Ziba Mir-Hosseini
Criminalising Sexuality: Zina Laws as Violence Against Women in Muslim Contexts

Leandro Martins Zanitelli
Corporations and Human Rights: The Debate Between Voluntarists and Obligationists and the Undermining Effect of Sanctions

Interview with Denise Dora
Former Ford Foundation’s Human Rights Officer in Brazil (2000-2011)

IMPLEMENTATION AT THE NATIONAL LEVEL OF THE DECISIONS OF THE REGIONAL AND INTERNATIONAL HUMAN RIGHTS SYSTEMS

Maria Issaeva, Irina Sergeeva and Maria Suchkova
Enforcement of the Judgments of the European Court of Human Rights in Russia: Recent Developments and Current Challenges

Cássia Maria Rosato and Ludmila Cerqueira Correia
The Damião Ximenes Lopes Case: Changes and Challenges Following the First Ruling Against Brazil in the Inter-American Court of Human Rights

Damián A. González-Salzberg
The Implementation of Decisions from the Inter-American Court of Human Rights in Argentina: An Analysis of the Jurisprudential Swings of the Supreme Court

Marcia Nina Bernardes
Inter-American Human Rights System as a Transnational Public Sphere: Legal and Political Aspects of the Implementation of International Decisions

SPECIAL ISSUE: CONECTAS HUMAN RIGHTS - 10 YEARS

The Making of an International Organization from/in the South
SUR - International Journal On Human Rights is a biannual journal published in English, Portuguese and Spanish by Conectas Human Rights. It is available on the Internet at <http://www.surjournal.org>

SUR is covered by the following abstracting and indexing services: IBSS (International Bibliography of the Social Sciences); ISN Zurich (International Relations and Security Network); DOAJ (Directory of Open Access Journals); Scielo and SSRN (Social Science Research Network). In addition, SUR is also available at the following commercial databases: EBSCO and HEINonline. SUR has been rated A1 and B1, in Colombia and in Brazil (Qualis), respectively.
CONTENTS

ZIBA MIR-HOSSEINI 7 Criminalising Sexuality: Zina Laws as Violence Against Women in Muslim Contexts

LEANDRO MARTINS ZANITELLI 35 Corporations and Human Rights: The Debate Between Voluntarists and Obligationists and the Undermining Effect of Sanctions

INTERVIEW WITH DENISE DORA 57 Former Ford Foundation’s Human Rights Officer in Brazil (2000-2011)

MARIA ISSAEVA, IRINA SERGEEVA AND MARIA SUCHKOVA 67 Enforcement of the Judgments of the European Court of Human Rights in Russia: Recent Developments and Current Challenges

CÁSSIA MARIA ROSATO AND LUDMILA CERQUEIRA CORREIA 91 The Damião Ximenes Lopes Case: Changes and Challenges Following the First Ruling Against Brazil in the Inter-American Court of Human Rights

DAMIÁN A. GONZÁLEZ-SALZBERG 113 The Implementation of Decisions from the Inter-American Court of Human Rights in Argentina: An Analysis of the Jurisprudential Swings of the Supreme Court

MARCIA NINA BERNARDES 131 Inter-American Human Rights System as a Transnational Public Sphere: Legal and Political Aspects of the Implementation of International Decisions

SPECIAL ISSUE

153 Conectas Human Rights - 10 years
SUR issue number 15 is a very special one. For the first time, it encompasses three different sections. One comprises a thematic dossier on the national implementation of regional and international human rights systems. Additionally, this issue brings two non-thematic articles involving relevant contemporary human rights topics (business and human rights and women’s rights in Islam), as well as an interview with Denise Dora, from the Ford Foundation (2000-2011).

Finally, celebrating the 10th anniversary of Conectas Human Rights, issue No. 15 is published with the same cover color as No. 1, and brings a dossier by Conectas’s current and former staff members, who share their experience and lessons learned. This last section is presented in more detail in the letter to the readers, later in this issue.

Thematic dossier: Implementation at the National Level of the Decisions of the Regional and International Human Rights Systems

Since the adoption of the Universal Declaration of Human Rights in 1948, the international and regional human rights systems have been fundamental in the definition and protection of human rights, and have contributed substantially to the improvement of the Rule of Law in various different regions. These mechanisms, in many cases, have been the final remedy available to victims when local institutions failed or were unwilling to protect their rights. Accordingly, in addition to a protection mechanism, they represent a source of hope in adverse local political contexts.

Many human rights defenders and experts, however, claim that decisions and recommendations issued by these mechanisms are not currently being implemented satisfactorily at the national level. The lack of implementation is a serious threat to the very mechanisms themselves, which lose credibility in the eyes of the victims and the States, and fail to provide remedies to those who need them. Sur – International Human Rights Journal issue number 15 brings a thematic dossier to tackle this problem, i.e. to promote a critical debate on the national implementation of decisions and recommendations derived from regional and international human rights systems. This section encompasses four articles, three on the Inter-American, and one on the European system.

The first article highlights the interplay between the European human rights system and Russia. Enforcement of the Judgments of the European Court of Human Rights in Russia: Recent Developments and Current Challenges, by Maria Issaeva, Irina Sergeeva, and Maria Suchkova, examines the interaction between the Russian legal system and the Strasbourg Court, exposing the European human rights available mechanisms to enforce its decisions as well as criticizing the obstacles in Russia for the implementation of measures adopted by the European Court, particularly those of a general nature.

