

ISSN 1806-6445

v. 11 • n. 20 • Jun./Dec. 2014

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COMMEMORATIVE ISSUE
HUMAN RIGHTS IN MOTION



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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) and SSRN (Social Science Research Network). In addition, SUR is also available at the following commercial databases: EBSCO, HEINonline, ProQuest and Scopus. SUR has been rated A1 and B1, in Colombia and in Brazil (Qualis), respectively.

SUR. Revista Internacional de Direitos Humanos / Sur – Rede Universitária de Direitos Humanos – v.1, n.1, jan.2004 – São Paulo, 2004 - .

Semestral

ISSN 1806-6445

Edições em Inglês, Português e Espanhol.

1. Direitos Humanos 2. ONU I. Rede Universitária de Direitos Humanos

Human Rights in Motion

CONTENTS

LUCIA NADER, JUANA KWEITEL, & MARCOS FUCHS	7	Introduction
PROFILE OF PEDRO PAULO POPPOVIC	11	“We Did not Create Sur Journal Because We Had Certainties, But Because We Were Full of Doubts”
MALAK EL-CHICHINI POPPOVIC OSCAR VILHENA VIEIRA	17	Reflections On the International Human Rights Movement in the 21 st Century: Only the Answers Change
LANGUAGE		
SARA BURKE	27	What an Era of Global Protests Says about the Effectiveness of Human Rights as a Language to Achieve Social Change
VINODH JAICHAND	35	After Human Rights Standard Setting, What’s Next?
DAVID PETRASEK	45	Global Trends and the Future of Human Rights Advocacy
SAMUEL MOYN	57	The Future of Human Rights
STEPHEN HOPGOOD	67	Challenges to the Global Human Rights Regime: Are Human Rights Still an Effective Language for Social Change?
EMÍLIO ÁLVAREZ ICAZA	77	Human Rights as an Effective Way to Produce Social Change
INTERVIEW WITH RAQUEL ROLNIK	81	UN Special Procedures System is “Designed to Be Ineffective”
INTERVIEW WITH PAULO SÉRGIO PINHEIRO	91	“Besides Human Rights, I Don’t See a Solution for Serving the Victims”
INTERVIEW WITH KUMI NAIDOO	97	“The Rule of Law Has Consolidated All the Injustices That Existed Before It”
THEMES		
JANET LOVE	105	Are we Depoliticising Economic Power?: Wilful Business Irresponsibility and Bureaucratic Response by Human Rights Defenders
PHIL BLOOMER	115	Are Human Rights an Effective Tool for Social Change?: A Perspective on Human Rights and Business
GONZALO BERRÓN	123	Economic Power, Democracy and Human Rights. A New International Debate on Human Rights and Corporations
DIEGO LORENTE PÉREZ DE EULATE	133	Issues and Challenges Facing Networks and Organisations Working in Migration and Human Rights in Mesoamerica
GLORIA CAREAGA PÉREZ	143	The Protection of LGBTI Rights: An Uncertain Outlook

ARVIND NARRAIN **151** Brazil, India, South Africa:
Transformative Constitutions and their Role in LGBT Struggles

SONIA CORRÊA **167** Emerging powers: Can it be that sexuality and human rights
is a 'lateral issue'?

CLARA SANDOVAL **181** Transitional Justice and Social Change

PERSPECTIVES

NICOLE FRITZ **193** Human Rights Litigation in Southern Africa:
Not Easily Able to Discount Prevailing Public Opinion

MANDIRA SHARMA **201** Making Laws Work:
Advocacy Forum's Experiences in Prevention of Torture in Nepal

MARIA LÚCIA DA SILVEIRA **213** Human Rights and Social Change in Angola

SALVADOR NKAMATE **219** The Struggle for the Recognition of Human Rights in Mozambique:
Advances and Setbacks

HARIS AZHAR **227** The Human Rights Struggle in Indonesia:
International Advances, Domestic Deadlocks

HAN DONGFANG **237** A vision of China's Democratic Future

ANA VALÉRIA ARAÚJO **247** Challenges to the Sustainability of the Human Rights
Agenda in Brazil

MAGGIE BEIRNE **257** Are we Throwing Out the Baby with the Bathwater?: The North-South
Dynamic from the Perspective of Human Rights Work in Northern Ireland

INTERVIEW WITH
MARÍA-I. FAGUAGA IGLESIAS **265** "The Particularities in Cuba Are Not Always Identified Nor
Understood By Human Rights Activists From Other Countries"

VOICES

FATEH AZZAM **273** Why Should We Have to "Represent" Anyone?

