH LOCKWOOD 45:43
you know, I almost got stuck on the, the number that you said, one of the youngest that you interviewed was three years old my sister's youngest, he's three. And it was so hard to imagine him in this situation. Um, and it, it was, it was so hard to imagine him in this situation because he's just so little. Um, and these are why telling these stories and being able to be a voice for the voiceless and representing them. Even all these years later, Manfred is so vital because you're drawing people in that can reflect on their own life, the own children in their life and realize what is happening around the world. And to spotlight these atrocities. thing that we continue to see on a global level through the media is what is happening in the West Bank and that Palestinian children are continuing to be detained. Are continuing to be detained under

Israeli military detention systems. And to provide some statistics from the defense for children, Palestine nonprofit they cited that 351 Palestinian children were detained in Israeli prisons. At the end of 2021, 51% of these children are held without charge or trial and that this represents the highest recorded proportion of children who are detained in recent years. I myself can think of many videos I've seen from brave on the ground, Palestinian journalists using their iPhones that I've recorded children being arrested and taken away by Israeli. Army. And I remember watching, I can't know his exact age, but he could not have been older than nine or 10. And his family had just been murdered in a bombing and Israeli forces were coming after him. And his only self-defense being scared pebbles, rocks, and they took him away. And there was a follow-up on Al Jazeera that he was detained and his extended family were trying to find him. Manfred, it is so hard for me to understand and fathom that they can detain these children. And to them, that's not self-defense, the Israeli government and army. From your expertise in years doing this work, c you perhaps share any insight on international law and how international law work on helping detain children where they might not have technical legal jurisdiction? And I say that from a point of seeing so many people around the world asking, where is international law? How can we help? Where is the United Nations for said children?

MANFRED NOWAK 48:47
I that children are detained by the Israeli Defense Forces goes back already to the first Intifada. at a time when we didn't even speak about a non-international armed conflict. And what these children did is simply throwing stones at tanks. I mean, they didn't. injure anybody and whatever. So these are, not crimes, um, that, would fall under military jurisdiction. also under international humanitarian law. I mean, if they are child soldiers, they might fall under military jurisdiction, but not civilian kids that, that simply stand up and throw a stone. we criticized that already for, for quite a long period. Of time. And also in the global study, we, we are citing Israel, under the national security, deprivation of liberty. Um, so that certainly is unlawful under international law. and Israel is also a state party to the convention on the rights of the child. I mean, we are living currently in a time um, international human rights law is violated in a more, much more massive scale than ever before since the end of World War II. and that has to do, of course, primarily with the fact that we are again dealing with many more armed conflicts. We have never had that many armed conflicts. Non-international, non-international, but also international armed conflicts. If you think about Iraq, if you think about, uh, Ukraine and, uh, of course, now Iran, um, and, uh, and, uh, of course, also what's happening in, in Palestine and Gaza. Um, and, um, in armed conflicts, although international think about Ukraine and of course now and of course also what's happening in Palestine and Gaza in armed conflicts although international human rights law is applicable so the doctrine of the United States of America that are still saying in international armed conflicts only international humanitarian law is applicable is not true it's the International Court of Justice and the Human Rights Committee and many other bodies have clearly established that international human rights law remains but during armed conflicts more or less all human rights are violated on a massive scale so we see that not only times of peace that human rights are currently taken much less seriously than in all those years before even during the time of the Cold War human rights were better protected than they are currently but of course if it comes to armed then it

is very very difficult to uphold international human rights law we we also don't have really monitoring mechanisms on the ground in in armed conflicts the Israeli defense government forces don't let anybody in into Gaza to report whether apart from a few humanitarian organizations but the office of the high commission of human rights which had already it was very difficult before they had an office in Gaza but they cannot operate there anymore

BERT LOCKWOOD 52:08
is anything that gives you optimism that you of course and that you do is very curious about where we are in human rights yes

MANFRED NOWAK 52:15
of we just last weekend we had the elections in Hungary which is for us in Europe but it goes beyond Europe Victor Orban was the symbol of what he called illiberal democracy and the kind of a kind of a kind of a

