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HUMAN RIGHTS IN MOTION



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INTRODUCTION



HUMAN RIGHTS IN MOTION: A MAP TO A MOVEMENT'S FUTURE

Lucia Nader (Executive Director, Conectas)
Juana Kweitel (Program Director, Conectas)
Marcos Fuchs (Associate Director, Conectas)

Sur Journal was created ten years ago as a vehicle to deepen and strengthen bonds between academics and activists from the Global South concerned with human rights, in order to magnify their voices and their participation before international organizations and academia. Our main motivation was the fact that, particularly in the Southern hemisphere, academics were working alone and there was very little exchange between researchers from different countries. The journal's aim has been to provide individuals and organizations working to defend human rights with research, analyses and case studies that combine academic rigor and practical interest. In many ways, these lofty ambitions have been met with success: in the past decade, we have published articles from dozens of countries on issues as diverse as health and access to treatment, transitional justice, regional mechanisms and information and human rights, to name a few. Published in three languages and available online and in print for free, our project also remains unique in terms of geographical reach, critical perspective and its Southern 'accent'. In honour of the founding editor of this journal, **Pedro Paulo Poppovic**, the 20th issue opens with a biography (by João Paulo Charleaux) of this sociologist who has been one of the main contributors to this publication's success.

This past decade has also been, in many ways, a successful one for the human rights movement as a whole. The Universal Declaration of Human Rights has recently turned 60, new international treaties have been adopted and the old but good global and regional monitoring systems are in full operation, despite criticisms regarding their effectiveness and attempts by States to curb their authority. From a strategic perspective, we continue to use, with more or less success, advocacy, litigation and naming-and-shaming as our main tools for change. In addition, we continue to nurture partnerships between what we categorize as local, national and international organizations within our movement.

Nevertheless, the **political and geographic coordinates** under which the global human

rights movement has operated have undergone profound changes. Over the past decade, we have witnessed hundreds of thousands of people take to the streets to protest against social and political injustices. We have also seen emerging powers from the South play an increasingly influential role in the definition of the global human rights agenda. Additionally, the past ten years have seen the rapid growth of social networks as a tool of mobilization and as a privileged forum for sharing political information between users. In other words, the journal is publishing its 20th issue against a backdrop that is very different from that of ten years ago. The protests that recently filled the streets of many countries around the globe, for example, were not organized by traditional social movements nor by unions or human rights NGOs, and people's grievances, more often than not, were expressed in terms of social justice and not as rights. Does this mean that human rights are no longer seen as an effective language for producing social change? Or that human rights organizations have lost some of their ability to represent wronged citizens? Emerging powers themselves, despite their newly-acquired international influence, have hardly been able – or willing – to assume stances departing greatly from those of “traditional” powers. How and where can human rights organizations advocate for change? Are Southern-based NGOs in a privileged position to do this? Are NGOs from emerging powers also gaining influence in international forums?

It was precisely to reflect upon these and other pressing issues that, for this 20th issue, SUR's editors decided to enlist the help of over 50 leading human rights activists and academics from 18 countries, from Ecuador to Nepal, from China to the US. We asked them to ponder on what we saw as some of the most urgent and relevant questions facing the global human rights movement today: 1. Who do we represent? 2. How do we combine urgent issues with long-term impacts? 3. Are human rights still an effective language for producing social change? 4. How have new information and communication technologies influenced activism? 5. What are the challenges of working internationally from the South?

The result, which you now hold in your hands, is a **roadmap for the global human rights movement** in the 21st century – it offers a vantage point from which it is possible to observe where the movement stands today and where it is heading. The first stop is a reflection on these issues by the founding directors of Conectas Human Rights, **Oscar Vilhena Vieira and Malak El-Chichini Poppovic**. The roadmap then goes on to include **interviews and articles**, both providing in-depth analyses of human rights issues, as well as **notes from the field**, more personalized accounts of experiences working with human rights, which we have organized into **six categories**, although most of them could arguably be allocated to more than one category:

Language. In this section, we have included articles that ponder the question of whether human rights – as a utopia, as norms and as institutions – are still effective for producing social change. Here, the contributions range from analyses on human rights as a language for change (**Stephen Hoggood and Paulo Sérgio Pinheiro**), empirical research on the use of the language of human rights for articulating grievances in recent mass protests (**Sara Burke**), to reflections on the standard-setting role and effectiveness of international human rights institutions (**Raquel Rolnik, Vinodh Jaichand and Emílio**

Álvarez Icaza). It also includes studies on the movement's global trends (**David Petrusek**), challenges to the movement's emphasis on protecting the rule of law (**Kumi Naidoo**), and strategic proposals to better ensure a compromise between utopianism and realism in relation to human rights (**Samuel Moyn**).

Themes. Here we have included contributions that address specific human rights topics from an original and critical standpoint. Four themes were analysed: economic power and corporate accountability for human rights violations (**Phil Bloomer, Janet Love and Gonzalo Berrón**); sexual politics and LGBTI rights (**Sonia Corrêa, Gloria Careaga Pérez and Arvind Narrain**); migration (**Diego Lorente Pérez de Eulate**); and, finally, transitional justice (**Clara Sandoval**).