MARIO MELO **283** Voices from the Jungle on the Witness Stand of the
Inter-American Court of Human Rights

ADRIAN GURZA LAVALLE **293** NGOs, Human Rights and Representation

JUANA KWEITEL **305** Experimentation and Innovation in the Accountability
of Human Rights Organizations in Latin America

PEDRO ABRAMOVAY
AND HELOISA GRIGGS **323** Democratic Minorities in 21st Century Democracies

JAMES RON, DAVID CROW AND
SHANNON GOLDEN **335** Human Rights Familiarity and Socio-Economic Status:
A Four-Country Study

CHRIS GROVE **353** To Build a Global Movement to Make Human Rights
and Social Justice a Reality For All

INTERVIEW WITH MARY LAWLOR
AND ANDREW ANDERSON **365** "Role of International Organizations Should Be to Support
Local Defenders"

TOOLS

GASTÓN CHILLIER AND PÉTALLA BRANDÃO TIMO	375	The Global Human Rights Movement in the 21 st Century: Reflections from the Perspective of a National Human Rights NGO from the South
MARTIN KIRK	385	Systems, Brains and Quiet Places: Thoughts on the Future of Human Rights Campaigning
ROCHELLE JONES, SARAH ROSENHEK AND ANNA TURLEY	399	A 'Movement Support' Organization: The Experience of the Association For Women's Rights in Development (AWID)
ANA PAULA HERNÁNDEZ	411	Supporting Locally-Rooted Organizations: The Work of the Fund For Global Human Rights in Mexico
MIGUEL PULIDO JIMÉNEZ	419	Human Rights Activism In Times of Cognitive Saturation: Talking About Tools
MALLIKA DUTT AND NADIA RASUL	427	Raising Digital Consciousness: An Analysis of the Opportunities and Risks Facing Human Rights Activists in a Digital Age
SOPHEAP CHAK	437	New Information and Communication Technologies' Influence on Activism in Cambodia
SANDRA CARVALHO AND EDUARDO BAKER	449	Strategic Litigation Experiences in the Inter-American Human Rights System
INTERVIEW WITH FERNAND ALPHEN	461	"Get Off Your Pedestal"
INTERVIEW WITH MARY KALDOR	469	"NGO's are not the Same as Civil Society But Some NGOs Can Play the Role of Facilitators"
INTERVIEW WITH LOUIS BICKFORD	475	Convergence Towards the Global Middle: "Who Sets the Global Human Rights Agenda and How"
MULTIPOLARITY		
LUCIA NADER	483	Solid Organisations in a Liquid World
KENNETH ROTH	491	Why We Welcome Human Rights Partnerships
CÉSAR RODRÍGUEZ-GARAVITO	499	The Future of Human Rights: From Gatekeeping to Symbiosis
DHANANJAYAN SRISKANDARAJAH AND MANDEEP TIWANA	511	Towards a Multipolar Civil Society
INTERVIEW WITH EMILIE M. HAFNER-BURTON	519	"Avoiding Using Power Would Be Devastating for Human Rights"
INTERVIEW WITH MARK MALLOCH-BROWN	525	"We Are Very Much A Multi-Polar World Now, But Not One Comprised Solely Of Nation States"
INTERVIEW WITH SALIL SHETTY	531	"Human Rights Organisations Should Have a Closer Pulse to the Ground" Or How We Missed the Bus
INTERVIEW WITH LOUISE ARBOUR	539	"North-South solidarity is key"

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.



