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**Image from one of the records of “Minimum Monument”, by Nélio
Azevedo, which is part of the artistic pieces section of this issue.**

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LETTER TO THE READERS

MARYURI MORA GRISALES

Executive editor of *Sur* | *International Journal on Human Rights*

POSSIBLE FUTURES: IS THERE A “NEW NORMAL”?

While we were preparing this issue of *Sur* and trying to answer questions about the possible futures for the human rights movement in the midst of a global political, economic and health crisis, we came across important discussions that challenged, or at least caused tension in, some of the categories included in our call for papers: power, misinformation and “post-pandemic” are but a few examples. In our dialogue with the authors of this issue, our original questions took on other meanings, and the conclusions we reached were not always the ones we had imagined in the beginning. In any case, *Sur* continues to embrace the enormous challenge of weaving together diverse threads of interpretation, engaging several voices in dialogue and giving visibility to different views on work as radical and complex as the defence and promotion of human rights in the Global South is.

To answer questions about the future, a critical analysis of the present and an understanding of the past as something that is always open to interpretation are required. The quest to comprehend the intricacies of power, its current reconfiguration and the many ways to fight for it is at the core of the current debate about technologies, misinformation and democracy. This scenario – when added to a context of growing inequality, aggravated by the impacts of the ongoing pandemic – shapes the reality in which people, movements and organizations (the broad spectrum of civil society) live and develop their work and that they aim to change.

As we conclude this issue, we believe we have brought together an important and diverse group of academic experts, international organizations and civil society actors, who all made valuable

contributions to the debate about the reconfiguration of global power, the role of technology and disinformation in democratic processes and, finally, on the structural challenges that this situation poses for human rights organizations.

The Covid-19 pandemic ushered in a new scenario for the international human rights field. While on one hand, we watched some world powers use their impressive capacity to manage the health crisis, on the other, the pandemic made the asymmetry of global power and the intricate relationship between public health and geopolitics even more evident. Moreover, in early 2022, the outbreak of the war between Russia and the Ukraine brought to the surface the forces driving the reconfiguration of global power now underway. A disorderly multipolarity is emerging as a broader battlefield in which players of growing importance compete for hegemony.

Analysing and understanding the paths of global power is not, however, a simple task. To respond to this first question about the many faces in this reconfiguration of power, in an interview for this issue, **Sonia Corrêa (Brazil)** focuses her analysis on the connections, plots and key actors of the ultra-conservative transnational movement, whose strength and influence come precisely from the economic, political and religious power that they aim to preserve. The complex plots of this movement have become entangled in the recent history of Brazil, pointing to the rise of a disturbing epistemological dispute in the fields of human rights. **Ronilso Pacheco (Brazil/US)**, for his part, not only proposes a reflection on the power of the far-right and the challenges of confronting it, but also draws attention to the urgent need for progressive groups to understand and dialogue with another type of power – one that circulates at the grassroots level and that also competes to redefine (albeit asymmetrically) the narrative on human rights and democracy.

NEW CONFIGURATIONS OF GLOBAL POWER

In his analysis of the political debate about the grammar of human rights, **Raphael Viana David (Brazil/Switzerland)** examines in detail the growing role that China has been playing in the United Nations Human Rights Council, where it defends its own approach to the field of human rights. As a global power and inevitable interlocutor in multilateral forums, China has had a strong influence on countries of the Global South.

In an article on Brazilian foreign policy, **Déborah Silva do Monte** and **Matheus de Carvalho Hernandez (Brazil)** argue that the major changes in the country's foreign policy during the Jair Bolsonaro administration were the result of the reshaping of the policy to please the former president's conservative, Christian voter base, which was predominantly evangelical.

TECHNOLOGY, DISINFORMATION AND DEMOCRATIC PROCESSES

The information war is, beyond a doubt, a defining issue of our times. Aggressive fake news campaigns contributed tremendously to the dissemination of misleading campaigns on the Covid-19 pandemic and to the low vaccination rates in many countries. Furthermore, electoral agendas around the world have been strongly influenced by the questionable use of social media and digital platforms. Information manipulation occurs at different levels and has become an urgent matter on the democratic human rights agenda.

Contrary to the predictions that the Internet would transcend national borders, weaken authoritarian governments and strengthen communities, which were the promises of the expansion of access to the masses, the world wide web reinforces the importance of old, all-too-familiar elements, such as power, law and the logic of business.¹

The digitalization of politics in recent decades has fuelled the propagation of hate speech, which triggers important debates

about the state's responsibility in the regulation and punishment of this kind of speech. **Victor Abramovich (Argentina)** examines the legal dilemma between the constitutional principles of equality and non-discrimination and the legal principles that protect freedom of expression in relation to the state's response to hate speech. In his paper, the author identifies prevention and reparation guidelines to fight speech that reaffirms social stigmas and is a threat to human dignity and democracy. Along the same lines, but more focused on online hate speech, **Natalie Alkiviadou (Cyprus/Denmark)** discusses the problems resulting from digital platforms' use of artificial intelligence (IA) to combat hate speech on the Internet. Although automated mechanisms can assist human moderation, they should be used with caution to remove hate speech from the Internet, since they can lead to wrong decisions and even rights violations.

The role of the Internet and digital platforms in democratic processes cause concern about content (who produces and controls it) and access because of rights violations stemming from surveillance, which the digital era has intensified, and also because of disinformation, including the risk involved in the proliferation of false information on the Internet. In an interview with *Sur*, **Otto Saki (Zimbabwe/US)** describes a scenario dominated by new technologies, social media platforms and companies that have become very powerful actors on the global scene. Fighting the harmful effects of disinformation necessarily involves human rights screening, which these companies do not do, since they are driven by the interests of capital and the market. Despite this, Saki argues that the international human rights paradigm and structure are still the viable, ethical route for pursuing solutions and dialogue among stakeholders interested in combatting disinformation, including states, the private sector and civil society.

It is important to remember that unlike a simple piece of information based on error or ignorance, one of the characteristics

of disinformation is that it is intentional – that is, it is a malicious attempt to mislead people.² The dissemination of false information has been used in many electoral contexts with the goal of influencing people to produce a specific outcome. **Nina dos Santos (Brazil)** describes the main aspects of the fierce information battle waged during the 2022 elections in Brazil. She discusses the challenges that the fight against disinformation and the search for a healthy digital environment pose for digital platforms, public authorities and civil society in the electoral context and beyond.

ART

The curator of the artwork section of this issue of *Sur* was **Bruno Oliveira (Brazil)**. In a powerful piece on the dispute and ruins of monuments, Bruno discusses representation, coloniality and the collective reconstruction of meanings and historical memory. This discussion unfolds in a dialogue with two artistic interventions. The first consists of small, fragile ice statues carefully arranged and photographed as they melt in the sun. The second is a public act of collectively washing national flags as a ritual of symbolic cleansing and a call for democracy. The photographic record of these two interventions is part of *Sur's* gallery of images entitled “Rebuilding symbols, reinventing monuments”. The “Minimum Monument” by artist **Néle Azevedo (Brazil)** and the “Washing the Flag” performance by **Colectivo Sociedad Civil (Peru)**, contest, each in their own way and context, the hegemonic meaning of patriotic monuments and symbols, while giving them new meaning through artistic-political exercises of reconstruction and imagination. The cover and the artwork for this issue of *Sur* were inspired by the photographic record of the Minimum Monument.

In a brief interview with *Sur*, visual artist and political activist **Claudia Coca (Peru)**, who was a member of Colectivo Sociedade Civil at the time of the “Washing the Flag” performance in the 2000s, shares her view on the convergences between the political context that motivated the public intervention of washing the national flag and the current major political crisis that the country is going through.

STRUCTURAL CHALLENGES FOR NGOs

Human rights organizations around the world face challenges related to the changes and uncertainties brought by the Covid-19 pandemic and its long-term impacts. These impacts led the organizations to review their internal crisis response strategies and generated pressure to give greater attention to institutional and inter-institutional processes and protocols of well-being and cooperation.

Akwe Amosu (Nigeria/England) presents conclusions from the exchange between global leaders of human rights activism and advocacy participating in the “Symposium on Strength and Solidarity for Human Rights”. The symposium’s main goal is to discuss elements that strengthen or weaken their organizations so as to fortify and promote solidarity in the field. According to Amosu, three areas require more attention: board governance, executive leadership transitions and internal organizational culture. **Muriel Asseraf (France/Brazil)** shares the main challenges that Conectas Human Rights faced in its process of self-reflection, learning and institutional capacity-building. This internal exercise led to, for example, the implementation of measures to ensure greater safety and the well-being of team members in a context of extreme anguish and uncertainty exacerbated by the pandemic. Secure funding, working with partners and paying more attention to organizational health are keys for building institutional strengthening and capacity. Along the same lines, in an interview with *Sur*, **Carlos Quesada (Costa Rica/EUA)** argues for the need to strengthen the human rights movement by going beyond the compartmentalization of rights. Quesada affirms that recognizing and learning from peers is an important step for addressing collectively and in a coordinated manner one of the main problems that organizations in the region face: sustainability and access to resources. Thus, strategies and opportunities can also be thought out and taken up collectively.

This edition of *Sur* also includes the profile of two women who dedicate their lives to advocating for better conditions for women

and activists of the Global South. Two very unique struggles that also require international solidarity. The story of **Miluska Luzquiños (Peru)**, lawyer and activist fighting for the rights of trans women, reflects the hard work that some organizations had to do to survive the pandemic and the different impacts that especially affected the trans population. Miluska, as she is more commonly known, is the leader of the gender identity bill that has been before the Peruvian Congress since 2016. This draft bill seeks to depathologize transsexualism and ensure that people can change their name on official documents free of charge, among other things. The spotlight then turns to **Firuzeh Mahmoudi (US/Iran)**, founder of United for Iran, an organization that provides technological tools for building a freer and more democratic society and involves Iranian activists all over the world. In her profile, Firuzeh highlights the important role that the organized Iranian women’s movement played in the massive demonstrations held following the death of Mahsa Amnini in September 2022. She advocates for the necessary (and desired) transition from a theocratic government to a secular state.

Finally, we end our dossier with two interviews. **Tania Reneaum Panszi (Mexico)**, the Executive Secretary of the Inter-American Commission on Human Rights (IACHR), describes priorities on her agenda, such as the institutional strengthening of the Commission, the implementation of strategic plans for the advancement of human rights in the region – while reaffirming the states’ responsibility to fulfil their international obligations to guarantee human rights – and her duty to provide an evolving interpretation of such obligations. We then consciously decided to finalize this issue with the interview that *Sur* had the honour of conducting with artist and educator **Walidah Imarisha (US)**, as part of the exercise of recognizing the power of bringing art and human rights closer. She explains the importance of “science and visionary fiction” – something that may at first seem to have no relation whatsoever to the fight for rights – to political organizing and the work of social justice movements. This raises a simple question: how do we build

more just and collective ways of reorganizing the world without using our imagination? How will we work towards a concrete reality that we cannot even conceive in our heads? The world that we want does not exist. It has to be built collectively, and this is what visionary or radical science fiction is for. It is something that can help us dream better about more just futures and turn them into reality. In Imarisha's wise words, "[...] it is only through imagining the so-called impossible that we can begin to concretely build it".³

...

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We would like to begin with special thanks to **Juana Kweitel**, who was the Executive Director of Conectas up until December 2022. Not only for her active participation in the preparation of this issue, the definition of the topics and even the title, but mainly for her constant commitment to the content and the names that appear in the issues of *Sur*. And especially her critical view and her confidence in the journal's potential and ability to achieve its goal of being an important space for the convergence of voices, experiences and practices in the area of human rights and to influence the international human rights agenda, especially in the Global South. Muchas gracias, Juana!

I would like to thank the editorial team, and Renato Barreto and Gabrielle Martins da Silva in particular, for their dedication and carefulness with the many processes that make this publication possible. I also thank the Strengthening Democratic Space Programme for their collaboration with contacts, proofreading, rich dialogues and support in the elaboration of this issue. We

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NOTES

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Possible futures:
is there a “new normal”?

NEW CONFIGURATIONS OF GLOBAL POWER



- conversation -

**“WE MUST UNDERSTAND THE HISTORICAL SPAN
AND LONGEVITY OF CONSERVATIVE MOVEMENTS”**

Interview with Sonia Corrêa

- article -

**CHINA’S GROWING INFLUENCE
AT THE UN HUMAN RIGHTS COUNCIL**

Raphael Viana David

- essay -

THE RECONFIGURATION OF POWER

Ronilso Pacheco

- article -

“TERRIBLY CHRISTIAN”

Déborah Silva do Monte

and Matheus de Carvalho Hernandez

“WE MUST UNDERSTAND THE HISTORICAL SPAN AND LONGEVITY OF CONSERVATIVE MOVEMENTS”

• *Interview with Sonia Corrêa* •

By *Sur Journal*

The following piece is the result of an interview that Sonia Corrêa¹ kindly granted to Sur Journal in early December 2022. Amidst a full agenda of research work and national and international advocacy on human rights in the field of gender and sexuality policies and with the precision and depth of analysis that she is known for, Sonia spoke with us for two hours (via Zoom) about the ultraconservative plots that have led to the current situation in Brazil and in the world.

She outlined in detail the logical, but not always obvious, chain of global linkages involving governments, religious and secular movements, economic and media sectors in a complex network of political connections that lead to a ferocious far-right. Despite the longevity of this far right, it has made important innovations to not only its mobilization strategy, but also, and more worryingly, another kind of dispute in the field of human rights – one that is epistemological, hermeneutical, and grammatical in nature.

One of the key elements in the historical-political process of the reconfiguration of the transnational conservative movement presented by Sonia Corrêa is the nodal point occupied by Latin America, particularly Brazil, where some key figures of Jair Bolsonaro's government played a leading role in the construction and strengthening of these long-standing international connections.

Sur Journal • How do you explain the scale and the strength of the international conservative movement?

Sonia Corrêa • Here is a first obvious answer: the power and the strength of ultra-right-wing formations and religious ultraconservatism comes from the power of the players involved. We are dealing with forces that are "naturally powerful" – whether we look at the economic elites in these formations (major corporations, for instance) or religious groups, starting with the Catholic Church, which has been, and continues to be, a powerful institution for millennia, and the evangelical religious forces. Of course, evangelical Christianity is much more dispersed and much more heterogeneous, with both large or small churches, but involves very powerful forces, especially in the United States, but also in Brazil. Evangelical sectors have a lot of media power.

Thus, the explanation for the strength of the conservative movement lies in its own power. A power that it wants to preserve either through politics or by resorting to moral politics and imposing rules of conduct. It partially derives its scale from the original power of the forces driving this movement, but there is another element to consider – its historic origins, which is to say, its longevity. The dynamics of ultra-conservative and ultra-right-wing mobilizations are so intense right now that analyses of this phenomenon often lose sight of this dimension.

In Latin America in general, and in Brazil in particular, the narratives that often prevail are those that emphasize the sudden appearance or the surprising surge of far-right forces that we thought had been buried in the past or eradicated by the re-democratization process. In the case of the Southern Cone, the democratization process was highly intense, since it meant the end of military dictatorships. These dictatorships shared ideologies that are not exactly the same, but do have common features with the discourse and the agendas of conservative forces of today. Éric Fassin described Brazil as a laboratory in which fascism, ultra-neoliberalism, racism, and anti-gender ideology have become intermingled.² However, he also points to a previous laboratory, Chile, since neoliberal thought was tested in [Augusto] Pinochet's Chile before being applied to the United States and England during the [Ronald] Reagan and [Margaret] Thatcher administrations, respectively. And the Chilean dictatorship had a very intimate connection with Catholic ultra-conservatism, which was very powerful, even though members of the Church denounced human rights violations. Pinochet's Supreme Court abolished the therapeutic abortion law, designed to save women's lives, shortly before the transition to democracy. In the context of later agreements, Concertación made a pact with the Church not to change this legal definition. This pact was only breached in 2016, when [Michelle] Bachelet proposed a reform in Congress that would allow abortions in cases of rape, risk to life, and fetal anomalies.

It is important to highlight these historic processes because, in Latin America, we went through a kind of democratic vertigo, as Rita Segato explains. We were led to think that these reactionary, ultraconservative forces had retreated to their shadowy dens and stayed there because

democratization had tamed them. This is not so. As [Michel] Foucault wrote a long time ago, the totalitarian temptation always haunts liberal democracies. This “democratic vertigo” that we experienced between the 1980s and the 2010s prevented us from noticing that while we were returning to democracy, reactionary and ultraconservative forces, both in the secular and in the religious realms (Catholic and evangelical), were undergoing a rapid reconfiguration and reorganization process in Europe and the United States, especially in the United States.

This reconfiguration process took place in Europe on a more intellectual level. Until recently, there had not been such an overtly political movement as the one in the United States,³ where it has always been political. It started there in the 1970s as Republican Party leaders’ strategy to regain credibility and political power in the middle of a crisis: Watergate, [Richard] Nixon’s resignation, and the impacts of the Vietnam War. This strategy was based on the need to react to secularization and excessive liberalism of the United States society. It gave rise to the Moral Majority Movement, directed and coordinated by pastor Jerry Falwell, which brought together media-savvy pastors, social and ecclesiastic ultra-Catholic players, as well as powerful secular sectors, CEOs, and think tanks such as the Heritage Foundation and the International Policy Forum. This was an ultraconservative movement, but a decidedly ecumenic one. It is not surprising that the Supreme Court ruling on the *Roe v. Wade* case of 1973, which established women’s constitutional right to abortion based on the principle of privacy, became one of the first targets of this movement. The Catholic Church has opposed abortion since the 19th century, but it was only in the 1970s that Protestant and Evangelical denominations aligned with this stance.⁴

The 1973 decision was overturned on June 24, 2022, in the judgment of the case of *Dobbs [v. Jackson Women’s Health Organization]*, which made abortion practically illegal in many states of the US. This dramatic setback was the result of these ultraconservative (and increasingly organized) forces’ nearly 50-year investment in restricting the sexual and reproductive autonomy of women and people who gestate. This is the most compelling example I can give of the longevity of this reorganization process and its harmful effects.⁵

From static reaction to “conservative revolution”

The process that led to the overturning of *Roe v. Wade* also illustrates the dynamic that European authors have referred to as the *Gramscian turn of the right*.⁶ This right ceases to be static and reactionary and defends the current order and institutions to become an engine of political mobilization that begins disputing values, political concepts, and common sense on many issues, starting with those on gender and sexuality. A right that starts to challenge feminism and the emerging LGBTQIA+ movement on new perspectives of desire and sexual identity, the right to abortion, and forms of family. In the United States, these disputes later spread to anti-racist struggles, environmental issues, and the defense of migrant persons.

These “threats” were then listed under the proscribed category of “cultural Marxism” that began to circulate intensely after the implosion of socialist regimes in Russia and Eastern

Europe, which left the far right in the United States and elsewhere in the world without a main enemy. The circulation of these ideas was undoubtedly facilitated by the digitalization of politics. However, the most important aspect of this so-called *Gramscian turn of the right* was the relativization of vertical and geopolitical strategies in favor of fierce battles for hearts and minds in order to remove and neutralize “internal enemies” from the political and social order, or even, according to some authors, from Western civilization.

Another strategy of the far right was to densify and diversify the occupation of official political spaces. In the United States, this “new old right” reorganized itself in an absolutely systematic manner,⁷ adopting persistent strategies to occupy the judiciary branch. It managed to appoint judges to the regional circuits of US federal courts and influence the Republican administrations of Reagan, [George] Bush, [George] Bush Jr. and [Donald] Trump. It also radically altered the composition of the Supreme Court – a change that explains the 2022 Dobbs decision. It also invested heavily in conservative academic work, particularly in the legal field.⁸

Transnational conservative alliances

In the 1970s, the United States was a testing ground for the reorganization of ultraconservative forces. However, players on the US scene were surely communicating with European ultraconservatives, particularly in the United Kingdom under Margaret Thatcher (between 1979 and 1990). In a classic 1980s text about the Thatcher era, Stuart Hall described the events in England as a “conservative revolution”.⁹

There were certainly other ties with Europe as well, especially through ultra-Catholic channels, which were always strongly based in Italy, France, and Germany. However, ideas also flowed through the Vatican’s own circuits.¹⁰ In 1985, [Joseph Aloisius] Ratzinger expressed strong concern with feminist theories on sexuality, claiming that they potentially threatened the very concept of humanity.¹¹ It should be mentioned, though, that the secular ultraconservative movement also started reorganizing in Europe in the 1970s, orbiting mainly around the Research and Study Group on European Civilization (Groupement de Recherche et d’Études pour la Civilisation Européenne, GRECE), coordinated by Alain de Benoist, whose work undoubtedly made it to the US and other places.

It is important to note that Brazil and Latin America were also on the map of this reorganization process. Here are some examples: in his book *Moral majorities across the Americas: Brazil, the United States, and the creation of the religious right*, Benjamin Cowan examines the relations between Paul Weyrich and Plinio Corrêa de Oliveira, founder of the Brazilian Society of Defense of Tradition, Family and Property (TFP, Sociedade Brasileira de Defesa da Tradição, Família e Propriedade). Weyrich¹² was the founder of The Heritage Foundation, one of the conservative US think tanks created in the 1970s, and the Conservative Political Action Conference (CPAC). The latter is better known in Brazil due to the three meetings it held in the country during the Bolsonaro administration.

Weyrich also founded and headed the International Policy Forum that was highly active on the transnational level, including in Brazil, which he visited several times. He became a close friend of Plínio Corrêa de Oliveira and even helped disseminate *Revolution and Counter-revolution*, which is considered Plínio's masterpiece in the United States. Weyrich also had a solid partnership with William Lind, who would later be known as the inventor of "cultural Marxism", even though he merely compiled and promoted ideas invented by others.¹³ To shed more light on these past events with the lights of the present: Ordo Iuris, the Polish institute dedicated to the elaboration of conservative legal-political texts, was created by the European "Tradition, Family and Property", a branch of the old Brazilian TFP (and not the other way around). It is managed by Brazilians who live in Europe and have connections with Instituto Plínio Corrêa de Oliveira (IPCO).¹⁴

Another character in this plot is Alejandro Chafuen from Argentina, who has lived for a long time in the United States and is younger than Plínio and Weyrich. He ran the Atlas Network (Atlas Economic Research Foundation), which also promoted the so-called moral conservative agenda in conjunction with the defense of ultra-neoliberal policy. Atlas has been and continues to be highly active and influential in Spanish-speaking countries.¹⁵

Another very significant contribution to this scheme is the book *Women of the Right*, of 2012.¹⁶ In the chapter "Transnational Connections Among Right-Wing Women: Brazil, Chile, and the United States," Margaret Power analyzes the visit to the United States in October and November 1964 of Brazilian women who had organized the Marches of Family with God for Liberty (Marchas da Família com Deus pela Liberdade) against the João Goulart administration.

During this trip sponsored by the State Department, these women shared their successful political experience with women activists and leaders in the ultraconservative camp, including Phyllis Schaeffler, widely known as the most anti-feminist and anti-communist voice of her time.

This brief overview confirms that Cowan¹⁷ was right when he said that Brazilian ultra-Catholic thought and other connections with Latin America should be taken into account in the gestation and maturation of the "conservative Christian revolution" in the United States; phantasmagorias and political methods that haunt us today and started to germinate a long time ago.

New factors in the current scenario worth considering are, for one, *globalization* and *the digitalization of politics* after 1990, which intensified these transnational exchanges and geometrically multiplied their webs of connections. Although this new reality in the communications field has been positive for progressive civil society worldwide, it has also been crucial for the ultraconservative forces that now pilot the juggernaut of information and digital wars. Moreover, as I have already mentioned, the *abandonment of the static position* in defense of the current order to engage in the dispute over common sense and

concepts – the *Gramscian turn* – has led the far right to become, as described by Pablo Stefanoni, una *derecha callejera*,¹⁸ or one that takes to the streets.

The "phantom of gender"

It is very significant that "the gender problem" appeared precisely during the transition to globalization and the intensification of communication within the Vatican and in the United Nations – in other words, a transnational arena *par excellence*. Until recently, we had not properly grasped the meaning of this coincidence. We interpreted the Vatican's strong reaction to gender in 1995, in the passage from Cairo to Beijing, as an episode that was "genetically" connected to Catholicism's ultraconservative reaction to the gains and epistemic changes in the area of women's rights, sexuality, and reproduction.¹⁹ This was clearly the case, but this inaugural moment of anti-gender politics should be read as a singular and very important chapter in the reconfiguration of ultraconservatism and the far right.

As I note in the article "A política do gênero" (The politics of gender),²⁰ the Vatican did not show the same fury on gender in Beijing as it had in New York six months earlier, but this fury would be rekindled in the Beijing+5 processes (1999-2000). Between the two events, systematic intellectual work was initiated in order to consolidate the accusatory tone of "gender ideology".²¹ This language was first used in the ultraconservative world in an interview with Ratzinger published in 1997.²² Monsignor Michel Schooyans then took it up again in the book *L'Évangile face au désordre mondial* (The Gospel Confronting World Disorder), published that same year²³ and, soon after, in a 1998 document written by Peruvian bishops.²⁴ Even though Dale O'Leary does not use the term in his book *The Gender Agenda* (1997), the substantive content is the same. These three seminal publications associate gender, or "gender ideology", with Marxism.

The next step was the incorporation of this language by the Vatican, where theological reference documents would later be written about the "gender threat". The most important ones are *Lexicon – Pontifical Council for the Family* (2003) and the Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and in the World (2004).²⁵ One year after this letter, Ratzinger became Pope and in the papal homily for Christmas in 2008, he established, for the first time, a connection between the "effects of gender ideology" and the destruction of "the ecology of man".²⁶ He then reiterated this view at the UN General Assembly of 2009, where he associated gender with the destruction of forests.

In 2013, broad social mobilizations erupted in Europe and Latin America that constituted a kind of "the people against gender" scenario. In Europe, the icon of this new era was the organization La Manif Pour Tous²⁷ in Paris, which launched the "girls wear pink and boys wear blue" aesthetic norm in the world. That same year, two bastions of anti-gender politics were also created: the Citizen Go digital platform in Spain and the Ordo Iuris institute in Poland.

In Latin America, the offensives were sectoral at first. In 2013, there were attacks on “gender” and “ideology” in the Brazilian National Education Plan (PNE, Plano Nacional de Educação), like ones that had happened in Paraguay the year before. Also, a resolution on sexual orientation, gender identity, and human rights was the subject of heated debate at the General Assembly of the Organization of American States. Although these attacks in the field of education were not immediately visible, they would have catastrophic effects on educational policy and the school environment.²⁸

That was when these mobilizations multiplied in the region, varying in intensity depending on the context. Here, I would like to highlight three characteristics or aspects. Although anti-gender offensives targeted issues that conservative groups had always opposed, they should not be interpreted as “more of the same”. This is because, among other reasons, *they are no longer exclusively or predominantly religious* or cannot be explained as mere backlash or “effects of fundamentalisms”; they are attacks by heterogeneous, intersectional groups. As I have said, these hydras have many heads that move in several directions and drink from contradictory ideological sources, which makes them more difficult to understand.²⁹

Furthermore, in Latin America, *there is a very solid connection between gender and Marxism*. Here, while the specter of “gender” triggers moral panic in relation to sexual disorders (particularly pedophilia), the phantom of Marxism stirs up deep layers of anticommunist sentiment and the rejection of egalitarianism, which we thought had been suppressed. Finally, *these cyclones have clung to high-intensity electoral dynamics to create the perfect storm to bring the far right to power*. Brazil is the most emblematic and dramatic example of this because it introduced gender ideology into state policy.³⁰

I have just described an “ideal type” of Gramscian style anti-gender politics: broad, heterogeneous social mobilizations against “gender” or “gender ideology” that are often connected to political and electoral dynamics. However, things do not always happen like that, not even in Latin America. In Paraguay and Guatemala, conservative governments that did not rely on anti-gender mobilizations to get elected absorbed and legitimized their positions and converted them into public policy.

There were no anti-gender mobilizations like the ones that elected Trump in 2016 either (although there was a high degree of misogyny, racism, and LGBTQIA+phobia). Even so, attacks against “gender” in the form of restrictions on the rights of trans people quickly appeared and, since then, have escalated rapidly. When Putin came to power in 2003, the anti-gender offensives of today were still being gestated. A few years later, in an alliance with the head of the Orthodox Church, Putin adopted openly homophobic discourses and policies, later becoming an energetic global spokesperson for anti-gender ideology and, according to many studies, a financier of wars against gender in Europe.³¹

It is very important to understand these differences and nuances. Anti-gender politics can be found in the Americas, Europe, the post-Soviet world, Africa, Asia (Taiwan

and, perhaps, Korea), and Oceania (Australia and, apparently, New Zealand), but they are not the same everywhere.

Sur • Coming back to Brazil, what is the country's place in the map of this reconfiguration?

S.C. • Lengthy processes in our political history explain the inertial ultraconservatism of society that has been roused by the attacks in the last decade. But before uncovering these old tracks, one must say that in Brazil and Latin America in general, the wars against gender were favored by the intersection of three long-term systemic trends.

The first is the *re-democratization* process that marked the region's landscape over the last four decades, especially the shortcomings of the democratic regimes that emerged from it: namely, the vestiges of social and institutional authoritarianism and the persistence of violence related to the economy of drug trafficking and the war on drugs (particularly important in Brazil). The second was the *continual penetration of neoliberal thought* inaugurated by Pinochet in Chile and its multiple impacts: social inequality and precariousness, erosion of the political sphere, and the reconfiguration of subjectivities. Finally, one must consider the *growing politicization of religious ultraconservatism*. The Vatican's return to orthodoxy had strong impacts on progressive Catholic groups and consolidated the orthodox infrastructure that supports the offensives of today. However, since the 1980s, we have also witnessed the rapid expansion of Christian fundamentalism, which ended up dragging other denominations into dogmatism. Furthermore, it is well-known that the theology of prosperity deployed by some evangelical groups fueled the neoliberalization of social life.³²

When we go back in history, in the 1930s, Brazil was home to a broad fascist movement with plenty of transnational ties, such as the Brazilian Integralist Action (AIB, *Ação Integralista Brasileira*).³³ In spite of its extreme nationalism, the Integralist movement had connections with Europe, where it had strong ties with Salazarism and the fascists in Italy and many other countries.³⁴ Integralism was a "clerical" sort of fascism. Not only were Plínio Salgado and Gustavo Barroso staunch Catholics, but their ideological narrative was built on Christian (Catholic) concepts of integrity and social hierarchy; many clergymen were members of the AIB.³⁵ Caldeira Netto adds that Protestants and Kardecists also joined the AIB – in other words, it had an ecumenic side that was not all that noticeable at first.

The resilience of anticommunist sentiment in Brazil also has a long history. It dates to the First Republic, grew during the *Estado Novo*, and was repeatedly triggered throughout the Cold War, particularly among the military and the middle classes, until it finally led to the coup d'état in 1964. As also has been shown by several researchers, the exchanges between Brazil and the US continued after 1985 in the field of strategic and military studies and opened channels through which the theses and new formulas of the "conservative revolution" created in the 1970s circulated intensively.³⁶

In Brazilian military circles, the ghost of “cultural Marxism”, later associated with “gender”, began to circulate very early on. This should not be interpreted as a mere transposition of *gringo* discourse to Brazil, but rather as the *aggiornamento*, or updating, of radically anticommunist views in military circles. It was not difficult at all to persuade these sectors of the existence of internal enemies, for this doctrine had already been solidly established among us since the days of Golbery do Couto e Silva.³⁷ And, as noted by Cowan in his interview with *Revista Pesquisa Fapesp*, an association between communism and “sexual debauchery” had already been made during the dictatorship period, but it did not flourish.³⁸ In the political and cultural context of the 2010s, however, the internal enemy took on many faces: feminists, LGBTQIA+ activists, anti-racist, and anti-prohibitionist movements – that is, the whole squad of “abominable characters threatening upstanding citizens.”

As explained by Camila Rocha,³⁹ in the late 2000s, Brazil was included in the web that had long been producing and disseminating an extensive amount of classic texts and updated arguments in defense of neoliberalism, but also right-wing libertarianism. That was when new liberal institutes emerged, such as the Instituto Millennium (Millennium Institute) and liberal grassroots mobilization movements, such as Movimento Brasil Livre (MBL), Vem pra Rua, and Estudantes Livres. These actors revived liberal voices that had been ostracized in the democratization process and promoted discourses that valued meritocracy and entrepreneurship and vilified income transfer and affirmative action policies.

Among these complex intersections, it is important to note the contributions of the perennialist or traditionalist currents, of which Olavo de Carvalho was a spokesman, which early on propagated ideologic codes of the “conservative revolution” underway in the US and in Europe. In this brief overview, perhaps the most important thing we should ask ourselves is how and why this ideologic, spiritualist, and eschatological narrative became so socially and politically influential that it was able to keep a firm hold on Brazilian foreign policy until 2021.⁴⁰

It is no easy feat to precisely recall how these long-standing paths converge with the recent dynamics of national politics. But it would not be rash to suggest that these intersections have been carefully woven since the end of the 2000s and took form during the crisis of legitimacy of the Brazilian Workers’ Party (Partido dos Trabalhadores, PT) administrations, which began in 2013 and led to the impeachment of Dilma [Rousseff] and later developments. Bolsonaro announced that he would run for president in 2014 and it is my interpretation that he launched his campaign with his ignoble speech during the impeachment vote in 2016. I suspect that it was in this complex and turbid context that Bolsonaro assumed the role of leader of the reconfiguration of neoconservatism and the far right in Brazil. It is quite significant that immediately after the scene of the impeachment vote, he went to Israel to be rebaptized.⁴¹ Israel was not only under the rule of far-right figure [Benjamin] Netanyahu, but it has always been a hub for connections with US and British ultraconservative forces and the right. I would say that this trip meant both embodiment (as a leader) and transnationalization.

Then, in 2017, the anti-gender ghost escaped the field of education and began to haunt other territories, such as visual and performing arts, as seen in the attack on the Queer Museum. At the end of that year, Citizen Go staged a campaign against Judith Butler's visit to Brazil and, in a demonstration in São Paulo, burned her effigy as a "witch", clearly evoking the acts of faith ceremonies of the Inquisition: this act was an attack on theory and the production of knowledge on gender. In our study in 2020,⁴² we interpreted this incident as a pilot experiment for the 2018 presidential election, when the anti-gender cyclone grew in scale, before being incorporated into the government's grammar in 2019.

Brazil as a hub for the coordination of the far right forces today

Considering everything I have said, it is not surprising at all that the two most important heads of state at Bolsonaro's inauguration in 2018 were Netanyahu and [Viktor] Orbán. In other words, it's not that Brazil was becoming a coordination hub for transnational far-right forces, but rather that the right had already started weaving these connections before the election. Prior to [Jair Bolsonaro's] inauguration, Eduardo Bolsonaro organized the Foz Conservative Summit, attended by José Antonio Kast and other figures of the far right from the region.⁴³

From that point on, the transnationalization effort would visibly become more intense, not only because Bolsonaro and his sons met with Donald Trump and Steve Bannon more than once in the United States, but also because Brazil became a mandatory stopover for ultraconservative and far-right figures. Since 2019, CPAC has held three meetings in the country, and we have had a visit from members of the Spanish party VOX. In 2021, Beatrix von Storch,⁴⁴ leader of Alternative für Deutschland (AfD), the German far right party, met with Bolsonaro;⁴⁵ and a pair of German anti-vaccine activists, who were later arrested, met with Damares Alves and also with Bolsonaro.⁴⁶ In 2022, Katalin Novák, the new president of Hungary, came to Brazil, and Valerie Huber, who had been the special envoy of the Trump administration for health matters, also visited twice.

The defense of the ultraconservative agenda and the strengthening of new ties were blatantly obvious in our foreign policy.⁴⁷ Brazil participated very actively in two platforms created by the Trump administration: the International Alliance for Religious Freedom⁴⁸ and the so-called Geneva Consensus, a club of conservative states that defend that there is only one family model and are radically opposed to reproductive rights and abortion. With Trump's defeat, Brazil became the coordinator of this platform until November 2022, when, anticipating Brazil's departure after Lula's election (which it did in January 2023), the government passed the baton on to Hungary in a ceremony held in Brasília.

In his two years as Minister of Foreign Affairs, Ernesto Araújo surely established important international connections using state resources that merit further investigation. When he left the Ministry of Foreign Affairs in 2021, Angela Gandra, the National Secretary of the Family, gained prominence as a shadow minister for

conservative topics, undoubtedly taking inspiration from the role that Katalin Novák played when she was Hungary's Minister for Family Affairs.⁴⁹

Most of Gandra's activities⁵⁰ were dedicated to getting more countries to join the Geneva Consensus. Her efforts were not very successful. Only Guatemala's adhesion went through. Colombia entered the Consensus in April 2022, but withdrew soon after Gustavo Petro was elected president. It is important to mention that in these missions, closer ties were also established with countries in the Persian Gulf⁵¹ regarding the conservative agenda on family and women's place in society.

Sur • How does this transnational coordination of the far right affect work to protect and defend human rights?

S.C. • This is a very important question that I have thought a lot about, but not as much as I would like to.⁵² When ultraconservative forces started gaining strength in Latin America, the “anti-rights” nomenclature was invented to define them – in other words, a strategy that uses semantic inversion to unmask the fallacy of their self-definition as “pro-life”, “pro-family”, “pro-children”.

