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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 Hopgood 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 Emilio Álvarez Icaza). It also includes studies on the movement’s global trends (David Petrasek), 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 (Maria-Ileana Fagauqa 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.

Conectas Human Rights is especially grateful for the collaboration of the authors and support of Conectas’ team, in special Laura Daudén, João Brito and Laura Waissich. We would also like to extend our appreciation 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. Last, but not least, we are also immensely thankful for Luz González’s relentless work editing the contributions received, and for Ana Cernov for coordinating the overall editorial. Thanks to all!
Paulo Sérgio Pinheiro has already taken on numerous roles as a defender of human rights. As an activist against the military dictatorship, he founded the Teotônio Vilela Commission. As an academic, he created the Center for Studies on Violence (NEV) at the University of São Paulo (USP), from which he recently retired as a professor of political science. He has also lectured at the universities of Notre Dame, Brown and Columbia (United States), Oxford (United Kingdom) and the École des Hautes Études en Sciences Sociales (France). In the Brazilian government, Pinheiro served as Secretary of State for Human Rights during the presidency of Fernando Henrique Cardoso and was the rapporteur of the first National Human Rights Plan. More recently, he was a member of, and coordinated, the National Truth Commission. In the United Nations (UN), he has served as special rapporteur for Burundi (1995-1998) and Myanmar (2000-2008) and as the independent expert appointed by Kofi Annan to prepare a report on violence against children around the world, published in 2006. He has also designated and served as rapporteur on children’s rights at the Inter-American Commission of the Organization of American States (OAS). Since 2011 he has served as chairman of the Human Rights Council’s independent international commission of inquiry on Syria.

Perhaps on account of his vast experience in various different positions, examining such diverse situations, Pinheiro is disinclined to make generalizations and categorical predictions. He does not see anything new in the demonstrations that filled the streets of countries from the Middle East to South America, for example, nor does he consider them a threat to current political models. “This [model of protests, demonstrations] is an old model and in some ways necessary and inevitable, since the political system cannot resolve all the contradictions,” he said in an interview given to Conectas in March this year. “[But] it is not that political parties no longer have any meaning, or that parliaments no longer represent anything.” Neither is the language of law – or of rights – as a means of effecting social change under threat. As far as Pinheiro is concerned, the State is incontournable: “There is no escaping the necessary side of the State, the side that regulates conflicts and assures rights. And the law is an integral part of the negotiations. The solution to conflicts will always have to be something formalized by the State.”

Within the realm of the State and the law, he claims, there is no other language besides the language of human rights, which, “given the universal diversity, can set fundamental standards for human beings to live with dignity and respect”. According to Pinheiro, the importance of human rights lies in their capacity to place the victims of violations at the center. “[This language is centered] not on the discourse of the State, not on nationalism, not on the discourse of competing for power, for reputation or for prestige, but on knowing whether we are really being efficient [in the defense of the victims].”

Therefore, he considers the main goal of the human rights movement for the 21st century to be to ensure the monitoring and the real implementation of the norms already established in the international system. Read the full interview below.

***

Original in Portuguese. Translated by Barney Whiteoak.

Interview conducted in March 2014 by Maria Brant (Conectas Human Rights).

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This paper is available in digital format at <www.surjournal.org>.
“BESIDES HUMAN RIGHTS, I DON’T SEE A SOLUTION FOR SERVING THE VICTIMS”

Interview with Paulo Sérgio Pinheiro

Conectas Human Rights: How do you view the recent protests, mainly since the Arab Spring, such as the Occupy movement, the recent protests in Brazil etc.? Do you think they can be seen as a challenge to the role of the more traditional civil society organizations, including human rights organizations, as mediators between the demands of the population and governments? Do you think the protests pose a threat to the modus operandi and the representativeness of these organizations? What role is left for the human rights movement?

Paulo Sérgio Pinheiro: These demonstrations cannot be considered either in isolation or as any kind of new approach. Ever since the dawn of industrialization, there have been demonstrations, by machine workers and unionists or anarchists protesting against working conditions, and marches... This is an old model and in some ways necessary and inevitable, since the political system cannot resolve all the contradictions. The novelty today owes a great deal to what has occurred in communications since the end of the 20th century. Who would have thought that a telephone could also be a camera? Facebook and all these new social media also help with the organization. But the model is very old. It has been used in every revolution, if we consider those that occurred in Europe, from 1848 to May 1968.

It should be remembered, too, that in May of 1968, during almost an entire month of demonstrations in Paris, there was not a single death. Not one! And there were various different social classes marching and protesting—sometimes violently, too. So, this matter of police violence, the unpreparedness of the police in many countries—this is an ingredient specific to certain societies, such as ours, along with several northern countries.