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Human Rights in Motion

Tools

GASTÓN CHILLIER AND PÉTALLA BRANDÃO TIMO

The Global Human Rights Movement in the 21st Century: Reflections from the Perspective of a National Human Rights NGO from the South

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INTERVIEW WITH FERNAND ALPHEN

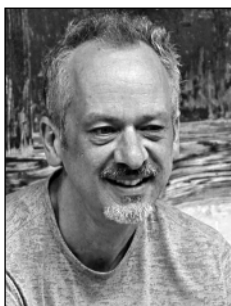
"Get Off Your Pedestal"

INTERVIEW WITH MARY KALDOR

"NGO's are not the Same as Civil Society But Some NGOs Can Play the Role of Facilitators"

INTERVIEW WITH LOUIS BICKFORD

Convergence Towards the Global Middle: "Who Sets the Global Human Rights Agenda and How"



FERNAND ALPHEN

"Get off your pedestal!" This was the title suggested, without a moment's hesitation, by Fernand Alphen for the text of his interview with Sur Journal. Fernand is Head of Strategy at JWT - Brazil (Thompson), the fourth largest advertising agency in the world, established in the United States in 1864 and currently with offices in 90 countries.

Fernand hails from France and defines himself as "the result of an improbable liaison between a French Jew with an Indiana Jones reputation and a Brazilian blonde with dreams of becoming Esther Williams." After studying Business Administration and History, he started in the advertising business at age 22." Now I'm over 50, a dinosaur —an Internet dinosaur— and fell flat on my face by prophesying the apocalypse of the traditional media."

In the few hours when he is not advertising, Fernand writes for a blog and other publications, collects indigenous art, struggles with his piano and listens to baroque music and opera. "I don't know how to dance," he adds. It is clear that he has no idols, nor even a preferred brand.

Interviewed by Lucia Nader, Executive Director of Conectas Human Rights, Fernand does not shy from controversy, stressing that human rights organizations need to forget their prejudices if they want to communicate better." Communicating is all about engaging people to spread a cause" he says, adding that advertising can in no way be "ideological" in terms of forcing people to believe in something unless you take account of all the thoughts that have previously gone through their minds. He argues that human rights are more important than any other cause, but that human rights organizations should stop believing that they have a "monopoly over good."

After hearing Fernand's suggested title "Get off your pedestal," the interviewer adds: "without compromising your values." Both agree, and the interview gets underway.

Original in Portuguese. Translated by John Penney.

Interview conducted in May 2014 by Lucia Nader (Conectas Human Rights)



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This paper is available in digital format at <www.surjournal.org>.

INTERVIEW

“GET OFF YOUR PEDESTAL”

Interview with Fernand Alphen

Conectas Human Rights: Are human rights still an important tool for social transformation? This is one of the core questions in this commemorative edition of SUR. Many would agree that they are certainly important in this respect, but we believe nevertheless that we need to communicate human rights better. Do you think that communication—and more specifically, advertising—can play a decisive role in the struggle for human rights?

Fernand Alphen - Not a decisive role, but I do think that advertising can collaborate with the cause of human rights. Whether you are dealing with a product or a cause, I believe that the function of advertising is to spread a message as widely as possible, and not to try and create a particular movement or a preference for this or that. Advertising can be a fiendishly difficult way of trying to create something from nothing, or to change someone’s opinion of something. Some classic examples of ideological propaganda throughout history are abundant proof of this. Take religion for example. If you say “I will make people believe in God,” this is a not a good way to advertise. To some extent, the same applies to partisan political propaganda. It might work, but I do not think we should go down that road, and anyway, in my view, this is not the real purpose of advertising.

Conectas: But is this because advertising tries to force ideas into people’s heads?

F.A: Yes, and without considering the opinions or thoughts that they might already have. In such cases, advertising is manipulation *par excellence*. In the case of human rights, good advertising should involve spreading the message and the cause more widely, and not by trying to force people to adopt a perception of what these rights are.

Conectas: Is there anything that a human rights organization can do to spread its message better? Organizations usually work with a large number of subjects while developing many different approaches. Is there any way that they can communicate all these elements consistently and effectively?

F.A.: I think the first step is for you to identify some kind of sensitive subject that can be given wider exposure. You should do this by selecting your target audience, the approach you want to take, the language you want to use, and so on. Within the broad spectrum of the organization's activities, you need to deliberately choose a single topic, an activity or a cause to reflect and draw attention to the bigger, overarching cause. This can also be done by choosing a particular audience group to focus on, ideally one that is already familiar with the issues involved. Even for profit-seeking companies, not everything needs to revolve around advertising. You simply have to choose what you want to communicate, and select the flag you wish to fly.