The dossier’s second article, The Damião Ximenes Lopes Case: Changes and Challenges Following First Ruling Against Brazil in the Inter-American Court of Human Rights, written by Cás sia Maria Rosato and Ludmila Cerqueira Correia, presents a general overview of the implementation of the recommendations expressed in the first ruling of the Inter-American Court against Brazil, in 2006, dealing with mental health institutions. The authors expose how, by developing international jurisprudence and strengthening the actions of Brazil’s Anti-Asylum Movement, the Court had a positive impact on the country’s public mental health policy and the rights of persons with mental disabilities, although further policy changes are still required.

Thirdly, SUR presents another article discussing implementation in the Inter-American system, this time exploring the Argentinean case. In The Implementation of Decisions from the Inter-American Court of Human Rights in Argentina: An Analysis of the Jurisprudential Swings of the Supreme Court, Damián A. González-Salzberg reviews a series of legal cases involving Argentina before the Inter-American Human Rights system and analyzes the lack of compliance of the State regarding Inter-American Court decisions. Through his case-by-case analysis, the author shows how the Argentinean Supreme Court has been inconsistent.
in its recognition of the binding nature of Inter-American Court decisions, despite international and national legal imperatives requiring the Supreme Court to fulfill its obligation to prosecute those responsible for human rights violations.

The final article of this dossier presents a theoretical discussion on how regional human rights systems can contribute to build a transnational public sphere. In *Inter-American Human Rights System as a Transnational Public Sphere: Legal and Political Aspects of the Implementation of International Decisions*, Marcia Nina Bernardes argues that the Inter-American system contributes to Brazilian democracy by providing a transnational litigation forum for discussing issues often underrepresented in the domestic public sphere. The author also states that Inter-American system loses its credibility particularly in cases where national authorities and the legal community fails to take into account international human rights norms at the national level. In this case, implementing regional decisions and recommendations is a key element, not only to strengthen the system itself, but also to improve Brazilian democracy.

**Non-Thematic Articles: Violence against Muslim Women and Corporations and Human Rights**

Apart from the thematic dossier, this issue brings two other articles that present a critical debate on pressing topics. The Journal’s opening article, *Criminalising Sexuality: Zina Laws as Violence Against Women in Muslim Contexts*, was written by Ziba Mir-Hosseini and discusses how political Islam has rehabilitated zina laws and its impact on women’s rights. This normative body exists in many Muslim countries and forbids sexual relations outside marriage, sanctioning it with cruel punishments that violate international human rights. It criminalizes consensual sexual activity and authorizes violence against women, involving, inter alia, death by stoning. The author argues that this issue should and can be solved within Islamic tradition. She also presents a critical analysis on how activists can be effective in challenging those practices by engaging their governments through “naming and shaming” strategies as well as a process of dialogue and debate.

Our second non-thematic article features a discussion on business and human rights. Leandro Martins Zanitelli’s *Corporations and Human Rights: The Debate between Volunteerists and Obligationists and the Undermining Effect of Sanctions* discusses the contemporary debate on corporate behavior responsive to human rights. The author analyses two sets of competing arguments: the voluntarists and obligationists, the former pushing for voluntary commitments by States to promote corporate social responsibility, while the latter affirm the need of legal sanctions against corporations, as a necessary step to adapt their behavior to norms of social responsibility. The author defends a voluntarist approach, arguing that, despite the fact that the imposition of sanctions on companies can indeed lead to progress in the protection of human rights, it might pose an obstacle to the development of more genuine practices in social corporate responsibility.

**Interview with Denise Dora**

We have included an *Interview with Denise Dora*, Human Rights Program Officer of the Ford Foundation in Brazil from 2000 to 2011. She analyzes the human rights organizations in Brazil, particularly focusing on the challenges faced by Brazilian society to build a strong civil society needed to guarantee human rights in the country and abroad, arguing that there still is room for capacity building in Southern organizations and for the reduction of global asymmetries.

This is the fourth issue released with the collaboration of the Carlos Chagas Foundation (FCC). We thank FCC for their support to the Sur Journal since 2010.

Finally, we would like to remind our readership that our next issue, edited in partnership with the Latin American Regional Coalition on Citizen Security and Human Rights, will discuss citizen security from a human rights perspective.

The editors.
DENISE DORA

Denise Dora is a human rights activist and lawyer. She graduated with a degree in law from the Federal University of Rio Grande do Sul, received a Master’s Degree in International Human Rights Law from the University of Essex, England, and another in History, Politics and Cultural Heritage at the Center for Research and Documentation of the Getúlio Vargas Foundation, Rio de Janeiro. She was founder and CEO of Themis - Legal Assistance and Gender Studies, a feminist organization that works for the democratization of justice and created the program in Brazil Lawyer Advocates for the People. Between 2000 and 2011, she was responsible for the Ford Foundation’s Human Rights Program in Brazil.
INTERVIEW WITH DENISE DORA

By Conectas Human Rights.
Interview conducted in July 2011.
Original in Portuguese. Translated by Eric Lockwood.

How would you describe the landscape of civil society organizations working on human rights in Brazil today? In your view, what has changed both in its mode of action as well as the results of the last decade? What do you see that is new in the human rights movement? What is changing?