This nomenclature was immediately adopted and spread to the rest of the world. It is very attractive because it makes the problem easier to identify by stating that these forces threaten our rights, which we won through great effort over the course of the re-democratization process in the region. And I must say that it is not entirely wrong to say so, since ultraconservative forces openly attack what they define as “new rights”, which are generally those related to gender, sexuality, and reproduction. However, I believe that using the term “anti-rights” to describe our issue is problematic because it does not cover elements that are far from trivial.

In the West, the Catholic Church has historically been an unquestionable source of legal thought. One just has to recall that until the 19th century, in Portugal, Spain, and the territories they colonized, civil law and canon law were one and the same. There are quite a few genealogical connections between conceptions of human rights from the Enlightenment and legal assumptions of Christianity.

Turning our attention to the present, the ultraconservative movement of the United States has greatly invested in the production of “knowledge” or ultraconservative thought in the legal field and in training legal professionals in strategic human rights litigation. This was reflected in the overturning of *Roe v. Wade*, but also in the document produced by the Commission on Unalienable Rights,⁵³ created by the Trump administration, which was released in July 2022. Its preparation was coordinated by Mary Ann Glendon, an ultraconservative legal scholar from Harvard who led the Vatican delegation at the Beijing Conference and was later the ambassador of the Bush administration to the Vatican.

This text is a masterpiece of so-called US originalism, a reinterpretation of law in the light of the "original legal tradition" of the US founding fathers, which, according to the conservatives, should be preserved as such. In this view, there is no room for "new rights". Plenty of publications in the United States have discussed the problems of the originalism expressed in the Dobbs ruling, including an article by Noah Feldman, a progressive legal scholar.⁵⁴ According to Feldman, this ruling abandons and vilifies the interpretative epistemology of contemporary constitutionalism, which conceives constitutions as legal references that can and should be continually expanded through reinterpretations based on the principles of equality and freedom. In other words, an expansive framework of constitutionalist interpretation that also applies to the jurisprudence on human rights as it has developed since the Second World War, particularly after the World Conference on Human Rights in Vienna in 1993.

It was this broadening of interpretation that allowed, throughout the 1990s, a series of situations of violations and needs for protection and prevention to be included in fundamental human rights premises that were not there before. This can be seen in the application of human rights to racism and social inequality.⁵⁵ The questioning of sexual binarism enshrined in human rights instruments is another example, since it made room for the recognition of violations based on sexual orientation and gender identity; Advisory Opinion 24 of the Inter-American Court on Human Rights is a solid example of that.

In the realm of human rights, the goal of these forces is to restrain and, if possible, abolish this interpretative logic. In other words, return to a literal legal interpretation whereby human rights are legitimate as long as they correspond to the definitions of declarations and conventions as they were originally approved. This means that these forces are not "anti-rights"; instead, they have a specific understanding of human and constitutional rights that not only diverges from but also rejects the open epistemology I mentioned.

In other words, there is a (quite ferocious) dispute in the field of human rights. It clearly appears in the area of interpretive epistemology, but can also be seen in another aspect of the ultraconservative conception of "rights," which is the attachment to hierarchy and the aversion to freedom or autonomy as the founding principle of human rights. Many prerogatives in the progressive sphere, such as the legitimate expression of autonomy, are seen by ultraconservatism as a justification for tutelage or even charity. This distortion became quite evident in the reconfiguration of the human rights policy under Bolsonaro.⁵⁶

Sur • What are the main challenges that the human rights movement, particularly the feminist and LGBTQIA+ movements, face in relation to the agenda of this conservative movement?

S.C. • The first challenge is to situate our analyses and activism strategies in relation to this lengthy temporality typical of ultraconservative forces, the Catholic Church being a case in point. Progressive movements have a hard time understanding and adjusting to this

longevity. Our political imagination is populated with desires for swift changes and the idea of revolution. It has always been this way, but this has now been aggravated by the way the digitalization of life and politics has accelerated everything. Events of yesterday no longer matter; topics that disappear from Twitter are no longer relevant. This perception and way of acting and reacting contrasts greatly with the very long-term strategies designed and implemented by ultraconservatism. On the surface, these forces are playing a game of “infocination” and acceleration.

We need to refine our “historical patience” skills, to use an old term. Say our intention is to obtain legislative change on abortion; while we make a three-year plan, the Catholic Church and other forces opposed to abortion make plans for a 30 to 50-year window. This was the timeframe of the actions that led to the overturning of *Roe v. Wade*. However, there is yet another problem: sustaining long-term struggles and processes requires sustainable resources. Who will sustain them in the progressive camp? How do we overcome the brutal inequality that exists between us and them in terms of available time, institutional infrastructure, and financial resources? There are no easy answers to that question.

Sur • Lastly, how can we resist the “conservative revolution”?

S.C. • The first order of business is to recognize that it is underway and gained a lot of ground, and that the forces driving it will not back down in the near future. We must recognize that the complexity and longevity of this revolution require new lenses, or at least adjusted lenses for interpretation. More specifically, we must acknowledge that the grammar of human rights and their interpretive epistemology are in dispute. This is happening both in the constitutional and the human rights fields.

It is crucial for all people and movements engaged in debates on democratic constitutionalism and human rights to be clear about this. What is at stake is, in fact, a dispute over the epistemological conception of fundamental rights and especially whether the interpretation of existing rules should be literal or transformative. This dispute is a lot more visible in the United States because originalism has gained strength and legitimacy and penetrated legal institutions, as seen in the *Dobbs* ruling. Although the ramifications of these disputes can be seen everywhere, we have hardly begun to discuss the implications of this dispute in Brazil, even when some of the more emblematic figures of the ultraconservative forces that rose to power in 2018 are strongly aligned with these regressive interpretations (whether they are originalist or neo-Thomist).⁵⁷

I believe that this is the frontier or, better yet, the war trench we have ahead of us. We must transmit broader information to the human rights field about the meaning of this epistemological war. The possibility of an expanded interpretation of human rights did not exist when the Declaration was adopted in 1948; it is the result of long, hard work on human rights as a transnational political agenda and on post-war democratic constitutionalism. This is the approach that is now under attack and that must be defended.



Sonia Corrêa.
Source: Personal archive photo.

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*Interview conducted by Maryuri Mora Grisales in December 2022.
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NOTES

1 • Sonia Corrêa is currently the coordinator of Sexuality Policy Watch (SPW).

2 • Éric Fassin, “Brasil: o laboratório interseccional do neoliberalismo.” *Cult*, October 22, 2019, accessed January 27, 2023, <https://revistacult.uol.com.br/home/neoliberalismo-interseccional/>.

3 • In Europe, they had the support and contribution of ultra-Catholicism and the Vatican itself, which underwent a conservative restoration in 1979, when Wojtyła became Pope (John Paul

II) and then appointed cardinal Ratzinger to lead the Congregation for the Doctrine of the Faith. It is worth noting that both were intellectual figures, particularly Ratzinger, who had had a long academic career before arriving at the Vatican.

4 • There are records showing that, for instance, the Southern Baptist Convention, one of the most powerful ones in the United States, did not radically oppose the right to abortion before *Roe v. Wade*, but took the lead in anti-abortion mobilizations a

few years later.

5 • See the note and a compilation on the Dobbs decision made by SPW at: “A decisão ‘Gilead’: uma compilação,” Sexuality Policy Watch, July 15, 2022, accessed January 27, 2023, <https://sxpolitics.org/ptbr/a-decisao-gilead-uma-compilacao/12706>.

6 • See Sonia Corrêa, David Paternotte and Roman Kuhar, “A globalização das campanhas anti-gênero.” Sexuality Policy Watch, June 25, 2018, accessed January 27, 2023, <https://sxpolitics.org/ptbr/a-globalizacao-das-campanhas-anti-genero/8513>.

7 • Ver Dan Allosso, “12. The New Right” in *US History II: Gilded Age to Present* (Bemidji: Bemidji State University, 2020), accessed January 4, 2023, <https://mlpp.pressbooks.pub/ushistory2/chapter/the-new-right/>.

8 • In 2005, Ives Gandra Martins translated and published *Direito Fundamental à Vida*, a nearly 1,000-page book with articles written by the American conservative academic complex about abortion and related topics, which was clearly influential among the forces opposing the right to abortion in Brazil. The text is available in PDF format at the Digital Library of the Superior Court of Justice.

9 • Stuart Hall, *The Hard Road to Renewal: Thatcherism and the Crisis of the Left* (United Kingdom: Verso, 2021).

10 • In their masterful book about John Paul II, Bernstein and Politti report that during the Reagan administration, CIA head William Chase visited the Vatican and discussed geopolitical strategies on Poland and Nicaragua with Wojtyła. Carl Bernstein and Marco Politti, *Sua Santidade - João Paulo II e a História Oculta de Nosso Tempo* (São Paulo: Objetiva, 1996).

11 • Fernando Geronazzo, “Livro-entrevista de Ratzinger sobre a fé e os desafios do pós-Concílio é reeditado no Brasil.” O São Paulo, December 18, 2021, accessed January 27, 2023, <https://osaopaulo.org.br/destaque/livro-entrevista-de-ratzinger-sobre-a-fe-e-os-desafios-do-pos-concilio-e-reeditado-no-brasil/>.

12 • Weyrich was an American ultra-Catholic who

left the Catholic Church after the Second Vatican Council and joined a Greek Orthodox Church so that he would not have to submit to the reforms proposed by John XXIII.

13 • See “Guerras culturais: uma batalha pela alma do Brasil”, Podcast by Globo Play - Pablo Ortellado, 2022, accessed January 27, 2023, <https://globoplay.globo.com/podcasts/guerras-culturais-uma-batalha-pela-alma-do-brasil/bb970d66-e4d0-4087-bb44-84436175ddd8/>. Directed by University of São Paulo (USP) professor and reporter Elisa Martins.

14 • Between 2007 and 2012-2013, IPCO was the main propagator of the ghost of “gender ideology” via online media.

15 • Chafuen was in Brazil in 2019, when he took part in a debate with Brasil Paralelo.

16 • Kathleen M. Blee and Sandra McGee Deutsch, *Women of the Right: Comparisons and Interplay Across Borders* (University Park: PSU Press, 2012).

17 • We recommend the interview Benjamin A. Cowan gave to Pesquisa Fapesp: Glenda Mezarobba, “Benjamin A. Cowan: O Brasil e a nova direita.” Pesquisa Fapesp, July 2021, accessed January 27, 2023, <https://revistapesquisa.fapesp.br/benjamin-a-cowan-o-brasil-e-a-nova-direita/>.

18 • Pablo Stefanoni, *¿La rebeldía se volvió de derecha?: Cómo el antiprogresismo y la anticorrección política están construyendo un nuevo sentido común (y por qué la izquierda está perdiendo la iniciativa)* (Buenos Aires: Siglo Veintiuno Editores, 2021).

19 • For a more detailed analysis of this episode, see Sonia Corrêa, “A ‘política do gênero’: um comentário genealógico,” *Cadernos Pagu* 53 (2018), accessed January 27, 2023, <https://periodicos.sbu.unicamp.br/ojs/index.php/cadpagu/article/view/8653407>.

20 • *Ibid.*

21 • It should be noted that the terminology of gender ideology can be found in seminal feminist texts of the 1970s, such as the classic article by Monique Wittig, “Não se nasce mulher,” in *Pensamento feminista: Conceitos fundamentais*, org. Heloisa Buarque de Holanda (Rio de Janeiro: Bazar do Tempo, 2019), accessed January 27, 2023,

https://www.mpba.mp.br/sites/default/files/biblioteca/direitos-humanos/direitos-das-mulheres/obras_digitalizadas/heloisa-buarque-de-hollanda-pensamento-feminista_-conceitos-fundamentais-bazar-do-tempo-_2019_.pdf.

22 • Interview by German journalist Peter Seewald with Cardinal Joseph Ratzinger (Benedict XVI) in 1997, when he was still Prefect of the Congregation for the Doctrine of the Faith. The interview was published as a book: Joseph Ratzinger and Peter Seewald, *O Sal da Terra: O Cristianismo e a Igreja Católica no limiar do terceiro milênio* (Rio de Janeiro: Imago, 1997).

23 • Michel Schooyans, *L'Évangile face au désordre mondial* (Paris: Fayard, 1997), accessed January 27, 2023, <https://excerpts.numilog.com/books/9782706251467.pdf>. There is an important, but unexplored connection between ultraconservatism in Brazil and in Europe, since Schoovans lived in Brazil between 1959 and 1969. While in the country, he published the book *O comunismo e o futuro da igreja* (Communism and the future of the church), a title that appears at the top of the list when one Googles the monsignor's name.

24 • It is no coincidence that right after the text written by the Peruvian bishops, Latin American authors and translators made substantial contributions to the preparation and promotion of anti-gender phantoms. The most famous examples are Alejandro Ordoñez from Colombia and Jorge Scala, Agustín Laje, and Nicolas Marques from Argentina.

25 • "Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and in the World", Vatican, 2004, accessed January 27, 2023, https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20040731_collaboration_en.html. For more details on this genealogy, we recommend reading the entry on "Ideologia de Gênero" in *Termos Ambíguos do Debate Político Atual: Pequeno Dicionário que Você Não Sabia que Existia*, coord. Sonia Corrêa (Rio de Janeiro: Associação Brasileira

Interdisciplinar de Aids - ABIA, 2022). For a more detailed review, we recommend the article by Rogério Junqueira "Ideologia de gênero: Uma ofensiva transnacional", *Tempo & Presença* no. 32 (June 2019), accessed January 27, 2023, http://www.koinonia.org.br/tpdigital/uploads/Ideologia-de-Genero-KN_out_2018.pdf.

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30 • "Ofensivas Antigênero no Brasil: políticas de Estado, legislação, mobilização social", *Sexuality Policy Watch*, 2021, accessed January 27, 2023, <https://sxpolitics.org/ptbr/ofensivas-antigenero-no-brasil-politicas-de-estado-legislacao-mobilizacao-social/12156>.

31 • See, for instance, "Tip of the Iceberg: Religious extremist - Funders against Human Rights for Sexuality & Reproductive Health in Europe," *European Parliamentary Forum for Sexual and Reproductive Rights*, June 15, 2021, accessed January 27, 2023, <https://www.epfweb.org/node/837>.

32 • In the preface of the e-book containing summaries of regional case studies in Portuguese, Sonia and Richard Parker discussed these structural conditions at greater length. See *Políticas Antigênero na América Latina: Estudos de Caso - Versões Condensadas*, ed. Sonia Corrêa (Rio de Janeiro: Associação Brasileira Interdisciplinar de AIDS - ABIA, 2021), accessed January 27, 2023, <https://sxpolitics.org/GPAL/uploads/resumos-pt/E-book-Resumos-PT-02082021.pdf>.

33 • See Leandro Pereira Gonçalves and Odilon Caldeira Neto, *O Fascismo das Camisas Verdes* (São Paulo: FGV Editora, 2020), accessed January 27, 2023, <https://editora.fgv.br/produto/o-fascismo-em-camisas-verdes-do-integralismo-aoneointegralismo-3544>.

34 • Caldeira Netto lists organic contacts in Montevideo, Buenos Aires, Philadelphia, Geneva, Zurich, Warsaw, and Berlin, as well as connections in New York, Washington, Paris, Santiago de Chile, Tokyo, and Las Palmas.

35 • The most emblematic – and intriguing – case is that of Dom Helder Câmara, who was once the private secretary of Plínio Salgado.

36 • See Lucas Pedretti, “Os ecos do Orvil em 2021, o livro secreto da ditadura.” Agência Pública, August 30, 2021, accessed January 27, 2023, <https://apublica.org/2021/08/os-ecos-do-orvil-em-2021-o-livro-secreto-da-ditadura/>; and João Cezar de Castro, *Guerra Cultural e Retórica do ódio: Crônicas de um Brasil Pós-político* (Goiânia: Editora e Livraria Caminhos, 2021).

37 • Ricardo Abramovay, “O 8 de Janeiro, os militares e a Amazônia.” Piauí, January 20, 2023, accessed January 23, 2023, <https://piaui.folha.uol.com.br/o-8-de-janeiro-os-militares-e-amazonia/>.

38 • See Mezarobba, “Benjamin A. Cowan, 2021.”

39 • Camila Rocha, *Menos Marx, mais Mises: O liberalismo e a nova direita no Brasil* (São Paulo: Todavia, 2021).

40 • It is important to emphasize the influence Olavo de Carvalho had with Ernesto Araújo, Minister of Foreign Affairs during the Bolsonaro administration, with the latter stating that the works

of Olavo de Carvalho “inspire and contribute” to the formulation of “policies and decision-making”. Jamil Chade, “Chanceler diz que obras de Olavo de Carvalho inspiram política.” UOL, September 10, 2020, accessed January 27, 2023, <https://noticias.uol.com.br/colunas/jamil-chade/2020/09/10/chanceler-diz-que-obras-de-olavo-de-carvalho-inspiram-politica.htm>.

41 • Bolsonaro is Catholic, but also Evangelical: “Jair Bolsonaro confessa Jesus Cristo e se batiza no rio Jordão”. Guiame, May 12, 2016, accessed January 05, 2023, <https://guiame.com.br/gospel/videos/jair-bolsonaro-confessa-jesus-cristo-e-se-batiza-no-rio-jordao-assista.html>.

42 • Políticas Antigênero na América Latina... (2021).

43 • See André Barrocal, “Quem é quem na cúpula direitista das Américas.” Carta Capital, December 7, 2018, accessed January 27, 2023, <https://www.cartacapital.com.br/mundo/quem-e-quem-na-cupula-direitista-das-americas/>.

44 • Mariana Sanches, “Beatrix von Storch: quem é a líder da extrema-direita alemã que se reuniu com Bolsonaro”. BBC, July 26, 2021, accessed January 13, 2023, <https://www.bbc.com/portuguese/internacional-57978671>.

45 • Flávia Said, “Bolsonaro se reuniu com deputada alemã da ultradireita”. Metrôpoles, July 26, 2021, accessed January 13, 2023, <https://www.metropoles.com/brasil/politica-brasil/bolsonaro-se-reuniu-com-deputada-alema-da-ultradireita>.

46 • Deutsche Welle, “Bolsonaro recebe negacionistas alemães em Brasília.” Carta Capital, September 23, 2021, accessed January 27, 2023, <https://www.cartacapital.com.br/politica/bolsonaro-recebe-negacionistas-alemaes-em-brasilia/>.

47 • Since 2019, in international arenas such as the Commission on the Status of Women (CSW) in the UN Human Rights Council, Brazil not only systematically aligned its votes those of with conservative governments on topics such as gender, sexual education, and health and reproductive rights, but also abstained from important votes, such as the condemnation of Iran for state violence

against the demonstrations protesting the death of Mahsa Amini. The country also used these arenas as an opportunity to strengthen ties with Hungary and Poland, for instance, and establish new connections with conservative states, including non-Christian ones.

48 • "Brasil prepara aliança com EUA por defesa da liberdade religiosa," Folha de S. Paulo, September 12, 2019, accessed January 27, 2023, <https://www1.folha.uol.com.br/mundo/2019/09/brasil-prepara-alianca-com-eua-por-defesa-da-liberdade-religiosa.shtml>.

49 • In Hungary, Foreign Affairs took care of other policy areas, and Novak handled conservative policy on family, gender, and abortion. Gandra also started doing this kind of diplomatic work.

50 • For more information on the diplomatic efforts of the former Secretary of the Family, read the document sent to the working groups for the transition to the Lula administration by the Ministry of Foreign Affairs and the Ministry of Human Rights and Citizenship. "Diplomacia Paralela Ultraconservadora: gênero, política moral, familismo e novas motivações para relações interestatais," Sexuality Policy Watch, January 24, 2023, accessed January 27, 2023, <https://sxpolitics.org/ptbr/diplomacia-paralela-ultraconservadora-genero-politica-moral-familismo-e-novas-motivacoes-para-relacoes-interestatais/12940>.

51 • This connection brings to mind the relations in the 1990s that feminists such as Sonia Corrêa referred to as the *unholy alliance*: the partnership between the Vatican, associated Christian states, and Muslim countries.

52 • See Laura Murray, "Missing the point: A conversation with Sonia Corrêa about the emergence and complexities of anti-gender politics at the intersections of human rights and health," *Global Public Health: An International Journal for Research, Policy and Practice* 17, no. 11 (2022): 3243-3253, accessed January 27, 2023, <https://sxpolitics.org/global-public-health-journal-human-rights-missing-the-point-a-conversation-with-sonia>

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53 • "Report of the Commission on Unalienable Rights," Commission on Unalienable Rights, 2020, accessed January 13, 2023, <https://www.state.gov/wp-content/uploads/2020/07/Draft-Report-of-the-Commission-on-Unalienable-Rights.pdf>.

54 • Noah Feldman, "Ending Roe Is Institutional Suicide for Supreme Court". Bloomberg, June 24, 2022, accessed January 13, 2023, <https://www.bloomberg.com/opinion/articles/2022-06-24/supreme-court-abortion-ruling-in-dobbs-is-institutional-suicide?srnd=premium>.

55 • The Convention against racism was one of the first to be approved in the international human rights system (1951). However, in the last three decades, the original parameters have been rendered more complex and enlarged to integrate the theory about the systemic nature of racism, as well as the new logic of intersectionality.

56 • According to Sonia, in a document sent to the transition working group of the Ministry of Human Rights and Citizenship, the following terms were analyzed: "Far-right thought deeply penetrated the grammar and design of human rights policy. This meant a substantive change in the understanding of human rights, summarized in the following statement by former Minister Damares Alves: 'Let me say two words: promotion and protection. The Bolsonaro administration does not promote this agenda, it protects this group... (LGBTQIA+ people). We don't promote, we protect.' This vision radically diverges from the human rights paradigm that has evolved since 1948, its most robust manifestation being the parameters of integrity and indivisibility legitimized in the World Conference on Human Rights in Vienna (1993). On the one hand, these parameters establish the protection of people from violations and discrimination, but they also affirm the right to freedom, autonomy, and the personal prerogatives of individuals and groups so they may associate freely, express their opinions and worldviews, and decide for

themselves what they will do with their lives and bodies. Clearly, this second set of non-negotiable human rights principles has been abandoned in the last four years and needs to be restored." For a more elaborate analysis of this reconfiguration, see João Gabriel Maracci and Marco Aurelio Maximo Prado, "Ofensivas Antigênero e a Depuração dos Direitos Humanos como Política de Estado no Brasil," *Estudos e Pesquisas em Psicologia* 22, no. 4 (2022), accessed January 27, 2023, <https://www.e-publicacoes.uerj.br/index>.

php/revispsi/article/view/71643/44113.

57 • Examples of this include Ives Gandra Martins and the large group around him, which includes Rodrigo Pedrosa and Congresswoman Cris Tonietto, among others. But one could also mention Centro Dom Bosco, a conservative Catholic legal think tank, and the Brazilian Association of Conservative Jurists. There are also law schools and courses that have not been sufficiently mapped out, but currently operate as chains of transmission of these approaches.



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CHINA'S GROWING INFLUENCE AT THE UN HUMAN RIGHTS COUNCIL

Raphael Viana David

- *What implications for Latin America and the Global South?* •

ABSTRACT

The recent vote against the first-ever UN Human Rights Council resolution looking at the situation of Uyghurs in Xinjiang has prompted discussions and concerns over China's increasing grip over UN human rights bodies.

Amidst tensions between China and the West, China's growing influence within the UN human rights system poses a challenge to progressive Global South governments, who seek to cooperate with Beijing on trade and development, while sharing major divergences on human rights priorities.

This paper aims to present the goals and tactics behind China's increasing presence at the UN Human Rights Council, and propose some reflections on its impact for progressive Latin American and other Global South governments.

KEYWORDS

China | United Nations | Human Rights Council (HRC) | Latin America | Xinjiang | Uyghurs

1 • Introduction

On 6 October 2022, the Human Rights Council (HRC) – the United Nations (UN) top human rights decision-making body – considered its first ever resolution on the human rights situation in China, calling for a debate on human rights abuses in the Xinjiang Uyghur Autonomous Region (Uyghur Region) after the UN issued a damning report alleging possible crimes against humanity. The motion was voted down by a thin margin of three votes, bringing attention to the lack of support by Global South governments with a traditionally strong commitment to human rights such as Argentina, Mexico, Brazil, Namibia, or Senegal.

Although continuously seating as a member of the HRC since its creation,¹ China's presence and influence in the UN human rights system took arguably a turn since 2018, when the UN's Committee on the Elimination of Racial Discrimination (CERD) first rang the alarm² at the mass detention of Uyghurs and other Muslim minorities in the Uyghur region. Serious concerns were soon after voiced by then High Commissioner Michelle Bachelet in her first address to the HRC,³ and by a number of governments as China's human rights record was reviewed in the context of the Universal Periodic Review (UPR).⁴

Beijing reacted strongly, rapidly invested in multilateral spaces to contest growing criticism and defended an unapologetic position on its assimilationist policies towards minorities. The United States' withdrawal from the HRC in June 2018 also provided Beijing with an opportunity to assert itself as a 'constructive player' at the HRC, as it sought to do in other multilateral spaces.

China's presence has posed a remarkable challenge for Latin American and other progressive Global South governments: how to avoid displeasing a major – sometimes its first – partner on trade and development, while maintaining a credible position on human rights protection globally? Latin American democracies in particular were being pulled in opposite directions by their two major partners, China and the United States, in what they perceived as a geopolitical conflict exclusively. At the national level, debates about human rights and other sensitive issues in China also polarise public opinions. Yet, governments have shied away from acknowledging and addressing the complexity of their relation with China in crafting their foreign policy position, convergent on some topics, while strongly diverging on some human rights priorities.

As a global power, China has a seat at the UN table and is an unavoidable interlocutor on a range of issues. Concerns should not focus on China's presence *per se*, but on the agenda it brings along, which this paper seeks to analyse. It will therefore seek to understand the goals and tactics behind China's increasing influence at the UN HRC, and propose some reflections on its impact for progressive Latin American and other Global South governments. It will do so by looking at negotiations and votes of resolutions, statements, and other actions led or joined by the Permanent Mission of China in Geneva, as documented publicly, or privately by the International Service for Human Rights (ISHR).⁵ Yet, this paper is unable

to capture the full extent of China's engagement at the HRC, and rather addresses trends relevant to the position of Global South governments.

2 • Avoiding criticism at all costs

China's objectives at the HRC have been primarily driven by an intention to contain and respond to growing international criticism. Since the CERD's 2018 findings, UN human rights bodies⁶ have gathered a progressively extensive set of evidence that exposes widespread and systematic human rights violations by the Chinese government – be it against Uyghurs, Tibetans, Hong Kongers or mainland Chinese activists and lawyers. In response, the Chinese government took aim at these bodies publicly, openly questioning their authority, legitimacy, independence, and, in some occasions, directing *ad hominem* attacks at individual experts.

2.1 - *Attacking UN experts and bodies*

Since 2018, UN Special Rapporteurs and Working Groups – known as the 'Special Procedures' – have sent a total of 83 letters to the Chinese government and issued 28 public statements on a wide range of issues. On three occasions – in June 2020, June and September 2022⁷ –, over forty of them jointly called out serious violations, urging the HRC to 'establish an impartial and independent UN mechanism to closely monitor, analyse, and report annually on the human rights situation in China.'

The government has systematically disputed all allegations, recently accusing the experts of "acting as the political tool of anti-China forces,"⁸ and declaring that they aimed to "kidnap the Human Rights Council to serve the US strategy of containing China". On another occasion, the Chinese Mission in Geneva questioned them "as legitimate human rights experts", stating they only "stood up for violent terrorists".

China further escalated by presenting a resolution at the HRC's September 2019 session that sought to review the documents defining the UN experts' working methods, seeking to limit their ability to speak out publicly, or to work without external interference. This initiative was circulated a few hours after a Special Procedures joint statement condemning the government's crackdown against protesters in Hong Kong. Although the resolution was eventually not submitted for adoption by the HRC, it remains a threat to the independence of UN experts' work hanging over the HRC at every session.⁹

The Special Procedures play a decisive role in ensuring independent monitoring and documentation of human rights abuses worldwide, warning the international community when crises are looming or unfolding or promoting the rights of vulnerable groups. They are fundamental to the work of civil society and human rights defenders, and their weakening poses significant risks to human rights protection globally. Latin American

governments have initiated – and still lead – resolutions creating an important number of Special Procedures mandates, including the first ever expert on LGBT rights in 2016, as well as experts on the right to health, on discrimination against women and girls, and on the rights of indigenous peoples, migrants, and older persons.

China has issued similar remarks against other UN human rights bodies. After the OHCHR released its much-awaited report¹⁰ on human rights abuses in the Uyghur region, a spokesperson from the Chinese mission called it “purely a farce plotted by some Western countries and anti-China forces [that] smears and slanders China, and interferes in China’s internal affairs”.¹¹

More recently, the CERD issued a rare ruling¹² on grave violations targeting Uyghurs, and Muslim minorities, issuing a series of key recommendations to China, and recalling the duty of all governments to cooperate to put an end to racial discrimination and other grave abuses of international law. In response, the Chinese Mission declared that the CERD ‘is now driven by certain forces,’ and that it did not work ‘in an impartial and objective way.’

2.2 - *Shaping narratives at the Human Rights Council*

Whereas China has relatively limited leverage over technical, expert human rights bodies, it exerts a much greater influence within political bodies such as the HRC. In these intergovernmental spaces, it makes use of its diplomatic weight to shape narratives in its favour, and attack those critical of its human rights record.

Since June 2019, a group of mostly Western governments started to call out violations against Uyghurs, and against protesters in Hong Kong through joint statements at the HRC and the UNGA, with support growing from 25 to 50 countries over the years. Immediately after, China pushed a large number of its allies to express unwavering support for Beijing’s actions and denounce ‘interference in China’s affairs,’ through joint statements supported by up to 69 countries.¹³

China reportedly exerted significant pressure on Global South governments to join such declarations, and to prevent them from endorsing critical ones. On various occasions, the Chinese authorities overlooked traditional diplomatic protocols, bypassing their immediate interlocutors in Geneva to seek high-level support at ministries of foreign affairs in capitals. At the peak of ‘vaccine diplomacy’ in 2021, when Global South governments sought Chinese vaccines in the absence of sufficient Western cooperation, its pressure led Ukraine to withdraw its support from a declaration critical of China,¹⁴ and to unusual statements from moderate Latin American governments commending China for its poverty-alleviation efforts¹⁵ or calling broadly for the respect of national sovereignty.

Chinese pressure on HRC members reached another threshold with the consideration of a draft resolution on the human rights situation in Xinjiang in the September 2022 session, a few weeks after the OHCHR released its report which documented *prima facie evidence*

of crimes against humanity against Uyghurs and Muslim minorities. The very modest resolution text¹⁶ merely acknowledged the report and requested that the HRC hold a debate about the situation in Xinjiang, despite the extent and gravity of evidence documented across UN bodies. Still, the motion was rejected by 19 votes against, for 17 in favour and 11 abstentions, becoming the second country resolution to be ever rejected by the HRC.¹⁷ Any other country situation with the same degree of UN documentation would have seen the adoption of a commensurately strong resolution; still, the mere request of a discussion on Xinjiang – and therefore China – was an exception. While Honduras, Paraguay and Somalia were among the few non-Western countries to support the motion, Argentina, Brazil and Mexico – regrettably abstained.¹⁸

3 • Towards a “sovereigntist” human rights system

Despite relentless opposition by a range of countries, the UN human rights system has proven resilient and able to monitor grave human rights violations occurring in major powers,¹⁹ as well as in contexts where national venues for redress are closed: Latin American governments notably initiated resolutions to investigate grave abuses in Venezuela and Nicaragua. Yet, this has also prompted China to challenge more openly the principles underpinning the independence and effectiveness of this system.

3.1 - Growing protagonism: a leader of the Global South?

China has leveraged diplomatic alliances and stepped up its leadership amongst countries that have sought to weaken UN human rights bodies’ ability to monitor abuses in national contexts. China has become, alongside Russia, a leading member of existing political groups such as the “Like-Minded Group” and the “Non-Aligned Movement” (NAM), or established new groups such as the “Group of Friends in the Defense of the Charter of the United Nations”²⁰ in 2021 – which seeks to advance an interpretation of the UN Charter where the absolute respect for national sovereignty of States and ‘non-interference in internal affairs’ trumps international scrutiny of domestic human rights violations.

China has also moved to retaliate against the United States, the United Kingdom, Canada, Australia, and other governments pushing Western initiatives to call out rights violations in China, including through joint statements highlighting violations of the rights of indigenous peoples, migrants, and other rights abuses in these countries.

This tighter coordination has also undermined the HRC’s ability to address pressing country situations. China and other members of these groups vote systematically against and try to weaken the language²¹ of resolutions denouncing or mandating investigations into rights abuses in specific countries.. China votes against all country resolutions, including those presented at the request of the country concerned (Georgia and Ukraine), with the exception of resolutions on Palestine, which are consistently endorsed by China.

In June 2022, China led a joint statement endorsed by 35 countries²² criticizing the HRC for becoming ‘increasingly politicized and confrontational’ and calling for ‘multilateral human rights mechanisms [to] abide by the purposes and principles of the Charter of the United Nations [and] oppose the politicization and instrumentalization of human rights issues, double standards, as well as interference in the internal affairs of Member States under the pretext of human rights.’ The group of countries led by China also denounced what they termed as ‘rampant disinformation’ – often used to delegitimise independent NGO reporting – and called on multilateral mechanisms to “work on the basis of authentic and objective information, respect the sovereignty of States”.

3.2 - ‘Win-win’: rethinking the principles of cooperation and multilateralism

Aside from joint initiatives with like-minded allies, China has also single-handedly attempted to promote its own understanding of what the principles underpinning the multilateral human rights system should be.

In March 2018, China tabled its first resolution on “mutually-beneficial cooperation in the field of human rights” (known as the ‘win-win’ resolution).²³ Presenting it as a way to strengthen multilateralism, this concept proposes to reframe cooperation in the human rights field towards a non-confrontational dialogue where governments are the main beneficiaries instead of rights-holders. Under this State-centric approach, cooperation limits itself to consensual thematic areas where best practices can be shared, away from public scrutiny or exchange on sensitive issues.

The resolution mandated the HRC’s think tank, the Advisory Committee,²⁴ to produce a report on this topic which served as a basis for subsequent resolutions in March 2020 and March 2021.²⁵ While the term “mutually-beneficial cooperation” has long been hailed domestically by the government and the Chinese Communist Party (CCP) as an important political slogan, it does not bear grounding in international law. Yet, we can infer from China’s submission to the Advisory Committee’s report that the initiative seeks to promote ‘the construction of a new type of international relations.’

‘Win-win’ cooperation asserts friendly intergovernmental cooperation as a goal in itself, rather than a means to protect human rights, disregarding instances where rights abuses are the result of intentional State action, and/or their lack of political will to redress them. Decades of negotiations over the mandate of UN human rights bodies have gradually shaped a fragile balance between ensuring constructive dialogue and cooperation, investigating grave violations, and creating accountability mechanisms – whether the government responsible for abuses consents or not –, with a view to fulfill the HRC’s core mandate: preventing and addressing gross and systematic human rights violations wherever they occur. Although the three resolutions were adopted by the HRC, an important number of Global South delegations expressed discomfort or opposition by voting against the text, abstaining from the vote, or reiterating preoccupation²⁶ about the

lack of conceptual clarity over Chinese domestic terms included, and the lack of mention of the HRC's monitoring role as complementary to cooperation.

3.3 - *Closing spaces for civil society*

In its efforts to promote a State-centric HRC, China has actively worked to restrict the space of independent civil society, both from China and abroad, in UN fora.

China ranks among the top five perpetrators of reprisals against civil society actors who cooperate, or seek to cooperate with the UN, its bodies and representatives, according to information from the UN Secretary-General's annual 'reprisals report'.²⁷ Alongside Saudi Arabia, it is the most frequently cited country since 2010 (in 11 of the existing 13 annual reports), and figures among the 11 countries where the Secretary-General identified 'patterns of reprisals.' Against this, the Chinese Mission has embraced a denialist approach, framing activists as 'criminals,' criticising the UN reports as 'biased' and denouncing an interference in its 'judicial sovereignty.' Notable examples include that of Cao Shunli,²⁸ a woman human rights defender who lobbied the government to engage dialogue with Chinese civil society ahead of China's UPR, and who died in custody after being detained at the airport on her way to attend China's 2014 UPR review in Geneva; and Jiang Tianyong,²⁹ a human rights lawyer disappeared after meeting the Special Rapporteur on poverty and human rights during his 2016 visit to China, and later detained for three years on charges of 'inciting subversion of State power', and still surveilled until today.

Uyghur activists and victims have consistently borne the brunt of China's efforts to undercut space for civil society. Two leading Uyghur NGOs, the World Uyghur Congress and the Uyghur Human Rights Projects, have been regularly interrupted while speaking at the HRC by the Chinese delegation requesting the HRC President to not give the floor to 'terrorist organisations,' have had their reports to UN committees taken down from the website, and, in some occasions, have been expelled from UN premises.