best practice under quotation marks of how you can in a very professional way dismantle a well functioning democracy by bringing the media under your control and then more and the, kind of separation of powers, uh, and checks and balances and the judiciary, as the Kaczynski brothers did in Poland. So it was actually starting in Poland, uh, with the elections that Donald Tusk, was, uh, winning the elections. We had the same in Romania, Putin was very strongly supporting, a person who didn't win the elections, but now this landslide victory of Peter Marger, to, get a two-thirds majority in parliament, that gives him the possibility to really dismantle all the, kind of constitutional amendments that Orban has done in order to serve for the rest of his life, and, and so, these are big, uh, I think we are at a turning point, I mean, that some, body, could be elected, uh, as mayor of New York, who... Bob Dhani is, is, is, is kind of, nobody would have expected that, that that is possible, and I know many people who were fighting for him, and, uh, and also what happened in Minneapolis, that people stand uh, and, uh, Bruce Springsteen is coming up with his, hi special song of Minneapolis, and, but I mean, there is so much resistance. I think we are at a point, uh, where, it almost couldn't get much worse unless we really slide into a third world war, which I really hope that we will not do, so human rights always come out, get stronger in times of absolute disasters, and we are living in an absolute disaster, and, and I see many positive, positive trends the backsliding of democracy, we are, uh, if you look at Freedom House or the Economist Intelligence Unit, we have for 20 years, the number of well-functioning democracies is gradually going down. We are now that only 6.6 percent of the world population is living in what they call a full democracy, um, and countries like the United States, but also Italy even France are no longer seen as full democracies. and, of course, if democracies are not anymore functioning, then you destroy the rule of law and you destroy human rights. so I think we are at the, at the lowest level there was never a time that there were so few democracies and so many, dictatorships or autocracies that I think there was always waves and I think now we are, it, it almost can't get worse and that's why it has, to get up and we see more and more, in, in civil society, pe are more and more fed up with the situation I mean, Marjor got primarily the young people, so my trust is in children and young people, they take up, so many movements, whether it was Fridays for Future, whether it was Black Lives Matter, whether it was Me Too, whether, all, all

those movements in, in favor of human rights, that, of course, are, uh, of under very, very difficult circumstances, uh, in, not well-functioning democracies, but, people are fed up. and I, I see also with my when we started teaching human rights in the Global Campus of Human Rights in 1997, this was a human rights professional, it was a new profession that didn't exist before. So people were, uh, recruited, they were saying, I'm now studying a master because afterwards I can get a well-paid job and the United Nations, the European Union, I can work in the field for human rights in non-governmental organizations in business, et cetera. Today, people who are applying for our master programs, they have already experienced, they are human rights defenders. Uh, there are people who are already activists on the streets and they say "I now want to have some kinds of theoretical background, to know the, the treaties, to know the procedures that I can better use my activism, uh, in accordance with international law and mechanisms". So, uh, we are really living in a different time, and I'm, very proud uh, so many young people saying, we feel we are living in such a terrible time that we want to learn human rights in order to make the world a better place and I have deep confidence and trust in youth, young people, even children.

BERT LOCKWOOD 57:36
What a wonderful, summation,

MEREDITH LOCKWOOD 57:38
well, this is multi-generational conversations are so imperative, and knowing that you and my dad are teaching the future generations of human rights leaders, Manfred, as you serve as the Secretary General of the Global Campus of Human Rights, which has a network of more than a hundred universities across different regions, and as you mentioned, you have eight master's programs for our listeners, particularly students and activists who are looking to further their education and might be interested in coming to the Global Campus of Human Rights, could you just share a little more insight for them and how they could get involved? And I will link the website in our show notes.

MANFRED NOWAK 58:16
Yeah, I mean, we started in 1997 with the European Master in Human Rights and Democratization, but then, soon thereafter, there were similar, Master programs in Africa and Southeast Europe, and now we have eight, also in Latin America and the Asia Pacific. In Central Asia, that's the last one in the Arab region, the Caucasus region, and these are all Master programs, um, which we call professional Masters, so not necessarily fully two years, uh, but if you have already four years, then you can do a Master in one year, which is, uh, we have a very, very good reputation, um, that, um, most of our graduates actually find jobs within the next year or two years in the human rights field. Um, so our alumni, our, our ambassadors for university, um but if you have already four years, then you can do a master in one year, which is, uh, we have a very, very good reputation. Most of our graduates actually find jobs within the next year or two years in the human rights field. Um, so our alumni, our, our ambassadors for human rights that are now working in, in, in, in, in the highest positions. So our alumni, our, our, our ambassadors for human rights that are now working in, in, in, uh, in, in, in the highest positions. So, um, so our alumni, our, our, our, our ambassadors for human rights that are now