It is important to recognize that there is a strong human rights movement in Brazil today, which has been growing since the 1970’s, and more intensely during the process of democratization since the late 80’s. It is a diverse movement with local organizations, volunteer activism, commissions, trade unions, associations, networks, state and local government councils, as well as nongovernmental organizations and institutes that monitor governments at national and international forums. There is a mosaic of actions, ranging from grassroots social movements to international litigation. This is rare, interesting and important. There has been a historic struggle for social rights in Brazil - the struggle for labor rights and immigrant rights are good examples - that created a foundation upon which individuals and organizations began to build the contemporary human rights movement during the post-1964 period. This period saw the prevalence of human rights commissions throughout the country, as well as ownership of the idea of “I am a human rights activist” by many groups.

The new human rights organizations are thus born in this fertile environment. There was a first generation of organizations that came into existence during the 1980’s, the pioneer of which was perhaps the Pará Society for Human Rights (created in 1979), and the Movement for Justice and Human Rights in Porto Alegre, followed by the Office of People’s Counsel (GAJOP), the Center for the Study of Violence at the University of São Paulo (NEV/USP) and the National Human Rights Movement in the late 1980’s. These groups started to meet victims of human rights violations, file complaints, propose public policies and monitor state and federal governments in their actions. Only in 1992 did Brazil finally ratify the International Covenant on Civil and Political Rights and on Economic, Social and Cultural Rights, committing itself to engage with the international human rights system more effectively. In the 1990s, there was strong legal and institutional development in the country upon the ratification of major international treaties and the
creation of the National Secretariat of Human Rights and various state bodies. It was a rich and interesting moment, but still very focused on the Brazilian domestic scene, and on the problems in Brazil and Brazilian society.

Since 2000, the trend has been the appearance of new human rights organizations such as Global Justice, Conectas Human Rights, the “Terra de Direitos” organization, the International Human Rights Program of GAJOP and the Pará Society for Human Rights (SDDH). These organizations rethink Brazil’s situation in the global context, and how to work on human rights in Brazil, connecting themselves with the new international geopolitical order. It was this organizational trend that I followed closely, saw grow, expand and succeed in the last 10 years. I believe that, in addition to maintaining the rich grassroots human rights movement in Brazil, there was a need that you [Conectas], among other organizations, came to fill, which is precisely the idea of thinking about Brazil in the world in order to show that Brazil has something to offer and also to highlight the ways in which it can improve.

As human rights organizations face the enormous challenge of measuring and proving the effectiveness of their work, what tools do you think are most useful?

I believe that outcome indicators depend on what the organization itself proposes to accomplish. The first step is for organizations to discuss this internally, understand clearly what they want to achieve and the possible outcomes of their actions. Having the ambition to eradicate violations of human rights is critical, but it requires knowing with some precision what the process entails and what steps should be taken. I believe that organizations need to be ambitious without being voluntaristic. They must have a strategic objective, and an action plan with concrete indicators. This is the tool to assess your progress and setbacks in your work; often in my experience at the Ford Foundation, I monitored projects with ambitious goals that moved forward, step by step. A good example is the “Arab Spring.” Perhaps organizations in Egypt did not have amongst their goals overthrowing a dictator, which might have seemed too bold; yet they participated in the overthrow, and foresaw this possibility as a result of political mobilization. And they were able to participate as key protagonists in the movement to topple the government. Our challenge is to develop indicators that measure this participation.

I think the debate about the effectiveness of the human rights movement is very important and should be part of the literature on indicators. This debate should not, however, be bureaucratic, but, rather, should be rooted in the fundamental question about the contexts in which these organizations do their work and the possibility of social change. It is only then that you can think of effectiveness and results. I think we should have this debate within the international human rights movement, since it helps us understand our place in the world of politics and transformation. Human rights organizations defend the rights of persons, on an individual or collective scale, which affects the economy, politics and culture. I think, therefore, that we should “embrace” the debate on effectiveness and results, and not avoid it.

One of the issues raised by the topic of evaluation is how to measure over time social change or the “influence” of certain actions in public policy. In cases where several actors influence public policy, how can an organization claim authorship of some particular outcome, including, if possible, a quantification of the degree of influence over time?
I believe again that this depends on the authorship – in other words, on what the organization thinks it can accomplish. When you aim to influence Brazilian foreign policy, the organization must work with what we call, using the jargon, the “theory of change.” In other words, the organization must have in mind how to exert such influence. How do you influence Brazilian foreign policy? It is not only by editing newsletters, or talking to the relevant authorities, nor by criticizing foreign policy in international forums. It is, rather, through a small set of levers, in which all of these actions are interconnected. I thus think the question of how we assign responsibility for change depends, again, on how we design our plan of action. To influence foreign policy, one must first understand what the foreign policy is and its problems, criticize it, speak with the competent authorities, denounce the country in international forums, produce and disseminate studies on the subject, engage other partners in the debate, propose a committee in Congress – in other words, there must be coordinated action. And then, yes, the organization can assert its influence in a given result; I argue that this measurement and affirmation of its influence depends on the goals organizations set for themselves, what they think they are capable of and how they envision carrying out their plan of action. I also think that an institution rarely effects the necessary changes by itself; being modest and recognizing the work of others is part of building a theory of change that renders visible what each political actor has to contribute.

In dealing with funders, how should human rights organizations deal with the difficulty of measuring their influence on results?