In April 2017, World Uyghur Congress President Dolkun Isa was expelled³⁰ – with no explanation provided by UN security guards – from the UN Permanent Forum on Indigenous Issues held at the UN headquarters in New York, despite being an UN-accredited NGO participant. The following year, a similar attempt³¹ was made to block Isa's attendance to the Forum by denying him a pass, being eventually granted one following reported pressure from Germany and the US. The former Head of the UN Department for Economic and Social Affairs (UNDESA) Wu Hongbo even admitted, in an interview on Chinese public television one year later, that he gave the order to expel Isa because he was a 'separatist' and a 'criminal.' He also noted that 'when it comes to Chinese national sovereignty and security, [Chinese UN officials] will undoubtedly defend our country's interests'.³²

The Permanent Mission of China in Geneva also regularly pressures³³ other delegations not to meet with Uyghur activists or attend their events; and have addressed incriminating

remarks to Uyghur panelists when attending such events. At the same time, a soaring number of Chinese GONGOs – Party- or government-affiliated ‘NGOs’ – have occupied Geneva spaces, overcrowding civil society speaking slots, surveilling, and intimidating independent at-risk NGOs that seek to join formal UN meetings: during the adoption of China’s UPR in March 2019, six of the ten NGOs allowed to speak were GONGOs.

China and a range of countries³⁴ seating among the 19 Members of the NGO Committee in New York repeatedly block and delay, through yearly procedural tactics, NGO applications for ECOSOC status, a prerequisite for NGOs to access certain UN spaces. In the Committee’s latest session alone (September 2022), China accounted for 83 of the 418 deferrals of NGO applications from Russia, Egypt, North Korea, the US, India, and other countries; including well-established NGOs such as the Uyghur Human Rights Project, the Urgent Action Fund for Women’s Human Rights, and the Cambodian NGO Khmers-Kampuchea-Krom Federation, whose application has been constantly delayed over the past ten years. As NGO and GONGO applications have also been delayed by the US and a limited number of Western members of the Committee, civil society has long called for a broad reform of the NGO Committee, in order to strengthen civil society access to the UN.

4 • Reshaping international human rights standards

The Chinese government has also taken aim at the development of international legal standards in the field of human rights, by gradually embedding domestic concepts in texts and narratives, such as ‘win-win’ or a ‘community of shared future for mankind.’³⁵ China redoubled efforts since 2017 to initiate resolutions and deliver statements that seek to gradually infuse such terminology into international human rights texts and narratives. By doing so, the Chinese government forges its image as an active contributor to the normative development of human rights, seeking to display international endorsement for its political slogans.

4.1 - *The development agenda*

In June 2017, China introduced its first ever resolution to the HRC on the “contributions of development to the enjoyment of human rights”.³⁶ The short resolution failed to bring a substantive added-value to development discussions, instead calling on all countries to ‘realise people-centred development’ and to promote ‘win-win outcomes and common development’ without defining such terms nor providing their grounding in international law. It also requested that the HRC’s Advisory Committee prepare a study on the issue.³⁷

The Committee’s report and the negotiation of the 2019 resolution³⁸ gave space to narratives that implied a sequential approach whereby development appeared not only as a process or an outcome, but also as a precondition to the realisation of human rights. Yet, UN agencies³⁹ and civil society have long endorsed a ‘human rights-based approach’ to development –

a concept that does not appear in the text, and which the Chinese delegation seeks to systematically delete from any resolution the HRC negotiates. Such a ‘human rights-based approach’ ensures that development is not simply a top-down government-led provision of economic growth, but a transparent, inclusive process that views beneficiaries as empowered right-holders, and does not generate human rights abuses. It is well established that human rights and development are interdependent, and that the commitment to ‘leave no one behind’ can only be achieved through a rights-based approach.

4.2 - Reclaiming economic, social and cultural rights

China has also advanced initiatives that appear to challenge well-established standards in the field of economic, social and cultural rights, while pushing undefined national concepts into consensual human rights language.

In September 2020 and 2021, China proposed two resolutions on a ‘people-centred approach to human rights’ and ‘the realization of a better life for everyone’, respectively.⁴⁰ Repeated requests by countries from all regions⁴¹ for more conceptual clarity were not substantially addressed by the Chinese delegation, unable to succinctly define either concepts, instead relying on diplomats’ ‘common understanding.’ A 2021 White Paper points out how these and other political slogans lie at the heart of the CCP’s ideological work⁴² Both draft resolutions diluted human rights-based language as enshrined in international treaties, shifting the focus away from individuals as economic, social and cultural rights-holders to recipients of socio-economic development. This poses an important risk of altering normative standards and State obligations in this field: speaking on behalf of over 50 countries in a September 2021 joint statement⁴³ on the right to development, China emphasised that ‘we should pursue people-centred development and meet people’s aspiration for a better life’. Despite significant lobby, China withdrew both resolutions a few hours before their respective votes by HRC Members in 2020 and 2021 – a move rarely seen at the HRC – for lack of sufficient support from the Global South, in particular from Latin America.

At the same time, China has claimed leadership in a range of other agendas. In September 2021, China presented a landmark resolution on the human rights impact of legacies of colonialism, despite failing to include African, Latin American and countries from other formerly colonised regions among the leaders of the initiative.⁴⁴ Still, the motion prompted the HRC’s first-ever discussion on the human rights impact of colonialism entirely driven by a panel of UN experts on racism, indigenous rights, and transitional justice, while opening an important space for Native American, Palestinian, and other activists to address the UN directly. In March 2022, China worked with Bolivia, Egypt, Pakistan, South African, Venezuela and Yemen to present a resolution on the promotion of economic, social and cultural rights in Covid-19 recovery.⁴⁵ It also initiated a range of declarations on behalf of a large group of Global South countries denouncing vaccine inequity, and urging for greater international solidarity in Covid-19 recovery efforts.

5 • What implications for Latin America and the Global South?

China's diplomatic endeavours to advance a conservative, state-centric, and sovereigntist human rights agenda raise significant challenges for progressive Global South governments. As geopolitical tensions between great powers sharpen, they rely on a robust, righteous, independent multilateral human rights system, able to both promote meaningful cooperation and hold abusers accountable on an equal footing. With conservatism and authoritarianism on the rise, Geneva appears as an indispensable platform to protect and advance the rights of oppressed groups worldwide. A strong, progressive human rights agenda is also a condition *sine qua non* to promote a form of development that is sustainable and inclusive, tackle deep-rooted inequalities and combat climate change.

Yet, tensions between China and progressive Global South countries over human rights have become palpable. The negotiations mostly in the hands of the G77+China group⁴⁶ over the UN's budget is one telling example: within the group, human rights appear as a dominant source of friction between China and Latin American countries such as Uruguay and Mexico, who dedicate considerable effort to limit restrictions to the UN's largely under-resourced human rights pillar.⁴⁷

China's efforts to dispute human rights standards, weaken the independence and the work of UN human rights bodies to hold governments' accountable, restrict space for civil society at the UN, and promote an approach to human rights multilateralism where 'win-win' intergovernmental cooperation trumps the interests of right-holders and victims, points to three challenges to progressive Latin American countries.

Firstly, China's attempt to lead Global South countries on issues of historical importance for them – including development, economic, social and cultural rights, and international cooperation – disregards major differences in political culture, systems and societies among Global South countries. While Latin American countries lead on the normative development of topics such as the rights of LGBTIQ+ persons, women, indigenous peoples, or the fight against climate change – most often at odds with China –, frictions over economic, social and cultural rights are clear. By instrumentalising much-needed discussions about the Western-centric nature of the human rights system, China has played the card of opposition to the Global North to assert leadership over a variety of Global South agendas. This narrative disregards the pivotal role played by Latin American and other Global South feminist activists and diplomats in decolonizing and defending gender equality in the emerging international human rights framework. Decolonising a Western-centric human rights system is indispensable, but China's imposition of its priorities on Global South agendas does not contribute to building a more just multilateral system. Progressive Global South countries should embrace their differences and reclaim their leadership over key areas of human rights, while further shaping a system that holds all countries accountable on an equal footing, without exceptions.

Doing so points to a second challenge: the absence of a sufficiently strong and coordinated position among Global South countries that could effectively lead a progressive human rights agenda – beyond specific areas – independently of both the Global North, and of China and other sovereigntist allies. Despite its limited economic weight, Latin America has held a historically decisive role in building the current multilateral system. Yet, following a decade-long erosion of regionalism, the region seemingly struggles to assert itself as an influential diplomatic actor capable of leading a collective, autonomous, Global South human rights agenda, against major and hegemonic powers.

In addition to reclaiming leadership over a set of issues, progressive Global South countries should work together to address the ‘sovereigntist’ challenge posed by China and like-minded autocracies, in a robust, coordinated fashion. This not only includes being at the forefront of human rights normative development, but also striving to strengthen the UN’s human rights multilateral architecture to ensure it is widely supported, well-resourced, and able to work independently, with civil society, victims and human rights defenders at its heart. From safeguarding women and LGBTQ+ rights, achieving vaccine equity and upholding transnational corporate accountability, to reforming the NGO Committee, there is lots to do: joining forces is therefore imperative.

The third challenge is that of providing a principled response to the human rights situation in China. In a June 2022 public statement⁴⁸ on the human rights crisis in China, over 40 UN experts launched a rare wake-up call underscoring that ‘upholding the same standards and their equal application to all States big and small is important to maintaining the integrity, credibility and moral authority of the HRC and the UN [human rights system].’ China might arguably be one of the most difficult tests of the HRC’s ability to fulfill its mandate of responding to the gravest crises regardless of the perpetrator’s might: it failed to do so in September 2022 by rejecting a motion to debate China’s treatment of Uyghurs. In the near future, any similar initiative will send a crucial signal to other perpetrators whether the international community is willing to tolerate or even acquiesce in such behaviour. This will need governments such as Argentina and Mexico – who abstained in September 2022 – to maintain consistency with their positions on other country situations, to act consistently with their purported commitment to a feminist foreign policy without overlooking women from targeted communities, and ensure China is not an exception.

Dissidents targeted outside China’s borders, *refouled* individuals subjected to torture and disappearances, surveillance technologies exported worldwide, the human rights impact of Chinese business activities overseas: while the repression inside China may previously have had limited implications within the borders of Global South countries, the scenario has now changed. For progressive Global South governments, adequately responding to the human rights crisis in China is not only a moral duty, but also pragmatic necessity, and a (difficult) test of their credibility in human rights protection.

This demands political courage, as well as vision and an understanding of the long-term impact of (not) doing so. Concretely, ministries need to shape a foreign policy position on China that adequately considers human rights among other existing priorities such as business, or environmental cooperation. Governments must boost their diplomatic capacities, regularly and meaningfully consult and engage with independent Chinese human rights defenders, civil society, and academics with relevant expertise, in order to craft a position that is adequately informed.

6 • Conclusion: Building translational solidarity with China's human rights movement

China's human rights movement remains isolated and rarely benefits from expressions of solidarity by civil society in the Global South. While cultural and linguistic barriers constitute an obvious obstacle, the government's strategy to 'divide and conquer' civil society inside the country, and to promote globally a narrative that has vilified human rights advocacy in China as merely Western-driven containment greatly amplified this isolation. In Latin America, concerns about human rights in China are often weaponised by anti-communist forces, or dismissed in the name of 'anti-imperialism'. This shuts the door to objective debates over UN- and civil society-documented evidence, and brushes off the voices of those who should drive the conversation: victims and human rights defenders.

In democratic systems where civil society is able to hold governments accountable for their policy decisions, foreign policy-making cannot ignore public opinion. Yet, reporting on mass detention, disappearances and other grave human rights in China – even when documented by the UN –, and expressions of solidarity with Uyghurs, Tibetans, Hong Kongers or Chinese activists are at best rare, or most often nonexistent in the Global South.

Transnational solidarity across the Global South with China's human rights movement is indispensable. Doing so will require civil society to actively inform itself about the situation on the ground, by reviewing the extensive range of documentation from the OHCHR, and all UN human rights experts and mechanisms, and, most importantly, hearing directly from Uyghur, Tibetan, Hong Kong and Chinese human rights defenders and victims.⁴⁹ It will also require human rights groups to reclaim national discussions over human rights in China, steering it away from partisan positions, economic interests, and getting past a prevailing 'West vs. China' narrative.

In 2023, Chile and Costa Rica will sit among the 47 members of the HRC, alongside Argentina, Mexico, Honduras, and Paraguay. A new regional alignment between recently-elected progressive governments in Latin America provides a rare chance for coordinated, informed and principled positions that are able to address China's human rights abuses and its sovereigntist agenda in multilateral human rights spaces. Will progressive Latin America be up to the challenge?

NOTES

- 1 • The UN Human Rights Council is composed of 47 Member States elected by the majority of the UN General Assembly for a three-years membership, not being eligible for one year after two consecutive terms. HRC Member States are bound by a General Assembly resolution to ‘uphold the highest human rights standards.’ See “Membership of the Human Rights Council for the 17th cycle, 1 January - 31 December 2023,” OHCHR, 2023, accessed January 25, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/current-members>.
- 2 • “CERD/C/CHN/CO/14-17: Concluding observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China),” OHCHR, September 19, 2018, accessed January 25, 2023, <https://www.ohchr.org/en/documents/concluding-observations/cerdcchnco14-17-concluding-observations-combined-fourteenth>.
- 3 • “39th session of the Human Rights Council,” OHCHR, September 10, 2018, accessed January 25, 2023, <https://www.ohchr.org/en/statements/2018/09/39th-session-human-rights-council?LangID=E&NewsID=23518>.
- 4 • During China’s third UPR in 2018, the government rejected all 17 recommendations raising concerns on the human rights of Uyghurs and all 7 recommendations to grant unhindered access for UN experts to all regions of the country. “China | UPR recommendations for access to Xinjiang bluntly rejected,” ISHR, March 6, 2019, accessed January 25, 2023, <https://ishr.ch/latest-updates/china-upr-recommendations-access-xinjiang-bluntly-rejected/>.
- 5 • Geneva is a privileged space to better understand China’s positioning in global human rights discussions, given its stated commitment to multilateralism, and the absence of venues inside China for activists to document, expose, and seek justice for grave rights abuses.
- 6 • “China: analysis against the ‘objective criteria’ for Human Rights Council action,” ISHR, September 23, 2022, accessed January 25, 2023, <https://ishr.ch/defenders-toolbox/resources/china-analysis-against-the-objective-criteria-for-human-rights-council-action/>.
- 7 • “UN experts call for decisive measures to protect fundamental freedoms in China,” OHCHR, June 26, 2020, accessed January 25, 2023, <https://www.ohchr.org/en/press-releases/2020/06/un-experts-call-decisive-measures-protect-fundamental-freedoms-china>; “China must address grave human rights concerns and enable credible international investigation: UN experts,” OHCHR, June 10, 2022, accessed January 25, 2023, <https://www.ohchr.org/en/press-releases/2022/06/china-must-address-grave-human-rights-concerns-and-enable-credible>; and “Xinjiang report: China must address grave human rights violations and the world must not turn a blind eye, say UN experts,” OHCHR, September 7, 2022, accessed January 25, 2023, <https://www.ohchr.org/en/press-releases/2022/09/xinjiang-report-china-must-address-grave-human-rights-violations-and-world>.
- 8 • “Chinese Mission Spokesperson Refutes the Smears by Certain Special Procedure Mandate Holders,” Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, July 25, 2020, accessed January 25, 2023, http://geneva.china-mission.gov.cn/eng/dbttx/dbtjs/202007/t20200725_8299565.htm.
- 9 • Russia has since pushed similar iterations of the text during other HRC sessions, with strong Chinese support.
- 10 • “OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China,” OHCHR, August 31, 2022, accessed January 25, 2023, <https://www.ohchr.org/sites/default/files/documents/countries/2022-08->

31/22-08-31-final-assesment.pdf.

11 • “Chinese Mission spokesperson Liu Yuyin’s remarks on the so-called “assessment” on Xinjiang issued by the OHCHR,” Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, September 1, 2022, accessed January 25, 2023, http://geneva.china-mission.gov.cn/eng/ryrbt/202209/t20220901_10758786.htm.

12 • “China must release Uyghurs, end grave violations, rules UN committee,” ISHR, November 25, 2022, accessed January 25, 2023, <https://ishr.ch/latest-updates/china-must-release-uyghurs-end-grave-violations-rules-un-committee/>.

13 • The list of countries has varied over time but invariably include a majority of African and Arab governments, and China’s close allies that are also under scrutiny for rights abuses, including, from Latin America, Cuba, Venezuela, Bolivia, Nicaragua and El Salvador. See “Joint Statement Delivered by Pakistan on Behalf of a Group of Countries at the 51st session of the Human Rights Council,” Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, September 26, 2022, accessed January 25, 2023, http://geneva.china-mission.gov.cn/eng/dbdt/202209/t20220927_10772151.htm; and “UNGA77 3C – General Discussion on Agenda Items 66, 67 - Elimination of racism, racial discrimination, xenophobia and related intolerance; Right of peoples to self-determination - Transcript – Cuba (On Behalf of a Group of 66 Countries),” ISHR, October 31, 2022, accessed January 25, 2023, https://ishr.ch/wp-content/uploads/2023/01/UNGA77-3C_Cuba-JST.pdf.

14 • Jamey Keaten, “AP Exclusive: Diplomats say China puts squeeze on Ukraine.” Associated Press, June 25, 2021, accessed January 25, 2022, <https://apnews.com/article/united-nations-china-europe-ukraine-health-a0a5ae8f735b92e39c623e453529cbb9>.

15 • Colombia, Ecuador and the Dominican Republic commended China’s human rights achievements

soon after signing vaccine delivery deals on 20 February, 24 February, and 17 March respectively. See “Colombia ya cuenta con 192 mil dosis de vacunas de Sinovac,” Ministerio de Salud y Protección Social, February 20, 2021, accessed January 25, 2023, <http://webcache.googleusercontent.com/search?q=cache:5dtgfEETncQJ:https://www.minsalud.gov.co/Paginas/Colombia-ya-cuenta-con-192-mil-dosis-de-vacunas-de-Sinovac.aspx&client=safari&hl=pt-BR&gl=br&strip=1&vwsrc=0>; “Laboratorio chino Sinovac firma acuerdo para producir vacunas en Ecuador,” France 24, February 24, 2022, accessed January 25, 2023, <https://www.france24.com/es/minuto-a-minuto/20220224-laboratorio-chino-sinovac-firma-acuerdo-para-producir-vacunas-en-ecuador>; and “Desde China a RD: Más de un 1 millón de vacunas para combatir el COVID-19,” Presidencia de la República Dominicana, March 17, 2021, accessed January 25, 2023, <https://presidencia.gob.do/noticias/desde-china-rd-mas-de-un-1-millon-de-vacunas-para-combatir-el-covid-19>.

16 • “Debate on the situation of human rights in the Xinjiang Uyghur Autonomous Region, China,” A/HRC/51/L.6, ISHR, September 28, 2022, accessed January 25, 2023, <https://ishr.ch/wp-content/uploads/2022/10/L.6-as-received-1.pdf>.

17 • The first one, a resolution presented in September 2021 mandating an independent inquiry into the crisis in Yemen. “Despite States’ failure, Uyghurs and rights groups won’t give up efforts to hold China accountable at the UN,” ISHR, October 6, 2022, accessed January 25, 2023, <https://ishr.ch/latest-updates/despite-states-failure-uyghurs-and-rights-groups-wont-give-up-efforts-to-hold-china-accountable-at-the-un/>.

18 • During negotiations, Brazil voiced its opposition to the text considering that it would only further ‘polarise’ the HRC. During the vote, Mexico and Argentina both recalled their alleged strong commitment to dialogue, before declaring they would abstain from supporting the motion.

19 • Following the murder of George Floyd in 2020, the HRC convened an urgent debate and

adopted a resolution which cited the United States, establishing a global commission of inquiry on systemic racism.

20 • Established in 2021, the Group of Friends has been joined by Algeria, Angola, Belarus, Bolivia, Cambodia, China, Cuba, North Korea, Equatorial Guinea, Eritrea, Iran, Laos, Nicaragua, Palestine, Russia, Saint Vincent and the Grenadines, Syria and Venezuela. See “Concept Note for the “Group Of Friends in Defense of the Charter Of The United Nations,” AWS, 2021, accessed January 25, 2023, https://s3-eu-west-1.amazonaws.com/upload.teamup.com/908040/YXSDbMUTlqryfUrT6Env_Concept-20Note-20GoF-20Defense-20UN-20Charter.pdf.

21 • Over 2022, China, alone or jointly with Russia and Belarus, attempted on three occasions to push through ‘hostile’ amendments that would have weakened already discussed resolution texts on Afghanistan and Ethiopia – a tactic traditionally over-used by Russia.

22 • Bahrain, Bangladesh, Belarus, Bolivia, Burundi, Cambodia, Cameroon, China, the Comoros, the Congo, Cuba, Egypt, Iran, Kuwait, Laos, Malaysia, Nicaragua, North Korea, Oman, Qatar, Russia, Saudi Arabia, Senegal, Somalia, Sierra Leone, South Africa, Sri Lanka, Sudan, Syria, Tajikistan, Turkmenistan, the United Arab Emirates, Venezuela, Yemen and Zimbabwe.

23 • “Promoting mutually beneficial cooperation in the field of human rights,” A/HRC/RES/37/23, OHCHR, April 6, 2018, accessed January 25, 2023, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/37/23.

24 • The drafting group was chaired by the Advisory Committee member nominated by China, Liu Xincheng, a former Ambassador and high-ranking official at the Ministry of Foreign Affairs.

25 • March 2020: “Resolution adopted by the Human Rights Council on 22 June 2020,” A/HRC/RES/43/21, UN Docs, July 2, 2020, accessed January 25, 2023, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F43%2F21&Language=E&DeviceType=Tablet&LangRequested=False>; March 2021:

“Resolution adopted by the Human Rights Council on 23 March 2021,” A/HRC/RES/46/13, UN Docs, March 31, 2021, accessed January 25, 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/076/60/PDF/G2107660.pdf?OpenElement>.

26 • Voting against the text were India, Marshall Islands, Ukraine, and all Eastern European HRC members; abstaining during the vote: Bahamas, Chile, Peru, Fiji, Armenia, Malawi, Libya, Uzbekistan, Afghanistan, D.R.C., Rwanda, Tunisia, and Georgia; and reiterating some concerns: Mexico, Uruguay, and Panama.

27 • In its annual report on acts of reprisals against civil society actors for cooperating or seeking to cooperate with the UN, the Secretary-General has reported 43 cases of reprisals against activists by China so far. See “UN Action on Reprisals: Towards Greater Impact,” ISHR, 2021, accessed January 25, 2023, https://ishr.ch/wp-content/uploads/2021/05/ISHR_Reprisals-Report_Web_20210503.pdf.

28 • “Cao Shunli (曹顺利),” Chinese Human Rights Defenders, March 1, 2019, accessed January 25, 2023, <https://www.nchr.org/2019/03/cao-shunli/>.

29 • “Jiang Tianyong (江天勇),” Chinese Human Rights Defenders, February 20, 2017, accessed January 25, 2023, <https://www.nchr.org/2017/02/jiang-tianyong/>.

30 • “Uyghur Human Rights Activist Expelled from UNPFII,” UNPO, May 08, 2017, accessed January 25, 2023, <https://unpo.org/article/20072>.

31 • “UNPO Vice President Finally Admitted To UN Indigenous Forum,” UNPO, April 26, 2018, accessed January 25, 2023, <https://unpo.org/article/20769>.

32 • “CCTV Interview with Wu Hongbo,” World Uyghur Congress, Facebook page, April 25, 2019, accessed January 25, 2023, <https://www.facebook.com/watch/?v=649658305496919>.

33 • “The Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland,” HRW, March 7, 2019, accessed January 25, 2023, https://www.hrw.org/sites/default/files/supporting_resources/hrcletterchina20190329.pdf.

34 • Other NGO Committee Members regularly

deferring NGO applications include Cuba, Russia, Israel, Nicaragua, Pakistan, India, Turkey, Bahrain, and Greece.

35 • For more details: "What China Says, What China Means: And What This Means For Human Rights," Amnesty International and Urgewald, 2021, accessed January 25, 2023, <https://whatchinasays.org>.

36 • "Resolution adopted by the Human Rights Council on 22 June 2017," A/HRC/RES/35/21, UN Docs, July 7, 2017, accessed January 25, 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17184/81/PDF/G1718481.pdf?OpenElement>.

37 • The report was again produced by a drafting group chaired by the committee's Chinese expert and former ambassador, Liu Xinsheng. China quoted language from the report, which drew heavily from China's own submission, to present two additional resolutions on the issue in June 2019 and June 2021. The three resolutions (2017, 2019 and 2021) were largely adopted by the HRC, with few abstentions (Georgia, Panama, Paraguay, Armenia, the Bahamas) and oppositions mostly coming from Western and Eastern European States, Japan, South Korea and the Marshall Islands.

38 • "Resolution adopted by the Human Rights Council on 12 July 2019," A/HRC/RES/41/19, UN Docs, July 17, 2019, accessed January 25, 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/218/41/PDF/G1921841.pdf?OpenElement>.

39 • See UNSDG: the human rights-based approach (HRBA) is one of the six Guiding Principles of the UN Sustainable Development Cooperation Framework. See "Principle One: Human Rights-Based Approach," UNSDG, [n.d.], accessed January 25, 2023, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>.

40 • "Draft resolutions, decisions and President's statements," OHCHR, 2020, accessed January 25, 2023, <https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/45session/Pages/resolutions.aspx>; and "Draft resolutions, decisions and President's statements," OHCHR, 2021, accessed January 25, 2023, <https://hrcmeetings.ohchr.org/>

[HRCSessions/RegularSessions/48session/Pages/resolutions.aspx](https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/48session/Pages/resolutions.aspx).

41 • Including Mexico, Uruguay, Argentina, Panama, Brazil, India, Botswana, Ukraine, and South Korea.

42 • The same 2021 White Paper presented a people-centred approach to human rights as the following: "The CPC comes from the people and has its roots in the people. It serves the people and seeks to improve their wellbeing. Putting people first and ensuring their principal status have always been the core of the CPC's view on human rights. In his letter to the seminar on the 70th anniversary of the Universal Declaration of Human Rights, President Xi Jinping proposed that living a happy life is the primary human right, giving new meaning to China's progress in human rights in the new era." See "The Communist Party of China and Human Rights Protection -A 100-Year Quest," Embassy of the People's Republic of China in United Arab Emirates, July 5, 2021, accessed January 25, 2023, http://ae.china-embassy.gov.cn/eng/xwtdt/202107/t20210705_8909901.htm.

43 • "Joint Statement Delivered at the Interactive Dialogue with the Expert Mechanism on the Right to Development at the 48th Session of the Human Rights Council," ISHR, September 16, 2021, accessed January 25, 2023, <https://ishr.ch/wp-content/uploads/2023/01/China-JST-on-Right-to-Development.pdf>.

44 • The resolution was adopted with the support of 27 HRC Members, while 20 abstained, including Mauritania, Togo, Senegal, Uzbekistan, Libya, the Marshall Islands, Bahrain, Eastern European and Western governments. See "Resolution adopted by the Human Rights Council on 8 October 2021," A/HRC/RES/48/7, UN Docs, October 14, 2021, accessed January 25, 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/286/52/PDF/G2128652.pdf?OpenElement>.

45 • The resolution was adopted with the support of 31 HRC Members, while Mexico and Ukraine abstained, Honduras, South Korea, Japan, the Marshall Islands, and Eastern European and Western States voting against. See "Resolution

adopted by the Human Rights Council on 1 April 2022,” A/HRC/RES/49/19, UN Docs, April 8, 2022, accessed January 25, 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/303/98/PDF/G2230398.pdf?OpenElement>.

46 • The G77 + China group was established in 1964 by 77 developing countries (now expanded to 134) to enhance a collective negotiating capacity over economic and other common interests. Although China endorses the group politically and financially, it does not consider itself an official member.

47 • Human Rights are one of the three main pillars of the UN (with Peace and Security, and Development), yet only receives 2.8% of the UN's regular budget.

48 • “China must address grave human rights concerns and enable credible international investigation: UN experts,” OHCHR, June 10, 2022, accessed January 25, 2023, <https://www.ohchr.org/en/press-releases/2022/06/china-must-address>

grave-human-rights-concerns-and-enable-credible. 49 • Positive examples include interviews of Chinese woman human rights defenders Xu Yan in: João Paulo Charleaux, “O estado dos direitos humanos na China, segundo esta ativista.” NEXO, February 26, 2021, accessed January 25, 2023, <https://www.nexojournal.com.br/entrevista/2021/02/26/O-estado-dos-direitos-humanos-na-China-segundo-esta-ativista>; Sophie Luo and Mindy Shi in Macarena Vidal Liy, “Hostigadas en China por defender a sus maridos.” El País, June 27, 2022, accessed January 25, 2023, <https://elpais.com/internacional/2022-06-27/hostigadas-en-china-por-defender-a-sus-maridos.html>; and Li Wenzu et al., “No 5º aniversário da ‘repressão de 709’, na China, apresentamos nosso lado da história.” Folha de S.Paulo, July 9, 2020, accessed January 25, 2023, <https://www1.folha.uol.com.br/mundo/2020/07/no-5o-aniversario-da-repressao-de-709-na-china-apresentamos-nosso-lado-da-historia.shtml>.



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THE RECONFIGURATION OF POWER

Ronilso Pacheco

- *An analysis of human rights, religion and the dispute for democracy in Brazil*

ABSTRACT

The idea of rethinking “power”, in other words rethinking its central position and how it circulates, was provoked by the need to seek out alternative ways of handling the challenges facing defenders of human rights freedom and democracy, which are being posed today by the extreme right in a number of different countries. This involves an understanding of how the strategies of the extreme right have been hampering discussions surrounding these topics, how they have made recognition of the importance and efficacy of them difficult and have also limited many of the efforts being made, by pushing for a “war of narrative”. Rethinking power also points to a challenge for progressive forces, committed to human rights, in that they must listen and understand the power that circulates at the grassroots level and learn alternative methods of action and communication. There is an urgent need to diversify in terms of strategy, narratives and above all of those working in these areas.

KEYWORDS

Power | Democracy | Human rights | Extreme right | Collectivity

Free societies all around the world face an implacable new enemy. This foe has no army, no navy; it comes from no country we can point to on a map. It is everywhere and nowhere, because it is not out there but in here. Rather than threatening societies with destruction from without, like the Nazis and the Soviets once did, this foe threatens them from within.

A peril that is everywhere and nowhere is elusive, hard to discern, to pin down. We all sense it, but we struggle to name it. Torrents of ink are spilled describing its components and features, but it remains elusive.

Our first task, then, is to name it. Only then can we grasp it, fight it and defeat it.

What is this new foe that threatens our freedom, our prosperity, even our survival as democratic societies?

The answer is power, in a malignant new form.

Every era has seen one or more forms of political malignancy. What we are seeing today is a revanchist variant that mimics democracy while undermining it, scorning all limits. It is as if political power had taken stock of every method free societies have devised over the centuries to domesticate it and plotted to strike back.

That is why I think of it as the revenge of power.

Moisés Naím in *The Revenge of Power*¹

1 • Introduction

With the extreme right's new methods to undermine democracy, progressive forces have had to take a closer look at the intricacies of power. The extreme right and the many reactionary movements (organised and otherwise) have understood the language of "institutional democratic order" and have started to take advantage of it. Reactionary hermeneutics of democracy, freedom and other fundamental rights have brought confusion to the public debate, to the point where it has been reduced to a hackneyed "dispute of narratives". The local and global extreme right has instilled in the public debate the idea that there is a project of power that needs to be tackled, a progressive, communist, leftist one.

In the cases of Jair Bolsonaro and Damareo Alves, in Brazil; José Kast and Chiara Barchiesi, in Chile; Maria del Rosario Guerra and Maria Fernanda Cabal, in Colombia; Nayib Bukele, president of El Salvador; Alejandro Giammattei, in Guatemala, the defence of "democracy" and the guarantee of "freedom" and defending the country's sovereignty, are presented as life missions

and as political commitment. The Latin-American “democratic” extreme right sits comfortably alongside the “illiberal” democracy of Viktor Orbán, in Hungary, the fight for national identity and individual freedom of Giorgia Meloni, in Italy and of the Spanish Vox party.

It is clear that this situation represents an enormous challenge to progressive forces throughout the continent. This means that these same progressive forces are now being forced to try to understand and react to the ways in which power is being expressed and disputed in the current scenario. Values that are dear to the people and organisations that are committed to human rights have been depleted and co-opted in the public debate. This has greatly hindered the way in which we speak about these values, how we identify the risks surrounding them and how we work towards a free inclusive society.

2 • Revolutionary transformations of power

The journalist Moisés Naím’s now classic book of 2013, *The End of Power*, makes an important contribution to an understanding of power and illustrates that power as we conceive it, represented in images and institutions, is in decline in a world that has become far more dynamic. Naím identifies the principal reasons for this decline in power, or reconfiguration of power, and he divides it into three categories that he calls “revolutionary transformations”.

The first of these is the “*More*” revolution. This is characterised by growth and abundance in all areas: the number of countries, population sizes, standards of living, illiteracy rates, advances in medical technology, the number and range of products, political parties, religions etc. In addition, it is a world in which there is more inequality, more economic imbalance, more people being affected by extreme poverty and more arms being produced leading to an increase in violence. At the same time, however, the desire for a political system based on democracy is gaining ground; there is greater popular participation and a more active civil society and we see this in the proliferation of movements and organisations.

Therefore, Naím acknowledges a type of revolution with this simple and seemingly generic “*More*”. This “*More*” is not merely quantitative, it is the complexification of a diverse world, with greater challenges for those who wish for it to be more inclusive, fair and equal. I would like to include the fundamental role of other aspects of “*More*” in a dialogue with the author. The pluralisation and diversification of critical concepts and perspectives concerning reality, principally subordinated contexts and how the creation of new channels and strategies for communications/interaction could be seen as part of this “*More*”. There is one aspect of “*More*” that was and still is essential in tackling the many faces of colonial power. I am referring specifically to the conservative forces that feed and are fed by this political, economic and religious articulation and which, in a hegemonic dispute, retain power in the hands of an elite minority, who simultaneously attempt to force and impose their will on society. This will be political, economic and religious in nature, the latter based on a fantasy of global morality.

By way of an example we could look to the reality of many of Brazil's peripheries, particularly the *favelas*, territories that have arisen out of marginalisation, precarisation, the elimination of social participation and the (im)possibility of thriving in the city. These territories are also, however, potent centres of social, cultural and political creativity. Living in the *favelas*, where there are deficient essential services, violent repression by the armed wing of the state and violent domination by organised crime (whether by drug trafficking factions or paramilitary groups, in Rio de Janeiro) requires wisdom, social technology, a political outlook and considerable imagination.

The wisdom required is related to various survival tactics developed by the people of the community living and transiting in situations of armed conflict in which they have to overcome fear and to see certain things, but act as though they do not. They have to attribute some degree of "normality" to absurdities, such as rights violations and limit situations, while simultaneously seeking the best and safest living conditions in the midst of precariousness. This demands social technology, in that networks of solidarity are forged, not necessarily in an organised way, but in ways that foster communication and caretaking in the *favela*. Social technology was fundamental during the Covid-19 pandemic, and has been for decades, given the need to manage the "economics of care", in situations of extreme poverty, principally caring for children and the elderly, the responsibility for which usually falls on women. While some analysts and researchers do not see it this way, the whole dynamic of the *favelas* demands the capacity to assess situations and to be imaginative. There is a need "to read situations" and imagine possibilities for living and progressing.

However, relations with these territories are often still based on a rationale of precarity and deprivation. In a relationship based on this rationale, the territories and their communities are seen as people who have little, or nothing, to give and everything to receive. In this sense, it is fundamental to recognise the role of local collectives and organisations that act as powerful networks for charting and "translating" from and for the community. It is also important to mention the role that many evangelical churches play in the *favelas*, principally the Pentecostal ones, as an example of this social technology. Pentecostal churchgoers living in the peripheries are certainly not simply believers repeating verses from the bible, who are submissive to conservative pastoral leaders. Evangelicals are also the articulators of dynamic networks that allow people to maintain some dignity in their lives, within these territories and in the midst of the challenges faced there.

In the category "Mobility", Naím states that "there is more of everything, it moves wider and faster".² Therefore, in one sense, this mobility is referring to the circulation of products and content and in another sense to actual movement. The activities and organisation of society in movement are fundamental for it to progress, but increasingly, there are parallel movements that aim to maintain societal conditions exactly as they are, or even to return to the conditions of the past.

Worldwide reactionary movements and the extreme right have been intensifying and diversifying their attacks to prevent societies from moving towards renewal, equality and the acknowledgement

of diversity. They oppose the advance of democracy. As “more” world views, narratives and lifestyles present a challenge to the ultra-conservative power of colonial heritage, there is a need to broaden and diversify the movements that have pushed societies into conditions of greater inclusion and equality, despite the difficulties and resistance. Movements and organised civil society cannot be the only actors in this transformation process. The whole of society must be involved. This movement should also be seen by – and shared with – *disorganised society*, in other words, citizens who are alienated from political and social protagonism.

Lastly, the author talks about a revolution of *Mentality*, a reflection of the big changes in ways of thinking, expectations and in the aspirations that accompany these transformations. I would add that this revolution has been intensified by the recognition of the dignity of social minorities, but also by reactionary identity statements, often rooted in the religious ultra-conservative fundamentalist spectre, that runs contrary to the acknowledgement of diversity and plurality in society. These changes in “ways of thinking” and in social and political “aspirations” bring about constant tension in the public sphere, revealing the power that circulates, not only in the political elite but also in organised civil society, as both attempt to influence the direction of society.