working in, in, the highest So we, we just had the, the, the, the European Union ombudsperson is an alumni. There are many, judges at the International Criminal Court, uh, in, in the African system, uh, ministers, et cetera. So, this is a, a beautiful network of some 6,000 graduates from the different master programs. And we do many other, we do a lot of e-learning. we do, uh, also, yeah, podcasting. We do, uh, also, yeah, podcasts, massive open online courses. we do, short-term trainings, uh, for instance, on cinema, human rights, and advocacy, together with the, the Venice Film Festival. Uh, we, do, uh, we do, uh, the Venice School on Human Rights Defenders with the, uh, Sakharov, uh, with the European Parliament, where we bring together, Sakharov's laureates and fellows. And we, uh, uh, close cooperation with Right Livelihood, which is this organization, um, awards, the Right Livelihood Award, uh, kind of alternative peace Nobel Prize for grassroot activists in the field of, uh, sustainability, uh, environmental protection, but also human rights and democracy. uh, these are amazing people, whom we include in our trainings and in our events and our conferences. so there are many ways and means how you can, try to apply for one of those, uh, short-term courses. but of course, also, apply for the master programs, which are sometimes in very difficult regions. So I'm just coming back from Yerevan, which is the, the regional hub for what we call the Caucasus Master. and that is, uh, not only in Armenia, but we, it's always inter-university in different countries, uh, where students also spent a second semester in a different university. They had Belarus. Today all the students and professors who were demonstrating, of course, against Lukashenko's fraud elections, they are either in jail or they left the country. So we had to close down our university in Minsk. But we still have in Kyiv a university that is actively working under very, very difficult circumstances during the armed conflict. We had recently a war between Azerbaijan and Armenia, about Nagorno-Karabakh, which had so many people who were fleeing and they were taken up in the university. We have the Yerevan State University. Now we have Georgia, which is really backsliding in democracy and human But also, I mean, the Arab Master, which is based in Beirut, and recently, uh, online meetings with our people, uh, in Beirut and while we were having this, online meeting, they showed simply on the laptop that the bomb was exploding only hundred meters away from the university. and we had to, we had to evacuate the people from the southern part of, uh, of Lebanon to bring them to Beirut and we are thinking whether we should actually have to, to evacuate the whole program and bring it somewhere else if the war would still go on against Hezbollah. we have of course, Beirzeit University in the West Bank, um, which was recently raided by the, uh, Israeli Defense Forces, uh, with, uh, with really, kind of, yeah, weapons actually, uh, uh, little weapons shooting into, into, students demonstrating, etc. So, uh, nobody was killed, but it was extremely frightening for, for our students. and professors. So, are, we are, I mean, in the, the Asia Pacific Masters, we have so many students from Myanmar, who are often again arrested or disappeared and we had to intervene, to get them somehow out of Myanmar or at least, uh, stopped, uh, to, to, to be tortured. so we are, we are operating in, in, in, in very difficult, uh, environments. Central Asia is also, it's based in Kyrgyzstan, where they also have similar, like in Georgia, and all these foreign agents laws, which, uh, make it very, very difficult, to operate. Uh, but we are the only master program in human rights and sustainability in the Central Asia region, including also Afghanistan students and Mongolian students and, uh, Mongolian students in addition to the five Central Asian nations. we get students from Turkmenistan. It's amazing, that they can actually follow our courses. So, in, in a situation

when, when human rights are really backsliding to have this, uh, master programs is, uh, extremely important, awareness raising, but also educating people who then can work in governments to fight for human rights.

BERT LOCKWOOD 1:04:07
you do incredible work, Manfred, we're greatly, uh, indebt to you for, uh, all your contributions to, to international human rights. you're a true inspiration. I very much appreciate your friendship over the years.

MANFRED NOWAK 1:04:22
Me It's a long time friendship.

MEREDITH LOCKWOOD 1:04:23
And if our podcast can ever serve as a vessel for any of wonderful international human rights students who may want to share their experience studying international human rights through conflict zones, please know our doors always open. Um, and we would love to uplift their stories and their voices. And I echo my dad, and this has been one of the greatest honors for you to join us. thank you so much for all that you do. And I hope my dad and I can come see you in Italy and, and get to meet your colleagues and the students.