The world of funders is diverse, made up of people of different ideologies and political affiliations, different systems of work. Some funders may be more restricted, however. Those who work with human rights tend to understand the difficulty of measurement, and are more aware of the long-term perspective that reveals structural changes. On the other hand, an organization cannot work with the idea of the “immeasurable” in reports to funders, since for donors it is critical to understand the processes of change, and the organization’s share of responsibility in this change. Many funders build their funding strategies around the idea of coordinated action amongst a set of institutions to achieve certain strategic objectives. In the case of Conectas and Brazil’s changed voting position regarding Iran, for example, one can say that you [Conectas] worked in a context that was initially unfavorable, in light of the fact that President Lula greatly expanded his support of Iran - causing a strong national and international impact - and due to the arrival of President Dilma - who has a different perspective of human rights, you then found yourselves working in a more favorable context. This is an example of how Conectas implemented its strategy in such a context. With this information, it may not be possible to accurately measure Conectas’s share of the responsibility, for example, in changing Brazil’s vote in the Human Rights Council in relation to Iran, but it sufficient to indicate that it played a role. Finally, I think we have to take on the challenge of trying to evaluate our actions, not simply avoid it by arguing about the difficulties of measuring the effectiveness of human rights initiatives. Organizations need to know how to evaluate their actions, and beyond that, whether they actually have an impact. Again, we must participate and contribute to initiatives concerning impact assessment.
You are directly involved in strengthening the infrastructure of human rights in the Global South. What are your comments about this effort?

The current system of human rights protection in the world was constructed after the Second World War and as a result of its outcome. From that context emerged the Universal Declaration of Human Rights (UDHR), the whole institutional architecture of the United Nations (UN), and then the Conference on Human Rights in Vienna in 1993, and the creation of the High Commissioner for Human Rights. The dynamics of this process was dictated by the Allies who won World War II in 1945, and while the UDHR was being developed, England and France, for example, had colonies in Africa. Therefore, there is an inherent contradiction in the system. It was designed mainly by the Europe-US alliance, and the institutional architecture follows this logic. It is no coincidence that the UN human rights institutions are located in New York and Geneva – in other words, the inclusion of the Global South was not considered at the System’s inception. The 1950’s and 1960’s witnessed the anti-colonial revolts in African countries, which had some impact on human rights institutions, but the reality was that the colonizers were the ones who designed the institutional architecture of human rights protection. African civil society had to struggle against powerful players in the international system of human rights protection, such as France and England.

In the 1970’s, in response to the Latin American dictatorships, there were some changes. The dictatorships were composed of national military elites and, although the U.S. government had a role in collaborating with some dictatorial governments (as has already been demonstrated by the research of esteemed academic institutions in the U.S.), the dictatorships were an issue amongst Latin American citizens regarding their respective governments – in other words, there was no direct confrontation with international powers, as there had been in Africa. It was possible to start building concrete international solidarity, and the dictatorships in Argentina, Brazil, and Chile slightly modified the logic of the system. I think, therefore, that it was in the 1970’s and 1980’s that the UN system of human rights protection truly began to be asked questions that required its engagement with citizens neither from Europe or the U.S. In Latin America, organizations began to play a major role in the system of human rights protection starting in the 1980’s – free from the dictatorships, the region’s countries began forming a new civil society, which began to engage international human rights mechanisms.

The creation of the UN - and the systems of human rights protection – occurred at a moment in history when there were no human rights organizations in the Southern Hemisphere, and very few groups in the Northern Hemisphere. Thus we come to the year 2000 without a solid human rights infrastructure in countries of the Southern Hemisphere. And what do I mean when I talk about infrastructure? The essential conditions for human rights protection. What are these conditions? I suggest that, in democratic regimes, there are five: (1) a legal framework of protection, (2) responsible government institutions, (3) strong human rights organizations (4) and academic and technical human rights expertise, and (5) sustainability and communication. It’s as if you are building a bridge. To cross a river, you must have a good technical understanding, a construction plan, appropriate materials, beams, cement, and laborers. A bridge is a piece of infrastructure that enables the movement of persons,
which opens paths. Infrastructural conditions are, to me, those that allow a certain discourse or activity to take place. In Brazil, we didn’t have solid organizations. We had no working legal framework before the 1990’s. We had no education, research and knowledge about human rights. We did not have recurring funding, only that of international donors. Did we overcome this obstacle? Not entirely, I would say, but we are building the infrastructure.

What have the advances been in recent years in creating a human rights infrastructure in Brazil?

First, we accomplished almost all of our goals regarding the legal framework. Brazil has ratified all of the international treaties, the Constitution of 1988 affirms human rights, the country has its National Plan for Human Rights - as the Vienna Conference recommended- and a National Secretariat for Human Rights. I think, regarding the legal and institutional dimension, one can say that Brazil is meeting the challenge, which is very important, because having a legal basis to act brings great stability to human rights organizations. Consider the countries where international conventions were not ratified, nor were treaties, and in which human rights are not protected in the constitutions: the challenges to action are far greater. In Brazil, in contrast, the terrain is solid, which provides confidence for organizations to carry out their work.