In regions of the world where the extreme right has been gaining force, it has proved to be very successful in channelling certain aspirations. “Defending the traditional family” seems to have been a tricky point for progressive forces who constantly have to explain that their projects for society and collective political agenda do not compromise recognition of the place of the family in society. In fact, “family” has become a fundamental aspiration in many concrete situations in which precarisation, insecurity and the gap left by capitalist society present daily challenges in the lives of millions of people, principally those living in the peripheries.

3 • Reconfiguration of power in Brazil

Therefore, the world has changed and so has “power” in the world. At least the way in which power is articulated and manages to establish limits, show direction and centralise reactions and counter-reactions. One example of this is the close relationship many candidates for executive roles in Brazil (particularly for president) have with the evangelical sector of the country’s population. Up until the 2010 and 2014 elections, the dialogue between presidential candidates and evangelicals was mainly carried out through the principal evangelical leaders in the country.

The presidential contests of Dilma Rousseff and José Serra (the second round of 2010) and Dilma Rousseff and Aécio Neves (the second round of 2014) circled around the most powerful names in the large Brazilian churches, among them, Edir Macedo, Silas Malafaia, José Wellington, Manoel Ferreira, Valdemiro Santiago and R. R. Soares. The rationale of this political communications strategy involved speaking to the people who held positions of religious power within the evangelical churches.

It was believed that the support and approval of the powerful leaders of the country's largest denominations would automatically mean the universal support of their respective flocks. Luiz Inácio Lula da Silva also used this strategy in two of his presidential campaigns. However, the religious power of these leaders proved to be paradoxically fragile. The appropriation of power based on the idea of the maximum level of representation – in the case of a pastor who occupies a central position and attempts to be the voice of evangelicals³ from all regions of national territory – underestimated the complexity and many nuances of the role of religion in the public sphere, where individual believers exercise their decision-making power through personal choices that are made and justified in the light of local needs and scenarios. Social technology networks that arise within local churches exercise more power than the histrionic yelling of the millionaire evangelical leaders.

So, Bolsonaro fought for the support of the evangelical sector of society not only with the help of religious leaders and their economic, religious and media power but also, or principally, by means of the explicit defence of ultra-conservative Christian supremacy, publicly disdaining any commitment to the secular state. He would quote the verse from the bible, “and ye shall know the truth and the truth shall make you free” (John 8:32) as a personal commitment and transformed the slogan “God above all else” into a symbol that was one of both civic virtue and faith. This public defence of the conservative Christian faith was a vital connecting link for Bolsonaro. He appeared to have consciously understood, strategically or otherwise, where “power” actually lies, in order to get the evangelicals on his side. Clearly, his political victory came about with the approval of fundamentalist evangelical leaders, but another movement was built from the bottom up, in other words, irrespective of the persuasion and pressure of the leaders of the large churches. A large sector of the evangelical community identified with a candidate who vigorously and forcefully defended “Christian values”. He publicly affirmed the superiority of Christianity and said that non-Christian minorities would have to accept the moral standards of the conservative Christian majority.⁴

4 • The distance between the progressive movement and the disorganized society

According to Ariel Goldstein, in recent years we have witnessed a loss in the legitimacy of institutions and the democratic system in Latin America, this situation having been exacerbated by the pandemic. Goldstein claims that intense criticism by elite governors has led to a distrust of democratic systems. He goes on to say that this is because “when elite governors and officials are seen as cut off from the reality of the majority of the people, the democratic system loses legitimacy and authoritarian solutions and/or external ones become more acceptable”.⁵ This is partially true. For some time now, elite leaders and officials (military) have been detached from the majority of the population in Latin America.

In fact, in Latin America people have always had to live with this reality, particularly the poorest most vulnerable populations. There has never been a *Macondo* moment in

the history of any Latin-American country, not in Brazil, Argentina, Venezuela, Chile, Guatemala or even in Colombia. *Macondo* being the town created by Gabriel García Márquez in *One Hundred Years of Solitude*. Nor has there ever been a town built by the people in the middle of the desert, distributing roles and occupations so everyone can participate, like the one depicted in David Toscana's *Our Lady of the Circus* about a circus troupe. In other words, we are the legacy of an unequal, colonial and deeply hierarchical society. These are societies forged in countries founded on the kind of system that emerges when the reality is one in which some work and fight for their very survival and others enjoy the privileges of deciding the paths the country will take, share wealth and establish the morality and behaviour of a society.

A change is unlikely in the governing elite's detachment in relation to the popular classes, so focus should turn to the organised progressive forces. Despite their principles of defending human rights and democracy they too have shown a limited level of connection with 'disorganised society', fighting to survive the demands of daily life. This line of argument may seem unreasonable given that many organisations, collectives, social movements and networks of social actors in the progressive democratic sector are active and entrenched in the areas where living conditions are precarious. But it seems quite reasonable when we look at the complex relationship of these movements with progressive governments, for example. When some leaders in the field of human rights found dialogue and above all a space in the governments of Lula and Dilma, the risks concerning what could emerge from the resentment of the conservative middle class and the neoliberal ultra-right, a minority, but an articulate one, was underestimated. The aforementioned sense of distance has been growing and becoming increasingly tangible.

Progressive leaders, left-wing parties and human rights organisations have certainly noted the advance of the right and the extreme right in the cooption of the collective imagination of the popular classes, principally in the use of religion to radicalise the conservative stance which exists in many of these communities. This may certainly have been the gap filled by fundamentalists. It is true that conservatism and fundamentalism are at the genesis of Brazilian evangelicalism, both Protestant and Pentecostal. It is also true that Brazilian society is a conservative society, whose legacy of colonialism and slavery still tinge our many shades of inequality and structural injustice. However, the level of ultra-conservative reactionary radicalisation experienced in the last ten years in Brazil has occurred on the backdrop of this sense of distance and the left's loss of the ability to converse with the popular classes, as well as a lack of effort on the part of many organisations and leaders in the progressive democratic field to make coherent, and above all respectful, assessments, leading to better understanding, regarding the peripheries, principally the urban ones. Furthermore, although this sense of distance has not led to a lack of activity, it has been a very real obstacle to effective communication and to strategic action in the face of the urgent serious threats experienced in recent years.

5 • Conclusion

Popular forces and other expressions, both individual and collective, of organised civil society that have been working to keep an explicitly authoritarian project out of Executive power in Brazil, are not guaranteed. The forces in favour of democratic stability are not at an advantage with Lula's victory. This is still insecure and uncertain. The way ahead may not be simply to reconsider getting closer to and becoming more curious and interested in the different forms of survival and resistance of organised society, although this is very important, but also to take a fresh look at the structures of power.

Democratic stability and the path to consolidation of a fairer, inclusive, plural and egalitarian society will still depend greatly on the debate, the capacity to convince and stimulate engagement with different sectors of society, based on the values and impact of human rights, including civic and political freedom, racial justice, gender and of course democracy itself. It will also greatly depend on the extent to which we understand as a society that this is not a matter of a dispute between political models but instead concerns the urgent need for a social pact to protect the aforementioned concepts.

This way of understanding the human rights cause and democracy makes political dispute at the very least more complex and diffused. Because institutions, organisations and mobilisation networks – whether emancipatory or reactionary and fascist – will continue to be active and present. They will continue to be in movement. It is important to acknowledge that actors who were previously dispersed and of little consideration in this dispute – except when called upon to vote in elections – are also present, bringing their own interests, demands and forms of engagement.

Although there is a synergy between these forms of popular engagement and the international reactionary networks that tap into this, this synergy is only successful because it has found a place and resonance in the wide variety of situations in which large numbers of people are forced to live. These range from the fear that someone may violently take their lives, to the idea that a project of power ignores the value of family or removes parents' right to bring up their own children. It also resonates with fears that are the product of the social panic that has set in and is overblown. Nevertheless, these messages are repeated and shared, not by the creators of fake news, but by people in one's own intimate, emotional, support network. In practice it is difficult to associate fake news and the creation of organised moral panic to the figure of your friendly pastor who has welcomed you and helped your family in times of difficulty, sometimes even sharing their own food.

Defeating the project of the extreme right in Brazil and other Latin-American countries, is going to require much more than reinforcing arguments and old models of addressing the matters that are threatening our future. The self-important sector of the population, anxious to topple the recently elected government in Brazil, following some weeks on the streets, did not spring from an organised international movement that encourages radicals to act and disturb democratic order.

NOTES

1. Moisés Naím, *The Revenge of Power: How Autocrats Are Reinventing Politics for the 21st Century* (New York: St. Martin's Press, 2022)
- 2 • Moisés Naím, *O fim do poder: nas salas da diretoria ou nos campos de batalha, em Igrejas ou Estados, por que estar no poder não é mais o que costumava ser?* (São Paulo: LeYa, 2013): 17.
- 3 • Still treating the most recent data from the Brazilian Institute of Geography and Statistics (IBGE) as official, this is 22% of the population, around 42 million evangelicals (it is thought that the 2022 census will reveal an updated figure of around 60 million).
- 4 • See, for example, "We are a country with a majority of Christians, we will not admit any regression in this area, because we have the people and God on our side," in: Eduardo Simões, "Bolsonaro diz que não aceitará retrocesso em maioria cristã no Brasil". Yahoo! Notícias, September 2, 2022, accessed December 31, 2022, <https://br.noticias.yahoo.com/bolsonaro-diz-que-n%C3%A3o-aceitar%C3%A1-152746970.html>; and, "O Estado é laico, mas nosso governo é cristão", diz Bolsonaro no Twitter", *Diário de Pernambuco*, September 16, 2020, accessed December 31, 2022, <https://www.diariodepernambuco.com.br/noticia/politica/2020/09/o-estado-e-laico-mas-nosso-governo-e-cristao-diz-bolsonaro-no-twit.html>; also, "Bolsonaro diz que o Brasil 'está condenado a ser cristão'", *Carta Capital*, August 14, 2022, accessed December 31, 2022,, <https://www.cartacapital.com.br/politica/bolsonaro-diz-que-o-brasil-esta-condenado-a-ser-cristao/>.
- 5 • Ariel Alejandro Goldstein, *La reconquista autoritaria: Cómo la derecha global amenaza la democracia en América Latina* (Buenos Aires: Marea, 2022): 13.



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“TERRIBLY CHRISTIAN”

Déborah Silva do Monte and Matheus de Carvalho Hernandez

- *Foreign policy on human rights under the Bolsonaro administration* •

ABSTRACT

This study analyses the foreign policy on human rights of the Bolsonaro government. Our hypotheses are: (1) backed by the religious positions of his electoral base, the illiberal Bolsonaro administration used Brazil's foreign policy as a space to express his ideological views, and (2) as this use of foreign policy was connected to the electoral arena, Bolsonaro radically altered the country's foreign policy on human rights to maintain the loyalty of his evangelical voters. Based on these two hypotheses, we argue that the changes are linked to the reconfiguration of Brazil's foreign policy to favour the access and leadership of evangelical conservative organizations in this area at the expense of progressive human rights organizations.

KEYWORDS

Brazil | Bolsonaro | Foreign policy | Human rights | Gender

1 • Introduction

“The state is laic, but this minister is terribly Christian”.¹ This statement was made by Damara Alves, the Minister of Women, Family and Human Rights, on the day she took office, on January 2, 2019, under the presidency of Jair Bolsonaro. This gave a clear indication of how the policies of the federal government, which were conservative, authoritarian and non-laic in nature, would violate the constitutional pillars of Brazilian democracy, including at the international level.²

Bolsonaro’s election in 2019 was a turning point in the history of Brazil. Under him, the Brazilian government was antagonistic toward judicial independence, freedom of the press and the development of a national educational system. It also threatened various forms of civil society activism.

Efforts to block setbacks in Brazilian foreign policy have not been very effective. From an international perspective, the Bolsonaro administration eroded the country’s political capital, linked to cooperative multilateral actions, and turned foreign policy into a catalyst for his anti-rights project. In June 2019, the Minister of Foreign Affairs instructed Brazilian diplomats to defend the outdated view that only biological sex exists, with the aim to hinder debates and block the use of the term “gender” in the international forums in which Brazil participates. In September 2019, Bolsonaro attacked Michelle Bachelet, the UN High Commissioner for Human Rights, by mentioning her father’s history.³ In October 2020, Brazil cosponsored the Geneva Consensus Declaration – basically an international anti-abortion declaration – accompanied by countries like the United States (under the Trump administration), Egypt, Indonesia, Hungary and Uganda. Also in February 2021, before the UN Human Rights Council session, the Brazilian Minister of Foreign Affairs denounced measures being adopted globally to fight COVID-19, drawing a simplistic dichotomy between health and freedom.⁴

These setbacks, both national and international, are very serious. However, when comparing the efforts to contain domestic and international setbacks in the human rights arena, Brazilian CSOs and institutions had different levels of success in 2019 and 2020. Governments have historically been averse to social participation in foreign policy, as well as input from political entities outside the executive branch. However, since the 2000s, it had been a channel for mobilizing progressive struggles and had developed through a plural decision-making process.⁵ The Bolsonaro administration changed this trend. Thus, this article’s main questions are: *why did the human rights dimension of Brazilian foreign policy suffer radical changes under the Bolsonaro government? And a secondary question is: to what extent has the Bolsonaro government’s democratic deficit and anti-rights agenda impacted the performance of CSOs?*

Over the last three decades, Brazilian foreign policymaking has been pluralized with an increasing number of actors influencing or attempting to influence this area. This

pluralization means that decision-making is more accessible to governmental (other ministries and agencies) and non-governmental actors (CSOs).⁶ In this article, we analyse the executive branch (the presidency and ministries involved with the human rights area of foreign policy) and CSOs (both progressive ones and those aligned with the Bolsonaro government's preferences).⁷ To be more specific, we focus on identifying the relevant actors in the formulation of these conservative positions by the Brazilian state in international human rights arenas and examining their interests, resources and how they are distributed. We aim to verify whether and how the changes in actors and agendas after the 2018 Brazilian election reconfigured the playing field and to point out new dynamics of interaction and the production of new political results in the domestic and international environment.

2 • Human rights and foreign policy: Bolsonaro's breaks with constitutional traditions

After the democratization process in the 1980s, the PSDB and PT governments (1990-2003 and 2003-2016) were inspired by and the propellers of a human rights-based foreign policy narrative. Despite the differences in their guidelines and strategic choices, both administrations were aligned with the principle of the prevalence of human rights enshrined in the Brazilian constitution. Neither administration saw the UN Human Rights Council as a political enemy like the Bolsonaro government did.

The different kinds of actions chosen by the two administrations were not disconnected from their domestic goals, nor from the Brazilian constitution and, in terms of human rights, from the legacy of Brazilian foreign policy, especially the one built after the redemocratization process. In the empirical analysis below, we will analyse how this disconnect emerged in Bolsonaro's foreign policy on human rights, especially in the illiberal positions it defended in the UN Human Rights Council. We will also examine how these positions were created, who were the formulators, who were the domestic beneficiaries of this strategy and what were the channels and actors that this illiberal turn of Brazilian human rights foreign policy privileged.

In the current human rights backlash,⁸ exemplified by the changes in Bolsonaro's international agenda, conservative CSOs are trying to gain access to these human rights forums. This also implies a change in the actors who have access to foreign policy-making.

The role of CSOs in international politics has become increasingly important since the end of the Cold War. They have been elevated to the status of legitimate representatives of the public interest.⁹ Accordingly, they became active players that states and international bureaucracies are now forced to deal with. In the human rights field, CSOs are forceful agents and an indispensable part of the international regime. They are responsible for pushing states and international organizations to adopt, update and enforce human rights standards.

In general, analytical models normally consider CSOs as pro-human rights actors. However, the current situation of the world, particularly the recent state of Brazilian foreign policy, raises some political and analytical challenges to this assumption.

Also, despite the recent pluralization of actors with influence in foreign policymaking, foreign policy is still relatively distant from citizens and public opinion. Considering the substantial changes made by President Bolsonaro on international human rights issues, Soares de Lima and Albuquerque argue that "because it is a theme highly centred on the executive power, in which there is less need to form alliances in Congress, we argue that Bolsonaro uses Brazilian foreign policy as a space for making declarations aimed at deepening the loyalty of a more radical portion of the electorate".¹⁰

Brazilian foreign policy in the Bolsonaro government has been characterized as disruptive.¹¹ We highlight its nationalist discourse grounded on religious values and a strong defence of the moral agenda. From this new perspective, under Bolsonaro, Brazilian international relations became guided by a critique of multilateralism, especially institutions and organizations whose agenda conflicts with the traditional, conservative and religious values of the president's most loyal constituency.

This anti-globalist shift is rhetorically justified by the need to align the international actions with the religious and traditional values of a significant number of Brazilian citizens. In such thinking, there is the fallacious idea that the internationalization of the moral agenda through foreign policy is necessary in order to democratize the latter.¹² However, adopting the values of one single group does not democratize foreign policymaking; instead, it increases the gap between citizens and foreign policy.

Chart 1 summarizes the actors (of Bolsonaro administration) in the governmental and non-governmental spheres¹³ and their main arenas and strategies. Those elements will guide our analysis in the next section.

Chart 1. Actors, arenas and strategies

Actors	Arenas	Main arena	Strategies
President	Executive Congressional International Electoral	Electoral	Nominate ministers and advisors on foreign and human rights policies. Direct dialogue with the electorate through social media and online statements
Ministers (Foreign Affairs, and Women, Family and Human Rights)	Executive Congressional International	Executive, aiming to improve the loyalty of Bolsonaro's constituency	Controlling the agenda
Coletivo RPU*	International Civil society	International	Voicing preferences; pressure and advocacy; shaming
ANAJURE	International Civil society Executive Congressional	Executive Congressional	Vocalization of preferences; pressure advocacy

Source: Elaborated by the authors.

* UPR: Universal Periodic Review (RPU in Portuguese).

We now analyse the main actors, their preferences and the resources they mobilized to shape Brazil’s foreign policy on human rights between January 2019 and March 2021. As mentioned before, we will focus on government actors of the executive branch (the Presidency, the Ministry of Foreign Affairs and the Ministry of Women, Family and Human Rights). We also highlight how two CSOs whose ideological orientations differ from one another — the Coletivo RPU¹⁴ and ANAJURE — started to react to Bolsonaro’s religious and ideological politics.

3 • Bolsonaro’s theo-conservative shift in foreign policy on human rights

Jair Bolsonaro won the presidential election in 2018 after a long trajectory of authoritarian and anti-human-rights discourses. Bolsonaro presented himself as a leader capable of tearing down public policies, including the country’s foreign policy.¹⁵ His government style has some particularities such as “zero concern with governability [...] the relationship of opposition and co-optation of the political system, [...] and a broad social base that ratifies his positions on social media, which allows him to relativize the media opposition he faces”.¹⁶ This strategy, called (un)government by Avritzer, is best represented by key ministers in public policy areas such as human rights. Minister Damares Alves was nominated as the Minister of Women, Family and Human Rights for her ability to tighten up the human rights policy, undo previous trends and advancements and create conflict between the bureaucracy and the public policy community,¹⁷ including CSOs.

As mentioned before, conservative Christian values are at the core of Bolsonaro’s political platform, and his government was constituted by a growing religious right. Hence, the Ministry of Women, Family and Human Rights (MMFDH) became an institutional space for the actions and consolidation of this group in neoconservative terms and through a populist logic.¹⁸

Since 2018, the evangelicals in Brazil are the group that backed Bolsonaro’s actions the most. This constant and popular support is what guaranteed his election and continuity in office, although not exclusively so,¹⁹ and was reflected in his government policies and changes in the executive branch. Evangelicals have a long political trajectory of being close to other governments, but under the Bolsonaro administration, this relationship between political power and religious groups became organic and more institutionalized.²⁰ This resulted in a cross-cutting integration of neoconservative and religious values in the government structure, with gender issues, in particular, being deconstructed in different policy areas.²¹

In addition, Bolsonaro, as an “elected autocrat”,²² treated the political opposition as enemies and built up a populist wall that separated “us” – the people with religious values – from “them”, using the valorisation of the family as a tool. Thus, international organizations, such as the UN Human Rights Council, and progressive CSOs were considered and treated as enemies.

This analysis shows that foreign policy is tied to the electoral arena and how Bolsonaro's international actions were undertaken to increase the loyalty of his constituency by pleasing those with conservative and religious values. Bolsonaro promised to withdraw Brazil from the UN Human Rights Council²³ and while he did not keep this promise, he made significant changes to Brazilian guidelines and decisions in this organization.²⁴

3.1 - The thinkers and the doers of the shift: government actors

These significant turns in Brazil's human rights foreign policy have at least two important political actors at their core: former Minister of Foreign Affairs Ernesto Araújo and Minister of Women, Family and Human Rights Damares Alves.²⁵

Ernesto Araújo was the Minister of Foreign Affairs from January 2019 to March 2021. He was the formal executor of the changes in trends, discourses and actions in Brazil's international relations. Araújo, who is a career diplomat, was appointed to the position of minister for his ideological predilections. In Araújo's words, Bolsonaro "[...] was the only political leader capable of bringing the people to power, the only one who believed in freedom, nationalism, God and the interaction between them."²⁶

Araújo strengthened the nationalist discourse based on religious precepts and the defence of the moral agenda, which attacks so-called globalist policies.²⁷ As an example, he stated that the word "multilateralism" should be avoided when referring to international institutions in order to defend sovereignty and the national sentiment.²⁸

Attacks on globalism were not just a criticism of multilateralism or the functioning of international institutions. In Araújo's view, globalism means the combination of the globalized economy with "cultural Marxism". Thus, Brazilian foreign policy was thought to be part of a universal insurgency, led by the Trump administration, against "globalism", "climatism," "racism," "gender ideology" and "abortionism".

This shows that the foreign policy under Araújo's guidance became part of a moral crusade, at the expense of real and pragmatic strategies. The government's hostility toward China, Brazil's most important commercial partner, in defence of and in alignment with Trump's United States exemplifies this blindness and lack of rational strategies.²⁹

Araújo tried to change Brazil's foreign policy into a tool of a liberal-conservative alliance (liberal in the economy, conservative in values) to promote a "healthy, trustful and successful society" based on the following values: nation, family and traditional ties. He agreed that these guidelines were making Brazil an international pariah and praised the ostracism he helped to cause.³⁰ As a result of this rhetoric, we highlight the special ties that Brazil built with conservative governments such as Israel, Hungary, Saudi Arabia, Poland and India. Except for India, these countries had not been a priority for Brazilian international relations during previous governments.

These new special relationships were justified by the religious and ideological features of Bolsonaro's politics rather than pragmatic reasons. Araújo left the government in March 2021 following criticism from the legislative branch and pressure from the media and civil society.

Damares Alves was the Minister of Women, Family and Human Rights. She was one of the most vocal ministers and one of the main supporters of the Bolsonaro administration and its conservative principles. According to a December 2019 poll, Alves was the second most popular minister of Brazil and the only one who had more support among the poor than the rich.³¹ She is an important political figure whose role needs to be carefully examined to understand the conservative turn in foreign policy.

Alves is an evangelical pastor and a lawyer, and began her career in politics at the end of the 1980s. But it was only at the end of the 1990s that she became the congressional aide for a conservative congressman in Brazil and an evangelical leader.

Alves was also the Director for Legislative Affairs and one of the founders of ANAJURE, the National Association of Evangelical Lawyers, an organization that played an important role in the conservative and anti-gender turn of Bolsonaro's foreign policy. This association became known in Brazil for defending the rights of teachers and schools to not address human rights and political issues, especially debates on gender.

As a Minister, Alves controlled an important part of the Brazilian human rights agenda. First, we should pay attention to the name of the institution she headed: Women, Family and Human Rights. This mix of elements already shows the meaning, framework and level of priority of her ideological views. Up until 2019, Brazil had never had a ministry devoted to family. And "family" is not a neutral and inclusive term here. It refers to a very strict, conservative, heteronormative understanding of family as one that is formed by a heterosexual couple and their children, thus perfectly satisfying Bolsonaro's conservative evangelical constituency. Damares said in her speech for her inauguration as Minister: "All public policies in this country will have to be built on the basis of the family. The family will be considered in all public policies".³² In 2020, the MMFDH launched the "Programa Município Amigo da Família" (Municipality, A Friend of the Family Programme) with the goal of strengthening marital relationships and inter-generational ties, without a single mention of alternative family arrangements, birth control methods or domestic violence.

However, controlling the agenda involves not only the ability to set the tone of the debate and public policies but also to control who participates (or not) in decision-making bodies and processes. In 2019, Bolsonaro and Alves terminated the committee responsible for monitoring the third National Programme for Human Rights (PNDH-3), one of Brazil's most comprehensive and progressive human rights programmes, elaborated in a very collaborative and participatory way in 2009.

Damara Alves' participation in the UN Human Rights Council mirrored her role in the national sphere. In the international sphere, due to the nature of Brazil's foreign policy, she had fewer obstacles to overcome, being freely successful and satisfying Bolsonaro's conservative circle.

One important example of Alves's international actions is the Geneva Consensus. The Geneva Consensus was an initiative launched in 2020 by the conservative governments of the United States, Brazil, Egypt, Hungary, Indonesia and Uganda. These countries cosponsored a declaration named the *Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family*.³³ The Consensus was supposed to strengthen women's health but did not even mention the word "rights" and, of course, its content reflected a conservative, religious and heteronormative understanding of family. Actually, the Declaration is a kind of anti-abortion and pro-life diplomatic manifesto. Like Alves, it aims to reaffirm the family as the main unit of society, avoid any international initiative that could guarantee abortion as part of a women's sexual and reproductive health programme and protect national jurisdictions from such initiatives.³⁴ After Biden's victory, the United States left the initiative, and Brazil became the leader responsible for trying to gather more support for the declaration.³⁵

This kind of position and coalition has moved Brazil away from its historical position and alliances on women's health. In March 2021, Brazil did not sign a declaration supported by more than sixty countries to celebrate Women's International Day and establish a list of commitments regarding women's health.³⁶ Brazil, which was accompanied by ultraconservative countries such as Poland, Hungary, Saudi Arabia, Egypt, Russia and China, explained that the country did not join the declaration because it made references to sexual health rights and supported feminist movements – two points that were in complete disagreement with the Ministry of Women, Family and Human Rights³⁷ and, we add, the Brazilian evangelical conservative audience.³⁸

3.2 - Spacious supporters of and squashed opponents to the shift: non-governmental actors

In terms of human rights foreign policy, in 2006, the Brazilian Committee of Human Rights and Foreign Policy³⁹ was created to increase transparency and participation in the elaboration and execution of Brazil's foreign policy on human rights.⁴⁰ The goals of the Committee were to promote the creation and strengthening of formal mechanisms of citizen participation in the elaboration, execution and monitoring of Brazilian foreign policy on human rights.⁴¹

One of the most interesting characteristics of the Committee was the periodic meetings it promoted before and after the UN Human Rights Council sessions with Brazilian diplomats. These meetings served as spaces to align positions between CSOs and the government, when possible, and to justify positions on resolutions and votes before society,

increasing transparency. Thus, it was a channel through which human rights organizations could monitor Brazilian foreign policy on human rights closely.

The Committee started to weaken in 2016 and 2017, when President Dilma Rousseff was impeached and replaced by Michel Temer. Then, in 2017, periodic meetings between members of the Committee and the Brazilian government began to cease. When Bolsonaro was elected with an anti-human-rights, anti-CSO and anti-UN speech, governmental channels of participation, especially in the Ministry of Foreign Affairs, became completely closed to human rights organizations. Constructive dialogue on the foreign policy on human rights between the government and its international representatives (such as Araujo, Martins and Alves) and human rights CSOs was not possible, as they were viewed by the Bolsonaro administration as political enemies.

Faced with these constraints, human rights CSOs continued their work in relation to an anti-human rights government by directing the entirety of their resources to monitoring its activity. The UPR became the focus. Human rights CSOs no longer had constructive and periodic meetings with Brazilian diplomacy. Instead, they acted collectively through a monitoring platform called *Coletivo RPU*.⁴² The organizations that congregated in the Coletivo were often attacked by the Bolsonaro government.

The Coletivo was one of the most vociferous organizations about denouncing Brazilian foreign policy's lack of commitment to human rights. When commenting on the report that the Brazilian government submitted to the UN Universal Periodic Review, the organization made the following statement: “The Brazilian government repeats in its report what has been the main tone of its actions in this area: denialism, delays and lack of protection for the population, attacks on and dismantling of human rights policies”.⁴³

The Bolsonaro administration explicitly blocked the access of human rights organizations to the process of formulating and implementing foreign policy. The *Coletivo RPU* denounced the government's attitude and highlighted how the civil society consultations held in the lead-up to the UPR were merely a formality. “This reveals the inefficiency and extremely low representativity of the public consultation held. Civil society attributes this to the way it was organized and the total lack of mobilization to allow for participation [...]”, the Coletivo affirmed.⁴⁴

However, if our hypotheses are correct and this government uses this policy mainly to satisfy its conservative and evangelical constituency, it makes sense that it would also grant access to foreign policymaking processes to conservative and evangelical organizations, such as ANAJURE, which Alves co-founded.

ANAJURE is a conservative, right-wing Brazilian association founded in 2012 and composed of evangelical lawyers, prosecutors, judges and law professors and students. Its activities focus especially on religious freedom and freedom of expression. The association

has more than six hundred members and is present in twenty-three of the twenty-seven Brazilian states. ANAJURE is affiliated to different international institutions of the same type, such as the International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB) and the Religious Liberty Partnership (RLP).⁴⁵

ANAJURE has made efforts to implement its goal of becoming a national forum for influencing Brazilian laws, lobbying authorities, acting internationally to create ties with similar associations and building alliances to influence discussions within international organizations such as the UN. Thus, ANAJURE seeks to act internationally. Its institutional objective requires it to obtain accreditation as an authorized CSO with international organizations to be able to widely participate in the debates, forums and activities. ANAJURE has already achieved this status inside the Organization of the American States (OAS) and is pursuing the same at the UN.⁴⁶ ANAJURE is fully aligned with the ideas and actions of the foreign policy on human rights of the Bolsonaro administration, especially regarding issues such as gender, “family” and LGBT rights. ANAJURE, for instance, was an enthusiastic supporter of Brazil’s participation in the Geneva Consensus⁴⁷ – a position that is diametrically opposed to that of Coletivo RPU.⁴⁸

Therefore, despite ANAJURE’s argument that its goal is to defend religious freedom internationally, it is engaged in a struggle to establish the cultural hegemony of Christian values throughout the country and internationally.

3.3 - Findings: actors, preferences and resources

Brazil’s foreign policy was more ideological and less pragmatic due to governance standards (low social participation, low monitoring and predominance of the executive branch when compared with other policies) in addition to the (un)government generated by Bolsonaro’s political strategy.

Chart 2. Actors, preferences and resources

Actors	Interests/preferences	Resources
<p>President (Jair Bolsonaro)</p>	<p>Electoral success</p>	<p>Agenda powers</p> <p>Appointment of ministers, advisers and members of the Supreme Court</p> <p>Direct dialogue with its constituency</p>
	<p>Changes in Brazil's foreign policy</p>	
	<p>Treating the opposition as an enemy</p>	
<p>Minister of Foreign Affairs (Ernesto Araújo)</p>	<p>Changes in Brazil's foreign policy</p>	<p>Definition and implementation of foreign policy</p>
	<p>Criticizing the multilateral international order, especially on human rights issues (anti-globalist agenda)</p>	
<p>Minister of Women, Family and Human Rights (Damares Alves)</p>	<p>Foreign policy on human rights based on a non-secular view and submitted to the will of a religious, and electorally victorious, majority</p>	<p>Definition and implementation of human rights policy</p>
<p>Coletivo RPU</p>	<p>Monitoring human rights in Brazil from the perspective of the UPR</p> <p>Recommendations</p>	<p>Voicing preferences; pressure and advocacy shaming</p> <p>Focusing on the international level in view of the limitations of domestic channels</p>
	<p>Struggle against setbacks in human rights policy</p>	

ANAJURE	Promoting a view of human rights based on Christian values	Voicing preferences; pressure
	Valuing religious freedom and freedom of speech	advocacy

Source: elaborated by the authors.

4 • Final remarks

This article shows the role of different actors in the redefinition of Brazil’s foreign policy on human rights. We believe that it contributes to a more analytical, and not only prescriptive, view of Bolsonaro’s human rights and foreign policies.

The main findings of this study point to a new dimension of the politicization of Brazilian foreign policy: its use as a permanent electoral tool.⁴⁹ This politicization did not mean foreign policy becomes more plural. Instead, it led to more homogenous positions on human rights issues across policies, as the government strengthened its contact and dialogue with CSOs whose Christian and conservative values were aligned with those of the government, namely ANAJURE. Progressive CSOs such as Coletivo RPU had to adjust their strategies to influence international institutions, since the institutional channels within the government had been closed or hollowed out. Accordingly, the decision-making process regarding foreign policy on human rights became less plural and less conflictive, since there was just one view on the table — one based on Christian values.

Our analysis helps understand how complex the meaning and scope of the current human rights backlash is. It is a kind of transnational phenomena, shared by different countries, and is also directly linked with the electoral arena and national groups and their values. In this sense, our case study showed how the human rights backlash also involves strong, active anti-secular groups who vote, support their political leaders and expect to be pleased by them.

Bolsonaro and his ministers justified an anti-secular, conservative foreign policy on human rights by saying that they are satisfying the will of a Christian/evangelical majority in Brazil. However, this justification completely subverts the meaning of democracy, whose full

realization depends on the protection of the human rights of minorities and the guarantee that their voices be effectively represented and heard.

After the first two years of government, the political situation changed significantly. Bolsonaro lost part of his supporters that voted for him in 2018. Even with occasional changes in campaign strategies, Bolsonaro followed the same logic used throughout the government: speaking to his more faithful electorate and looking for ways to retain their support. He continued to use the foreign policy to try to please and retain this electorate, leading Brazil away from the defence of human rights in the international arena.

Our analytical efforts aside, in view of the recent victory of the Lula-Alckmin ticket over Bolsonaro and the editorial vocation of Sur, we would like to offer a few words of recommendation: how can progressive civil society organizations work effectively to defend democracy and human rights in a context of intense international organizing by the far right?

It seems to us that the first task is to *rebuild a complex relationship with the state*. To do so, it will be necessary to restructure the course of action so that it is no longer based on a logic of confrontation between state and civil society, which was the only option available during the Bolsonaro administration due to the closure of channels of participation and its identification of human rights NGOs as enemies. Obviously, the exercise of denouncing and possibly constraining the elected government should always be present, especially when demanding that the government fulfil its promises on human rights, foreign policy and the connection between the two. However, it will be necessary to revive a logic of constructive collaboration between state and civil society in the elaboration of public policies and the defence of institutions. We must demand that channels for permanent dialogue be created, ones that have an adequate institutional structure to guarantee greater stability to foreign policy on human rights and prevent new setbacks.

This first point can be broken into two more: the *reoccupation of forums for social participation and the promotion/facilitation of international coordination among progressive parliamentary caucuses*. Along with entering or returning to important international forums linked to this theme, it is fundamental for human rights organizations to occupy spaces of participation related to the major social and economic rights agendas. We thus believe that human rights should be treated as a cross-cutting issue across different ministries and government agencies.

In relation to *international coordination among progressive parliamentary groups*, it is very important to encourage them to hold these exchanges. Progressive coalitions, which are generally the minority in the Global South, need to mutually reinforce one another and share good practices and strategies to fight setbacks in the legislature.

But as the actions of ANAJURE described in our article show, the far right is fighting to occupy civil society spaces as well. Thus, human rights organizations will need to take action to ensure that progressive groups prevail in these spaces. This includes efforts to

coordinate with organizations and diplomatic representatives from other countries to stop these conservative and retrograde organizations from obtaining consultative status at the UN, for example.

To deal specifically with the “cursed legacy” of the Bolsonaro government, human rights organizations will also have the role of *coordinating initiatives to catalogue, systematize and publicize the setbacks, dismantling and deconstructions of policies, institutions and rights*. Given the magnitude of the destruction, this task cannot be limited solely to the presidential transition team or the academic world. As the ‘memory and truth’ frame stir tension in Brazil, an alternative to a truth commission would be to launch a series of lawsuits targeting the second and third levels of the Bolsonaro administration first to build a network ecosystem on accountability that is not personified in the figure of the president.

The mission to protect human rights and defend democracy in an environment of intense international organizing by the extreme right is a tough one, but the Vienna legacy offers us a beacon of light and a spark of hope: our actions must be grounded on the so-called 3D – that is, the inevitable articulation among human rights, democracy and development.

NOTES

1 • Fernanda Vivas, “Estado é laico, mas esta ministra é terrivelmente cristã”, diz Damares ao assumir Direitos Humanos.” G1, January 2, 2019, accessed January 26, 2023, <https://g1.globo.com/politica/noticia/2019/01/02/estado-e-laico-mas-esta-ministra-e-terrivelmente-crista-diz-damares-ao-assumir-direitos-humanos.ghtml>.