Another basic thing to remember is to be an open organization and have a clear understanding of what advertising is all about. NGOs often see themselves "doing good against all the villains of the capitalist world, including communicators and advertisers." Any dialogue therefore is frequently out of the question. The same happens in reverse: advertisers have a limited understanding of what NGOs are, and they are sometimes prejudiced against them as a result.

Conectas: Some critics of advertising suggest that it is impossible to use marketing and advertising tools that pursue so-called extrinsic values (status, power, social conformity, capitalism) to promote causes that depend on precisely opposite or intrinsic values (cooperation, altruism, community affiliation). Do you think these values are paradoxical?

F.A.: Not necessarily. This discussion might be interesting, but it is very theoretical and not the kind of subject you should discuss with an advertiser, because advertisers are pragmatist, or at least should be pragmatist. As I have said, I believe in non-ideological advertising. This type of advertising needs to be pragmatic. Forget talking about "I am going to focus on extrinsic or intrinsic values." Using terms such as *extrinsic* and *intrinsic* sounds odd. These are advertising terms for defining other things. The *extrinsic* values of a brand are the emotional values linked to it, whereas the *intrinsic* values are the functional elements related to that brand.

Conectas: What are the intrinsic and extrinsic values that can be used for a cause or a human rights organization?

F.A.: I do not know. I cannot give you a reply, because to my mind this approach simply does not apply. This parallel is difficult, and I do think that when we get into advertising particular causes we have to keep our feet on the ground and, above all, be cautious.

Conectas: Cautious and pragmatic? But how can pragmatism be applied to a social cause?

F.A.: Well, advertising a cause must necessarily be more informative. It is estimated that a single person nowadays is bombarded with around 7 to 10,000 advertising signals a day. This is not a value judgment, but you really need to think about how your message can stand out from the others. A person is getting

all these messages, making no kind of value judgment, but he or she will choose which to pay more attention to, often depending on the type of language in which the message is couched.

Advertising for a cause means stating something and using types of language, format and advertising techniques that will make this message stand out from all the rest. This is genuine advertising. I highlight and broaden the message. This is the core of the battle. I have to make my message more relevant, ensure that it is widely disseminated and, above all, transmit a message that will have more effect than all the others out there.

Conectas: Can a comparison be made between advertising a product—made to be sold and generate money—and advertising for a not-for-profit social cause?

F.A.: It is all about engaging! It is what we call “commercial advertising” today. The purpose of a trademark is to engage people. It’s a bit artificial, but at the same time it means something. Brands, incidentally, like to claim that they also serve a cause.

The goal of any cause should be to get people to change, to be transformed in some way. Two or three steps are involved: the first is to highlight, to attract attention in the midst of this maelstrom of polluting messages entering people’s brains every day. Next, after using my advertising techniques to highlight the message, I get the recipient to take more notice, to be more aware. When this is done, my aim is to get the person hooked, and once hooked, I believe that we have created a potential scenario for his transformation.

Conectas: But we have the impression that the subject of human rights causes more “rejection” than “engagement”. In Brazil, for example, anyone working on human rights is often seen as an advocate of impunity, responsible for urban violence, and so on. We are labeled as “defenders of criminals”. Somehow, fighting for human rights means setting oneself against the majority—not a popular stance. How do we reconcile that with better communication?

F.A.: It is a challenge. But there is also a certain amount of sensitivity to these causes that we are defending. I am not sure that I agree with you about always being unpopular or “against the majority”. It is true that no real cause appeals to the majority: a cause would not be a cause if everyone believed in it. However it is true that the goal of any cause is to be a majority cause. By “majority” I believe that this is something along the lines of the word “popular” that you just mentioned.

Conectas: Yes, but what are the boundaries between being more “popular”, “engaging”, and not compromising your core values?

F.A.: I dare say that this tension exists in any cause. Embracing trees is a “cause” that also goes against the majority. There are also millions of pressures against ecological causes that are not easy to digest. Sometimes people hide behind their real intentions. When you talk to some old man who has invested his life savings in British Petroleum, for example, he has done this as a business proposition; but

on the other hand he is perhaps thinking "for God's sake, let's preserve the sea and its natural resources." In other words, regardless of his ecological pretensions, he also wants his shares to rise in value, which means betting on British Petroleum's business scheme: perhaps even involving polluting the North Sea.