Second, I believe that progress has been made on the issue of the information and knowledge available. In the last decade, several undergraduate and graduate programs have incorporated human rights courses. Today there are at least five good Masters and PhD programs in human rights in Brazil. There is a wide range of trainings, workshops, seminars, publications on human rights, books, and booklets (produced by the government as well as within civil society and academia). Is it enough? I think not. We are living through the first wave, which is about disseminating information rather than knowledge creation, but that’s how it is – it’s a process. Libraries have begun to have books on the subject. There are scholars of the subject. Today there is a national association, the National Association of Human Rights, Research and Graduate Studies (ANDHEP). This is infrastructure. You go to a library and find a book on human rights. This is fundamental.

Third, I believe that there is a very important development amongst organizations, as I mentioned earlier. There is a new generation of organizations that were established or reshaped in the last decade that will deal with violations of human rights, not only participating in the internal debate in the country, but also in the institutional architecture of the United Nations, through complaints, actions and international litigation. There has been the creation of national funds and foundations for human rights, such as the Brazil Human Rights Fund, which could contribute to long-term sustainability. Internationally, organizations have begun to act in a non-compliant fashion, challenging the existing geopolitical UN policies, influencing the debate of the Human Rights Commission, and interacting with organizations in other countries and continents. New networks of collaboration were created between countries of the South, which also requires more skilled communication. There is a clear development of infrastructure and of operational capacity to defend and promote human rights in Brazil.
What are the remaining challenges in the field?

There are several. Speaking specifically about Brazil, I believe we have a challenge with regard to sustainability. Brazilian democracy is approaching its 30th anniversary and we still do not have a support base for human rights organizations in Brazilian society. Organizations still depend on international funding. The funds are new, and they are just now beginning to define their agendas. And the Brazilian government, in turn, is still learning to deal with civil society, and needs to better define its procedures. I think, for example, that the Human Rights Secretariat should establish a public mechanism to regularly fund the activities of civil society. This is a great challenge. The government is responsible for public policy in this area but cannot address the issue of human rights alone. It has to rely on an autonomous civil society, which is critical, and it should create some independent financing instrument to support groups and organizations. A public fund, which enables organizations to receive long-term institutional funding. This is an essential component of democratic regimes that has not yet been done in Brazil and definitely needs to be done.

It is also unclear in Brazil, and in many countries around the world, what constitutes a public policy on human rights. What is a public policy? How do you build it? What are your goals? Again, what are the results? If an organization should think about its goals and results, the government has to do so to an even greater extent. Often, governments engage in solving problems that arise on a day-to-day basis, and lose sight of the structural policies that, in the long term, can create better conditions for the country. Finally, there are many obstacles still to be overcome to become a country that fully protects human rights. However, as I said earlier, I believe we have moved a bit forward in terms of infrastructure – that is, we already have some elements to “bridge the gap,” although there is still much work to be done.

Why have human rights organizations in Brazil made little use of strategic litigation and delegated some of this work to the Public Prosecutor? What are the consequences of this attitude?

First, because there is the Public Prosecutor (MP), whereas in most other countries it does not exist. We must take advantage of the fact that we have an institution that has the constitutional authority to defend public interests with a highly skilled staff. I think it’s wise of organizations to make good use of this. However, we would be naïve to think that making use of the Public Prosecutor would be sufficient. Over
the years, it has been confirmed that the institution is endowed with a heterogeneous dynamic, and it is not appropriate to submit all the public interest, human and social rights cases to the Public Prosecutor. We need to have some level of autonomy, and ability to dialogue with the MP and monitor its actions. It’s in that moment that we find ourselves. We built this perception that we can on the one hand, rely on the Public Prosecutor, and also on the Public Defender, but on the other, we must not lose autonomy. Finally, we learned that we have to bring our own lawsuits as well, which require a lot of legal and political resources. In the last 20 years, both at the federal and state levels of the MP, we have seen some very interesting situations. The debate and litigation surrounding the construction of the Belo Monte plant is an example. The performance of the MP in Altamira is crucial to sustain the lawsuits. However, the engagement of local organizations, grassroots organizations and indigenous groups with the Pará Society for Human Rights, Global Justice and the Public Prosecution is what brings the case to OAS, which has a large national impact. But there is permanence in the local legal work undertaken by the MP, which has a constitutionally defined role and is a strong institution.

Second, reformulating a stand alone litigation strategy involves having human and financial resources and therefore should be a priority for the organization. Litigation, to succeed, cannot be sporadic, but must take place on a regular basis, in an organized fashion and with long-term goals. To build a reputation in this field you need to know how to litigate, have technical knowledge, win cases, regularly go to court, and be recognized in the legal community. In this way, a petition with the letterhead of the organization has some impact immediately. For this, I think it’s necessary to have a very focused agenda, because it is not possible to accumulate knowledge and recognition in several areas. Organizations should define a subject or an institution, such as prisons or hospitals, and understand everything about the issue: administrative procedures, specific laws, hierarchies, decision makers, etc. and strategies to build their cases considering this expertise. I think that in Brazil, the Brazilian Institute for Consumer Defense (IDEC) is a good example of strategic and efficient advocacy. I actually harbor an intellectual suspicion about this idea of filing lawsuits occasionally. I think it does not build organizational capacity, enter into an organic dialogue with the judiciary or create a consistent body of work. The mantra of strategic litigation becomes strategic to the extent that it thinks ahead – in other words, it does not refer to sporadic action. Conectas developed an interesting strategy when it tried working on a specific topic - the Juvenile Detention Centers in SãoPaulo; its geographic focus and limited scope made possible a series of lawsuits. The frequency of the lawsuits shows that the organization has a strategy and will not give up easily, and can bring about institutional changes and reduce violations.