2 • This text is a shortened and updated version of a paper already published by the authors. The paper is available at: Déborah Silva do Monte and Matheus de Carvalho Hernandez, “Human rights foreign policy under Bolsonaro: pleasing the conservative constituency”, *Revista Videre* 13, no. 28 (2021), accessed January 26, 2023, <https://ojs.ufgd.edu.br/index.php/videre/article/view/15329>.

3 • Matheus de Carvalho Hernandez, “Bachelet e Bolsonaro: obviedades, desumanidades e alertas.

Gestão, Política e Sociedade. Estadão, September 13, 2019, accessed March 11, 2021, <https://www.estadao.com.br/politica/gestao-politica-e-sociedade/bachelet-e-bolsonaro-obviedades-desumanidades-e-alertas/>.

4 • “Na ONU, Ernesto Araújo contesta medidas de restrição contra a covid-19”. *Poder 360*, February 22, 2021, accessed April 12, 2021, <https://www.poder360.com.br/governo/na-onu-ernesto-araujo-contesta-medidas-de-restricao-contra-a-covid-19/>.

5 • Carlos R. S. Milani, “Atores e agendas no campo da política externa de direitos humanos,” in *Política Externa Brasileira: as práticas da política e a política das práticas*, org. Carlos R. S. Milani and Letícia Pinheiro (Rio de Janeiro: Editora FGV, 2012).

6 • Carlos Aurélio Pimenta de Faria, “Opinião pública e política externa: insulamento, politização

e reforma na produção da política exterior do Brasil," *Revista Brasileira de Política Internacional* 51, no. 2 (2008): 80-97.

7 • Milani, "Atores e agendas no campo da política externa de direitos humanos" (2012).

8 • Stephen Hopgood, Jack Snyder, and Leslie Venjamuri, *The Human Rights Futures* (Cambridge: Cambridge University Press, 2017).

9 • Peter Willets, *Non-Governmental Organizations in World Politics: The Construction of Global Governance. Abingdon* (Oxon: Routledge, 2011).

10 • Translated by the authors. Maria Regina Soares de Lima and Marianna Albuquerque, "O Estilo Bolsonaro de governar e a política externa," *Boletim OPSA* 1 (January/March 2019): 15.

11 • Matias Spektor, *Diplomacia da ruptura: Democracia em risco? 22 ensaios sobre o Brasil hoje*, 1 ed. (São Paulo: Cia das Letras, 2019): p. 324-338.

12 • Dawisson Belém Lopes, "Deus e o diabo na terra da política externa." *O Globo*, January 6, 2019, accessed September 20, 2020, <https://oglobo.globo.com/mundo/artigo-deus-o-diabo-naterra-da-politica-externa-23348545>.

13 • Milani, "Atores e agendas no campo da política externa de direitos humanos" (2012).

14 • "Coletivo RPU Brasil is formed by 30 entities from Brazilian civil society and monitors human rights in the country through the UN Universal Periodic Review mechanism". "O Coletivo RPU," *Plataforma RPU BR*, [n.d.], accessed January 26, 2023, <https://plataformarpu.org.br/o-coletivo-rpu>.

15 • Spektor, *Diplomacia da ruptura...*, (2019).

16 • Leonardo Avritzer, "Política e antipolítica nos dois anos de governo Bolsonaro," in *Governo Bolsonaro: Retrocesso democrático e degradação política*, org. Leonardo Avritzer, Fábio Kerche, and Marjorie Marona (Belo Horizonte: Autêntica, 2021): 52.

17 • *Ibid.*

18 • Ronaldo Almeida, "A religião de Bolsonaro: populismo e neoconservadorismo," in *Governo Bolsonaro: Retrocesso democrático e degradação política*, org. Leonardo Avritzer, Fábio Kerche, and Marjorie Marona (Belo Horizonte: Autêntica, 2021).

19 • Marcelo Ayres Camurça, "Um poder evangélico

no Estado brasileiro? Mobilização eleitoral, atuação parlamentar e presença no governo Bolsonaro," *Revista NUPEM* 12, no. 25 (2020): 82-104.

20 • Ronaldo Almeida, "A religião de Bolsonaro: populismo e neoconservadorismo" (2021).

21 • *Ibid.*, 6526.

22 • Steven Levitsky and Daniel Ziblatt, *Como as democracias morrem* (São Paulo: Editora Zahar, 2018).

23 • Talita Fernandes, "Bolsonaro diz que cometeu ato falho e que jamais pensou em sair da ONU." *Folha de S.Paulo*, August 20, 2018, accessed January 26, 2023, <https://www1.folha.uol.com.br/poder/2018/08/bolsonaro-diz-que-cometeu-ato-falho-e-que-jamais-pensou-em-sair-da-onu.shtml>.

24 • In addition to the shifts regarding Brazil's vote on gender, Brazil changed its historical position on the Israeli- Palestinian conflict inside the UN Human Rights Council, for example. According to Belém Lopes (2021), the Brazilian voting behaviour changed in several items in this area, always in favour of Israel, an unusual shift that shows a new alliance with Israel. This alignment among Brazil, Israel and the United States was also intended to meet the religious constituency's values and requests. See: Dawisson Belém Lopes, "Dois anos de uma política externa rudimentar," in *Governo Bolsonaro: Retrocesso democrático e degradação política*, org. Leonardo Avritzer, Fábio Kerche, and Marjorie Marona (Belo Horizonte: Autêntica, 2021).

25 • The foreign policy on human rights of the Bolsonaro administration was elaborated by both official policymakers, such as Ernesto Araújo and Damares Alves, and unofficial ones. Here, we highlight the importance of Filipe Martins, the former Special Foreign Affairs Advisor to the Presidency of the Republic. His nomination was backed by Eduardo Bolsonaro, the former president's son, who chaired the Commission on Foreign Affairs and National Defence of the House of Representatives. Similar to Ernesto Araújo, Martins was instrumental to Brazil's alignment with the US during the Trump administration, and he remained in the position even after Araújo left office.

- 26 • Speech by the former Minister of Foreign Affairs, Ambassador Ernesto Araújo, Washington: Ernesto Araújo, "O Brasil voltou!". FUNAG, September 11, 2019, accessed September 20, 2020, <https://funag.gov.br/index.php/pt-br/2015-02-12-19-38-42/3011>.
- 27 • Dawisson Belém Lopes, "Deus e o diabo na terra da política externa." *O Globo*, 6 de janeiro de 2019, accessed January 26, 2023, <https://oglobo.globo.com/mundo/artigo-deus-o-diabo-na-terra-da-politica-externa-23348545>.
- 28 • Diana Lott, "Em fala sobre 2a Guerra ao Conselho de Segurança da ONU, Ernesto ataca multilateralismo." *Folha de S.Paulo*, May 8, 2021, accessed March 11, 2021, <https://www1.folha.uol.com.br/mundo/2020/05/em-fala-sobre-2a-guerra-ao-conselho-de-seguranca-da-onu-ernesto-ataca-multilateralismo.shtml>.
- 29 • Dawisson Belém Lopes, "Dois anos de uma política externa rudimentar" (2021).
- 30 • Ricardo Della Coletta, "Se a atuação do Brasil nos faz um pária internacional, que sejamos esse pária, diz Ernesto." *Folha de S.Paulo*, October 20, 2020, accessed April 13, 2021, <https://www1.folha.uol.com.br/mundo/2020/10/se-atuacao-do-brasil-nos-faz-um-paria-internacional-que-sejamos-esse-paria-diz-chanceler.shtml>.
- 31 • Berardo Caram, "Moro e Guedes têm alta aprovação entre ricos e baixa entre pobres, diz Datafolha." *Folha de S.Paulo*, December 9, 2019, accessed April 15, 2021, <https://www1.folha.uol.com.br/poder/2019/12/moro-e-guedes-tem-alta-aprovacao-entre-ricos-e-baixa-entre-pobres-diz-datafolha.shtml>.
- 32 • Vivas, "Estado é laico, mas esta ministra é terrivelmente cristã..." (2019).
- 33 • "Brasil assina declaração sobre defesa do acesso das mulheres à promoção da saúde," *Brasil*, October 23, 2020, accessed April 13, 2021, <https://www.gov.br/pt-br/noticias/assistencia-social/2020/10/brasil-assina-declaracao-sobre-defesa-do-acesso-das-mulheres-a-promocao-da-saude>.
- 34 • Jamil Chade, "Biden sai de aliança antiaborto com Brasil; Itamaraty não muda de posição." UOL, January 28, 2021, accessed April 13, 2021, <https://noticias.uol.com.br/colunas/jamil-chade/2021/01/28/biden-sai-de-alianca-antiaborto-com-brasil-itamaraty-nao-muda-de-posicao.htm>.
- 35 • At the time of revision, Brazil is now under the presidency of Lula and has withdrawn from the Geneva Consensus. See Jamil Chade, "Itamaraty assumirá papel de Trump em agenda ultraconservadora, revela email." UOL, January 29, 2021, accessed April 13, 2021, <https://noticias.uol.com.br/colunas/jamil-chade/2021/01/29/itamaraty-assumira-papel-de-trump-em-agenda-ultraconservadora-revela-email.htm>. Aware of the possibility of this happening, Cristiane Britto, who succeeded Damares Alves, and the Secretary of the Family of the Bolsonaro government, Angela Gandra Martins, handed over the coalition's leadership to Hungary at the end of 2022, as a government action for the international day of the family. More information is available from: "Consenso de Genebra: Brasil transmite à Hungria a liderança do grupo de países que defendem a vida desde a concepção," *Ministério dos Direitos Humanos e da Cidadania*, December 8, 2022, accessed January 26, 2023, <https://www.gov.br/mdh/pt-br/assuntos/noticias/2022/dezembro/consenso-de-genebra-brasil-transmite-a-hungria-a-lideranca-do-grupo-de-paises-que-defendem-a-vida-desde-a-concepcao>.
- 36 • Jamil Chade, "Comislâmicos, Brasil tenta esvaziar resolução sobre direito das mulheres." UOL, July 7, 2020, accessed April 20, 2021, <https://noticias.uol.com.br/colunas/jamil-chade/2020/07/03/com-islamicos-brasil-tenta-esvaziar-resolucao-sobre-direito-das-mulheres.htm>.
- 37 • Jamil Chade, "Brasil não adere a ato de 60 democracias na ONU pela defesa das mulheres." UOL, March 8, 2021, accessed April 16, 2021, <https://noticias.uol.com.br/colunas/jamil-chade/2021/03/08/brasil-nao-adere-a-ato-de-60-democracias-na-onu-pela-defesa-das-mulheres.htm>.
- 38 • Jamil Chade, "Na ONU, Damares denuncia "afronta à fé cristã" no Carnaval." UOL, February 25, 2021,

“TERRIBLY CHRISTIAN”

accessed April 16, 2021, <https://noticias.uol.com.br/colunas/jamil-chade/2020/02/25/na-onu-damares-denuncia-afronta-a-fe-crista-no-carnaval.htm>.

39 • “Histórico,” Brazilian Committee of Human Rights and Foreign Policy., 2006, accessed January 26, 2023, http://dhpoliticaexterna.org.br/?page_id=4.

40 • *Ibid.*

41 • This Committee was originally composed of some of the most important human rights CSOs in Brazil and of key government bodies: the Human Rights and Minorities Commission of the House of Representatives, the Ministry of Health and the Federal Attorney General for the Prosecution of the Rights of Citizens. Besides, the Committee regularly met with members of the Ministry of Foreign Affairs and of the Human Rights Secretariat. Rodrigo de Souza Araújo, “A crise do Sistema Interamericano de Direitos Humanos: dinâmicas na posição brasileira sobre o caso,” Master’s Thesis, Instituto de Relações Internacionais da Universidade São Paulo, São Paulo, 2017.

42 • “O Coletivo RPU,” Plataforma RPU Brasil, [n.d.], accessed April 12, 2021, <https://plataformarpu.org.br/o-coletivo-rpu>.

43 • “Carta Aberta do Coletivo RPU Brasil sobre Relatório do Estado Brasileiro para o IV Ciclo da Revisão Periódica Universal,” Plataforma RPU Brasil, 2022, accessed January 26, 2023, https://plataformarpu.org.br/storage/publications_documents/fMoui8aconv1PkQ2XC9CnmX7dwzju7y3VCyAyoX.pdf.

44 • *Ibid.*, 2.

45 • “Quem somos,” ANAJURE, January 20, 2020, accessed March 27, 2021, <https://anajure.org.br/quem-somos/>.

46 • In the case of the UN, accreditation has not been approved yet because Cuba and China raised some questions regarding the work ANAJURE does in countries like Portugal, the United States, and Jordan. “ANAJURE concludes participation in Annual Session of the UN Committee on NGOs,” ANAJURE, January 29, 2020, accessed March 17, 2021, https://anajure.org.br/wp-content/uploads/2020/01/ANAJURE.Nota_ONU_English-2.pdf; and Felipe Frazão, “Após China, Cuba retarda adesão de associação de juristas evangélicos na ONU.” O Estado de São Paulo, January 23, 2020, accessed April 13, 2021, <https://internacional.estadao.com.br/noticias/geral,apos-china-cubaretarda-adesaodeassociacao-de-juristas-evangelicos-na-onu,70003169724>.

47 • This is precisely why ANAJURE severely criticized Brazil’s recent withdrawal from the Geneva Consensus promoted by the current Lula administration. See: “O Coletivo RPU,” Plataforma RPU Brasil [n.d.].

48 • “[...] the country, especially the executive branch, has defended retrograde and conservative positions on human rights and aligned itself on the international level with authoritarian countries with little or no tradition” (Coletivo RPU, 2022, p. 7).

49 • Lopes, “Dois anos de uma política externa rudimentar” (2021).

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LEGAL DILEMMAS RELATED TO THE RESTRICTION OF HATE SPEECH

Víctor Abramovich

- *Discrimination, freedom of expression, and state regulation*¹ •

ABSTRACT

Regulating hate speech, which as a rule threatens human dignity, peaceful coexistence and democracy, is a state responsibility protected by international standards. However, compliance with this mandate for action faces a legal dilemma: on the one hand, the constitutional principles of equality and non-discrimination and, on the other, the legal principles that protect freedom of expression and impose the prohibition of prior censorship. The text examines this apparent contradiction and offers some guidelines for orienting the state response to this type of speech, in order to broaden citizenship and ensure public debate.

KEYWORDS

Freedom of expression | Equality | Nondiscrimination | Democracy | Constitutional principles

1 • Introduction

Expressions of discrimination reinforce stigmas that affect many sectors of society. This problem has been growing worse since the turn of the century due to the emergence of political groups who construct their identity on the basis of hate speech rooted in authoritarian views on issues such as migration, public safety, models of family and sexuality and gender identities, among others.

At the legal level, states face certain tensions arising from contradictory mandates. On one hand, constitutional principles on equality and non-discrimination require states to intervene and restrict the circulation of violent hate speech and stigmatizing ideas. On the other hand, legal principles that uphold the freedom of expression prohibit prior censorship and limit the power to regulate content and the attribution of criminal and civil liability for expressions on matters of public interest.

This article aims to explore this apparent contradiction. To do so, we will begin with a brief description of the changes made to the scope of the rights to equality and free expression in international human rights regimes in order to offer guidelines for the state response to this type of hostile speech.

2 • The evolution of the right to equality and the prevention of discrimination-based violence

According to the principle of substantive or positive equality, states are obliged to define policies and strategies to end social, political and also cultural injustices and those related to the right to recognition. This obligation requires states to deploy specific strategies in the area of educational and cultural policies. It has implications for the social communication sphere as well, as states are prohibited from promoting stigmatizing discourses. They are also required to play an active role in restricting, dismantling and combatting the circulation of such discourse, regardless of its source. The Inter-American Court of Human Rights (I/A Court of H.R.) has defined negative gender stereotypes as attributes, conduct, characteristics or social roles that are or should be performed by men and women respectively.² In the context of other conflicts, it has taken into consideration the social constructs of racial, homophobic or xenophobic stereotypes and their decisive influence on the development of entrenched practices of discrimination and violence. Along the same lines, the International Convention on the Elimination of Racial Discrimination requires states to prohibit and punish racist hate speech and to promote immediate and effective measures in the fields of education, culture and information to combat racial prejudice (articles 4 and 7 of the ICERD). The Covenant on Civil and Political Rights and the American Convention on Human Rights (ACHR), for their part, prohibit all hate speech that incites violence against any individual or social group (article 20 of the ICCPR and 13(5) of the ACHR).³

International human rights law links the construction of social stigma not only to socioeconomic and political exclusion, but also to exposure to the risk of violence. Article 8 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the “Convention of Belém do Pará”, recognizes the existence of stereotypes and representations in the media. One of the state affirmative action policies that it proposes on the prevention of gender violence is to intervene to alter sociocultural norms that may reproduce, naturalize or deepen inequality. Furthermore, article 6 of the Convention of Belém do Pará affirms that the right of every woman to a life free from violence includes the right to be free from all forms of discrimination and to be valued and educated free from stereotyped patterns of behaviour and social and cultural practices based on concepts of inferiority or subordination.

Therefore, the state obligation to act with due diligence to prevent the risk of violence from materializing provides a solid basis for measures to restrict violent hate speech against discriminated groups. This includes the legal obligation to intervene to limit the dissemination of violent hate speech and, more broadly, stigmatizing and discriminatory forms of expression. This positive state obligation creates obvious tensions with the rules governing freedom of expression, according to which states must refrain from establishing regulations on content in order to safeguard broad and uninhibited public debate.

3 • The evolution of the right to freedom of expression and discriminatory speech

One of the keys to trying to resolve this issue is to note that the evolution of the concept of equality has given rise to a new conceptualization of the right to free expression.

The classic view of freedom of expression, linked to conservative liberal theories, associates the right to express oneself with individual autonomy. This view began to give way to a more complex vision in which each individual’s right to express themselves is bound to the social right to seek and obtain information, ideas and thoughts. This new vision considers the existence of a robust and broad public debate in the democratic process as a necessary condition for the exercise of both rights. According to this broader view, persistent inequality affects both the right of each person to express themselves and the community’s right to receive information.

This second concept, which can be referred to as the “egalitarian” concept of free speech, does not include blind distrust toward the role of the state. It is true that state intervention can obstruct an open debate of ideas and opinions, which justifies imposing limits and safeguards to prevent it from repressing dissident political views, for example. However, at times, given the hegemonic role of certain private players in the communication ecosystem, the state’s distributional action helps ensure a balanced debate and the pluralism of information by fostering the inclusion of systematically silenced sectors and views. In the presence of unequal communication structures, the

state can be a friend of freedom of expression.⁴ Not only can it regulate this freedom, but at times, it is obliged to do so in order to counter injustices resulting from speech or political injustices. Therefore, there are several important issues on the agenda for state intervention, such as regulations on the concentration of media ownership, policies to close the gaps in access to the internet and information technologies and policies on public and community media, among others.⁵ At the same time, this egalitarian conception of the freedom of expression promotes regulatory mechanisms, bans and systems of accountability for and monitoring of expressions of hate and discrimination.

When we take into account the fact that discriminatory speech helps shape cultural injustices,⁶ such as distorted and degrading representations that reinforce the subordination of social groups, we can conclude that this type of speech not only deepens inequality, but also affects freedom of speech.⁷ This is because social stigma increases the difficulties of affected sectors to express themselves, limiting their capacity to mobilize and engage in collective action and their access to the political public sphere. It also reduces the chances of their sectoral demands being accepted and shared as cross-cutting matters of general interest. Thus, the exclusionary effect of this kind of speech undermines the democratic debate.

This means that the tension is not only between free expression and equality, but between two concepts of freedom of expression: a conservative one and an egalitarian one. To preserve an integral, plural and heterogeneous public sphere, then, strategies to dismantle stereotypes and segregation in communication processes are required.⁸ It can thus be argued that cultural injustices exacerbate the difficulties that groups affected by stigmatization processes face when expressing themselves and participating in the political sphere, which places freedom of expression at both ends of the equation in this type of conflict.

4 • The classification of speech and the different standards of protection

The interpretation of article 13 of the American Convention has led to the definition of a basic set of guarantees of freedom of expression made up of three fundamental safeguards or controls. The first is the strict prohibition of prior censorship, which limits the suppression of information that has already been transmitted. The second is the principle of neutrality, which restricts the regulation of expressive content. The third is the rule that subjects the subsequent imposition of liability to strict conditions, establishes that the expression of opinion on matters of public interest shall not be penalized and limits compensation for civil liability to claims of actual malice.

The second safeguard in this protective apparatus merits further explanation. The principle of neutrality means that the state has to guarantee the circulation of all types of expression or ideas. It has to permit not only ideas and information that are well-received or inoffensive or different, but also ones that offend, shock, irritate or disturb the state or any sector of

society. One point to note is that article 13 of the American Convention stipulates that information and ideas “*of all kinds*” are to be protected. The principle of neutrality establishes that the content of an idea alone cannot justify its restriction and that all restrictions based on the content of what is being expressed must be subject to strict scrutiny. This rule arose to prevent the direct or indirect censorship of political speech deemed subversive, dissolute or a threat to public order and safety – a common occurrence during the Cold War and Latin American dictatorships. This is why constitutional case law differentiates between regulations based on criteria of timeliness and the timing of the expression, on one hand, and the ones based on the content of the expression, on the other, and submits the latter to a rigorous reasonableness test.⁹ It is worth recalling that upholding the rule of neutrality – which helps avoid the censorship of ideas and speech that are a “threat” to the established order – is essential to the promotion of the agenda of social changes necessary to achieve equality, especially its deepest and most structural dimension, in the political arena.

But how do these principles apply to the case of discriminatory and hate speech? To what extent can they be authorized or allowed to exist?

To determine the levels of state interference in speech, the Inter-American system – the Rapporteurship, IACHR and the I/A Court H.R. – has developed a sort of classification of speech according to the degree of protection required to safeguard freedom of expression. This classification system identifies three categories: at the extremes, *speech not protected* and *especially protected speech*, and in the middle, *protected speech*.¹⁰

4.1 - Unprotected speech

For the Inter-American system, “*speech not protected*” is that which by virtue of its content should be prohibited by law and therefore is not covered by the system of guarantees established by article 13 of the American Convention. This gives states broad powers to intervene in this type of speech.¹¹ States can go further in establishing subsequent liability and, in certain cases, adopt limited censorship mechanisms or restrictions on the circulation of information to prevent specific, clear and imminent risks of violence from materializing. The possibility of applying prior censorship mechanisms to violent hate speech is, however, a matter of debate. Some argue that even in these cases, it is the total prohibition of prior censorship that characterizes the regional human rights system that prevails. They highlight, for example, that the English version of article 13(5) of the American Convention does not establish an obligation to legally ban hate speech; it only provides for the punishment of the offence, thus pointing to liability after the expression of such speech, without invoking censorship.¹²

Article 13(5) of the American Convention refers to the legal prohibition of propaganda for war and any advocacy of (national, racial, religious or other forms of) hatred that constitute incitements to violence or to any other similar unlawful action against any person or group of persons on any grounds. This same definition is found in other binding international instruments.¹³

Unprotected speech is thus all hate speech that meets another essential requisite: direct incitement to violence. This includes physical violence, threats to life and physical integrity, as well as the generation of a serious environment conducive to harassment and the direct persecution of a specific social group. It is important to note that the purpose of banning this type of hate speech goes beyond the goal of restricting racial, ethnic or religious discrimination; it also one of the policies designed to prevent mass crimes and stop them from being reproduced. The duty to prohibit and punish this type of expression emerges more clearly in specific historic or structural contexts in which the state's prevention policy was prompted by the existence of a real and imminent threat of violence against certain social, national, ethnic or religious groups during, for example, an ongoing conflict or because of recent incidents of extermination and systematic attacks.¹⁴

Hate speech not protected by the American Convention is what we can call *hate speech in the strict sense*. This type of speech does not include all speech that is stigmatizing due to the factors mentioned above; it applies only to expressions that pose a *clear, current and specific danger*, as they are capable of provoking imminent violence, an environment that is clearly favourable towards harassment or the persecution of a given sector of the population because of their aforementioned characteristics.¹⁵ In these cases, hate speech that directly incites violence is understood as hostile conduct towards a group of people with the intention of causing them harm and therefore, it transcends and goes well beyond the exchange of opinions or ideas.

4.2 - Unprotected speech and criteria for its regulation and punishment

In its discussion of the UN Rabat Plan of Action, the CERD identifies a few contextual factors that should be taken into account to determine when hate speech should be punishable by law. It mentions: i) the content and form of speech: whether the speech is provocative and direct, the way it is constructed and disseminated, and the style in which it is delivered; ii) the economic, social and political climate prevalent at the time the speech was made and disseminated; iii) the position or status of the speaker in society and the audience to which the speech is directed; iv) the reach of the speech, including the type of audience, the means of transmission and the frequency and extent of the communication, especially when the repetition of the message suggests the existence of a deliberate strategy to engender hostility towards ethnic and racial groups, and v) the objectives of the speech.¹⁶

Regarding the assessment of the position or status of the individual disseminating hate speech, the influence of political leaders, public officials and opinion-makers in the creation of negative climates that are conducive to violence against vulnerable social groups has been addressed by several bodies of human rights protection systems.¹⁷

Therefore, it is important to specify that the aim of the prohibition of violent hate speech is always to protect groups at risk of historic or structural violence or persecution. The offences to be punished must be rigorously defined to cover serious cases without losing sight of this

egalitarian objective. Otherwise, the concept could end up being misappropriated and used in a way that runs contrary to the goal of international law. For instance, it could be used as a tool to directly or indirectly censor oppositional discourses that challenge a political or social order or a religious belief system.

Another issue worth clarifying is that there is a wide range of hate speech and ideas (racial, religious, xenophobic, classist or gender-based, for example) that do not fit this narrow definition, as they do not lead to imminent harmful acts and therefore cannot be strictly classified as speech not protected by freedom of expression. On the contrary, this type of speech, which does not reach the threshold of article 13(5) of the American Convention, falls under a broader, more comprehensive concept of *discriminatory expressions*. This concept also includes other demeaning, offensive ideas that promote negative stereotypes or the stigmatization of vulnerable social groups. Discriminatory ideas also require the state to intervene to ensure equality in the area of communication and public debate, but unlike hate speech in the strict sense, they are covered by the American Convention's system of guarantees for freedom of expression. This is why a more careful analysis of the restrictions to impose on this type of expression is required.¹⁸

4.3 - Specially protected speech

At the other extreme of the classification system, we find "*specially protected speech*". This type of speech is one in which the state is not allowed to intervene or its intervention should be minimal, exceptional and based on subsequent liability mechanisms. This includes the expression of criticism of the government, government officials and those who aspire to become officials or intervene in the formulation of policies and political speech or any expression related to matters of public interest in general. In recent years, speech referring to elements of cultural or religious identity has been added to this category.¹⁹

According to international standards, when specially protected speech comes into conflict with other rights (to privacy or reputation, for example), the subsequent attribution of liability should conform to the standards of legality, strict necessity and proportionality mentioned above. Moreover, priority should be given to mechanisms of reply, response or correction, when possible, instead of economic compensation measures. It has also been clearly established that for this type of specially protected speech, the subsequent liability imposed shall not be criminal punishment. In the "Kimel" case,²⁰ for example, the I/A Court H.R. held that initiating criminal proceedings for expressions related to public interest should be used as an exception and a last resort. It also ruled that the sentence imposed on a journalist who had reported on a judge's conduct during the dictatorship was disproportionately severe in relation to the harm caused, thus violating the freedom of expression. The regional court also ruled on civil liabilities in the case of specially protected speech in the "Fontevicchia" case.²¹

Under this classification, the most difficult task is to determine the rules to apply to *discriminatory expressions* made as part of *specially protected speech*, such as political or electoral

criticism, debates with public officials or on public policies, ideas of historical or scientific value or on any other topic of public interest. What is paradoxical about this type of speech is that it receives maximum protection under article 13 of the American Convention and, at the same time, due to its social repercussions, it has the greatest discriminatory impact. This paradox can be reworded as follows: *as expressions, they should be protected, but as discriminatory conduct, they should be limited.*

4.4. - Criteria for the regulation of specially protected speech

It is important to consider a number of elements when defining the scope of regulations on specially protected speech. First, since these discriminatory ideas are protected by the system of guarantees of freedom of expression in article 13 of the American Convention, applying mechanisms of prior censorship is not permitted. Secondly, when discriminatory ideas are voiced in the context of specially protected speech, restrictions should be limited to the subsequent attribution of liabilities. The legislative configuration of these liabilities is to be examined and a judicial review conducted according to strict standards of reasonableness.

On one hand, subsequent liability measures should be set out in a formal law that clearly defines, without ambiguity, under which objective assumptions such an expression can be restricted and the type of penalties or reparation that the person responsible for the expression will face. This is the same as saying that the restriction should be *typified in a formal law*. On the other hand, subsequent liabilities should respond to a compelling social need and invoking reasons of mere convenience or usefulness of such a measure is not enough to justify them. Furthermore, the scope of the law should be limited to what is strictly necessary to satisfy this purpose, which means demonstrating that the measure is appropriate for achieving the proposed objective and that there are no other less harmful measures available to meet the same goal.

Once the need for the measure has been confirmed, one should also ensure that the severity of the restriction placed on the freedom of expression by a civil and criminal sanction is proportional to the extent of the harm caused by the expression in question. There is no rigid formula for this assessment, but both extremes of the equation should be weighed according to the specific circumstances of each case.

The need to assess state regulation against a strict scrutiny standard is also due to the fact that it is a non-neutral restriction based on the content of the expression, as stated earlier. Yet, while this type of restriction triggers a strict review, there are cases where even under this standard, it can be justified. The proponents of the restriction are required to prove more than the mere reasonableness of the regulation: they must show that it is necessary for the pursuit of “a compelling public interest” and that it has been “narrowly tailored” to serve that interest.²²

It may seem contradictory that a state could have an interest in protecting the circulation of an idea that stigmatizes a social group. However, it is possible to find situations that

illustrate this type of conflict. Let us consider the context of an electoral debate in which a political leader or a candidate running for election comments on a migration policy while referring to a migrant group as having a tendency to commit certain crimes and by doing so, the candidate reinforces their argument in favour of tightening border controls. The subject discussed is of public interest, and it is also of general interest to know more about a candidate's position on this issue. Another example is when a prominent journalist criticizes the gender identity law passed by the national congress, arguing that he is reluctant to acknowledge the new identity of a famous actress. Since he is expressing criticism of a specific policy adopted by congress, the issue being discussed is clearly of social interest. In both cases, the discriminatory ideas are expressed in a discussion that is of interest to society. The restrictions imposed on these expressions in order to curb stigmatizing patterns also limit or inhibit the circulation of political ideas or opinions and, as a result, they narrow the scope of the discussion. This explains the need to carefully design these restrictions.

That said, the fact that such restrictions are subject to greater scrutiny does not mean that the state cannot impose limits on and establish subsequent liabilities for this type of speech. Preventing the dissemination of negative and demeaning stereotypes is a *compelling social duty that is important enough to justify imposing restrictions on speech even when it concerns matters of public interest*. This is where policies on equality in relation to recognition offer democratic states sound arguments for intervening in communications.

Since restricting the circulation of discriminatory messages is, in general, an imperative social need, strict scrutiny should be confined to the assessment of the scope of this restriction and whether the restrictive measure has been adequately designed.

To determine the level of subsequent liability, the contextual factors of each act of expression must also be taken into consideration. Without going into detail on this complex issue, criminal sanctions involving the deprivation of liberty will be imposed only in exceptional cases due to the severity of such a penalty and will require proof that no other less harmful ways to achieve similar anti-discrimination objectives exist. For the most part, case law considerations taken into account to avoid criminalizing speech on matters of public interest in conflicts involving reputation or privacy, which preclude criminal prosecution or see it as a “last resort”, will also be applied in this particular area.

5 • Some remedial and preventative measures in response to discriminatory expressions²³

The existence of compelling social interest in curbing this type of discriminatory speech gives more leeway for imposing, in certain cases, compensation or administrative liability and collective or individual reply or rebuttal mechanisms that use even broader criteria than the ones governing liability for injurious or invasive speech.

One alternative is to regulate the right to reply. The right to reply, as enshrined in article 14 of the American Convention on Human Rights (ACHR), has historically been considered a mechanism for individual responses to attacks on honour or personal honour and privacy that use inaccurate or offensive information targeted at a specific individual. However, broader reply mechanisms could also be conceived to address discriminatory speech that is more general in scope and does not target specific individuals, but that directly and disproportionately affects certain groups or social sectors.

Here, the legal right protected by the right to reply would not be honour in the strict sense, but rather the right to freedom from discrimination, which includes the reputation and identity of the affected group whenever acts to deny recognition are used as ways of reinforcing subordination and subjugation, as argued above.

Discriminatory speech is a type of act of discrimination that generates the right to compensation for both individual victims who can prove specific concrete damages and groups affected by pejorative speech of a more general nature. This system of collective civil redress could be regulated together with the aforementioned reply mechanism. Current anti-discrimination law²⁴ provides for compensation for material and moral damages resulting from an act of discrimination, as well as the right to suspend and put an end to the said act. One could consider, for instance, the relevant practice of the Inter-American human rights system²⁵ on economic compensation for the benefit of affected communities, such as the creation of community development funds. Another option would be to consider the decisions of national courts on collective economic compensation in consumer class action suits or on environmental issues.

Finally, it is important to note that compensation mechanisms should also apply to discriminatory expressions on the internet, social media and digital platforms. While internet offers a much wider range of possibilities for reply and response than other media, especially in the case of specially protected speech, regulations should address the specific aspects of the digital environment, including the dilemmas related to regulating these platforms.²⁶

5 • Conclusion

In sum, states have the duty to adopt measures to restrict the circulation of hate speech and the expression of discrimination. The international norms that protect substantive equality and aim to prevent the violence of discrimination clearly establish a mandate for intervention. This type of expression not only worsens inequality, but also excludes the targeted sectors from communication processes and severely limits their ability to express themselves. However, fulfilling this mandate for action poses enormous challenges for democratic systems. It is a matter of choosing forms of intervention and moderation rules that preserve the fundamental core of freedom of expression, which is a key tool for strengthening citizenship, promoting social change and guaranteeing broad public debate.

Here, it is necessary to explore various types of non-traditional prevention and remediation measures that help combat stereotypes without unduly affecting the dissemination of ideas related to matters of social interest.

NOTES

1 • This version is an excerpt of an article with the same title published in the book “El límite democrático de las expresiones de odio”, Editorial Teseo and the National University of Lanus, City of Buenos Aires, 2021. 17-57. Available from www.teseopress.com/ellimitedemocraticodelasexpresionesdeodio/

2 • For more on the concept of negative gender stereotypes, among others, see Corte IDH, *González, J. et al. v. Mexico “Campo algodonero”*, judgement on 16-11-2009 par. 401, *Espinoza, González et al v. Peru*, judgement on 20-11-2014, par. 268.

3 • Article 4 of the Inter-American Convention Against All Forms of Discrimination and Intolerance and the Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance establish that states shall undertake to prevent, eliminate, prohibit and punish, in accordance with their constitutional norms and the provisions of the conventions, all acts and manifestations of discrimination and intolerance, including ii) the publication, circulation or dissemination, by any form and/or means of communication, including the Internet, of any materials that: a) advocate, promote or incite hatred, discrimination and intolerance; b) condone, justify or defend acts that constitute or have constituted genocide or crimes against humanity as defined in international law, or promote or incite the commission of such acts.

4 • See: Owen Fiss, *Libertad de expresión y estructura social*, Mexico: Fontamara, 1997.

5 • For more on this issue, see: Damián Loreti and Luis Lozano, Luis, *El Derecho a Comunicar*.

Los conflictos en torno a la libertad de expresión en las sociedades contemporáneas, Buenos Aires: Siglo XXI, 2014.

6 • See: Charles Taylor, “El Multiculturalismo y la política del reconocimiento”, Mexico, Fondo de Cultura Económica, 1993, and Fraser, Nancy, “Justitia Interrupta. Reflexiones críticas desde la posición “postsocialista”, Bogotá, Siglo del Hombre, University of the Andes, 1997.

7 • As affirmed by the Committee on the Elimination of Racial Discrimination (CERD), “Racist hate speech potentially silences the free speech of its victims... Freedom of expression... assists vulnerable groups in redressing the balance of power among the components of society, promotes intercultural understanding and tolerance, assists in the deconstruction of racial stereotypes”. Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No. 35, “Combating racist hate speech”, 2013, par. 28-29.

8 • “The principles of the Convention are served by encouraging media pluralism, including facilitation of access to and ownership of media by minority, indigenous and other groups in the purview of the Convention, including media in their own languages. Local empowerment through media pluralism facilitates the emergence of speech capable of countering racist hate speech.” CERD, G.R. 35, CERD par. 41. Similar wording can be found in: the Office of the United Nations High Commissioner for Human Rights (OHCHR), Rabat Plan of Action, 2013, par. 38.

9 • See the United States Supreme Court, *United*

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States et al v. Play Boy Entertainment Group Inc., May 22, 2000. Also see the votes of Petracchi and Belluscio in the Supreme Court case of *Asociación de Teleradiodifusoras Argentinas y otros v. Gobierno de la Ciudad de Buenos Aires*, June 7, 2005.

10 • Special Rapporteur for Freedom of Expression IACHR – OAS (SRFE-OAS), The Inter-American Legal Framework regarding the Right to Freedom of Expression, 2009.

11 • *Idem*.