Each type of demonstration has different elements. We can’t put everything in the same bag: the so-called Arab Spring has elements specific to the region, to the unusually long authoritarian systems that, at a certain moment, given the access that the world’s young people have today to news and social networks, lead them to start making new demands. But you can’t look at what happened in Libya and expect to understand Syria. One has very little to do with the other. Tunisia, for example, has decades of parliamentary experience. Historically, it is a
less repressive regime than Egypt or Libya, where a charismatic tyrant destroyed the army, destroyed the government and, to a certain extent, oversaw the running of the State. You can’t put Occupy Wall Street and Egypt’s street demonstrations in the same bag. It is absolutely essential, to understand the context, to take the specifics into account. Are there aspects in common? One common aspect is the use of new social media tools.

The question of representativeness is a red herring. Since the UN is an organization of States, civil society participates in a quite restricted manner—less so since the end of the 20th century, but still very limited. I don’t think these street demonstrations that we have seen since the Occupy movement, including the protests in Spain, the June protests in Brazil and those that are still taking place, are illegitimate because they are not channeled through civil society organizations. But there are several contradictory and supplementary roles: you have the people in the streets, you have the demonstration, you have the civil society organizations and you even have the party system. Just because there is a street demonstration doesn’t mean that the party system ceases to exist; even though the party system is often disconnected from the reality of these movements. It is not that political parties no longer have any meaning, or that parliaments no longer represent anything. Obviously there are many parliaments (such as the Brazil’s) that are disconnected from these new demands, but this does not mean that we need to shut down Congress and imagine another society in which the street protest movements run the government.

Conectas: There is an interesting criticism that claims that the language of rights, of international norms, depoliticizes grassroots social movements, taking everything along the path of litigation...

P.S.P.: I don’t believe in this depoliticization, because one of the dimensions of politics is confrontation, as well as debate and mobilization. There is a time for conflict, but at some point you need to move on to another stage. States are incontournables. There is no way of avoiding the necessary side of the State, the side that regulates conflicts and assures rights. And the law is an integral part of the negotiations. The solution to conflicts will always have to be something formalized [by the State]. For example, the Free Fare Movement — the Free Fare policy would have to be implemented by decree, in a response by government to what the movement is demanding, which is free public transport.

Besides human rights, I don’t see any other solution for serving the victims. In politics and civil society there are several fields of power, and in these fields there are different stages of the struggle, stages in terms of content and also stages in terms of the evolution of time.

But I believe that within the context of the United Nations, it is essential to work with grassroots organizations, like I did, for example, when I worked for the UN General Secretary with UNICEF for four years, when I prepared the world report on violence against children. We carried out nine regional consultations with the active participation of NGOs, and a consultative council of NGOs monitored the entire preparation of the report (their member even wrote a preface recognizing the participation of civil society).

Conectas: As rapporteur, how did you know what civil society organizations to talk to?
P.S.P.: As rapporteur, I had direct contact with the organizations. My staff discovered who to talk to. But my work with civil society never involved the authorization of the State. Not once did a State tell me who to go and see. Obviously in places like Burundi, for example, which was in civil war, there was an excellent Secretary of State for Human Rights who I spoke to. But there is a time for the State and a time for civil society. I never mixed things up.

Now, it is clear that in the UN, which is an organization of States, the mandates are created by the members of the Human Rights Council. This is a fact of life. I submit to this because I don’t think there is any other alternative organization for furthering these agendas. Perhaps these are my own contradictions, because I also consider dealing with States to be a challenge—I think the State is fascinating. I like being able to say things, make demands and complain to rulers in a manner I wouldn’t be able to under any other circumstances. But first you need to believe [in what you are doing], then not get overwhelmed by yourself, and not forget who matters most: the victims. The victims, you must never forget them. They should always be on your radar, even when you are at a dinner ceremony with rulers.

Conectas: In terms of agendas, the agenda of human rights organizations was, until recently, highly geared towards standard setting. There are still some matters that need new standards, that need streamlining, but lots of organizations now think that standards have already been set for most human rights agendas and that it’s now time to find ways to implement these standards...

P.S.P.: I couldn’t agree more. Ever since the Universal Declaration, the progress has been impressive in terms of the specialization of human rights agendas. But it’s not time to say, “That’s enough! No more conventions”. I don’t subscribe to that position. I share the opinion that we shouldn’t meddle with what we already have. I am opposed to revising any of the conventions, because making changes to a convention means all the States will have to vote again. There was a time when the UN was considering an overhaul of the treaty bodies and the creation of one single treaty body for all the conventions. I always thought this was delusional, and fortunately the idea went nowhere. Even the latest conventions, on people with disabilities and immigrants, have treaty bodies. The Convention against Torture is another outstanding example and it has excellent national mechanisms that are being implemented all over the world. Fortunately, nobody wants to revise the Convention on the Rights of the Child. But we can’t say: “That’s enough”. In 1948, we could never have predicted... Even myself, when I started working in this field in the 1960s, I could never have predicted that we would have such well-defined international standards. This is done one step at a time. Other claims will appear. LGBT rights, for example, are not included in any convention. International treaties can be used, but... Who knows? Perhaps one day they will be.