I also think that working with the judiciary in Brazil is one of the challenges of this decade. During this process of democratic consolidation we should think about the different powers, in this case, the judiciary, and reflect on what constitutes the niche of human rights organizations in this field. There is a debate about the democratization of the judiciary, which requires a type of intervention, and there is debate about the demand for human rights in the judiciary, which calls for a different type of intervention. And in both situations, there is a set of state and nonstate institutions working in this arena, with the Brazilian Bar Association (OAB), the Public Prosecutor,
Public Defenders, associations of judges, prosecutors, defense attorneys, professors, law schools, with all of whom we must act, sometimes in a complementary manner, sometimes in an alternate manner.

Why do you think that Brazilian human rights organizations have worked little on the issue of racial equality?

Why? I ask that question of Brazilian human rights organizations!

How was it transitioning from going to work in a human rights organization to working for a foundation? What are the challenges of working in an international funding organization such as the Ford Foundation?

Initially there was no problem, because I saw the Ford Foundation (FF) in Brazil as part of the field of human rights, and I thought my role would be backstage: I could contribute to other organizations in the implementation of their projects. So I tried to establish two criteria for funding, (1) to support the construction of human rights infrastructure in Brazil and (2) combating lingering discrimination in Brazil - especially racial discrimination. Along the way, I also tried to increase the network of people and organizations supported by FF, and not restrict it to the set of more traditional human rights actors in Brazil. Over time, it was evident how important the internal debates at the FF were at the international level, both to increase resources for Brazil as well as to dialogue about the various lines of funding and priorities in the area of human rights.

There are also challenges of working in an organization of international funding, in fact, a North American funding organization. The Ford Foundation, like other foundations, was created in the 1930’s, in the United States, at a time of the expansion of industrialization, as part of a strategy by the economic elites to reduce poverty and inequality. These foundations also ended up supporting the agenda of international cooperation by the United States. In this way, for example, during the Carter administration, the FF played a significant role in the fight against dictatorships in Latin America; under Bush, the FF had to deal with the issues involving the Durban Conference. However, the Ford Foundation is the only philanthropic organization that has had offices around the world since the 1950’s, rounding out local teams, hiring people to manage donations and offices, which internally creates a strong cross-cultural dialogue. During these years I had the opportunity to learn from my colleagues in various parts of the world about their local challenges, and how they went about constructing more just societies. This is a unique lesson, and for this reason as well I support the global dimension of our human rights actions.

About Conectas

How do you evaluate the course of these first ten years at Conectas?

I think it has been a journey of successes. It was an organization founded with a great ambition, which was to shake up the logic of South-South and North-South, at a time when this was not an obvious question and, fundamentally, the “how-to” was not apparent. I think Conectas combines great ambition with the political capacity of its
founders, directors and staff in a truly impressive way. I understand political capacity as how to think, develop strategies step by step, develop activities, etc. Another important point is that Conectas is a cosmopolitan organization, and not provincial. It has always counted on people of different nationalities, different faiths, such as Malak Poppovic, Juana Kweitel, Scott Dupree, Nathalie Nunes, and foreign interns. This is also part of the organization’s strategy. I believe that Conectas is an organization that has had and continues to enjoy much success, as it has elements of renewal and innovation. The current transition process is exemplary in this regard. It has been mature, generous and professional. You worked with an outside consultant and engaged members of the Advisory Board, which is a lesson to be shared with other organizations.

Returning to the theme of effectiveness and indicators, I think Conectas can objectively assess its trajectory, based on what was proposed: to create a network of South-South activists and academics. I think this was accomplished: the International Human Rights Colloquium since 2001, the Sur Jounal in its 15th edition, the project of Foreign Policy and Human Rights; there is an increase in the ability of many organizations in the Global South to work with the UN system. In short, there are many concrete data. There is also dialogue with human rights organizations like Amnesty International and Human Rights Watch, which redefines the role of organizations in the Global South in the international sphere. I think that there is also work of local and national relevance, and the relationships formed with Brazilian organizations. It is important to value local partnerships, listen to other organizations, and not be self-involved. The new generation taking the reins of Conectas has inherited an important lesson; it is open and interested in learning. This is very important to understanding the success of Conectas.

Conectas was founded with the goal of strengthening the human rights movement in the Global South. Do you still think this perspective is relevant?

I’m thinking about these new global movements, and have not yet fully formed opinions, just impressions. In terms of South-South, North-South and “global” logics, I tend to think that ten years is little time to effect change, and that we should continue working with South-South logic. Why? Because the words and concepts have meaning and “global” does not necessarily include the “South.” The concept of global can dilute the concept of South, and until we change the concept of what really is global, I think it is important to invest in South-South logic. The organizations of the North have a very important role in designing the system of human rights protection, in international denunciations, in the capacity to reach authoritarian countries, in situations of war. These organizations are essential, but are part of the system of human rights established in the North; in other words, they are linked to this narrative, story and context. Ultimately, they are important and have great value, but simply were not founded and developed in the countries of the Global South, with all the problems that plague them. I don’t think there is a dispute here; there is the obvious issue that to produce the necessary changes in Latin America, Africa and Asia require strong organizations in their respective countries. Therefore, rethinking the global infrastructure of human rights means making sure that there is institutional capacity and resources in the countries of the Global South, in light of its great challenges. I think there is still a long road to travel before the inequality between human rights organizations in the world can be reduced, and I continue to defend “affirmative action.”
PREVIOUS NUMBERS

Previous numbers are available at <www.surjournal.org>.