Perspectives. This section encompasses country-specific accounts, mostly field notes from human rights activists on the ground. Those contributions come from places as diverse as Angola (**Maria Lúcia da Silveira**), Brazil (**Ana Valéria Araújo**), Cuba (**María-Ileana Faguaga Iglesias**), Indonesia (**Haris Azhar**), Mozambique (**Salvador Nkamate**) and Nepal (**Mandira Sharma**). But they all share a critical perspective on human rights, including for instance a sceptical perspective on the relation between litigation and public opinion in Southern Africa (**Nicole Fritz**), a provocative view of the democratic future of China and its relation to labour rights (**Han Dongfang**), and a thoughtful analysis of the North-South duality from Northern Ireland (**Maggie Beirne**).

Voices. Here the articles go to the core of the question of whom the global human rights movement represents. **Adrian Gurza Lavalle** and **Juana Kweitel** take note of the pluralisation of representation and innovative forms of accountability adopted by human rights NGOs. Others study the pressure for more representation or a louder voice in international human rights mechanisms (such as in the Inter-American system, as reported by **Mario Melo**) and in representative institutions such as national legislatures (as analysed by **Pedro Abramovay and Heloisa Griggs**). Finally, **Chris Grove**, as well as **James Ron, David Crow and Shannon Golden** emphasize, in their contributions, the need for a link between human rights NGOs and grassroots groups, including economically disadvantaged populations. As a counter-argument, **Fateh Azzam** questions the need of human rights activists to represent anyone, taking issue with the critique of NGOs as being overly dependent on donors. Finally, **Mary Lawlor and Andrew Anderson** provide an account of a Northern organization's efforts to attend to the needs of local human rights defenders as they, and only they, define them.

Tools. In this section, the editors included contributions that focus on the instruments used by the global human rights movement to do its work. This includes a debate on the role of technology in promoting change (**Mallika Dutt and Nadia Rasul**, as well as **Sopheap Chak and Miguel Pulido Jiménez**) and perspectives on the challenges of human rights campaigning, analysed provocatively by **Martin Kirk** and **Fernand Alphen** in their respective contributions. Other articles point to the need of organizations to be more grounded in local contexts, as noted by **Ana Paula Hernández** in relation to Mexico, by **Louis Bickford** in what he sees as a convergence towards the global middle, and finally by **Rochelle Jones, Sarah Rosenhek and Anna Turley** in their movement-support model. In addition, it is noted by **Mary Kaldor** that NGOs are not the same as civil society,

properly understood. Furthermore, litigation and international work are cast in a critical light by **Sandra Carvalho and Eduardo Baker** in relation to the dilemma between long and short term strategies in the Inter-American system. Finally, **Gastón Chillier and Pétalla Brandão Timo** analyse South-South cooperation from the viewpoint of a national human rights NGO in Argentina.

Multipolarity. Here, the articles challenge our ways of thinking about power in the multipolar world we currently live in, with contributions from the heads of some of the world's largest international human rights organizations based in the North (**Kenneth Roth** and **Salil Shetty**) and in the South (**Lucia Nader, César Rodríguez-Garavito, Dhananjayan Sriskandarajah** and **Mandeep Tiwana**). This section also debates what multipolarity means in relation to States (**Emilie M. Hafner-Burton**), international organizations and civil society (**Louise Arbour**) and businesses (**Mark Malloch-Brown**).

Conectas hopes this issue will foster debate on the future of the global human rights movement in the 21st century, enabling it to reinvent itself as necessary to offer better protection of human rights on the ground.

Finally, we would like to emphasize that this issue of Sur Journal was made possible by the support of the Ford Foundation, Open Society Foundations, the Oak Foundation, the Sigrid Rausing Trust, the International Development Research Centre (IDRC) and the Swedish International Development Cooperation Agency (SIDA). Additionally, Conectas Human Rights is especially grateful for the collaboration of the authors and the hard work of the Journal's editorial team. We are also extremely thankful for the work of Maria Brant and Manoela Miklos for conceiving this Issue and for conducting most of the interviews, and for Thiago Amparo for joining the editorial team and making this Issue possible. We are also tremendously thankful for Luz González's tireless work with editing the contributions received, and for Ana Cernov for coordinating the overall editorial process.



EMÍLIO ÁLVAREZ ICAZA

Emílio Álvarez Icaza, Mexican, is the Executive Secretary of the Inter-American Commission on Human Rights. Sociologist at the Universidad Nacional Autónoma de México (UNAM); Master's degree in Social Sciences from Facultad Latinoamericana de Ciencias Sociales (FLACSO). He is undertaking doctoral studies in Social Sciences at UNAM. He is the author of three books on human rights issues, and a contributor to more than 80 publications.

ABSTRACT

Human rights are not only an effective way to bring about social change; they are also an indicator of a state's governmental administration and democratic governance, such that they also constitute an indicator of social change. From this perspective, the challenge is to achieve social change wherein the enjoyment and exercise of human rights are in full force. Thus, it is important that the design and implementation of public policies simultaneously address both the new and old agendas that are still outstanding, which requires the involvement of various actors, including the Inter-American Human Rights System.