12 • See Damián Loreti, *Tensiones entre libertad de expresión y protección contra la discriminación: la incidencia de las regulaciones sobre censura previa y el debate sobre el rol del Estado*, Buenos Aires: Red Universitario sobre Derechos Humanos y Democratizaciones para América Latina, 2012; Eduardo Bertoni, *La libertad de expresión en el Estado de Derecho*, Buenos Aires: Del Puerto, 2007, 179-184; Special Rapporteur for Freedom of Expression IACHR - OAS (SRFE-OAS), Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2004, Chapter VII, "Hate speech and the American Convention on Human Rights", 161- 180.

13 • See article 20 of the International Covenant on Civil and Political Rights (ICCPR) and article 4 of the ICERD. Similarly, the International Convention on Genocide establishes that acts of direct and public incitement to commit genocide shall be punished (article 3 of the Convention).

14 • See ruling 235/2007 of the Constitutional Court of Spain on the constitutionality of crimes of denial and justification of genocide in the Spanish criminal code and the cases brought before the ECHR, *Garaudy v. France*, 2001 and *Perincek v. Switzerland*, 2013. The most complex debate concerns the rules to punish the denial and justification of genocide and crimes against humanity, which assimilate these expressions with hate speech and thus, classify them as speech not protected by freedom of expression in order to extend the scope of state restrictions to them.

15 • See the doctrine of the United States

Supreme Court in *Brandenburg v. Ohio* 395 U.S. 444, 1969 and, along the same lines, the United Nations Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No. 35. Also see Henrique Bianchi and Hernán V. Gullco, *El derecho a la libertad de expresión, Análisis de fallos nacionales y extranjeros*, Editorial Platense, 2009. Chapter III, 9-139; Eduardo Bertoni, *op. cit.*, 2007.

16 • See CERD, General Recommendation 35 and the Rabat Plan of Action.

17 • See I/A Court H.R., "*Rios et al. v. Venezuela*", judgement from 28-1-2009; Special Rapporteur for Freedom of Expression IACHR - OAS (SRFE-OAS), Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2008, 180.

18 • See Special Rapporteur for Freedom of Expression IACHR - OAS (SRFE-OAS), Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2015 and SRFE-OAS, *op. cit.*, 2009.

19 • In the "*López Álvarez*" case, the I/A Court H.R. analysed the situation of members of the Garifuna community detained in a prison in Honduras who were not allowed to speak their language. According to the I/A Court H.R., as one's own language is an expression of cultural identity, it is speech specially protected by the freedom of expression, SRFE-OAS, 2009.

20 • I/A Court H.R., case of *Kimel v. Argentina*, judgement of May 2, 2008.

21 • I/A Court H.R., case of *Fontevicchia and D'Amico v. Argentina*, judgement of November 29, 2011.

22 • See, for example, the votes of Petracchi and Belluscio, in the case *Asociación de Teleradiodifusoras Argentinas*, mentioned earlier.

23 • The full version can be found on pages 50 to 56 in the book entitled "*El límite democrático de las expresiones de odio*".

24 • See Law 23.592 of 1988 of the Argentine Congress. See Supreme Court of Argentina, case "*Sisnero, Mirta Graciela y otros c/Taldelva SRL. y otros/amparo*". See also analysis of the Colombian

Constitutional Court, in the tutela action, judgment T-500 of 2016, Case T-5336862, Subject: tutela action brought by Organización Nacional Indígena de Colombia, ONIC, against the director of the program Séptimo Día, the director of the Caracol channel, and the Agencia Nacional de Televisión, ANTV. In this case the court accepted the active legitimacy of the indigenous organizations to act on behalf of the honor, dignity and right to equality of the indigenous communities affected by erroneous and stigmatizing information referring to the functioning of the autonomous jurisdiction and the linking of the communities

with illegal armed groups, ordering measures to rectify the information to the media. The case was processed as a tutela action of collective scope.

25 • See, among others, the case of Indigenous Communities Members of the Lhaka Honhat Association (Our Lands) vs. Argentina, judgment of February 6, 2020; The Case of the Garifuna Community of Punta Piedras and its members vs. Honduras, judgment of October 8, 2015.

26 • The regulatory dilemmas related to the regulation of digital platforms are also analysed in the book *“El límite democrático de las expresiones de odio”*.



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ARTIFICIAL INTELLIGENCE AND ONLINE HATE SPEECH MODERATION

Natalie Alkiviadou

- *A Risky Match?* •

ABSTRACT

Artificial intelligence is increasingly being used by social media platforms to tackle online hate speech. The sheer quantity of content, the speed at which it is developed and growing state pressure on companies to remove hate speech quickly from their platforms have led to a tricky situation. This commentary argues that automated mechanisms, which may have biased datasets and be unable to pick up on the nuances of language, should not be left unattended with hate speech, as this can lead to violations of the freedom of expression and the right to non-discrimination.

KEYWORDS

Freedom of expression | Hate speech | Artificial intelligence | Social media platforms

1 • Introduction

Social media platforms (SMPs) are the primary vehicle for communication and information. They facilitate borderless communication, allow for, *inter alia*, political, ideological, cultural and artistic expression, give a voice to traditionally silenced groups, provide an alternative to mainstream media, which may be state censored, permit the dissemination of daily news and raise awareness on human rights violations. However, as noted by Mchangama *et al.*¹, the massive use of SMPs gives new visibility to phenomena such as hate and abuse. The use of SMPs has also been directly linked to horrific events such as the genocide in Myanmar. Cognizant of the dangers of violent speech with an imminent risk of violence, the author argues that care must be taken when embracing the common rhetoric that hate speech is prevalent across social media, since empirical work has demonstrated the opposite. For example, Siegel *et al.* conducted a study to assess whether Trump's 2016 election campaign (and the six-month period following it) led to a rise in hate speech on Twitter.² Based on an analysis of a sample of 1.2 billion tweets, they found that between 0.001% and 0.003% of the tweets contained hate speech on any given day – “a tiny fraction of both political language and general content produced by American Twitter users.”

Even so, state pressure for platform regulation of hate speech is increasing, which, as argued in this paper, has led to the dilution of the right to free speech and has directly contributed to the silencing of minority groups. The manner in which this new reality is being tackled by states and institutions, such as the European Union, is of concern. For example, in 2017, Germany passed the Network Enforcement Act (NetzDG), which seeks to counter illegal online speech such as insult, incitement and religious defamation. It obliges social media platforms with a minimum of 2 million users to remove illegal content – including hate speech and religious offence – within 24 hours or risk steep fines of up to 50 million euros. This has become a prototype for Internet governance in authoritarian states. In two reports by Mchangama *et al.*, one in 2019 and one in 2020, Justitia recorded the adoption of a NetzDG model in over 20 countries, several of which were ranked by Freedom House as “not free” or “partly free”.³ All countries require online platforms to remove vague categories of content that include “false information”, “blasphemy/religious insult” and “hate speech”. Mchangama and Alkiviadou note worryingly that “few of these countries have in place the basic rule of law and free speech protections built into the German precedent.”⁴ A similar template is currently being followed at the European Union (EU) level with the Digital Services Act (DSA).⁵

As a response to enhanced regulatory requirements, due to the risk of steep fines, platforms are prone to taking the “better safe than sorry” approach and regulating content rigorously. However, as noted by Llanso,⁶ online communication on such platforms occurs on a massive scale, rendering it impossible for human moderators to review all content before it is made available. The sheer quantity of online content also makes the job of reviewing, even reported content, a difficult task. To respond to both the need to dodge state fines and the technical aspect of content scale and quantity, SMPs have increasingly relied

on artificial intelligence (AI) in the form of automated mechanisms that proactively or reactively tackle problematic content, including hate speech. In brief, as highlighted by Dias *et al.*,⁷ AI provides SMPs with “tools to police an enormous and ever-increasing flow of information – which comes in handy in the implementation of content policies.” Whilst this is necessary in areas involving, for example, child abuse and the non-consensual promotion of intimate acts amongst adults, the use of AI to regulate more contentious ‘grey’ areas of speech, such as hate speech, is complex. In light of these developments, this paper looks at the use of AI to regulate hate speech on SMPs, arguing that automated mechanisms, which may have biased datasets and be unable to pick up on the nuances of language, may lead to violations of the freedom of expression and the right to non-discrimination of minority groups, thus further silencing already marginalized groups.

2 • Hate speech: semantics and notions

There is no universally accepted definition of hate speech. Most states and institutions are adopting their own understanding of what it entails,⁸ without defining it.⁹ One of the few, albeit non-binding, documents that has sought to elucidate the meaning of the term is the Recommendation of the Council of Europe’s Committee of Ministers on hate speech.¹⁰ It provides that this term is to be:

understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including intolerant expression by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.

Hate speech has also been mentioned, but not defined, by the European Court of Human Rights (ECtHR). For example, it found that hate speech entails “all forms of expression which spread, incite, promote or justify hatred based on intolerance, including religious intolerance.”¹¹ The inclusion of merely justifying hatred demonstrates the low threshold for speech to be considered unacceptable. Furthermore, in its rulings, the ECtHR has held that to be considered hate speech, it is not necessary for speech “to directly recommend individuals to commit hateful acts”,¹² since attacks on persons can be committed by “insulting, holding up to ridicule or slandering specific groups of the population”¹³ and that “speech used in an irresponsible manner may not be worthy of protection.”¹⁴ In this sense, the ECtHR has drawn the correlation between hate speech and the negative effects it can have on its victims, alleging that even violence-free speech amounting to mere insults has the potential to cause sufficient harm to justify limiting free speech.

In addition, the EU’s Fundamental Rights Agency has offered two separate formulations of hate speech, the first being that it “refers to the incitement and encouragement of hatred,

discrimination or hostility towards an individual that is motivated by prejudice against that person because of a particular characteristic.”¹⁵ In its 2009 report on homophobia, the FRA held that the term hate speech, as used in that particular section of the report, “includes a broader spectrum of verbal acts including disrespectful public discourse.”¹⁶ The particularly problematic part of this definition is the broad reference to disrespectful public discourse, especially since institutions, such as the ECtHR, extend the freedom of expression to ideas that “shock, offend or disturb”.¹⁷ This is the formal position of the Court, even though in relation to hate speech cases, as briefly noted above, it has rigorously adopted a very low threshold of what it is willing to accept as permissible speech.

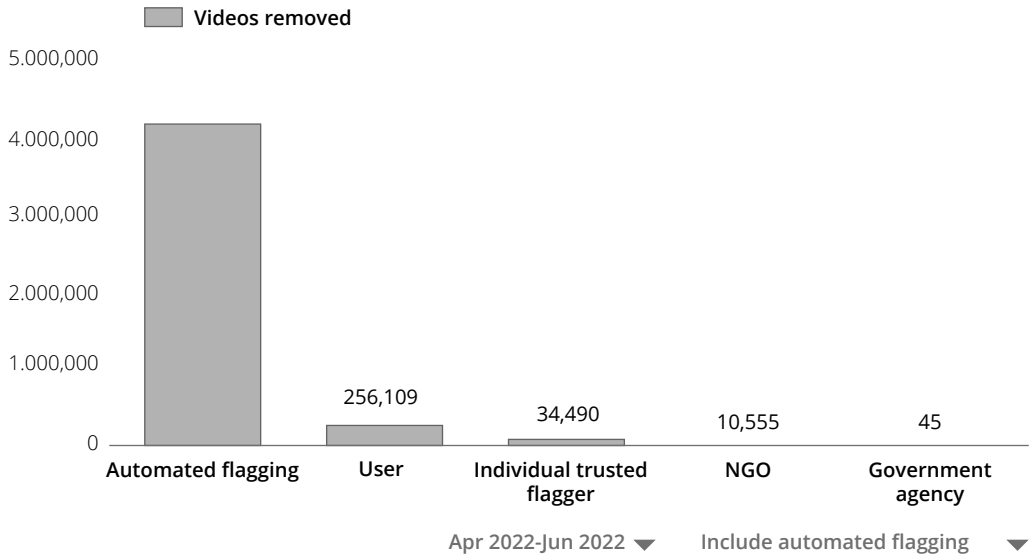
Turning now to the platforms themselves, while it is beyond the scope of this paper to assess all the guidelines and standards for SMPs, we look at two different approaches: Facebook and Instagram, on the one hand (both owned by Meta Platforms Inc.), and Reddit, on the other. The former¹⁸ formulate their understanding of hate speech based on three tiers, the first being violent and dehumanizing speech and the second, statements of inferiority, contempt, dismissal and other forms of ‘offence’ such as repulsion. Tier three includes statements pertaining to segregation and exclusion. The list of protected characteristics is broad, including aspects such as race, ethnicity, religious affiliation, caste, sexual orientation and serious disease.¹⁹ Reddit²⁰ takes a more speech protective approach, prohibiting incitement to violence and the promotion of hatred. The protected characteristics it uses include race, colour, religion and pregnancy, amongst others. It is noteworthy that all major platforms, including the ones above as well as Twitter,²¹ YouTube,²² and TikTok,²³ incorporate the grounds of race and religion in the list of protected characteristics.

3 • Artificial Intelligence

The use of AI is a response to increasing state pressure on social media platforms to remove hate speech quickly and efficiently. SMPs also face pressure from other entities such as advertisers and their users. To be able to comply with such standards (and avoid hefty fines), companies use AI, alone or in conjunction with human moderation, to remove allegedly hateful content. As noted by Dias, such circumstances have prompted companies to “act proactively in order to avoid liability... in an attempt to protect their business models.”²⁴

To exemplify the use of AI by social media platforms, one can compare proactive rates of hate speech removal between the first quarter of 2018 (at 38%) and the second quarter of 2022 (at 95.6%) As noted in a post on the Transparency Center website, “our technology proactively detects and removes the vast majority of violating content before anyone reports it.”²⁵

In its latest enforcement report²⁶ (Q2 of 2022), YouTube put forth the illustration below, demonstrating the percentage of human and automated flagging across the board of removable content (not just hate speech):



Dias *et al.* argue that the algorithms developed to achieve this automation are habitually customized for content type, such as pictures, videos, audio and text.²⁷ As Duarte and Llanso found,²⁸ current technologies detect harmful text by using natural language processing and sentiment analysis and, even though they have evolved significantly, their accuracy lies between 70-80 per cent. They argue that AI has “limited ability to parse the nuanced meaning of human communication or to detect the intent or motivation of the speaker.” As such, these technologies “still fail to understand context, thereby posing risks to users’ free speech, access to information and equality.” Moreover, Dias *et al.* argue that going from policy to code may lead to changes in meaning, since machine language is more limited than its human counterpart.²⁹ Given the power that SMPs hold over today’s marketplace of expression and information and the growing need and trend to use AI to deal with external pressures for removal, as well as the quantity of material, Cowsils *et al.* argue that there is an urgent need to ensure that content moderation occurs in a manner that safeguards human rights and public discourse.³⁰

In light of the above, and with a focus on the contentious area of hate speech, this paper will examine the human rights risks that arise or may arise from the current status quo – namely, private profit-making companies’ increased reliance on AI – while focusing on freedom of expression and non-discrimination.

4 • AI, hate speech and the challenges to the freedom of expression

Article 19 of the Universal Declaration of Human Rights (UDHR) provides that “[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

The right to this freedom is also protected in other major documents such as Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 10 of the European Convention on Human Rights. Both articles include limitations to the freedom of expression, while Article 20 of the ICCPR stipulates that:

*1 - Any propaganda for war shall be prohibited by law.
2 - Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.*

As noted by Dias,³¹ relying on AI, even without human supervision, is a necessity when it comes to content that could never be ethically or legally justifiable, such as child abuse. However, the issue becomes complicated when it comes to contested areas of speech, such as hate speech, for which there is no universal ethical and legal positioning as to what it is and when (if at all) it should be removed. In the ambit of such speech, Llanso underlines that the use of AI raises “significant questions about the influence of AI on our information environment and, ultimately, on our rights to freedom of expression and access to information”.³² As Llanso *et al.* point out,³³ it poses “distinct challenges for freedom of expression and access to information online.” A Council of Europe report highlights that the use of AI for hate speech regulation directly impacts the freedom of expression, which raises concerns about the rule of law and, in particular, notions of legality, legitimacy and proportionality.³⁴ The Council of Europe noted that the enhanced use of AI for content moderation may result in over-blocking and consequently place the freedom of expression at risk.³⁵ Gorwa *et al.* argue that the increased use of AI threatens to exacerbate already existing opacity of content moderation, further perplex the issue of justice online and “re-obscure the fundamentally political nature of speech decisions being executed at scale”.³⁶ Moreover, regardless of the technical specifications of a particular mechanism, proactive identification (and removal) of hate speech constitutes prior restraint of speech, with all the legal issues that this entails. Specifically, Llanso *et al.* argue that there is a “strong presumption against the validity of prior censorship in international human rights law.”³⁷ Former UN Special Rapporteur on the Freedom of Opinion and Expression, David Kaye, expressed his concern about the use of automated tools in terms of potential over-blocking and argued that calls to expand upload filtering to terrorist-related and other areas of content “threaten to establish comprehensive and disproportionate regimes of pre-publication censorship.”³⁸

5 • AI and challenges to non-discrimination

Dias argues that the use of AI may result in the biased enforcement of companies’ terms of service.³⁹ This can be due to a lack of data and/or biased training datasets, leading to the potential silencing of members of minority communities.⁴⁰ This can lead to violations of the freedom of expression and the right to non-discrimination. In its report ‘Mixed

Messages: The Limits of Automated Social Content Analysis’, the Centre for Democracy and Technology revealed that automated mechanisms may disproportionately impact the speech of marginalized groups.⁴¹ Although technologies such as natural language processing and sentiment analysis have been developed to detect harmful text without having to rely on specific words or phrases, research has shown that, as Dias *et al.* put it, they are “still far from being able to grasp context or to detect the intent or motivation of the speaker”.⁴² As noted by Dias,⁴³ although hash-matching is widely used to identify child sexual abuse content, it is not easily transposed to other cases such as extremist content, which “typically requires assessment of context.”

In relation to this, Keller noted that the decision of platforms to remove Islamic extremist content will “systematically and unfairly burden innocent internet users who happen to be speaking Arabic, discussing Middle Eastern politics or talking about Islam.”⁴⁴ She refers to the removal of a prayer (in Arabic) posted on Facebook because it allegedly violated its Community Standards. The prayer read, “God, before the end of this holy day, forgive our sins, bless us and our loved ones in this life and the afterlife with your mercy almighty.”

Further, as found by Dias *et al.*,⁴⁵ such technologies are just not cut out to pick up on the language used by, for example, the LGBTQ community whose “mock impoliteness” and use of terms such as “dyke”, “fag” and “tranny” are a way of reclaiming power and a means for preparing members of this community to “cope with hostility”. Dias *et al.* give several reports from LGBTQ activists on content removal, such as the banning of a trans woman from Facebook after she displayed a photograph of her new hairstyle and referred to herself as a “tranny”.⁴⁶ Another example used by Dias is a research study that revealed that African American English tweets are twice as likely to be considered offensive compared to others, thus reflecting the infiltration of racial biases in technology.⁴⁷ Dias *et al.* pointed to the “confounding effects of dialect” that need to be taken into account in order to avoid racial biases in hate speech detection.⁴⁸ This reflects the significance of contextualizing speech – something that does not bode well with the design and enforcement of automated mechanisms and that could pose risks to the online participation of minority groups. Moreover, automated mechanisms fundamentally lack the ability to comprehend the nuance and context of language and human communication. For example, YouTube removed 6,000 videos documenting the Syrian conflict.⁴⁹ It shut down the Qasioun News Agency,⁵⁰ an independent media group reporting on war crimes in Syria. Several videos were flagged as inappropriate by an automatic system designed to identify extremist content. As Dias notes,⁵¹ other hash-matching technologies, such as PhotoDNA, also seem to operate in “context blindness”, which could be the reason for the removal of those videos. Facebook banned the word “kalar” in Myanmar, as radicals had given this word a “derogatory connotation” and used it to attack the Rohingya people in Myanmar. The word was picked up through automated mechanisms that deleted posts which may have used it in another context or with another meaning (including kalar oat, which means camel). This led to the removal of posts condemning the fundamentalist movements in the country. For example, the post below included the user’s opinion that

extreme nationalism and religious fundamentalism are negative factors:



Source: Author's archive.

In light of the examples above, the problems of using AI to deal with alleged hate speech result not only in an infringement of the freedom of expression due to over-blocking, but also violations of the right to non-discrimination.

6 • Conclusions

The Council of Europe has proposed 10 recommendations that can be adopted to protect human rights when it comes to the use of AI. They include, for instance, the establishment of a legal framework to carry out human rights impact assessments of AI systems in place; the evaluation of AI systems through public consultations; the obligation of member states to facilitate the implementation of human rights standards in private companies (such as social media companies); transparent and independent oversight of AI systems which gives special attention to groups disproportionately impacted by AI, such as ethnic and religious minorities; due regard to human rights, particularly the freedom of expression; the rule that AI must always remain under human control and states should offer effective access to remedy for victims of human rights violations arising from the way AI functions. It also refers to the promotion of AI literacy. In relation to the latter, there is space for offering human rights training and capacity-building to those who are directly or indirectly involved in the application of AI systems.⁵²

These recommendations are indeed useful for improving the current landscape of using automated mechanisms to respond to online hate speech. However, social media companies must be wary of structural issues arising from the deployment of such mechanisms for removal of hate speech. First and foremost, it must be underlined that, as noted by Llansó,⁵³ the above issues cannot be tackled with more sophisticated AI. Moreover, as noted by Perel and Elink-Koren, “the process of translating legal mandates into code inevitably embodies particular choices as to how the law is interpreted, which may be affected by a variety of extrajudicial considerations, including the conscious and unconscious professional assumptions of program developers, as well as various private business incentives.”⁵⁴ Whilst automated mechanisms can assist human moderators by picking up on potentially hateful speech, they should not be solely responsible for removing hate speech. Biased training data sets, the lack of relevant data and the lack of conceptualization of context and nuance can lead to wrong decisions, which can have dire effects on the ability of minority groups to function equally in the online sphere.

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“TO COMBAT DISINFORMATION WE NEED TO BUILD TRANSNATIONAL MOVEMENTS AND A TRANSNATIONAL SOLIDARITY”

• Interview with Otto Saki •

By Sur Journal

The paths to combat disinformation and its harmful effects are still under construction. At the present moment of historical and technological development, global society's awareness of disinformation has increased, but not to the same extent as the power and influence of the big techs of communication and social media. On the other hand, there are still no easy answers to dilemmas involving, among other things, freedom of expression, the right to privacy, and corporate accountability. However, the human rights paradigm remains a viable ethical route to guide the search for solutions and dialogues among stakeholders, including civil society.

“We need to think about ways to be more agile, more responsive, nimbler in our work so that we are not outpaced by the level at which disinformation is being generated,” says Otto Saki, global program officer on the Civic Engagement and Government team of Ford Foundation. In this interview, Saki calls attention to the dimension of power of companies that are equivalent to nation-states, and the need to update activism and human rights practices in the face of the pervasiveness of disinformation channels. For him, it is crucial to build a transnational collaborative model, privileging collective meanings of the human rights agenda, given that the harmful effects of disinformation are produced and felt in borderless scales and mutual exchanges of influence.

Sur Journal • How can we fight disinformation while protecting human rights and fundamental freedoms?

Otto Saki • The first thing we need to recognize is that there are new actors, new institutions and new voices in this world which historically had not been involved in the protection of human rights or the generation of information. We are talking about social media platforms, new technologies and companies that are richer and more powerful than nation states. If you look at the power that Meta or Facebook, Amazon or Google has, their capital, their worth and how they are valued, they are richer than most countries, even those deemed to be in the Global North.

They are powerful actors. They are states on their own, especially when you consider their infrastructure. So, one of the things that we need to grapple with is that the instruments we have, which were designed post-1945 under the UN human rights infrastructure, have yet to contend with these new power holders. Considering the way human rights language is structured, it has not fully anticipated situations where you have a company that is more powerful than a nation state.

One thing that we need to look at is: who are the power holders? Who is actually calling the shots insofar as disinformation and information is concerned? These actors might be building on that infrastructure to achieve political objectives, but some of them are actually as bewildered by the presence of disinformation as we are. They do not actually know what to do with it and might not have the political, technical and even the legal infrastructure to address these issues.

The second point is that the area of human rights, due to its nature, has become a point of contention because of the stance that it may not have delivered as an instrument or a tool of engagement. Are we facing a situation where newer tools or newer frames of engagement are arising which are not necessarily human rights-oriented because of our disillusionment with the human rights discourse?

I think that the disillusionment with the human rights discourse is not one [issue] that we should overly invest in because every theory, every social construct tends to go through periods of ups and downs. This is not new to human rights. Democracy has been questioned as a tool. Capitalism has been questioned since time immemorial with the communists and the socialists, but it probably has withstood the test of time because many of us are practicing it or are compelled to engage with it, even though we might be closet leftists or closet communists or socialists.

So, in my view, while the discourse of the human rights framework is limited insofar as information and misinformation is concerned, it still remains the most viable and the most inclusive of many competing interests. If you decide to adopt a capitalist model to control disinformation, you are not going to succeed because more money is made from

disinformation. If you are going to take a welfarist approach, you are also most unlikely to succeed because you are putting certain people at a disadvantage in comparison to others. If you take a market principle, which might not necessarily be entirely capitalist, you still will not be able to find a solution. The human rights dimension has the ability to include all of these competing interests – not to whitewash or gloss over its inadequacies, but to actually highlight the inadequacies as points for development and for progression.

Sur • What the role of the private sector and the corporations that dominate the technology market would be in this debate about democracy and misinformation?

O.S. • We need to agree that most of these companies are a product of democratic and human rights practices. They have had a fair share of open space for them to be creative. Their flourishing and growth are likely a reflection of the ability of some countries where they are located to provide them with space to do that creatively. What I am concerned with is what might then be the instrumentalization and weaponization of their growth in capacity, to then inform rampant profiteering at the expense of the protection of rights.

They have to come to a realization, and many of them have, but because of the different business models that they have in place, they are failing to realize that a sustainable business model is one that actually protects human rights – including by dealing with disinformation. That is where their creativity and ability should come in in the future. While we currently have groups such as Meta, Google, Twitter, Tiktok and the list goes on and on, developing human rights standards, human rights policies, frameworks and even establishing a whole human rights team – this needs to be complemented by a sincere company-wide approach. It does not have to have just a human rights desk, because the human rights desk in Meta, given how big it is as a corporation, is not sufficient.

As long as they do not have a company-wide human rights approach, these efforts will still be isolated, limiting their effectiveness. This is why when a group such as Facebook and Meta issues a human rights report, as they have just done in the past, it is torn to pieces by human rights advocates and civil society because it is not seen as a company-wide approach. “It is just a minor irritation. I will continue to do business as usual”.

The private sector has to recognize that there are a number of principles and policies in place – the UN business and human rights principles – and now, we are moving towards the development of a treaty on business and human rights. That is important, but until and unless we have these deliberate shifts in these companies’ business models, it might take a few more years to get to the stage where we have very effective responses to disinformation.

Governments and political actors have a love-hate relationship with disinformation. At some point, many of those in power or who are ascending to power can see the importance of disinformation for their objectives. If you are going to talk of a pre-Trump presidency,

would Trump have cared about disinformation? Maybe he did, maybe he did not. But when he came to office, they could see how that information was working to their advantage. So, they then go out and say, “we want to eliminate disinformation in these platforms”. It is a mixed type of relationship – for lack of a better word, one could call it a schizophrenic relationship. At some point, governments want to use disinformation for their political objectives. If you are going against your political opponents, they have no hesitation in creating false information with the intent to cause harm to their opponents. We have seen that time and time again.

For me, the levels of sincerity of governments to actually deal with this is questionable. I do not think they are the best institutions to deal with this because their motives are not always sincere. Hence, our insistence on using an international human rights framework. Bearing in mind the different variations in context, it is the only uniform standard with which you can make everyone accountable: the provisions of the International Covenant on Civil and Political Rights, the provisions and principles of the UN Charter or the Declaration of Human Rights or those in regional institutions, such as the Inter-American, African, Asian or European standards. All those standards emanate from the global human rights architecture.

This is a point in the frame of reference for us to use. Governments are important, yes, but I do not think we should give them the sole mandate and responsibility because they have interests in the use and abuse of disinformation and misinformation, including where it serves them and their relationships with the private sector that advance their corporate and profit objectives.

Sur • Regarding civil society, in your opinion, what spaces for action are possible, especially at the level of dialogue between countries?

O.S. • To combat disinformation we need to build transnational movements and a transnational solidarity. This is why I find the work that Conectas has been doing over time very important. I know it is expensive to have transnational conversations because we are dealing with different cultures, different languages, different time zones... deep-seated colonial infrastructures, which, again, might include the human rights infrastructure since it is an architecture of power and an old one, in some instances. Yet, it is still an architecture that can speak to our diversity and humanity. The development of transnational responses is important because statements from Brazil, for instance, are learned and have a huge impact in some other part of the world – in Zimbabwe, for example – without one knowing that there is that level of transnational impact. And we have seen this with all anti-rights movements: the anti-rights gender movement, anti-blackness targeting and campaigns against African people and people of African descent. This is a transnational issue.

The same goes for disinformation because disinformation just explains to me how certain information is used and weaponized with the intent to cause harm, and it could cut across all these areas that I have mentioned. So, the development of a transnational movement

is important. That is where civil society comes in. Challenging disinformation at a very local and national level is important. You can do it, but you are dealing with transnational actors. Meta does not identify itself as just Meta Brazil. It is Meta “Everywhere”. Google is not just Google in Brazil; it is ubiquitous, for lack of a better word. You might be able to find Google and access this platform in areas where people are not even able to access basic services. That is how pervasive these platforms have become.

Granted, there are issues around Internet access. Almost 80% of the connected world is in the Global North, and the Global South is less connected. That is an effect we need to grapple with. But they still have a wider reach than ordinary public services that we hope to get in most countries.

The building of a transnational model is important. We cannot fight disinformation or respond to disinformation in silos. It will not work. The interest and impact of anyone who is churning out disinformation might be a localized niche of political objectives, but it might have transnational implications.

Sur • In the context of fighting disinformation, how do you analyze the decentralization of the roles of those who produce information, in relation to the traditional press, and advocate for freedom of expression on the Internet?

O.S. • Press freedom remains important, both in relation to access to information itself and the practice of the profession of journalism. But journalism has also mutated over time. You no longer have certified journalists going to school, to college and getting a degree. We have citizen journalists, content creators, story tellers, media workers who might not necessarily identify as media workers. We need to expand the level of protection or the interpretation that is provided on the issue of press freedom to make it wider and more inclusive.

There are so many concerns about Internet legislation. At some point, Brazil was leading the development of an Internet governance infrastructure and multi-stakeholder approaches. But also, many countries are enacting laws and regulations that are making it difficult to exercise rights online. Free speech online is being criminalized, and the criminalization of disinformation might not be the solution, to just criminalize it. You might also want to encourage people to tell the truth because something that is true can punch holes through anything that is false. If a false statement is damaging, what we do to correct it is to tell what we think or what you think is the truth.

But we are also seeing that governments are encouraging secrecy. We are saying, “we don’t want disinformation”, but at the same time you are encouraging secrecy. If there is a vacuum, what do people do? People fill it with something else, which may end up not being the truth.

The adoption of Internet legislation is happening everywhere. We saw that with the COVID-19 pandemic, many countries adopted laws that criminalized disinformation

around the pandemic. The solution was to get the WHO, as the World Health Organization, to give accurate information around that.

Sur • Do you have any thoughts on strategies that have been or are being used successfully to resist and combat misinformation in different countries and contexts?

O.S. • The first is to actually build an ecosystem of actors who provide resources to challenge disinformation. It is important for us to invest in that infrastructure. The challenge that we have with our current thinking and approach to the human rights struggle is treating it as a short-term issue. We talk about two years, five years... but these are going to be long-term investments. Anyone who is willing to actually deal with the human rights struggle should be thinking about long-term investments. It is not a programme cycle or a project cycle; it is a lifetime investment, a lifetime commitment to advancing human rights protection and promotion.

The second is that transnational solidarity also needs to have a multi-stakeholder approach. Everyone has to play their role. The private sector has to come on board. And, of course, there are also community policies and approaches. Governments also have to come on board because if we are talking about from the rights perspective, at least the rights infrastructure architecture as it currently stands requires governments to protect, promote and fulfil human rights. We also need to have a role for civil society.

So, these three actors are highly important. But more important is the citizen, the average person – an ordinary person who is the recipient of disinformation and who uses this platform. We have to focus on them in these conversations. What is it that we are trying to do that reduces the harm on the person, the individual, the community?

We also need to talk about groupings and platforms of the private sector. Where do they spend their time? Is it just on the highways in Silicon Valley? Is it just in the boardrooms of media companies or capitals? We have to start investing time in going to places where these actors spend their time to have conversations with them -- and again, that is expensive. But that is where these decisions are being made at a much faster pace than our ability to respond. We also need to think about ways to be more agile, more responsive, nimbler in our work so that we are not outpaced by the level at which disinformation is being generated.

The last component we need to look at is: who are the shareholders of these companies? Who actually owns them? Meta, we might say, is made up of a few major subdivisions under a family, the same as Google. We must start to think more creatively about the other platforms for us to hold corporate power accountable through their corporate structure. If I am a shareholder, even if I have one share among millions, that is my voice in that company. I should say, “where are you investing my quota? Where are you investing my dollars?”. Building shareholder activism goes to the root of building an active, global citizenry. This is important because it brings accountability to corporate actors through

individuals who have vested interests, who say, “I am going to have profit, but I am not going to enjoy tainted profit”.

This is the same as what we see in the climate movement: yes, we want profit, we want to get profit out of this, but not tainted profit. The same goes for these tech companies: you should not be investing our money and making a profit from disinformation, surveillance capitalism, marketing of personal data and all. We want human rights-friendly ways of making a profit. I guess that is what they call “sanitized capitalism”, in a way.

Sur • How do you see the limits between freedom of expression and privacy rights in cases where people evoke this freedom to spread lies and cause havoc for their neighbours or opponents?

O.S. • There is an ancient, long-standing tension between the right to privacy and the right to freedom of expression or access to information. There has always been a way in which these rights complement each other as well. However, if you are a public official and you occupy a position of influence, invoking the right to privacy on public-related aspects does not mesh well with accountability and democratic practices. In that instance, you cannot claim secrecy and privacy for work or things that are done for the public good.

But certainly, where there might be issues of individuals who are neither in public places, nor in positions of influence or elected positions, they can certainly invoke privacy. What we need to realize and focus on is how to advance both rights without seeming to be undermining any one of them. That is how rights have always been; they are interdependent. When there are limitations, those limitations should be legitimate, proportionate and necessary, as well as lawful. If those precepts are not observed, certainly one would say that there is a problem. That is why international law has helped define the parameters for the limitation of these rights.

You see that in so many countries, citizens’ right to privacy has been eroded—for instance, through surveillance. Surveillance infrastructure that is not subject to any oversight. The executive branch of government has disproportionate levels of influence in how telecommunication companies and internet service providers work and in the whole surveillance infrastructure. In that case, both the right to privacy and even to expression suffers because you observe a chilling effect: once journalists, civil society or political actors know that they are being surveilled, they cease to talk, to be critical; they just withdraw. The personal cost can be higher than the reward of being expressive, and you are aware that your inner sanctum, your inner person has been violated because of the surveillance infrastructure.

So, the tension remains, but we also see that both rights are being violated on a grand scale. Privacy advocates should not just see themselves as privacy advocates. They should see themselves as rights advocates because the right to privacy intersects with the right to expression, dignity – you name it. This is the point that I was trying to make about

breaking our silos. Most of us in the human rights fraternity see ourselves in silos. "I am talking about the right to food and therefore, I do not need to talk about someone who is talking about the right to health". If I do not have food, then I do not have health and I do not have dignity. The chain goes on and on.

Maybe because we have been structured to think in terms of project proposals and programmes, we are ceasing to have a collective sense of our human rights agenda. We need to think about that.

Sur • In that sense, what is your view on the role of human rights in the struggle for democracy and the challenge to articulate different views and movements towards that goal?

O.S. • There is a need for the human rights movement to articulate the "what" with the "how", but also to be very aware that the human rights discourse itself, the words that we use, may not resonate with people. Let us take the pandemic as an example. From a human rights perspective, this is where we saw the importance of implementing the right to health without any variations – everyone should be able to access it, etc. The same as the right to water, the right to housing... all of these "why's" that were spoken about were tested. But someone looking from a different perspective would say, "this is the result of the inequalities caused by capitalism or Global North policies telling us to de-invest in public infrastructure and privatize health, water and education – privatize everything because of a capitalist-driven ideology". But still, it comes back to rights.

The point is that we have to find ways of articulating what we are doing – not in a commercial or a fancy manner – but explain it in such a way that everyone can understand what the human rights language is all about. Right now, in the past few months or so, there has been a resurgence in protests everywhere. Hardly a week goes by before you hear about another country that has gone up in flames in protest. It is Sri Lanka, places you would think of as a tourist destination. It's Mozambique, Malawi... the list goes on and on. At the core of those protests, people are not protesting because they like spending time in the streets. They are protesting because the basics are not there: food, water, employment, access to health. Consider the fact that there were even more protests at the height of the pandemic. It shows that there is a relation with what we, as human rights activists or advocates, are involved with. But we probably failed to connect with the ordinary person. That is important.