SUR 1, v. 1, n. 1, Jun. 2004

EMILIO GARCÍA MÉNDEZ
Origin, Concept and Future of Human Rights: Reflections for a New Agenda

FLAVIA PIOVESAN
Social, Economic and Cultural Rights and Civil and Political Rights

OSCAR VILHENA VIEIRA AND A. SCOTT DUPREE
Reflections on Civil Society and Human Rights

JEREMY SARKIN
The Coming of Age of Claims for Reparations for Human Rights Abuses Committed in the South

VINO DH JAICHAND
Public Interest Litigation Strategies for Advancing Human Rights in Domestic Systems of Law

PAUL CHEVIGNY
Repression in the United States after the September 11 Attack

SERGIO VIEIRA DE MELLO
Only Member States Can Make the UN WorkFive Questions for the Human Rights Field

SUR 2, v. 2, n. 2, Jun. 2005

SALIL SHETTY
Millennium Declaration and Development Goals: Opportunities for Human Rights

FATEH AZZAM
Reflections on Human Rights Approaches to Implementing the Millennium Development Goals

RICHARD PIERRE CLAUDE
The Right to Education and Human Rights Education

JOSÉ REINALDO DE LIMA LOPES
The Right to Recognition for Gays and Lesbians

E.S. NWAUCHE AND J.C. NWOBIKE
Implementing the Right to Development

STEVEN FREELAND
Human Rights, the Environment and Conflict: Addressing Crimes against the Environment

FIONA MACAULAY
Civil Society-State Partnerships for the Promotion of Citizen Security in Brazil

EDWIN REKOSH
Who Defines the Public Interest?

VÍCTOR E. ABRAMOVICH
Courses of Action in Economic, Social and Cultural Rights: Instruments and Allies


CAROLINE DOMMEN
Trade and Human Rights: Towards Coherence

CARLOS M. CORREA
TRIPS Agreement and Access to Drugs in Developing Countries

BERNARDO SORJ
Security, Human Security and Latin America

ALBERTO BOVINIO
Evidential Issues before the Inter-American Court of Human Rights

NICO HORN
Eddie Mabo and Namibia: Land Reform and Pre-Colonial Land Rights

LNERUM S. OKOGBULE
Access to Justice and Human Rights Protection in Nigeria: Problems and Prospects

MARÍA JOSÉ GUÉMBE
Reopening of Trials for Crimes Committed by the Argentine Military Dictatorship

SUR 4, v. 3, n. 4, Jun. 2006

FERNANDE RAINÉ
The measurement challenge in human rights

MARIO MELO
Recent advances in the justiciability of indigenous rights in the Inter-American System of Human Rights

ISABELA FIGUEROA
Indigenous peoples versus oil companies: Constitutional control within resistance

ROBERT ARCHER
The strengths of different traditions: What can be gained and what might be lost by combining rights and development?

J. PAUL MARTIN
Development and rights revisited: Lessons from Africa

MICHELLE RATTON SANCHEZ
Brief observations on the mechanisms for NGOs participation in the WTO

JUSTICE C. NWOBIKE
Pharmaceutical corporations and access to drugs in developing countries: The way forward

CLÓVIS ROBERTO ZIMMERMANN
Social programs from a human rights perspective: The case of the Lula administration’s family grant in Brazil

CHRISTOF HEYNS, DAVID PADILLA AND LEON ZWAAN
A schematic comparison of regional human rights systems: An update

BOOK REVIEW

SUR 5, v. 3, n. 5, Dec. 2006

CARLOS VILLAN DURAN
Lights and shadows of the new United Nations Human Rights Council

PAULINA VEGA GONZÁLEZ
The role of victims in International Criminal Court proceedings: their rights and the first rulings of the Court

OSWALDO RUIZ CHIRIBOGA
The right to cultural identity of indigenous peoples and national minorities: a look from the Inter-American System

LYDIAH KEMUNTO BOSIRE
Overpromised, underdelivered: transitional justice in Sub-Saharan Africa

DEVNIKA PRASAD
Strengthening democratic policing and accountability in the Commonwealth Pacific

IGNACIO CANO
Public security policies in Brazil: attempts to modernize and democratize versus the war on crime

TOM FARER
Toward an effective international legal order: from co-existence to concert?

BOOK REVIEW

SUR 6, v. 4, n. 6, Jun. 2007

UPENDRA BAXI
The Rule of Law in India

OSCAR VILHENA VIEIRA
Inequality and the subversion of the Rule of Law

RODRIGO UPRIMNY YEPES
Judicialization of politics in Colombia: cases, merits and risks

LAURA C. PAUTASSI
Is there equality in inequality? Scope and limits of affirmative actions

GERT JONKER AND RIKA SWANZEN
Intermediary services for child witnesses testifying in South African criminal courts

SUR • v. 8 • n. 15 • dec. 2011 • p. 217-219 ■ 217
ERTHON BRANZ
Brazilian copyright law and how it restricts the efficiency of the human right to education

THOMAS W. POGE
Eradicating systemic poverty: brief for a Global Resources Dividend