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Social change – Public policy – Democratic governance – The Inter-American Commission on Human Rights



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ESSAY

HUMAN RIGHTS AS AN EFFECTIVE WAY TO PRODUCE SOCIAL CHANGE

Emílio Álvarez Icaza*

It is not easy to answer the question of whether human rights are still an effective way to bring about social change, because it requires undertaking a more extensive and comprehensive analysis of their role in society. Nevertheless, without lapsing into a reductionist view, we can say that they are, in themselves, an indicator of social change, which will be discussed in more detail throughout this article.

First of all, it is important to remember that human rights, besides being a legal category, must be understood as a social construction that has been developed and demonstrated in many different ways throughout human history – although, it wasn't until the second half of the last century that they were recognized as a paradigm of modern democracy.¹ This explains why it is possible to speak of a democratic society once human rights are regulated and fully in effect. Through this lens, the great challenge of our time is making these rights a reality for everyone.

To respond to this question, we must recall that a comprehensive vision of human rights was first mentioned in 1993, with the Vienna Declaration and Program of Action, which established that they are universal, indivisible, interdependent, and interrelated. It also signaled that the international community should treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis (UNITED NATIONS, 1993).

This means that the violation of any one right impacts the others, leading to the impairment or restriction of people's lives or quality of life.

However, the comprehensive exercise of human rights depends on the needs of each person, and on the context, because the rights are not exercised in the same way, nor at the same time. In other words, the equality of human rights lies in human dignity, which goes beyond the regulatory framework.

Thus, every State must identify the deficits that exist in the enjoyment and exercise of every person's human rights, as well as design and apply differentiated

*The author is grateful to Imelda González Barreras for her collaboration on this article.

public policies, based on the understanding that there are different demands and problems within a society.

From this point of view, human rights are an ethical-political demand for policymakers, as well as a fundamental indicator to help assess the administration and democratic governance of a State.

Today, the public administration of human rights is discussed as part of the political debate, which was impossible just a couple of decades ago. This new reality represents a political and ethnical triumph, as well as a challenge to set aside the authoritarian culture which is still not fully eradicated.

With this vision of human rights, it is possible to simultaneously address both old and new agendas, as well as societal demands. A clear example of this can be found in the rights of people deprived of liberty² and the rights to a private and family life and the formation of a family—*in vitro* fertilization—, respectively (CORTE INTERAMERICANA DE DERECHOS HUMANOS, *Artavia Murillo et al. ("Fertilización in Vitro") vs. Costa Rica, 2012*).

Without a doubt, meaningful attention to human rights agendas is a critical part of social change in the second decade of the twenty-first century. However, just as there are new agendas, there are also new protagonists and actors, including the Inter-American Human Rights System through the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights ("the Court").

In the 55 years since its creation, the IACHR has worked to fulfill its mandate to promote and defend human rights in the region, which has implied constant attention to both new and old agendas to ensure justice and state responsibility for human rights violations.

To do this, the Commission has developed mechanisms, procedures, policies and practices over time in order to confront a series of human rights violations in the Americas. This is done through the systems of petitions and cases, the monitoring of the human rights situation within the member states, and attention to priority topics through its rapporteurs.

Through these actions, the IACHR is and has been a leader that addresses deficits in the exercise of civil, political, economic, social and cultural rights, and therefore it can now be asserted that it contributes to development and social change in the countries in the region.

As an example, we only have to remember that, after its visits to Argentina in 1979 and Peru in 1998, the IACHR issued reports in which it determined that the amnesty laws regarding serious human rights violations were themselves in violation of international human rights law. In doing so, the Commission established that even in the context of transitions to democracy in the Americas, states still have an irrevocable duty to investigate such violations and guarantee justice for the victims.

Thus, in a subsidiary and complementary way, the IACHR helps eliminate exceptions that still prevail and that prevent people from exercising their rights in the ways that sovereign states have agreed in regional human rights instruments.

In this way, by carrying out its mandate, the IACHR seeks to guarantee

processes of democratic consolidation on the American continent, which in turn serves as a clear example of how human rights now constitute an effective means – though not one free of difficulties, obstacles, and sometimes even unfortunate reversals – to produce social change.

Despite these complex dynamics, the most significant moment is when different social actors appropriate human rights as a tool for social, political, and cultural change. It is worth examining advances made by various social movements, as evidence of these transformations in process. Among others, it is worth highlighting the women's movement; the indigenous peoples' movement; that of lesbian, gay, bisexual, transgender, and intersex (LGBTI); and that of children and adolescents. In every one of these cases, progress is being made in the design and implementation of public policies that emphasize human rights.

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NOTES

1. The approval and proclamation of the Universal Declaration of Human Rights on December 10, 1948, marked a new paradigm by trying to build a global community that would agree on rules to protect people; it also became the basis of international human rights law for the twentieth and twenty-first centuries.

2. Visits to detention centers have been ongoing, with more than 90 site visits carried out by the Inter-American Commission on Human Rights in the past 40 years. See: <http://www.oas.org/en/iACHR/pdf/default.asp>. Last accessed in: March 2014.

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