I think human rights amounts to the same thing. There is a certain amount of blackmail involved: "If they point a handgun at your mother's head, do you shoot that person? Do you want the death penalty applied to the aggressor? What if your daughter gets raped? What should be done with the rapist? Forgive him?." It is typical blackmail. It's the same with the British Petroleum shareholder. He says, "I am against pollution of the North Sea, *but* please keep my shares rising." "I am against the death penalty, *except* of course for the guy who raped my daughter." All causes have questions like these in common.

Conectas: But do you see a specific way forward? What strategy would you use to make human rights better known and more amenable to people?

F.A.: I can only respond as a person, not as a professional. I believe the cause of human rights is ten times more important than any other social cause. These are the Rights of Man, of Humanity with a capital "H". They are my rights, my right, my defense.

These rights are the backbone of humankind. They are what makes us develop as a society, as a civilization. Your assertion that people do not value human rights is a bit frightening. But I wonder if and why this should be so.

Conectas: In the Brazilian scenario, human rights are often related to crime. But in other countries, this type of resistance also exists. In France, for example, concerning the rights of migrants; in the United States, with the war on terror, etc. What strategies can we use? Should we adopt a more emotional approach or somehow try to convince those still on the margins, around the edges?

F.A.: We should take tiny steps around the edges. The issue of human rights, in the broadest sense, is a highly complex and technical issue. Most people do not want to think of philosophical, complex, grandiose affairs. The complexity puts them off. Al Gore's film (*An Inconvenient Truth*), for example, was amazing, award-winning, struck many a chord. But at the same time, it was so scary and complex that it immobilized people. In my opinion nothing has changed since the film was aired.

We have to start with small themes: subjects that are easy to understand, easy to equate, easy to achieve, and go on from there. It is no use saying "This is a human right", "I'm against strip searches in Brazilian prisons," "I am against the Belo Monte dam in the Amazon." Let's keep it simple.

Conectas: Do you think that advertisers might be able to play a key role in the work of this organization? Why, given the complexity and multiplicity of the different subjects involved, does our organization find it difficult to know where to begin?

F.A.: Yes I think they do have a role. This is a general criticism, but I believe that the dialogue between advertiser or the media and the human rights organizations

is fraught with difficulties because you place yourself in a somewhat over-bearing position: you seem to believe that you have a monopoly over “knowledge.” You are tempted to say: “It’s a complex, huge subject and we have a divine right to own it.”

It is a tricky, difficult dialogue, and one that even I (working for you) fail to understand. Even I harbor a certain antipathy. So you often end up only preaching to the converted, you end up talking to yourselves.

Conectas: In short, if we want to create an impact and attract allies to the cause, we need...

F.A.: We need to simplify our causes.

Conectas: And to break this “monopoly for good”? Are there opportunities for advertisers to enter the arena?

F.A.: Yes, we have to break that particular monopoly. It is probably a little easier now that many organizations are adopting a more self-critical approach. This is quite common now. I’ve heard of other organizations facing the same type of dilemma that you have with the human rights cause.

As for the advertising world getting involved... advertisers only want to talk about the war on drugs and protecting whales, because it’s easier, more straightforward. What the advertising industry likes is to deal with topics such as ecology, children, cancer, drugs and so on.

Conectas: Why are these causes more attractive?

F.A.: I cannot answer that one. I think I might, as an advertising practitioner, be failing to understand what human rights are, although I am working here alongside you. Let’s face it, an advertising professional needs a *briefing*. When I worked in the creative department of the advertising agency, I was always saying to people, “Okay, but what do I have to say?” All that I wanted to know was *what I had to say*. This was my job, but I needed to know what I had to say. It is up to you, the customer, to tell me what to say.

We are talking “human rights”, but *I do not know what to say*. Maybe I’m afraid... but the fact is that I do not know what to say. Now, if you say: “They are forcing women to open their legs to see if they have phones in their vaginas before visiting their relatives in prison” and that that is wrong, then I know what to say—and I have to say it in advertising jargon. It’s all about communicating.

So when you come to talking about human rights, as a “broad set of values,” do tell me in one sentence *what I should say* about that vague concept. You are not going to be able to tell me. It’s too difficult.

Conectas: To close, could you perhaps suggest a title for this interview?