I also completely agree that what’s missing is monitoring. The democratic States haven’t made full use of the potential of the standards established by the United Nations and its mechanisms. Brazil and Mexico, for example, are part of a group of dozens of countries that most frequently receive special rapporteurs. They have what we call a standing invitation. This special procedures mechanism—about which I may be biased, because for many years I was special rapporteur for various countries and causes—is, within the United Nations, one of the most decisive mechanisms to help civil societies conduct monitoring. Not only does it monitor
those countries that ratified the conventions, but it also interacts with civil society. For example, Catarina de Albuquerque, from Portugal, who is one of the best special rapporteurs on the right to water, and the Brazilian Raquel Rolnik, rapporteur on the right to housing—everywhere they go they work directly with civil society. It is also a way of reinforcing the role of civil society in the dialogue with States.

In other words, we have made enormous progress in standard setting, but this doesn’t mean that there’s nothing more to be done. And the United Nations’ own mechanism for monitoring human rights has evolved, both in the sphere of States and in the sphere of the international community, but there are still limitations that need to be addressed. I think that this is the agenda for the 21st century: implementation and monitoring.

Conectas: One pressing question for Conectas is how organizations from the South can influence the human rights agenda, particularly in multilateral forums. In your time at the UN, do you have an example of an organization, some specific strategy that you’ve seen work?

P.S.P.: There is a problem, because the big international organizations are in the North, and many of them operate out of New York or Geneva or other European capitals. The system of special thematic rapporteurs has established a certain link with the South, because they too take care of the countries of the North and they have taken advantage of the rise of these civil society organizations in the South.

In terms of specific agendas, I don’t believe there to be a problem, although I don’t know all that well but on the environment and health I know there is a permanent dialogue with spokespeople from the State. But when a mandate’s agenda is very broad and unspecific, it’s harder to act. But the problem with civil society organizations’ work in the South, frequently, is one of access to resources.

In the more specific case of Central and South America and the Caribbean, what’s needed the most is more coordination in the South. Recently there has been a trend I see as positive: the formation of conglomerates or platforms of different entities working on the same theme, such as the rights of the child or foreign policy. There are some successful examples; Indian NGOs have been extremely successful in the international community. And there are some States in the South—Senegal, for example—that practice a very strong activism, and that are perhaps even more present, internationally, than Brazil.

Conectas: Based on all your experience, do you think that human rights is still an effective language for producing social change?

P.S.P.: Since I’ve been involved in this for 30 years, I wouldn’t want to shoot myself in the foot. I do believe that there is no other language, no other set of principles that allow, given our universal diversity, the respect for a few fundamental standards for human beings to live with dignity and respect. Until now, no other reference has been found. Human rights are still the guiding force for the 21st century, precisely because the agendas have become so well defined, so universalized. Nobody spouts that nonsense anymore about human rights being imposed by the imperialism of the North, and civil societies have helped universalize human rights, since they confront their concrete realities and require the use of human rights as a reference.

There are various discussions about reports and rapporteurs; they say that
nobody reads these reports. That doesn’t matter. What matters is that, for the victims, they are important. In my experience at least—and I’ve written dozens of reports—the victims appreciate the work of the special rapporteur, the work of the commissions of inquiry. For me, the activity of human rights is concentrated on the victims.

If I could cite a pedantic quote... There is a story about Mahatma Gandhi in which a colleague approaches him, very anxious and upset, and says, “I don’t know if what I’m doing is right, if I’m on the right path.” And Mahatma replies, “Whenever you’re in doubt, apply the following test: recall the face of the neediest people you’ve ever seen, and ask yourself if the step you are taking will have some use for them. Will this decision contribute to restoring their control over their life and destiny? Will they get something out of this? Your doubts will then disappear.”

The fantastic thing about human rights is that the victims of violations are at the center. It is not the discourse of the State, not nationalism, not the discourse of competing for power, for reputation or for prestige, but knowing whether we are in fact being efficient for the victims. Hence the importance not only of international standards, but of monitoring their implementation. We must serve the best interests of the victims. This is the term that is used in the Convention on the Rights of the Child: the best interests of children. I would say the question is: are we serving the best interests of the victims? There is no better way of meeting these needs than through the language, the principles and the doctrine of human rights, in other words through the reference of international human rights treaties and conventions.
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