There has to be a very deliberate demonstration that democracy and human rights work, that there are dividends we can take from this. Because when we are not able to show those dividends, you might end up seeing citizens placing their trust in powerful men more – the "big man" syndrome, military regimes, people saying, "it is better for us to be under a military regime because we trust soldiers more than we trust civilians", or autocrats actually rising to power possibly because of people's disillusionment with democracy. We know that this will always be short-lived, but why do we have to go through such painful processes before we address them?



Otto Saki.
Source: personal archive.

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*Interview conducted by Renato Barreto and Maryuri Mora Grisales in July 2022.
Original in English.*



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2022 AND THE ODYSSEY TO COMBAT MISINFORMATION IN BRAZIL

Nina Santos

- *Analysis of the informational struggle in the 2022 elections* •

ABSTRACT

Disinformation is a serious and complex problem for modern democracies. On the one hand, it demands criteria and state standards for its confrontation, on the other hand, it demands attention in relation to the protection of freedoms and the guarantee and promotion of a healthier and more inclusive digital environment. This short reflection analyzes the Brazilian elections of 2022 in relation to the odyssey that was to face disinformation, in a context of intense polarization and democratic threats.

KEYWORDS

Misinformation | Elections | Digital platforms | Democracy

The 2022 elections were certainly a significant moment in the history of misinformation in Brazil. The election campaign and the extreme right's forays into the use of misinformation as a political strategy sparked important movements on digital platforms, by civil society and officials, seeking ways of combating the problem which has been undermining democracies worldwide. In understanding this situation, it is useful to think in terms of three different moments: the groundwork, warming up the engines and then the acceleration that led to emergency actions.

1 • The groundwork

We must bear in mind that the 2018 elections in Brazil left a legacy. While this legacy did not necessarily allow for robust solutions concerning the matter of misinformation, it did at least mean this was at the centre of the debate from the outset. Precisely because of this, groundwork was laid before the elections. To this end, the Superior Electoral Court (TSE) sought the digital platforms, established a constant dialogue with them and signed partnerships and memoranda of understanding with Twitter, TikTok, Facebook, WhatsApp, Google, Instagram, YouTube, Kwai and Telegram. In other words, terms had been agreed upon, albeit insufficient ones, regarding what should be done during the elections.

This important move seemed to be working at the beginning of the 2022 political campaign. Up until the week before the first round of voting, the view prevailed that misinformation was under control and was having little impact, as had been seen in 2018. The 48 hours prior to the first round though revealed that this was not the case. Rapid actions were being carried out, taking advantage of the gap in communications, i.e. once the free election broadcasts had concluded and there were no longer any rallies. There was also some leniency on the platforms and delays in legal rulings. An example of this was a video stating that the drug trafficker Marcola had said he would vote for Lula. It remained online for 16 hours, from 8.30pm on the eve of the first round until 12.30pm on the polling day.¹

2 • Warming up the engines

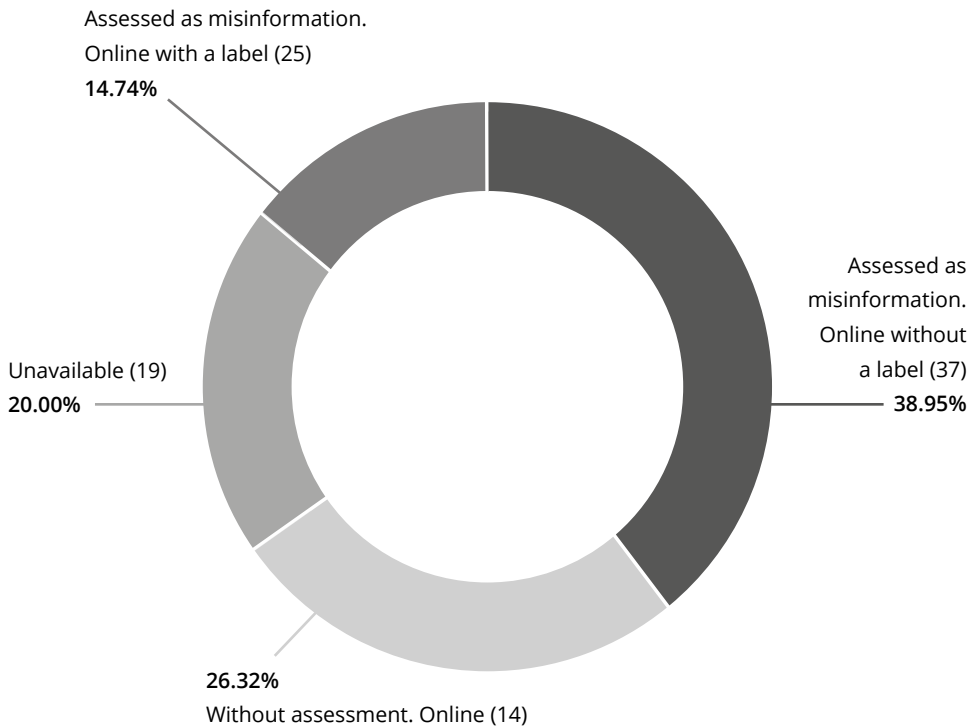
Once we moved to the second round of voting the information battle became even more heated, completely changing any impression that things might be calm. The president of the TSE, Alexandre de Moraes, stated at a meeting with Google, Kwai, LinkedIn, Meta, TikTok, Twitch and Twitter that the situation with misinformation was a disaster.² One of the main points raised by the minister was the need to remove content more quickly in response to judicial rulings.

On this point, there appeared to be two kinds of problems. Firstly, the policies of the platforms were insufficient to handle several aspects of misinformation, such as those linked specifically to the candidates and insurgency. Secondly, the terms that had been

announced and agreed upon with the TSE were not being fully applied. Online political propaganda that had been banned on the election day of the first round was still available; content that had been flagged by the Court had not been removed and known spreaders of misinformation had not been punished. These irregularities were signalled in a series of reports published at the time. We would like to draw particular attention to the series of studies produced by Netlab, at UFRJ.³

For example, the graph below shows that almost 40% of the posts thought to be problematic on the Meta platform remained online, without any kind of label.

META PUBLICATION DENOUNCEMENTS



Source: Netlab/UFRJ (2022).⁴

3 • Emergency action

This situation led to the TSE taking some emergency measures. They concentrated authority on themselves, allowing the Court to act in an ex officio capacity against

misinformation. They increased bans on online advertising for 48 hours before and 24 hours after the voting and extended rulings on content removal to identical copies of original content. Now the election process is over, actions like these certainly merit ample discussion. The concentration of power on a single body, in this case the TSE, was important as an immediate reaction, but may not be the best option in the long term. The complexity of the matter calls for an examination of the pros and cons in order to ensure different and possibly conflicting points of view are heard. Moreover, misinformation is not limited to election periods. What will happen when the TSE is no longer at the centre of legal actions? These and other points need to be discussed to find the most democratic ways possible of handling decisions on what warrants public debate and what does not. However, throughout the campaign, these actions proved to be important and effective in combating growing misinformation. In an election as disputed as this one it would have been a tragedy if misinformation had been responsible for swaying the result, by basing it not on the desire of the electorate but on the creation of a false notion of reality.

4 • The future

However, it is important to say that it remains a challenge to identify the precise impact of misinformation on voting decisions. While observation of patterns of communication provide indications it is hard to establish a correlation. This difficulty also arises from the fact that the digital environment has profoundly changed how political campaigning is done and this goes far beyond misinformation. Means of communication, of creating political facts, mobilising electorates and influencing agendas are others and this is still unfamiliar territory in a country that is accustomed to television-based campaigning. It is no coincidence that a political player like André Janones has drawn attention on the left, precisely because he understands and uses this approach to communication. The question now is: what actually are the parameters that should guide digital political communications in order to produce more and not less democracy?

The 2022 elections have certainly left us some clues. Firstly, the model of self-regulation on digital platforms does not work alone. It requires national parameters that must be adhered to as well as mechanisms for transparency, monitoring and accountability. Secondly, the lack of legal parameters, which should be built collectively and as a result of broad social debate, means emergency rulings and swift actions, that may be controversial, are left in the hands of the Judiciary. Thirdly, a civil society that is active and trained to handle digital issues is absolutely essential to ensure monitoring and social pressure, in order for these parameters to be continuously improved. Fourthly, the role of serious journalism in producing quality information and nurturing trust in institutions is a further essential pillar in this cause.

With the new government starting now and the pause in the anti-democratic threat that has been hanging over Brazil, we see a challenge to build pathways to consolidate a healthy, plural and democratic digital space, ensuring rights and curbing the use of this space to

falsify reality. Certainly, this means that the issues of gender and race must be treated as structural and transversal to any discussions on digital issues. More now than ever before, the digital world is a very real aspect of our lives which means historic inequalities in our society are also pervasive in the digital world and must be treated as such.

Furthermore, the new government leads us to believe it will favour the matter of misinformation and the debate on regulations for the digital environment.⁵ This suggests there will be an intensification of the debate on the regulation of digital platforms which will certainly demand a large mobilisation on the part of those who research and work in this area. The fine line that separates an escalation in the fight against fake news, the discourse of hatred and misinformation, and the protection of rights such as freedom of expression and privacy, is not an easy one to draw, but this is now essential in any society that is truly democratic.

Finally, I believe it to be strategic to refocus the conversation: misinformation is an essential but partial aspect of the problem. At a deeper level the debate we are trying to establish on a daily basis is how to build a healthier more inclusive digital environment and structures and forms of digital appropriation that allow us to strengthen and improve democratic mechanisms.

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Possible futures:
is there a “new normal”?

ART



- article -

FILING THE STONE, WASHING THE FLAG

Bruno Oliveira

- gallery -

RECONSTRUCTING SYMBOLS, REINVENTING MONUMENTS

Néle Azevedo (Minimum Monument)

and Colectivo Sociedad Civil (Wash the flag)

- conversation -

“WASHING, SEWING AND WAVING THE FLAG”

Interview with Claudia Coca

- conversation -

“THE GOAL OF VISIONARY FICTION IS TO CHANGE THE WORLD”

Interview with Walidah Imarisha

FILING THE STONE, WASHING THE FLAG

Bruno Oliveira

- *Notes on the ruining of
and dispute over monuments*

ABSTRACT

How do we dispute the given meanings of monuments, destabilize their foundations and create alternative grammars to restore meaning and agency to the collective memory? This essay presents reflections on the dispute over representations of power, especially in relation to the emancipation of politics, identities and struggles for human rights that have been dismantled and cynically shelved by the criminal governments on the rise in the Global South in the last decade.

KEYWORDS

Contemporary art | Decoloniality | Dispute | Monuments

*For the master's tools will never dismantle the master's house.
They may allow us temporarily to beat him at his own game,
but they will never enable us to bring about genuine change.¹*

1 • Introduction

“It is an attack on civilization,” exclaimed Victor Brecheret Filho on September 30, 2016 in an interview² about the intervention carried out the previous morning on the “Monumento às Bandeiras” (Monument to the Flags). This sculpture was designed by his father, Victor Brecheret, in 1920, and installed for the celebrations of the 400th Anniversary of the founding of the City of São Paulo in 1953. Of unknown authorship, the action consisted of covering the granite monument with pink, yellow and turquoise latex paint and was broadcast by the media during the televised debate between candidates for mayor of São Paulo the night before the municipal elections. On the occasion, actions targeting the “Borba Gato” statue, by Júlio Guerra, erected in 1963, and the building of the State Department of Education, inaugurated in 1894 as the headquarters of the Escola Normal Caetano de Campos, were also carried out.

Described as everything from a disgrace to barbarity, the intervention outraged the population and the officials responsible for the maintenance of public heritage. After the intervention that took place on the eve of the 2016 elections, it took about 10 days to clean the “Monumento às Bandeiras”. A specific chemical for granite had to be used, which was followed by the use of pressure washers.

In a statement to the press,³ the then director of the Office of Historical Heritage, an agency of the Municipal Department of Culture of São Paulo, highlighted the damage to the sculpture caused by such actions. He believes that the cleaning process poses a risk to the work, as its layers are damaged each time it is cleaned: “I’m outraged and upset. It’s sad to see our public heritage being damaged. We keep cleaning it and the monument gets more and more damaged. Soon, there won’t be any stone left.”

2 • Monuments, power and coloniality

Aníbal Quijano and Immanuel Wallerstein⁴ describe the world-system concept as the configuration of a historical pattern of power in which social and political relations are the result of the interrelation of fragmented and conflicting networks of dominance. This concept helps us understand the fundamental structuring of history in the Latin American context based on the dialectic complementarity of the dynamics between colonizers and the colonized.⁵ This modern/colonial notion gives rise to a series of

relationships and institutions of domination and exploitation that extend from the European Middle Ages to the present day.

Monuments, flags, the state and its insignia are all fundamental records of the ideas of the project for the future and the progress of the modern/colonial process. We can associate the consolidation of these images with the establishment of frameworks of subjectivity and collective memory aimed at perceiving a total, linear and hegemonic world. Here, it is important to emphasize that the coloniality of power, a term coined by Aníbal Quijano,⁶ includes processes that reproduce the logic of oppression, domination and exploitation and that go beyond the sphere of political-economic power and lead to the colonization of the imaginary. Thus, memory and monuments, especially in the Latin American context, were constituted through processes of continuous and permanent epistemological violence.

3 • Documents-monuments

To reflect on the dispute over the meaning of a monument, a brief digression is first needed to recognize, in the practice of building such works, how monuments are configured as devices of the coloniality of power in their territories of insertion. We should assimilate them as images that perform memorial and educational functions in cities. It is understood that every monument has intrinsic and mutual elements of civilization and barbarity.⁷ Monuments are, therefore, elements of transmission, allegories of a triumphant notion of continuity and historical evolution, “spoils whose function is to confirm, illustrate and validate the superiority of the powerful.”⁸ Once we understand the documents-monuments as images of this modern/colonial culture-barbarism diptych, we can move on to the question of the purposes of their constitution.

According to Georges Didi-Huberman,⁹ in the European origins of monuments as we know them today,¹⁰ we see that they are perceived as a kind of common good: the use of the term *imago* and its approximation to the ideas of possession and restitution evoke a “genealogical and honorific transmission function” of the images produced by death masks.¹¹ This was when monuments (from the Latin word *monumentum*: memorial, building or even tomb) appeared; they were initially attributed to individuals and private funeral memorials and closely linked to this notion of image. Furthermore, in ancient Europe, another category of monuments also emerged as an advertisement of power, a symbolic device of domination or a product of the interests of groups or associations, which were usually of a commemorative and testimonial nature and that evoked pasts and perpetuated memories (voluntarily or involuntarily). The two classes of monuments, however, share the purpose of ensuring the strategic survival of memories of modernity and, above all, images of civilization – and barbarity.

In general, monuments, museums, galleries and cultural spaces, their collections, exhibitions and constituent and associated documents, as well as universities, their

buildings and the discipline of the history of images (and art, by extension) can be understood as a fundamental part of a set of institutions that are responsible for structuring and maintaining stable and homogeneous memories and social representations. Mastering the narratives and images of a given territory, culture and society, especially in the Global South, was (and still is) vital to the organization of modern states.¹² Such institutions and disciplines occupy contradictory and complex positions. This makes it essential to understand how they are connected and operate, given that “they are important because they still maintain a symbolic position apparently supported by democratic culture, at the heart of which lies the very notion of citizenship.”¹³

How, then, do we restore emancipatory meaning to monuments? This is mainly an exercise of finding, in the instability of its given meanings, the possibility of manipulating and creating another grammar and other meanings and agencies – ones that are not based on the idea of completeness or even returning some privilege or private right to someone or to a social group. This devolution of meaning does not entail appropriation or possession, nor reproducing the structure of dominance; but it does necessarily question its assumptions. It is precisely about reaffirming the instability of the strategies of dominance and hegemony in power, *desecrating the power of its representations* and returning the possibility of use and collective agency to whomever is entitled to it. It involves reconfiguring memory and renouncing narrative rigidity, while stripping “[...] devices – all devices – of the possibility of use that they themselves captured. Desecrating what cannot be desecrated is the political task of generations to come.”¹⁴

4 • Restitution (1)

Officially opened in March 1970, the headquarters of Paço das Artes¹⁵ were located in the vicinity of the University of São Paulo for many years. Owned by the Butantan Institute, the building was requisitioned at the end of 2015 to make way for laboratories and a factory that produces vaccines against dengue fever, an epidemic that had reached alarming levels that year.

To mark the end of activities in the Paço das Artes building, one last event was held at the venue, which included a presentation by the group Ilú Obá De Min¹⁶ and an intervention by an artist from Minas Gerais, Néle Azevedo.

Initially developed by Néle Azevedo in 2001 for the thesis of her Master in Visual Arts degree from the Institute of Arts of Universidade Estadual Paulista, the series of interventions entitled “Minimum Monument”¹⁷ are characterized by an ephemeral action that subverts the very foundational notions of monuments: it is a record of memory; a small, temporary, itinerant document made up of anonymous bodies – as opposed to the grandiose solidity of the stone and the heroes of history found in major public monuments. According to the artist herself,¹⁸ until 2004, the interventions

consisted of one or two ice sculptures placed in different locations of the cities that would melt and disappear over time. From 2005 onwards, Azevedo began concentrating small anonymous bodies of ice in one place, deliberately chosen in the urban space, and also allowed them to melt over time. She relied on the collaboration of volunteers to make ice sculptures from ready-made moulds.

The document generated by Néle Azevedo's intervention focuses on the experience of participants and spectators and, therefore, on audio-visual recordings of the action. The proposed action does not allude to the great heroes of Western modern/colonial history, as indicated by the call for volunteers to help carry out the intervention in March 2016:

In an act that lasts a few minutes, the monument's official canons are reversed: in the place of the hero, the anonymous; in place of the solidity of the stone, the ephemeral process of the ice; instead of the grandiose scale of the monument, the minimal scale of perishable bodies. [...] It loses its static condition to gain fluidity in urban displacement and the changing state of the water. They focus on small sculptures of small men, ordinary men.¹⁹

These *minimal documents-monuments*, created through the inversion of perspective, not only capture the reciprocity of culture-barbarism, but also seize this place and make it a permanent message between the lines. At the limit of becoming a *damnatio memoriae* sentence,²⁰ Azevedo's intervention restores the remains to the public sphere, performing a gesture similar to the montages of the German filmmaker Harun Farocki, interpreted by Didi-Huberman as “[taking] from the institutions what they do not want to show – the rubbish, refuse, the forgotten or censored images – to return them to those to whom they belong – that is, the ‘public’, the community, the citizens.”²¹

At the final event at the Paço das Artes, the “Minimum Monument” (and the presentation of the group Ilú Obá De Min) creates a monument to erasure, that of the life-cycle of a public space. Azevedo staged her intervention on the building's staircase and started at 2 pm on March 16, 2016. The audience accompanied the intervention, performed with 1,000 ice sculptures that lasted only a few minutes due to the blazing sun, as a sort of ritual, a gesture that the artist herself described as political/aesthetic.



Documentation of the media coverage of the work “Minimum Monument.” Archives provided by the artist Néle Azevedo.

5 • Restitution (2)

Founder and leader of the “Cambio 90” party, the Japanese-Peruvian engineer and mathematician Alberto Kenya Fujimori won his first presidential election in Peru in 1990 with the slogan “Honradez, Tecnología, Trabajo” (Honour, Technology and Work). The candidate, until then little known, would also win the following elections, held after a broad constitutional crisis shook the country and he enacted a self-coup with the support of the Armed Forces. The coup involved the organization of a new Constituent Assembly, the dissolution of Congress, taking control of the media, the persecution of opposition groups and people, and systematic human rights violations.

Fujimori enjoyed high approval ratings up until the middle of his second term. The silence, fear and even widely disseminated discourses of apathy towards politics was finally broken at the end of the decade. Several social mobilizations, from 1996 on, were guided precisely by the exercise of imagination of other forms of the public sphere. One or a few protests, actions or uprisings alone are not enough to establish a shared notion of a democratic society: it is through continuity and permanent vigilance that alternative collective and public consciousnesses are forged.

The public imaginary was established as a crucial battleground for Peruvian social movements, especially in the last year of Fujimori’s decade-long dictatorship. Disputing

control of national symbols led to an individual and collective liberating process for Peruvian citizens that went beyond the established notions of nation and state. The critical trigger for the intensification of protests was the successive corruption scandals, political persecution and especially the fraud used by Fujimori to get re-elected for the third time in April 2000.

The first performance that inaugurated the work of the Colectivo Sociedad Civil, a group formed by Peruvian artists who played a key role in the year 2000, took place precisely at the end of the first round of the national elections: equipped with candles, crucifixes and black fabric, a large group of artists proposed to hold a long, formal funeral ceremony for the Fujimori government in front of the Oficina Nacional de Procesos Electorales (ONPE, National Office of Electoral Processes). Local and international media outlets broadcast footage from the protest, which stimulated the group to continue staging actions and developing its language.

From that moment on, the members of the Colectivo, in collaboration with other groups and movements, began to develop public strategies to mobilize and transform the national imaginary. Among the highly impactful performances that began on the eve of the second round of the 2000 elections was “Lava la bandera” (Washing the flag),²² a collective and collaborative ritual for the symbolic and affective cleansing of the national flag. For weeks after the first national cleansing rituals were held in a public square, in May 2000, several autonomous, independently organized and equally political reinterpretations were recorded in public squares in other Peruvian and foreign cities.

The weekly repetition of the ritual of washing the national flags with water, soap and red basins throughout the year produced an image of rescuing the national identity that had been hijacked by the Fujimori dictatorship. Variations of the subjection of these symbols of power to the daily gesture of being washed, hung up on large clotheslines stretched across public squares and drying in the wind soon appeared, some incorporating military uniforms and robes. The repetition of the gesture and the collective and daily incorporation of the protest in a common and ordinary way by the people also indicate the importance of the need for a long restitution of citizens’ kidnapped identities in individual and collective spheres. One of the Colectivo’s founding members sums up the country’s ritualization process as follows:

But such surprising political effectiveness is rooted in pre-existing moral authority, the symbolic capital accumulated from the sacrificial energy of thousands of washing rituals. The collective identification matrix at work here is both religious and patriotic. A domestic, daily, locally made religiosity, which is almost irreverently pop in its liturgical informality, but no less sublime for it. It is through its accessibility and immediacy that Lava la bandera ritualizes the country. (God moves among the pails. And the soaps). Perhaps this is where its ability to become registered in a distinct mnemonic record, in the emotional memory of a citizenship under construction, comes from.²³

At the end of that year, the accumulation of accusations of corruption and human rights violations led Fujimori to take refuge in Japan, where he stayed until he was captured in Chile in 2005. Back in 2000, Colectivo Sociedad Civil organized an act to finalize the cycle of cleaning and cure. With the change of government, the flags would be clean again: the call was one of celebration, and for the flags to be ironed, folded, handed over to the new government and stored so that they could be maintained and cared for, until further cleansing is necessary to uphold democracy.



Media coverage of the actions of the Colectivo Sociedad Civil.

Archives provided by artist Claudia Coca.

6 • Conclusion

The director of the Office of Historical Heritage’s fear that Brecheret’s sculpture in São Paulo will be filed down to the floor until there is no more stone left because of the recurring need for restoration reminds us, in an inverted and accidental way, of the artistic/political gestures of Néle Azevedo’s “Minimum Monument” and “Lava la Bandera” by the Colectivo Sociedad Civil.

The repeated polishing of the stone points to a possible path for understanding the ritualistic and permanent exercise of reappropriating democracy. The dispute for representations of power – and the politicization of these images – can help reinforce demands for emancipatory policies, identities and struggles for human rights that have been dismantled and cynically shelved by the rhetoric of the criminal governments on the rise in the Global South.

Here, it is interesting to imagine that perhaps the emergence of another society, or another democratic agreement, will only be possible when the ruining of the monolithic and impenetrable documents-monuments that structure cities, politics and memory is

incessantly repeated: whether it be through the collective reconstruction of temporary monuments, the public cleansing of national flags or, even more radically, by repeatedly causing documents-monuments to be polished.

The image of the gradual ruining of the monument by its successive cleanings performs an ongoing funeral ritual, in the long term, that restores agency to the *vanquished* and structures another social pact by constantly and gradually chipping away minute pieces of the great modern/colonial history of the great heroes. Always the same, but a little different.

NOTES

- 1 • Audre Lorde, *The Master's Tools Will Never Dismantle the Master's House* (London: Penguin Classics, 2017): 19.
- 2 • Adriana Farias, "Filho de Brecheret vê ligação entre pichação e último debate eleitoral." *Veja*, September 30, 2016, accessed December 31, 2022, <https://vejasp.abril.com.br/cidades/filho-de-brecheret-ve-ligacao-entre-pichacao-e-debate-eleitoral/>.
- 3 • Juliana Diógenes, "Dois monumentos e prédio da secretaria de Educação amanhecem pichados." *Estadão*, June 20, 2020, accessed December 31, 2022, <https://sao-paulo.estadao.com.br/noticias/geral,monumento-as-bandeiras-e-estatua-do-borba-gato-amanhecem-pichados,10000079134>.
- 4 • Aníbal Quijano, "Colonialidad del poder, eurocentrismo y América Latina", in *La colonialidad del saber: eurocentrismo y ciencias sociales. Perspectivas Latinoamericanas*, comp. Edgardo Lander (Buenos Aires: CLACSO - Consejo Latinoamericano de Ciencias Sociales, 2000).
- 5 • Aníbal Quijano and Immanuel Wallerstein, "Americanism as a Concept or the Americas in the Modern World-System," *International Social Science Journal* 134 (November, 1992).
- 6 • Luciana Ballestrin, "América Latina e o giro decolonial," *Revista Brasileira Ciência Política* no. 11 (2013): 99, accessed September 14, 2021, <https://www.scielo.br/j/rbcpol/a/DxkN3kQ3XdYYPbwwXH55jhw/?lang=pt>.
- 7 • Walter Benjamin, *Passagens* (São Paulo/Belo Horizonte: Imprensa Oficial/Ed. UFMG, 2006).
- 8 • Michael Löwy, "'A contrapelo' - A concepção dialética da cultura nas teses de Walter Benjamin (1940)", *Lutas Sociais* no. 25/26 (2nd sem. of 2010 and 1st sem. of 2011): p. 22
- 9 • Georges Didi-Huberman, "Devolver uma imagem," in *Pensar a Imagem*, org. Emmanuel Alloa (São Paulo: Autêntica, 2015).
- 10 • Other meanings and practices similar to the monuments discussed here were and are developed by various peoples, in different times and territories.
- 11 • Didi-Huberman, "Devolver uma imagem," 205.
- 12 • Benedict Anderson, *Comunidades imaginadas: reflexões sobre a origem e a expansão do nacionalismo* (São Paulo: Companhia das Letras, 2008): 30.
- 13 • Maria Angélica Melendi, *Estratégias da arte em uma era de catástrofes* (Belo Horizonte: Cobogó, 2017): 20.

FILING THE STONE, WASHING THE FLAG

14 • Giorgio Agamben, *Profanações* (São Paulo: Boitempo, 2007): 79, quoted in Didi-Huberman, “Devolver uma imagem,” 2015.

15 • In December 2018, new headquarters were announced and inaugurated in 2020. The concession of the Casarão Nhonhô Magalhães mansion, in the Higienópolis neighbourhood, was the result of an agreement between the State of São Paulo Department of Culture and Shopping Higienópolis, the private company that owns the mansion. “Em 2019 Paço das Artes terá nova sede,” Department of Culture of the State of São Paulo, December 12, 2018, accessed December 31, 2022, <http://www.cultura.sp.gov.br/em-2019-paco-das-artes-tera-nova-sede/>.

16 • Ilú Obá De Min is an Afoxé group, composed only of women, founded in the city of São Paulo in 2004.

17 • Images of the intervention can be seen in *Sur Journal's* art gallery.

18 • “Minimum Monument,” Néle Azevedo, [n.d.], accessed December 31, 2022, <https://www.neleazevedo.com.br/monumento-minimo>.

19 • *Ibid.*

20 • *Damnatio memoriae* is the sentence of “condemnation of memory” applied by the Senate of the Roman Republic. The punishment for this was the deletion of all public appearances and records of a person’s existence so that they would be forgotten by future generations.

21 • Didi-Huberman, “Devolver uma imagem,” 2015.

22 • Images of the intervention can be seen in *Sur Journal's* art gallery.

23 • Gustavo Buntinx, “Lava la bandera: el Colectivo Sociedad Civil y el derrocamiento cultural de la dictadura en el Perú” (manuscript), 9.



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Possible futures:
is there a “new normal”?

GALLERY



RECONSTRUCTING SYMBOLS, REINVENTING MONUMENTS

Néle Azevedo (Minimum Monument)
and Colectivo Sociedad Civil (Lava la Bandera)

RECONSTRUCTING SYMBOLS, REINVENTING MONUMENTS

In the *Sur Journal's* gallery of artistic pieces, images from the "Minimum Monument" series of interventions by Brazilian artist Néle Azevedo, and the "Lava la bandera" (Wash the flag, in English translation) performance action by the Sociedad Civil Collective, dispute in very concrete ways the very idea of historical monument and national symbol, respectively. In both cases, the hegemonic and colonial sense that these elements carry is disputed, when new meanings are forged, tested, and imagined through a political-artistic interruption.

The ice sculptures of “Minimum Monument” subvert the foundational notions of monuments by proposing a record of memory, a small, temporary, itinerant document of anonymous bodies - as opposed to the grandiose solidity of stone and the heroes of history found in large public monuments. Meanwhile, the performative action of “Lava la bandera” proposes a collective and collaborative ritual of symbolic and affective cleaning of the national flag. The repetition of the ritual of cleaning the national flags with water, soap, and red basins produced an image of rescuing the national identity kidnapped by the Fujimori dictatorship in Peru. In dialogue, other notions, both quotidian and collective, subvert the cultural documents-monuments in a reconstruction of the symbols that structure cities, politics, and memory.



MINIMUM MONUMENT

Nèle Azevedo. Paço das Artes, São Paulo-Brazil. Credits: ©Nèle Azevedo, 2016.







MINIMUM MONUMENT

Néle Azevedo. Paço das Artes, São Paulo-Brazil. Credits: ©Néle Azevedo, 2016.



MINIMUM MONUMENT

Nèle Azevedo. Praça da Sé, São Paulo-Brazil. Credits: ©Marcos Gorgatti, 2005.







MINIMUM MONUMENT
Néle Azevedo. Praça da Sé,
São Paulo-Brazil.
Credits: ©Marcos Gorgatti, 2005.



PLAZA DE ARMAS

Performance action “Lava la bandera” (Wash the flag, in English translation),
by Colectivo Sociedad Civil, Peru, 2000.



LARGE FLAG

Performance action “Lava la bandera” (Wash the flag, in English translation),
by Colectivo Sociedad Civil, Peru, 2000.



FLAG WASHING - CAMPO DE MARTE

Performance action “Lava la bandera” (Wash the flag, in English translation),
by Colectivo Sociedad Civil, Peru, 2000.





**POLICE OFFICERS
CARRYING THE FLAG**

Performance action
"Lava la bandera"
(Wash the flag,
in English translation),
by Colectivo Sociedad Civil,
Peru, 2000.



“WASHING, SEWING AND WAVING THE FLAG”: A REPORT FROM THE NEVER-ENDING STRUGGLE FOR DEMOCRACY IN PERU

• Interview with Claudia Coca •

By *Sur Journal*

In the art gallery of this issue of *Sur*, we present a photographic record of a paradigmatic action staged by Colectivo Sociedad Civil in Peru in 2000 named “Lava la bandera” (Washing the flag). Carried out as a symbolic call for democracy, this collective and political intervention challenged the meaning that had been historically attributed to the flag as an insignia, a distinctive mark of a people. Bringing national flags to city squares and washing them collectively both expressed criticism of a dilapidated symbol and its fragile representative capacity and used many hands to forge other possible meanings.

The action was carried out in a very specific context. Systematic human rights violations, political persecution, corruption, and poverty were present throughout the Alberto Fujimori dictatorship in the country.

Today, Peru is once again facing a profound political crisis. A crisis that, in a little over a month, has left an alarming number of people dead and injured due to violent state repression of demonstrators.¹ Thousands of people have taken to the streets of Peru, waving their flags high – the flags of a country that is experiencing a moment of instability, like twenty years ago, as the result of severe national inequality, structural racism, and an institutional crisis manifested in the form of systematic human rights violations.

In this brief interview with *Sur*, Peruvian artist, political activist, and teacher Claudia Coca tells us about her experience with Colectivo Sociedad Civil at the time of the “Lava

la bandera” interventions. She talks about the expectations back then, the meaning and impact of these street art interventions that filled many public squares in Peru, and, finally, about the timeless importance of re-signifying and appropriating the symbolic value of the flag to the creation of collective actions to denounce human rights violations and as part of an ongoing struggle for democracy.

• • •

Sur Journal • Tell us about Colectivo Sociedad Civil. What were the ideas that brought its members together and who were they?

Claudia Coca • To me, Colectivo Sociedad Civil was a collective of citizens who wished to engage civil society in the struggle to reclaim democracy. In 2000, with a great deal of ingenuity, we adopted the following motto: “For the cultural overthrow of the dictatorship”. And I say ingenuity because we never expected to be in the same situation today, and I say this with hopelessness and pain.

There were few of us at first and then, many of us during the most intense days of the struggle for democracy.²

Sur • What struck you the most, as a group, when you were carrying out the “Lava la bandera” action?

C.C. • We were out in the streets for many months, holding multiple citizen actions. Although “Lava la bandera” was the most famous one, we had several important experiences at different moments. I would say that for me, the most notable aspect was the union of forces among citizens. We started out as a few and ended up with many people participating in the group that would go out to stage multiple symbolic actions against the dictatorship.

The importance of the “Lava la bandera” action was that we kept it up for six months - before, during, and after the fall of Fujimori. Washing the flag every Friday at the Plaza de Armas led people to replicate this action in other parts of the country. Even Peruvian citizens in other countries would perform the action in squares and embassies. We did not coordinate with these actions; they were the initiative of other citizens.



Documentation of the media coverage of the actions of the Sociedad Civil Collective. Archives provided by artist Claudia Coca.

SUR • How do you interpret the repercussion and the political impact that the actions had in comparison to your expectations?

C.C. • The democratic media outlets covered the actions, which were later published by printed media and broadcast on the radio and television. This was very important in order for the public to see symbolic actions of a peaceful and thought-provoking nature. It was fundamental to us to be accompanied by the media, particularly for safety reasons, and this was an important factor in attracting more citizens to participate. Seeing citizens holding a different kind of protest meant that the fear of being persecuted and labeled a “terrorist” was subsiding, and this is why we went out to protest. The Fujimori regime had appropriated the symbolic language that associated all those who went to the protests with terrorism. Sadly, this continues to this day, and we are beginning to relive it all over again.

SUR • What are the commonalities between the current context and the one in which the action took place? Tell us about the social and political demands that motivate protests in Peru today. What are the democratic alternatives?

C.C. • Fascist regimes have the same characteristics, which is why there are many similarities between the current government and the Fujimori regime. The lack of constitutional rights is the most important one. Today, the lives of Peruvians are being taken just as they were 23 years ago.

Peru is a country with an unjust centralist system that abandons other regions of the country, which suffer from poverty, inequality, and discrimination. Structural racism prevents us from conceiving a society in which all citizens have equal rights.

The current situation was brought on by the failed coup d'état led by former President Pedro Castillo, who was connected to multiple investigations on corruption and had a mediocre, corrupt, populist government for a year and a half. People are demanding that President Dina Boluarte resign and that new presidential elections be held.³ This would force Congress to change the Bureau members and elect a new consensus president to take office as the President of the Republic.



Image of "Coser la bandera", 2021.
Personal archive.

Sur • In the current situation, when we think about national symbols and the possibility of challenging them and altering their hegemonic and colonial meaning, what would be the meaning today of an intervention like the one that was carried out back then? What would it be comparable to today?

C. C. • Thinking about the colonial nature of national symbols is a subject that requires a thorough analysis. However, a symbol like the flag still represents a common ground that people identify with – hence, the importance of re-signifying and appropriating its symbolic value when creating actions/situations to build unity in the fight against violations of human rights and for democratic rights.

Today's marches are filled with red and white flags, as well as black and white flags. Red was replaced by black as a sign of mourning for the over 60 Peruvians who have lost their lives at the hands of President Dina Boluarte's regime and her prime minister, Alberto Otárola.

In 2021, many citizen groups took measures to push for the creation of the Commission of Truth and Reconciliation. We, at Colectivo Sociedad Civil, held an action entitled "Coser la bandera" (Sewing the flag), in which we made a black and white flag out of pieces of clothing, which symbolized the clothes people wore at the bodiless wakes of those who disappeared during the armed conflict. This action was carried out by the relatives of those who went missing and by civil society in a show of solidarity.

Peru is once again in mourning, so we see people raising and waving black and white flags.

The flag continues to be a symbol of communion, of recognition; to many, it is a cry for inclusion and rights. An indigenous woman carrying a flag is fighting for her own inclusion and that of her people, who continue to fight for their place and their rights, as they did over 500 years ago.



Women travel from several parts of the country to Lima – 2023 demonstrations.
Credit: Reuters.