F.A.: If I were to be provocative I would say: “Get off the pedestal.” But rather than being provocative, I would say something like...

Conectas: Could I make it "Get off the pedestal without giving up your values?"

F.A.: Yes, it could. Another title might be, considering that there are people who really want to engage, but need to understand: "Help me to help you." This is the core of the problem... "Help me to help you, because it will turn out well, it will be OK, we are going to change." Obviously because I believe in advertising.

Conectas: You have almost convinced me that advertising is not a tool for spreading unfettered capitalism. You are acting as a good advertising..

F.A.: But advertising is not just the slave of the capitalist world, it is used by all sorts of different regimes. Even anarchists. For example, during the Spanish Civil War, the anarchists were the best advertising merchants. They had the best posters, the best slogans, engaged in a real advertising battle with the other sides. Great advertising involving communists, fascists and anarchists —all of them rooting for their side in the conflict. Yes, anarchists (anti-institutional by definition). Advertising is blind when it comes to taking sides.

As for the continuing relevance of advertising, you probably know the famous story of Eleazar de Carvalho. He was a great Brazilian conductor, founder of the São Paulo State Symphony Orchestra (OESP), and a very active person, very unusual, very humorous. A remarkable figure. He conducted a symphony orchestra sponsored by Coca-Cola. Every year he appeared before the marketing director of Coca-Cola in Rio de Janeiro to renew his contract, obviously dependent on sponsorship. The art world is very much like the NGO world. "How long shall I sell myself for?", "How much do I think I am worth?," etc. One year the marketing director said: "Look, Mr. Eleazar, this year Coca-Cola has decided not to renew its contract with the orchestra because, as you know, Coca-Cola is a huge, powerful, expanding brand and we do not exactly need more publicity." But at that very moment a church bell rang near the Coca-Cola offices and Eleazar looked up and said: "Do you hear that bell, Director? The Church is 2000 years old and she is still advertising, by ringing bells to attract the faithful." The Coca-Cola man signed the check.

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

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

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

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

EDWIN REKOSH
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VÍCTOR E. ABRAMOVICH
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SUR 3, v. 2, n. 3, Dec. 2005

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Trade and Human Rights: Towards Coherence

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TRIPS Agreement and Access to Drugs in Developing Countries

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Security, Human Security and Latin America

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Plan of Action Submitted by the United Nations High Commissioner for Human Rights

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

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Social programs from a human rights perspective: The case of the Lula administration's family grant in Brazil

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BOOK REVIEW

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

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Overpromised, underdelivered: transitional justice in Sub-Saharan Africa

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Strengthening democratic policing and accountability in the Commonwealth Pacific

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

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BOOK REVIEW

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

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CECÍLIA MACDOWELL SANTOS

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TARA URS

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CECILY ROSE AND

FRANCIS M. SSEKANDI

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INTERVIEW WITH JUAN MÉNDEZ

By Glenda Mezarobba

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

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

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PAULO SÉRGIO PINHEIRO

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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

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CHRISTIAN COURTIS

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

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KATHARINE DERDERIAN AND LIESBETH SCHOCKAERT

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JUAN CARLOS MURILLO

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MANUELA TRINDADE VIANA

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PABLO CERIANI CERNADAS

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

VÍCTOR ABRAMOVICH

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UN and the Future Direction of the
Advocacy Agenda

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Interview with Rindai Chipfunde-
Vava, Director of the Zimbabwe
Election Support Network (ZESN)
Report on the IX International
Human Rights Colloquium

SUR 12, v. 7, n. 12, Jun. 2010

SALIL SHETTY

Foreword

FERNANDO BASCH ET AL.

The Effectiveness of the Inter-
American System of Human
Rights Protection: A Quantitative
Approach to its Functioning and
Compliance With its Decisions

RICHARD BOURNE

The Commonwealth of Nations:
Intergovernmental and
Nongovernmental Strategies for the
Protection of Human Rights in a
Post-colonial Association

MILLENNIUM DEVELOPMENT GOALS

AMNESTY INTERNATIONAL

Combating Exclusion: Why Human
Rights Are Essential for the MDGs

VICTORIA TAULI-CORPUZ

Reflections on the Role of the
United Nations Permanent Forum
on Indigenous Issues in relation to
the Millennium Development Goals

ALICIA ELY YAMIN

Toward Transformative
Accountability: Applying a Rights-
based Approach to Fulfill Maternal
Health Obligations

SARAH ZAIDI

Millennium Development Goal 6 and
the Right to Health: Conflictual or
Complementary?