SUR 7, v. 4, n. 7, Dec. 2007

LUCIA NADER
The role of NGOs in the UN Human Rights Council

CECILIA MACDOWELL SANTOS
Transnational legal activism and the State: reflections on cases against Brazil in the Inter-American Commission on Human Rights

TRANSITIONAL JUSTICE

TARA URS
Imagining locally-motivated accountability for mass atrocities: voices from Cambodia

CECILY ROSE AND FRANCIS M. SZEKANDI
The pursuit of transitional justice and African traditional values: a clash of civilizations – The case of Uganda

RAMONA VIJZYARASA
Facing Australia’s history: truth and reconciliation for the stolen generations

ELIZABETH SALMON G.
The long road in the fight against poverty and its promising encounter with human rights

INTERVIEW WITH JUAN MÉNDEZ
By Glenda Mezarobba

SUR 8, v. 5, n. 8, Jun. 2008

MARTÍN ABREGÚ
Human rights for all: from the struggle against authoritarianism to the construction of an all-inclusive democracy - A view from the Southern Cone and Andean region

AMITA DHANDA
Constructing a new human rights lexicon: Convention on the Rights of Persons with Disabilities

LAURA DAVIS MATTAR
Legal recognition of sexual rights – a comparative analysis with reproductive rights

JAMES L. CAVALLARO AND STEPHANIE ERIN BREWER
The virtue of following: the role of Inter-American litigation in campaigns for social justice

RIGHT TO HEALTH AND ACCESS TO MEDICAMENTS

PAUL HUNT AND RAJAT KHOSLA
The human right to medicines

THOMAS POGE
Medicines for the world: boosting innovation without obstructing free access

JORGE CONTESSE AND DOMINGO LOVERA PAMO
Access to medical treatment for people living with HIV/AIDS: success without victory in Chile

GABRIELA COSTA CHAVES, MARCELA FOGAÇA VIEIRA AND RENATA REIS
Access to medicines and intellectual property in Brazil: reflections and strategies of civil society

SUR 9, v. 5, n. 9, Dec. 2008

BARBARA BUKOVSKÁ
Perpetrating good: unintended consequences of international human rights advocacy

JEREMY SARKIN
Prisons in Africa: an evaluation from a human rights perspective

REBECCA SAUNDERS
Lost in translation: expressions of human suffering, the language of human rights, and the South African Truth and Reconciliation Commission

SIYTY YEARS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

PAULO SÉRGIO PINHEIRO
Sixty years after the Universal Declaration: navigating the contradictions

FERNANDA DOZ COSTA
Poverty and human rights from rhetoric to legal obligations: a critical account of conceptual frameworks

EITAN FELNER
A new frontier in economic and social rights advocacy? Turning quantitative data into a tool for human rights accountability

KATHERINE SHORT
From Commission to Council: has the United Nations succeeded in creating a credible human rights body?

ANTHONY ROMERO
Interview with Anthony Romero, Executive Director of the American Civil Liberties Union (ACLU)

SUR 10, v. 6, n. 10, Jun. 2009

ANUJ BHUWANIA
"Very wicked children": “Indian torture” and the Madras Torture Commission Report of 1855

DANIELA DE VITO, AISIA GILL AND DAMIEN SHORT
Rape characterised as genocide

CHRISTIAN COURTIS
Notes on the implementation by Latin American courts of the ILO Convention 169 on indigenous peoples

BENYAM D. MEZMUR
Intercountry adoption as a measure of last resort in Africa: Advancing the rights of a child rather than a right to a child

HUMAN RIGHTS OF PEOPLE ON THE MOVE: MIGRANTS AND REFUGEES

KATHARINE DERDERIEN AND LIESBETH SCHOOCKAERT
Responding to “mixed” migration flows: A humanitarian perspective

JUAN CARLOS MURILLO
The legitimate security interests of the State and international refugee protection

MANUELA TRINDEADE VIANA
International cooperation and internal displacement in Colombia: Facing the challenges of the largest humanitarian crisis in South America

JOSEPH AMON AND KATHERINE TODRYS
Access to antiretroviral treatment for migrant populations in the Global South

PABLO CERIANI CERNADAS
European migration control in the African territory: The omission of the extraterritorial character of human rights obligations

SUR 11, v. 6, n. 11, Dec. 2009

VÍCTOR ABRAMOVICH
From Massive Violations to Structural Patterns: New Approaches and Classic Tensions in the Inter-American Human Rights System

VIVIANA BOHÓRQUEZ MONSALVE AND JAVIER AGUIRRE ROMÁN
Tensions of Human Dignity: Conceptualization and Application to International Human Rights Law

DEBORA DINIZ, LÍVIA BARBOSA AND WEDERSON RUFINO DOS SANTOS
Disability, Human Rights and Justice
The work of the Carlos Chagas Foundation revolves around the principle of citizenship. Its specialties and lines of research are geared towards human and social development.

Research production at the FCC, which addresses the issues of policy evaluation, gender and race, consists of in-depth studies on the various levels of education. In the Foundation’s three publications – Cadernos de Pesquisa (Research Journals), Estudos em Avaliação Educacional (Educational Evaluation Studies) and Textos FCC (FCC Texts) – this academic production features alongside the work of researchers from other institutions, providing a diversified view of the issues in the field.

A REFERENCE IN EDUCATION
WWW.FCC.ORG.BR