MANFRED NOWAK 1:05:00
No, it really honor and pleasure to be invited by you. I really appreciate very much and admire this intergenerational dialogue between the father and the daughter. my daughter is, or 27 and she's an actress. So, I met her today at lunch and I told you, I told her about this. And she said, what a great initiative. We should do the same because she's, she's a non-binary person. She's lesbian. She's fighting for LGBTI rights. She's a feminist. She's fighting the climate disaster, et cetera. So, we said, okay, perhaps we can do that with your artistic skills, of course. again, as an, as a theater actress, uh, involving her in, in, in some of human rights work, which we also do the, at the University of Applied Arts in Vienna, where I'm running, uh, actually the world's first master's programme that is, linking human rights to the arts. I'm, tomorrow and, and, and Tuesday I'm teaching all day, actually, a seminar where students are now performing, certain theater performances, but also, uh, audiovisuals, uh, about, all, um, all kinds of issues, about freedom, freedom of the arts and, uh, the limits of freedom of the arts and, whether it's, in cinema, it's in music, it's dance. I'm, I'm, again, fascinated how many people are, uh, uh, are, already have artistic skills. They are filmmakers, they are musicians, they are, uh, sculptures, and they say, we are living in so difficult times that we want to make our artistic skills available for a good cause. And that's why we are actually interested in a master in human rights and the arts, because we want to know a little bit more about what human rights are in order to be better prepared to, uh, involve human rights in our artistic performances. and that's it's great to see people from all over the world, uh, coming and, and enrolling in this master program.

BERT LOCKWOOD 1:07:15

Manfred, I we're going to have to do another, uh, session you and your daughter. Uh, we did one with, uh, Harold Koh and his daughter Emily.

MANFRED NOWAK 1:07:24
I've seen, yes.

BERT LOCKWOOD 1:07:25
But, uh, it would be wonderful to get you, get you and your daughter on, uh, together

MEREDITH LOCKWOOD 1:07:29
I would love to have you and your daughter on the show. That's one of my favorite special episodes we can do. Um, and I would also love to introduce your daughter to one of our podcast guests, Catherine Fillioux, who is a playwright and librettist who has 30 years experience producing and writing human rights plays around the world. And I think they would have so much in common.

MANFRED NOWAK 1:07:53
Right. Great. Yes, let's do that.

BERT LOCKWOOD 1:07:56
she's done, uh, Manfred, she's done one uh, Raphael, um,

MANFRED NOWAK 1:08:00
Lampkin,

BERT LOCKWOOD 1:08:01
Yeah, Lampkin, yeah. I, I'm doing a conference in November our conservatory of music, is going to, do Lampkin play as part of the conference, So I think that's going to be sort of a uh, event. I'm, I'm excited her doing

MANFRED NOWAK 1:08:20
when I was in, in, uh,Yerevan , I visited for the third time the Genocide Museum, in Yerevan about the Armenian genocide. I was also there 100 years, uh, anniversary in 2015.

BERT LOCKWOOD 1:08:34
and I

MANFRED NOWAK 1:08:35
was again, it's, I'm always again so moved when I see what's happened. And, uh, Lemkin actually, when he, uh, drafted and participated in drafting the Genocide Convention, explicitly said also that this is influenced by the Armenian genocide, not only by the Holocaust. Um, and, uh, so as the first kind of known genocide, at at that time, because we don't know whether, uh, there were earlier genocides against the indigenous peoples but, uh, uh, official history says this is the first, first genocide.

BERT LOCKWOOD 1:09:13
Yeah, I, I, I have a book in my Penn series that goes into, uh, other

MANFRED NOWAK 1:09:17
Yes.

BERT LOCKWOOD 1:09:17
little-known genocides.

MEREDITH LOCKWOOD 1:09:20
thank you. And as my dad said, this is our greatest honor to have you on our show and thank you for supporting our podcast. And I will be following up today on inviting your daughter and I would love to connect with her as well. Daughters who have superhero human rights fathers, I'm sure her and I will have a lot to talk about.

MANFRED NOWAK 1:09:38
Thank you very much. Yes.

BERT LOCKWOOD 1:09:40
Bye-bye.

MANFRED NOWAK 1:09:40
All the best.

MEREDITH LOCKWOOD 1:09:46
Well, listener, I know I can speak for both of us on just how moving, inspi, and powerful our conversation with Professor Manfred Nowak was. We thank him for joining us and for sharing his extraordinary firsthand experiences from decades of human rights work. Manfred spoke candidly about the realities of investigating torture and detention around the world the work he has dedicated his career to, requires courage, resilience, and an unwavering commitment to human dignity. My dad and I are so inspired by his leadership across so many areas of human rights. And as we spoke about what brings hope and optimism in today's points to students, to children, to the growing voices of human rights advocates, whose activism and commitment reminds us that progress is paramount to our democracy. My dad and I are honored to call Manfred a colleague and a friend,

With his own daughter. As always, thank you for listening to Human Rights Conversations Across Generations. If this episode spoke to you, please consider sharing it with others and subscribing, rating, and leaving us a review. You can also reach us directly. We always welcome your thoughts, ideas, and suggestions. Our email is humanrightsconversations@gmail.com. Until next time.