MARCOS A. ORELLANA

Climate Change and the Millennium
Development Goals: The Right to
Development, International
Cooperation and the Clean
Development Mechanism

CORPORATE ACCOUNTABILITY

LINDIWE KNUTSON

Aliens, Apartheid and US Courts:
Is the Right of Apartheid Victims to
Claim Reparations from Multinational
Corporations at last Recognized?

DAVID BILCHITZ

The Ruggie Framework: An Adequate
Rubric for Corporate Human Rights
Obligations?

SUR 13, v. 7, n. 13, Dec. 2010

GLENDIA MEZAROBBA

Between Reparations, Half Truths
and Impunity: The Difficult Break
with the Legacy of the Dictatorship
in Brazil

GERARDO ARCE ARCE

Armed Forces, Truth Commission and
Transitional Justice in Peru

REGIONAL HUMAN RIGHTS MECHANISMS

FELIPE GONZÁLEZ

Urgent Measures in the Inter-
American Human Rights System

JUAN CARLOS GUTIÉRREZ AND
SILVANO CANTÚ

The Restriction of Military
Jurisdiction in International Human
Rights Protection Systems

DEBRA LONG AND LUKAS
MUNTINGH

The Special Rapporteur on Prisons
and Conditions of Detention in Africa
and the Committee for the Prevention
of Torture in Africa: The Potential
for Synergy or Inertia?

LUCYLINE NKATHA MURUNGI
AND JACQUI GALLINETTI

The Role of Sub-Regional Courts in
the African Human Rights System

MAGNUS KILLANDER

Interpreting Regional Human Rights
Treaties

ANTONIO M. CISNEROS DE
ALENCAR

Cooperation Between the Universal
and Inter-American Human Rights
Systems in the Framework of the
Universal Periodic Review Mechanism

IN MEMORIAM

Kevin Boyle – Strong Link
in the Chain
By Borislav Petranov

SUR 14, v. 8, n. 14, Jun. 2011

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CABALLERO

Social Movements and the
Constitutional Court: Legal
Recognition of the Rights of Same-
Sex Couples in Colombia

DANIEL VÁZQUEZ AND
DOMITILLE DELAPLACE
Public Policies from a Human
Rights Perspective: A Developing
Field

J. PAUL MARTIN

Human Rights Education in
Communities Recovering from
Major Social Crisis: Lessons for
Haiti

THE RIGHTS OF PERSONS WITH DISABILITIES

LUIS FERNANDO ASTORGA
GATJENS

Analysis of Article 33 of the
UN Convention: The Critical
Importance of National
Implementation and Monitoring

LETÍCIA DE CAMPOS VELHO
MARTEL

Reasonable Accommodation: The
New Concept from an Inclusive
Constitutional Perspective

MARTA SCHAAF

Negotiating Sexuality in the
Convention on the Rights of Persons
with Disabilities

TOBIAS PIETER VAN REENEN
AND HELÉNE COMBRINCK

The UN Convention on the Rights of
Persons with Disabilities in Africa:
Progress after 5 Years

STELLA C. REICHER

Human Diversity and Asymmetries:
A Reinterpretation of the Social
Contract under the Capabilities
Approach

PETER LUCAS

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Films That Seeded the
Representation of Human Rights for
Persons with Disabilities

LUIS GALLEGOS CHIRIBOGA

Interview with Luis Gallegos
Chiriboga, President (2002-2005)
of the Ad Hoc Committee that Drew
Up the Convention on the Rights of
Persons with Disabilities

SUR 15, v. 8, n. 15, Dec. 2011

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

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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 16, v. 9, n. 16, Jun. 2012

PATRICIO GALELLA AND CARLOS ESPÓSITO

Extraordinary Renditions in the Fight Against Terrorism. Forced Disappearances?

BRIDGET CONLEY-ZILKIC

A Challenge to Those Working in the Field of Genocide Prevention and Response

MARTA RODRIGUEZ DE ASSIS MACHADO, JOSÉ RODRIGO RODRIGUEZ, FLAVIO MARQUES PROL, GABRIELA JUSTINO DA SILVA, MARINA ZANATA GANZAROLLI AND RENATA DO VALE ELIAS

Law Enforcement at Issue: Constitutionality of Maria da Penha Law in Brazilian Courts

SIMON M. WELDEHAIMANOT

The ACHPR in the Case of *Southern Cameroons*

ANDRÉ LUIZ SICILIANO

The Role of the Universalization of Human Rights and Migration in the Formation of a New Global Governance

CITIZEN SECURITY AND HUMAN RIGHTS

GINO COSTA

Citizen Security and Transnational Organized Crime in the Americas: Current Situation and Challenges in the Inter-American Arena

MANUEL TUFRÓ

Civic Participation, Democratic Security and Conflict Between Political Cultures. First Notes on an Experiment in the City of Buenos Aires

CELS

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PEDRO ABRAMOVAY

Drug policy and *The March of Folly*

Views on the Special Police Units for Neighborhood Pacification (UPPs) in Rio de Janeiro, Brazil

Rafael Dias — Global Justice Researcher

José Marcelo Zacchi — Research Associate, Institute for Studies on Labor and Society — IETS

SUR 17, v. 9, n. 17, Dec. 2012

DEVELOPMENT AND HUMAN RIGHTS

CÉSAR RODRÍGUEZ GARAVITO, JUANA KWEITEL AND LAURA TRAJBER WAISBICH

Development and Human Rights: Some Ideas on How to Restart the Debate

IRENE BIGLINO, CHRISTOPHE GOLAY AND IVONA TRUSCAN

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ANDREA SCETTINI

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SERGES ALAIN DJOYOU KAMGA AND SIYAMBONGA HELEBA

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INTERVIEW WITH SHELDON LEADER

Transnational Corporations and Human Rights

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Killing to Protect? Land Guards, State Subordination and Human Rights in Ghana

CRISTINA RĂDOI

The Ineffective Response of International Organisations Concerning the Militarization of Women's Lives

CARLA DANTAS

Right of Petition by Individuals within the Global Human Rights Protection System

SUR 18, v. 10, n. 18, Jun. 2013

INFORMATION AND HUMAN RIGHTS

SÉRGIO AMADEU DA SILVEIRA

Aaron Swartz and the Battles for Freedom of Knowledge

ALBERTO J. CERDA SILVA

Internet Freedom is not Enough: Towards an Internet Based on Human Rights

FERNANDA RIBEIRO ROSA

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LAURA PAUTASSI

Monitoring Access to Information from the Perspective of Human Rights Indicators

JO-MARIE BURT AND CASEY CAGLEY

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MARISA VIEGAS E SILVA

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JÉRÉMIE GILBERT

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PÉTALLA BRANDÃO TIMO

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DANIEL W. LIANG WANG AND

OCTAVIO LUIZ MOTTA FERRAZ

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OBONYE JONAS

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ANTONIO MOREIRA MAUÉS

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SUR 19, v. 10, n. 19, Dec. 2013

FOREIGN POLICY AND HUMAN RIGHTS

DAVID PETRASEK

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Human Rights Diplomacy in the 21st
Century

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DANILO MARCONDES DE SOUZA
NETO

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with Africa: What Role for Democracy
and Human Rights

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Rights Standards in the Wake of
the 2011 Reform of the Mexican
Constitution: Progress and Limitations

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Rights: Challenges to Compliance with
the Court's Decisions in Brazil

CONOR FOLEY

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Humanitarian Interventions

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Policy

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Emerging Countries: Insights Based on
the Work of an Organization from the
Global South

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DARUWALA (CHRI) AND SUSAN
WILDING (CIVICUS)

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Rights in the Political Economy

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of Human Rights through Legal
Clinics and their Relationships with
Social Movements: Achievements
and Challenges in the Case of
Conscientious Objection to Compulsory
Military Service in Colombia

ALEXANDRA LOPES DA COSTA

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on Criminal Persecution, Exposure
of Intimacy and Violation of Rights
in Brazil

ANA CRISTINA GONZÁLEZ VÉLEZ
AND VIVIANA BOHÓRQUEZ
MONSALVE

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Standards on Abortion to Advance
the Agenda of the Cairo Programme
of Action