Claudia Coca.
Source: Personal archive photo.

• • •

*Interview received in January 2023.
Original in Spanish. Translated by Luis Misiara. Proofread by Karen Lang.*

NOTES

1 • "Guterres preocupado com protestos no Peru que mataram dezenas", ONU News, January 26, 2023, accessed January 30, 2023, <https://news.un.org/pt/story/2023/01/1808777>.

2 • The founding members of Colectivo Sociedad Civil come from the world of visual arts. In the first weeks of its formation, creation, and work, members included, in addition to Claudia Coca, Susana Torres Márquez, Abel Valdivia, Emilio Santisteban, Sandro Ventura,

Gustavo Buntinx, Fernando Bryce, and Natalia Iguíñiz.

3 • Harold Quispe, "Mayoría de peruanos exige adelantar elecciones en 2023: nueva encuesta del IEP este domingo." La República, January 28, 2023, accessed January 30, 2023, <https://larepublica.pe/politica/actualidad/2023/01/28/adelanto-de-elecciones-mayoria-de-peruanos-exige-adelantar-elecciones-2023-encuesta-del-iep-de-domingo-dina-boluarte-334590>.



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“THE GOAL OF VISIONARY FICTION IS TO CHANGE THE WORLD”

• Interview with Walidah Imarisha •

By *Sur Journal* and Bruno Oliveira

All political articulation is science fiction. For educator, writer, Stanford University professor, and poet Walidah Imarisha, this observation indicates to us that the task of reconfiguring the world in more just and collective ways necessarily involves an exercise in (re)imagination. If we have the capacity to imagine a world without prisons, without police violence, where all people have access to their rights and are free from the historical abuses, then we are talking about a world that does not currently exist. To dream it collectively, in practice, means “build a future where the fantastic liberates the mundane.”¹ This dream, according to Imarisha, confabulates what she calls visionary fiction, or radical science fiction:

Visionary fiction offers social justice movements a process to explore creating those new worlds (although not a solution – that’s where sustained mass community organizing comes in). I came up with the term “visionary fiction” to encompass the fantastical cross-genre creations that help us bring about those new worlds. This term reminds us to be utterly unrealistic in our organizing, because it is only through imagining the so-called impossible that we can begin to concretely build it. When we free our imaginations, we question everything.²

In 2015, Imarisha published, along with visionary political movement strategist adrienne maree brown, Octavia's Brood: Science Fiction Stories From Social Justice Movements. The book, so named after black feminist science fiction writer Octavia Butler (1947-2006), is a collection of radical science fiction that collectively explores the connections between radical speculative fiction and social change movements.

In this interview for Sur Journal, Imarisha discusses the social transformation potential of visionary fiction, and elaborates in what ways the imagination of better-and possible-worlds is at the heart of the struggle for human rights, among other reasons, for transformation-oriented action. As Octavia Butler herself aptly put it in Parable of the Sower, "All that you touch / You change."

• • •

Sur Journal • Tell us a little about yourself and your personal and professional trajectory.

Walidah Imarisha • My name is Walidah Imarisha. I am a writer and educator living in the USA. Most of my historical work looks at Black history, and I work with and study current social movements for justice. A large area of my work looks at what I call visionary fiction or radical science fiction that can help us dream better about more just futures and build them into existence. For me, that is fundamentally tied to radical organizing, community organizing and liberation work in the community.

Sur • How did you get into fiction as a literary genre? And what was your encounter with Octavia Butler like?

W.I. • I've always loved science fiction and other fantastical spaces. My mom was a huge Star Trek fan and so, I grew up watching Star Trek. My oldest memory is watching Star Trek when I was 2. It was always a very big part of my life. And looking back, it's clear that I was drawn to it because of the space of imagination, because anything was possible, because I didn't know what was going to happen and that was exciting. I also wrote my own fantasy and science fiction stories as a kid. But certainly, in mainstream science fiction, I didn't see myself or Black people reflected much. In Star Trek, I always felt much closer to Mr. Spock than many of the human characters (other than Uhura, of course) because he was marked as other, as alien, and that certainly felt closer to how I felt as a Black child.

I was very lucky to have encountered Octavia E. Butler's work while I was still in high school. I would go to the second-hand bookstore and just look through the science

fiction section, at the covers, and choose new books by people I didn't know. I found her book "Kindred" and on the cover, there were two Black women's faces, kind of in motion. That was the first time I had seen a Black woman on the cover of a science fiction book and so, I grabbed that one. They also had "Parable of the Sower" and I bought both. That was absolutely foundational because it is the place that I saw in practice the principles of what I would later call visionary fiction. It was the first place I saw in science fiction that connection of identity, that questioning of power and creating new relationships to power, which, for me, are the key parts of visionary fiction. Definitely, reading all of Octavia's work that I could get my hands on was part of what led me to realize that these things didn't have to be separate, because before I had mostly engaged with the imaginings of white cis men.

As I got older and got involved in radical organizing, I felt like I needed to hide that side of myself, the nerd side, because it wasn't serious. And luckily, I went through a process where I found other radical nerds and came to the place where I realized that not only is it okay to like science fiction as a person involved in radical change, but it's imperative. You need it. I started working with folks specifically around a radical magazine that was based in the US called *Left Turn Magazine*. We did an issue – the Visionary Fiction issue – that I guest edited, and that was the first time I used the term visionary fiction to describe radical science fiction. And then, from there, I got to meet my Octavia's Brood co-editor, adrienne maree brown, actually as part of that issue, and a couple of years later, we started working on "Octavia's Brood: Science Fiction Stories From Social Justice Movements".

When I was editing the issue of *Left Turn*, someone said, "Oh, do you know adrienne's work? You have to connect with her". We actually didn't meet in person until after a year of working on "Octavia's Brood" together. We did it all virtually. But we both did a workshop at the US Social Forum in 2010: adrienne's was "Octavia Butler & Emergent Strategy" and mine was "Visionary Fiction", which I co-facilitated with Morigan Phillips. We co-facilitated them and they were 2 of the most popular workshops, which was lovely. And adrienne said, "This speaks to the fact that our movements really want more of this. So, we should do a book." And I said, "Let's do a book."

SUR • How can imagination, collective dreaming and visionary fiction become tools for building possible futures? What is the role of collectivity and community organizing in these processes?

W.I. • I work to make that very clear with visionary fiction. adrienne and I both chose science fiction because it is a space of imagination, which means people are willing to go with anything. For me, as a prison abolitionist, I've found science fiction or the space of imagination a perfect one because people in the "real world" cannot imagine a world without prisons. We have all been conditioned to think that it is impossible. But if you move them to a completely different planet, and you say, "Anything can

happen here that we can dream up. These are not humans. This has nothing to do with us," I have found people will be open to so many things. And it's interesting because in those spaces, when I've said, "Well, what will people do? You've now created these green aliens with purple polka dots on another planet. What will they do when one of them hurts another one? Do you think that they would publicly want to punish them? Do you think they would want to put them in a box? Do you think they would want to shut them off from everyone else for years and then bring them back and continue to punish them?" When you frame it that way, people go, "Of course not! God! That's awful! No, they wouldn't do that. They would want to fix what was hurt." They instantly go to transformative justice, to abolitionist principles of creating community.

It's important to have those spaces, but those spaces have to be brought back to this world. You can't leave people there because if you do, it's very easy to have complete cognitive dissonance, a complete break with that imagined world and the real world. We see that with things like in 2014, in the United States, during the Ferguson Uprisings, when Mike Brown, a Black teenager was murdered by a white police officer in Ferguson, Missouri while Brown's hands were in the air. This ignited Black resistance across the US. There were all kinds of protests and demonstrations constantly, especially in Ferguson. Some escalated to direct action or property destruction after police attacked peaceful protestors with tanks and militarized weapons. Around the same time, the "Hunger Games" movie, "Mockingjay Part 1," was in theatres - where they're rising up, blowing up power stations and engaging in armed resistance. And white people in the US reacted like, "Yeah! Go! Take the Capitol down!" And those same people were responding to Black folks' resistance by saying, "Why are these Black people tearing up their communities? What is wrong with them? This is not how you do it." And I think that this kind of disconnect is an inherent danger. There is an inherent danger in these mainstream science fiction projects that appropriate the condition of Blackness, of oppression, but put white people in that role, because it's then easy to empathize with Katniss, who is played by Jennifer Lawrence, a white woman, but you cannot have that same empathy for Black folks.

When I started, I thought that inherently, visionary fiction was about moving and doing the work of creating new futures. I thought we all understood we were dreaming so that we would be doing, but I realized that this is not the case for people who encounter it without a foundation in movement work and community organizing. I have definitely worked to be more explicit, to explicitly say it is anti-capitalist, it is non-hierarchical. We're creating collective power. We're making decisions together. This is not a thought experiment. So, I have worked to try and spell out much more clearly that this is an engaged process and if you are not doing the work of building liberated futures, that is not visionary fiction. It is not a form of self-help. It is not a piece of self-exploration. It's not just an exercise in imagination. The goal of this is to change the world, and that is not an optional step. So, for me, if you want to call something visionary fiction, it

needs to do the work. And if it doesn't do the work, I'm not saying it can't be useful, but it's not visionary fiction. And I have certainly asked people to stop calling things visionary fiction for those reasons.

Sur • How was the reception of the “Octavia’s Brood” anthology and in your view, what impact has it had on the social justice movement in the US?

W.I. • It has been amazing. I don't think adrienne and I or any of the contributors ever expected it to receive such amazing feedback. It's been out for over 7 years now and is still going very strong, which is wonderful. It speaks again to the same reason adrienne's and my workshops at the US Social Forum in 2010 were so popular: because there aren't enough spaces like this, and people want those spaces of imagination. If you are engaged in radical organizing, you are already dreaming of science fiction, because all organizing is science fiction. Every time we imagine a world without prisons, borders, capitalism, oppression, that is science fiction. But our movements are so rooted in this notion of what is “realistic” and as a result, our dreaming gets very squashed. That's what happened to me when I started becoming political.

I thought there wasn't space for this nerdy sci-fi part of me because I needed to be serious and do the work. But our movements need to be working in the present and dreaming 100, 200 years in the future. We need spaces that allow us to do that in a way that's not tied to grant deliverables, strategic plans or promises to foundations. We need to be able to dream unfettered, unhindered liberation dreams. I believe that that is what has drawn people to “Octavia’s Brood” – the way that every story allows them to see how this can be done with different movements, different parts of our movements, different issues that folks are working on.

When adrienne and I created it, we had a very hard time getting a publisher. No publisher wanted it because they said, “What is this? Who is this for?” It was not cool to be a nerd back then. I feel that especially now, especially post “Black Panther”, it's really different. So, it took us a long time, and until very late in the process, to actually work with AK Press and the Institute for Anarchist Studies. They were the ones who eventually put it out (which was wonderful for me, as I had been reading AK Press books since I was a teenager, and they've been such a supportive publisher who is deeply engaged in supporting radical movements).

But we found that the intersection between nerds and radical folks is huge; it's much larger than we originally thought. I also remember on our book launch tour in March 2015, someone came up to us and said, “This is the first science fiction book I've ever read and I read it because it's explicitly related to radical politics.” And then later in the tour, we had someone say, “This is the first political thing I've ever read. I love science fiction and so, I picked this up. But I've never really thought about social movements before.” And we didn't expect that. It has been really beautiful to see it not only being

accepted by the group of folks we knew or we hoped would love it, but also moving into these other spaces and serving to connect all those spaces.

Personally, it has been life changing for me. It has changed the way I think, I organize, I move through the world. It has given me comfort, especially in these last few years that have been very difficult for everyone. It has helped to root me in the just futures I want. It has reminded me that even in the worst of time, those futures are still and always possible. I have been very thankful for having that foundation because I don't know where I would have been through the last few years and everything that has come with that without that strong foundation and the connections that I've made through “Octavia's Brood.”

I do want to be very clear that we were not the first ones to do this. This is something radicals have been doing for a long time. This is something Black folks have been doing for centuries. This is something other folks were doing in other spaces that we didn't even know about, and they didn't know about us. But it has been wonderful because it served as a beacon and drew folks who were already doing that work. And they said, “Oh, we've been doing this too.” We've been able to connect with so many visionaries. It has been wonderful to see how it has allowed us and others to find kin.

Sur • Considering your work and your artistic and educational endeavours, what would you say today to the human rights movement in a post-pandemic context and in view of the reconfigurations of global power?

W.I. • I would just say we're definitely not post-Covid or post-pandemic. That framing is fundamentally false and what it does is invisibilize the most vulnerable folks in our communities who are still very much living through the heart of the pandemic. It also erases their leadership.

Throughout the pandemic, we learned from immunocompromised and disabled folks how to create spaces that are as safe as possible and accessible to as many as possible. Most folks didn't know about using video conferencing for classes, for school or even just to spend time with friends, but disabled folks had been doing that already. We didn't know how to protect one another from transmission – around the world people had to watch basic videos about masks and hand washing to understand this. But immunocompromised folks generously shared the hard-won knowledge they used every day just to survive in this world. Disabled and immunocompromised folks had been doing all of this by themselves in isolation from the larger society because we did not support it before. But if we had, if we had already centred that leadership and vision and experience, I believe we might actually be able to say we were post-pandemic and have it be true. And now around the world and in the US, the mainstream has turned away from all of this and declared us “post pandemic”, again abandoning so many to die and dooming us all to continuing this horrific cycle we are currently in.

But again, for me, a fundamental aspect of visionary fiction is centring on the leadership of those who live at the intersections of oppression, because that is where we see what true liberation for our whole community looks like. Again, if we had been doing the things disability justice and disability liberation folks have been advising us to do for decades, I think the past 3 years would have been drastically different, and millions who are dead would still be here. We have to make sure that we are not buying into and perpetuating the same systems of oppression we're fighting against. I have been very disappointed by radical movements in the US that are no longer thinking about safety when it should now be a fundamental principle of how we care for each other, and a way to challenge this very eugenicist project that is ongoing and that defines how Covid is being dealt with. It really is strongly connected to white supremacy, to ableism. It is really a sort of survival-of-the-fittest social Darwinism at its worst. It is certainly not how anyone in radical movements I know would want to live and yet, we are defaulting to that because that is what the larger society is doing. And that is again a space where we need to be able to imagine those futures we want and pull them into the present. I imagine that folks who believe in human rights would want futures where everyone felt comfortable moving about, had the autonomy to move out in public, to have everything they needed to be present, without fearing for their very lives. If that is the case, we need to build those worlds right now.

Sur • Today, digital tools and the digital environment intensify the dispute over narratives. Fake news, for example, instigates terror through discourses that manipulate people's emotions and fears. What is your analysis of this scenario? What tools do we have to deal with this dispute and build narratives that generate inspiration without using fear?

W.I. • The extreme reactionary cases of fake news, the election deniers, Covid deniers – all those that are fundamentally in conflict with science obviously have to be challenged and dealt with. I also think that the narrative around fake news sets up a dichotomy [in which everything outside mainstream media] is the only fake news, legitimizing mainstream media. That is a deep concern because radical movements, folks trying to change the world for the better have always been maligned in the mainstream media, which distorts the realities of what we're doing.

I've just finished teaching a class this term on the history of the Black Panther Party, which in the US is one of the most maligned organizations. The things that students come in thinking they know about the Black Panther Party – they say, "Oh, well, they were anti-white. They only were for Black people. They were all about guns." None of those things are true at all. They actually formed the most effective multiracial coalition in the history of the United States. They formed close partnerships and nurtured radical white organizations. They fought for the liberation of everyone who was oppressed around the world. They spent most of their time feeding children and running health care clinics. But that is not what the media portrays. It's not what history books teach children. So, to me, all of that is also fake news.

I do think it is important to separate out categories. It is important to challenge that complete denial of scientific fact and of what is literally written right in front of you, in black and white, while saying that there are “alternative facts”.

As radical folks, as folks who will continually be maligned in the mainstream for trying to create a better world, it’s important to make sure that we do not allow a dichotomy to be set up which makes it look as if only official news sources are credible.

We have to have spaces where we write our own stories. We have to be able to start from scratch to create our own frameworks and narratives. We can try to strategically use the mainstream, but we have to know that our message will never be delivered the way we want. So we have to create our own independent spaces of information and knowledge. Again, this is what the Black Panther Party did – they were incredibly adept at using the mainstream media as a recruiting tool, but they never relied on the mainstream media to actually convey their politics or message accurately. They in fact started their own newspaper, which had the highest circulation of any Black newspaper in the US, was printed in multiple languages and carried their actual political ideologies and work across the country and around the world.

We need to also create countless spaces and avenues, and art is a fundamental way of reaching people. Art moves and connects people. Very soon after “Black Panther” came out, I was in Bulawayo, Zimbabwe, and to see Black folks in Africa doing the Wakanda symbol was very powerful because it resonated with Black folks across the diaspora. It connected us. And again, it’s put out by Disney, one of the most evil corporations in the history of the world, maybe since the East India Trading Company. Although what was created within that space is not perfect, it was so important for Black people in the US. Black people are going to see it together – not just families, but churches and youth groups, people who didn’t consider themselves political.

This notion of an Africa that had never been colonized, this notion of Blackness not constrained by white supremacy being allowed to develop as it could have was something that Black people wanted to see together, as a collective act, to hold and witness that. It was beautiful to see that that was something shared among Black folks in different spaces. And again, there are many critiques to be made. I’m not trying to say it is a perfect piece at all, but it was a moment of seeing, even within mainstream media, that those folks had worked hard to create something that had enough authenticity and resonated. It’s important to take what is of use from those spaces, but we also need to create our own spaces where we don’t have to contend with a multinational corporation.

Sur • Would you say that visionary fiction can be an instrument for assisting communities in developing better ways of understanding mass communication and history itself?

W.I. • One of the principles of visionary fiction is that it's rooted in decolonized, nonlinear dreaming, which to me is about recognizing the centrality of experiences of people of colour – and especially for me, Black folks – and the ways that we need an authentic, real past to be able to build the futures we want. The Eurocentric Western white narrative about science fiction and progress is that we're always leaving the past behind, always getting better; the past is worse and we have nothing to learn from it. We're just going to keep going in this straight line. That's a white thing. No culture of colour before colonization thought that way, especially African cultures, who thought about time differently. There are many different ways, but it was never this straight, linear progression that we can't go back to, that doesn't allow a return, a revisiting, a reengagement.

It's really important to recognize that we are in communion with those who have come before and we need to be able to reach back and connect with that to be able to move forward. We're not just studying them; we have to actively dream with them. We are dreaming the same freedom dreams that our ancestors dreamed. It is an active conversation with them.

I think that visionary fiction absolutely has a place to allow us to reimagine what has been taken. Scholar Saidiya Hartman's notion of having to fill in those pieces of history that have been erased for us, for Black people, because of the purposeful disruption of our connection to our histories. Especially as Black folks, we can't go back in the traditional sense of being able to read written accounts, of being able to trace our lineage through our family trees. Those narratives weren't written because they purposely and brutally tried to keep Black people from writing under slavery. We don't know what day-to-day life for people was in the same way that we know what day-to-day life of white colonizers was like because colonizers wrote that stuff down. And we now have to learn that stuff and act as if that's the true history.

I teach about Africa, Black history and slavery in the US. Obviously, students read a lot of historical texts, but I also have them read Octavia Butler's "Kindred", which is the story of a Black woman from 1976 being pulled back in time into the slave period in the Antebellum South. It shows what a more modern Black woman's view of slavery is like, and it's horrific. I have them read that because I don't think reading a historical text saying this many millions of people died or were enslaved, or this many laws passed, or this many uprisings – I don't think that allows us as humans to fully comprehend what it was like to embody that. That is a space where visionary fiction is needed to allow us to embody not just the oppression, but the resistance that brought us to this moment. Visionary fiction pieces like "Kindred" allow us to do that in a way that studying every historical text never will.

Obviously, we have to know the sort of factual parts. And also, knowing things emotionally is truly knowing things. I definitely believe that this sort of artistic space is a pedagogy. It's a way of learning and knowing.

“THE GOAL OF VISIONARY FICTION IS TO CHANGE THE WORLD”

For those things that have been lost to us in the past and those things that right now, we can't reach into, like the future, I believe that visionary fiction is a pedagogical way of knowing and then shaping the past. If we learn about the past not in the way that it's taught, but in a different way, we are reshaping it, which means that we can then see the present differently. We have then, in essence, changed the present and changed the future as well.



Walidah Imarisha.
Source: Personal archive photo.

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*Interview conducted in December 2022 by Gabrielle Martins da Silva,
Renato Barreto and Bruno Oliveira.
Original in English.*

NOTES

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- 1 • Walidah Imarisha, "Introduction," in adrienne maree brown e Walidah Imarisha (eds.), *Octavia's Brood: Science Fiction Stories From Social Justice Movements* (Chico, CA: AK Press, 2015): 3.
- 2 • Walidah Imarisha, "Rewriting The Future: Using Science Fiction To Re-Envision Justice." Bitch Media, February 11, 2015, accessed December 31, 2022, <https://www.bitchmedia.org/article/rewriting-the-future-prison-abolition-science-fiction>.



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Possible futures:
is there a “new normal”?

STRUCTURAL CHALLENGES FOR NGOs



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“FIXING THE ROOF WHILE THE SUN IS SHINING”

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THERE IS GOOD NEWS FOR INSTITUTIONAL DEVELOPMENT

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**“THE HUMAN RIGHTS MOVEMENT
NEEDS TO LEARN FROM ITS PEERS”**

Carlos Quesada

“FIXING THE ROOF WHILE THE SUN IS SHINING”

Akwe Amosu

- *Securing organizational health* •
in the field of human rights

ABSTRACT

Faced with an increasingly hostile environment, organizations defending and advancing rights need to maximize their strength. Assessing their internal health and understanding the ways in which weak systems and practice make them vulnerable should be a priority. In discussions among rights leaders at a project to build strength and solidarity in the human rights field, three particular areas show up as needing more attention and better approaches: board governance, executive leadership transitions and internal organizational culture. In each case, the experience shared suggests that capacity for self-reflection, learning and trust is likely to support better organizational health and ability to withstand negative conditions. While organizations are responsible for their own health, donor practice can sharply affect their experience and has an impact on the health of the field. Attention to organizational health is a critical point of departure for building resilience and strength but for a stronger human rights field, organizations and movements also need to focus outwards, on building greater solidarity.

KEYWORDS

Boards | Leadership | Transitions | Organizational culture | Organizational health

1 • Introduction

If you are a leader of a human rights organization at this moment in history, you are facing headwinds. As an already threadbare post-war consensus on rights wears into holes in many places and reservoirs of support from multilateral institutions or the non-governmental sector in Western democracies evaporate, local enemies are gaining force. You have to be ever more nimble, stretch your funds further and build better defenses, even as you are under attack.

Whether you are in a part of the world where these conditions have been the norm throughout your leadership, or you are newly embattled, you are constantly evaluating your position. Where are you vulnerable? What do you need? Where can you find solid support? These are the questions that we discuss in *The Symposium on Strength and Solidarity for Human Rights*.¹ And our sense is that investing in organizational health in these times is vitally important.

We are a project with a five-year life span, bringing leaders of human rights activism and advocacy together for intense exchanges on what is strengthening or weakening their organizations, and a renewed look at how we build solidarity – and therefore power – for defending and advancing rights. Our goal is to provoke some innovation in the way the human rights field responds to rising authoritarianism. Now half-way through – we will close in March 2025 – we have so far convened about 100 leaders in a series of conversations, and we aim to have brought 250 together by the end. This seems like a good moment to share some of what we are hearing and learning.

These observations are necessarily impressionistic and reflect my own sense of the dominant themes that have emerged. That said, they are all rooted in actual and recurring conversations and have also shown up in our podcast,² *Strength & Solidarity*, where human rights activists and workers talk about their organizations and movements, and the many ways they are trying to overcome obstacles.

Symposium meetings operate under rules of confidentiality so participants who have shared their thinking will not be identified here nor will their organizations. It may therefore be helpful to know a little more about them in general. They come from all over the world – 48 countries so far. Their organizations work on every aspect of human rights, ranging from formal NGOs with strong organizational hierarchies engaging formal governmental systems, to loose social movements where grassroots activism is the preferred tool and leadership is shared or deemphasized. Our youngest leader so far is 23 and our oldest in their 70s. We seek to build cohorts in which multiple identities are included and we aim for diversity of experience and education. We invite our participants to the Symposium by drawing on our own wide network and that of others, but would-be participants can self-nominate via our website.³

One caveat: it can be hard to know where an organization's health ends and the health of the wider human rights sector begins. Clearly not all the challenges an organization or

movement faces are rooted in its specific circumstances and likewise, a sector is only as strong as the organizations and movements that populate it. The borderline between the two can be hard to see. I will mostly focus on experience within organizations, but out of necessity, a wider framing is sometimes relevant and I will return to this at the end.

2 • The cost of weak governance

Although the diversity in our participants is wide, it is remarkable how frequently certain themes and experiences emerge, and it is on those commonly shared accounts and insights that I have based the observations below. When our participants talk about the health of their organizations, questions about structure, the pros and cons of hierarchy and the management of power all surface. We read case studies about funding crises or about responding to an authoritarian crackdown or arrest and many other dimensions, but time and again we return to the role of a board, the governance structure, however formal or informal, that holds the organization accountable to the mission and oversees its operations. And what many of the anecdotes suggest is that boards often do not truly understand the organizations they oversee and may not have a good grasp of their role.

While work is running predictably, this may not pose serious problems. But faced with a situation in which a board's actions are likely to be pivotal, its members may prove unprepared. Often they have not thought deeply about their role and responsibilities and it is a moment of crisis that exposes the gap. Perhaps the board has approved a budget without really understanding the organization's finances. Perhaps there is a serious dispute between staff and management, or board members are competing with the director for control. Such situations pose risks for the organization.

One participant explained that despite giving their board a full year's notice of their intention to leave, the board was so used to relying on staff, that they failed to take responsibility for the transition, assigning the recruitment of a successor to a recruitment agency with little supervision. The candidates on the final shortlist did not fit the organization's values and proved unappointable, leaving a glaring and lengthy hole in management while the board initiated a new hiring campaign.

In another case, board members were originally recruited because they were close and valued colleagues of the director, so their confidence in him was personal. When, to their surprise, the director had to resign under a cloud, they realized as they picked up the pieces that their loyalties were divided. In a third case, the board received credible information about a case of abusive treatment in the organization but decided to turn a blind eye, rather than pressing the director to address it. Their avoidance caused donors to lose confidence and fundraising was affected. And in a fourth case, the board was suddenly faced with a hole in the organization's finances. They had approved the budget, had seen the expenditure reports, but had not noticed that restricted donor

funds were being used to cover a shortfall in the operational budget, with serious consequences when the donor became aware.

Many such stories pointed to a sense that certain boards had not been giving due attention to formal obligations and that: expectations had not been appropriately set at the start of members' terms; some board chairs were too busy to give their role the necessary attention; and governance structures – such as a budget committee – were not created or did not regularly report back to the full board. In short, members either did not have the necessary skills or had joined for prestige or out of friendship, without considering the likely workload or the responsibilities of the role.

So how are such problems to be addressed? One key point here is that where there is no crisis, there may be little reason to doubt an organization's health. The weakness only becomes obvious once an acute problem has emerged. That is why we in the Symposium would argue for “fixing the roof while the sun is shining.” Every situation will pose distinctive challenges but it seems safe to say that to be able to carry its responsibilities well, a board needs to invest in its own capacity over time, ensuring the necessary range of skills – accounting and legal knowledge but also strong experience navigating contemporary culture and social issues. They need to meet for longer than routine business requires so that members can build a shared sense of connection and responsibility, proactively gaining insight into their organization through meeting and learning from staff and making a frank self-assessment of their ability to respond decisively, should an intervention be needed. A board chair and a director working together can guide this effort but there is no short cut – it happens in real time.

This is not to say that a group of well-intentioned board members, jolted out of complacency, cannot rescue a situation and steer their organization into calmer waters, but such an outcome is far from guaranteed. Governance does not have to be burdensome but it requires sustained attention. None of this, however, should be used to justify a board usurping management responsibility. The principle should be, “nose in, hands out” – follow closely, but respect boundaries.

3 • Leadership change as risk

One moment when an organization's health is always of critical importance is when there is the prospect of a leadership transition. Time and again, Symposium participants have chosen to discuss transitions. Their stories start when they begin to think of moving on and realize their organization and its board may be ill-prepared for the strains their departure would produce. They may end up staying too long despite being burned out and no longer having much passion for the work, always on the hunt for the ideal successor who remains elusive. I have mentioned that boards may not respond effectively to a director's exit. But our participants also speak of a loss of confidence and resilience among staff who may worry about change

or be fearful about their future under a new boss. A departing director may encounter donor ambivalence about committing to their successor, making them fear they will be the cause of a collapse in the organization's income. And sometimes – especially if they are founders - they discover their own fear that their organization will change after they leave, and try to reduce that risk by revising strategy and fundraising in advance and filling vacancies before they go, even though these steps may preempt their successor and tie their hands.

These and many other scenarios have been shared by our participants who have seen how a transition can go off the rails. Their core goal is to make sure their organization survives and the oft-posed question is, “what is the best way to achieve this?” A related question has often been, “when is the right time to start preparing for your exit? A year in advance? Three years?” Often what emerges from the answers is less a focus on a timetable, and more a focus on the organization's readiness.

In Symposium Principal Moderator Chris Stone's view, from your first day as an organizational leader, you should be working to assure your organization's ability to replace you at very little notice. Preparation includes hiring and keeping a team of skilled people who can be trusted to work effectively without micromanagement; a board that understands the organization and knows what it would need to do in the short and then the long run if you suddenly disappear and establishing practices and documentation that make the organization and its workings visible and understandable to those outside it. That way, donors can place their confidence in the organization, rather than relying primarily on their relationship with the director.

But the ability to ensure operational consistency is only one version of a healthy transition. A different concern raised by participants is that a leadership transition is often seen too narrowly as merely a change of personnel. Yet it could be so much more. A transition can be an opportunity to take stock, to celebrate what has been achieved, and open up to a conversation about new directions. A board and a staff leadership team who know and trust each other can provide the consistency and stability needed for a change of director that invites and makes use of creativity and imagination. Conversely, if the departing leader has not invested authority and bonds of mutual trust in those left behind, the transition may stall, leading to recriminations on all sides. What we hear from our participants is that in human rights fields around the world, leadership transitions are a work in progress and we believe this is an area where organizations and movements could be significantly stronger. These and other points are amplified by Ignacio Saiz in a valuable blog post on our website, *Transition take-aways – five tips on how to leave well.*⁴

4 • Restoring a faltering internal culture

A third, regularly surfacing topic from our conversations is organizational culture. It is no secret that the non-profit sector has, over the past five years, seen an upsurge in internal strife, with recriminations between staff and management, identity-based tensions and/

or intergenerational distrust. There is new confidence about challenging poor, or heavy-handed management or behavior that is at odds with an organization’s stated values.

For human rights organizations, these divisions cause pain on all sides. Internally, accusations that a leadership has fallen short in this sphere is taken as a sign that they have feet of clay, that they are not committed to the justice and rights they purport to defend. Externally, reputational risk for the organization is high, given a very public commitment to defending rights. Hostile governments are quick to seize on such criticisms as evidence that their critics are no better than they are. Painstaking efforts to understand contested events and competing explanations exhaust and distress all parties, yet may not achieve the hoped-for restitution, or rebuild trust. It is terrain that is easy to enter while distracted and inattentive to warning signs, but very hard to leave.

It is sometimes observed that these are problems more frequently found in US and European organizations and this may be true, or it may rather be that they get more attention than such tensions in other parts of the world, particularly given the intense and inflammatory nature of identity-based fissures in the metropole or the Global North (whatever your nomenclature of choice). Listening to our participants, my sense is that wherever they are in the world, they are experiencing sharper tensions in their organizations and that, as the world shrinks thanks to ever closer digital integration, the issues arising in New York are also arising in Bangkok, in Buenos Aires, in Lagos – perhaps not in exactly the same way, but close enough to be mutually recognizable.

Our participants are all organizational or movement leaders, so one aspect we frequently discuss is their experience of responsibility for trying to resolve deep division and polarization in their organizations. Their comments show that carrying responsibility for restoring a healthy culture is hard enough, doing so as members of minorities or as victims of exclusion themselves, in the face of expectations that are not informed by their experience, is even harder. Whether they are leading-while-women, while queer, while young, while members of a minority, they experience harsher critique and judgement when their organizations are divided. One young woman in an Asian country spoke about succeeding an older man as director. The age and gender prejudice and common assumption that she would do a poor job became a chronic thorn in the side of her internal management and colored assumptions by partners, donors and government.

5 • So what have we heard about solutions?

To judge from what our participants say, drivers of tension and sources of division are frequently more varied than often assumed, and may operate simultaneously, making it necessary to tease out distinctive causes and address them. While there are no quick fixes and no guaranteed formulas for building a resilient culture of respect in an organization, a couple of reflections seem regularly to emerge.

One is that while expressions of anger around identity and difference may be the leading edge of staff unhappiness, these may be rooted in, or aggravated by, poor management and weak support for overstretched team members. A leader who takes the trouble to observe the practice of the managers below them, to ensure they are adequately trained and to give honest feedback is investing in an organization that will be better able to handle conflict in the workplace. Many tensions begin with thoughtless, unfair or high-handed treatment by someone with management authority and these behaviors are common in people who have been given power over staff but do not have the skills or experience to manage well or whose fear of challengers make them too brittle to cope with feedback, or worse, causes them to probe for divisions to exploit.

Furthermore, even well-managed staff in human rights organizations will at times struggle and they need managers to show curiosity about their working experience and to do what is in their power to help. We have heard from participants about the difference it made to team health when they proactively took steps to acknowledge secondary trauma and burn-out and arranged access to regular counseling.

A second broad theme that has repeatedly surfaced is that organizational leaders need to be self-aware and to overcome the desire to avoid conflict and distress. Building a culture of respect in organizations requires a leader to be fully present for their teams. They may be busy, worried about funding shortfalls, fearful themselves or traumatized by the work or simply frustrated at what they see as navel-gazing by their staff, but it is they who set the tone. If they want a team that can work through disappointment and disagreement and come out the other side, as leaders they need to lean in and model that.

Participants have told us of the discomfort but ultimately the great value of sitting with staff who are disappointed with an aspect of their leadership and of hearing tough feedback. It is difficult for a leader to succeed without undertaking self-reflection on their role, their power and – importantly – what makes them afraid. One who seeks to advance rights and justice needs, as Audre Lorde puts it, to “reach down into that deep place of knowledge inside herself and touch that terror and loathing of any difference that lives there. See whose face it wears.”⁵ The ability to shepherd a team towards greater health and a culture of respect and trust requires a leader to model courage, honesty and openness. Doing the necessary introspection and gaining insight into what is driving your practice is key, not simply making a pro forma “acknowledgement” of your privilege and moving on.

6 • Donor impact on organizational health

In my caveat at the start, I acknowledged that it is not always clear where an organization’s health ends and the sector’s health begins. Nowhere is the boundary more fuzzy than where the relationship with donors is concerned.

Organizations do not and cannot control what donors do. Clearly, donors are a key part of the ecosystem in which an organization must operate, but grantees are responsible for their own health. Our participants would doubtless agree, but they are frank that navigating their relationship with donors is tough and that this affects the internal lives of their organizations. They routinely comment that donor preferences and strategy have undue impact, on both practical obligations like planning, staff assignment and other managerial choices, as well as on morale, anxiety about whether funding will continue, high stress when replacement funds have to be found, and so on.

While leaders are grateful to have financial support, they express anguish – the word is not too strong – about the challenge of managing donors’ mercurial reversals on past commitments, self-referential behaviors, their frequent lack of humility or worse, a lack of sufficient curiosity.

Inside the moderators’ team, we have argued about how to weigh the impact of donor practice as a factor in organizational culture. Clearly the health of organizations is impacted and even harmed when donors behave badly. But grantees so far, unsurprisingly, have not been keen to call out bad behavior, given the risk of alienating the source of their funding and while this remains the case, little is likely to change.

There is no space here to elaborate on arguments about how donors might better support healthy organizational culture through their policies and actions, but good published research and guidance exists⁶ about what works. Rather than framing the question around practice, it might be more useful to think in terms of power – how donors use theirs and what kinds of power grantees can gather and deploy to negotiate a less fraught relationship.

7 • In conclusion

The reflections captured throughout this article are a snapshot of contemporary conversations – a selection of issues that the human rights leaders we convene are sharing with each other. They point to places where there are opportunities for repair, where organizations can be made stronger and more stable in a tough environment and I have shared some of the approaches and strategies we have discussed.

Some from whom I sought feedback told me the account above is a pessimistic assessment of the current state of organizational health. I take a different view. You cannot solve a problem if it is not acknowledged. Hearing colleagues in the Symposium discuss these problems proactively and openly gives me confidence rather than concern. The courage to face internal dissent and to try and understand what is not working well and why, can only be positive. The more conservative voices in our field may complain that investing time and resources in organizational health is a self-indulgent diversion, a distraction from the important business of defending rights. It seems clear, however, amid the distressing organizational upheavals of

recent years, that this view is rooted in wishful thinking. There is no reasonable alternative to embracing opportunities to strengthen organizations and movements that defend and advance rights. Our conversations in the Symposium suggest leaders are ready and even keen to do the work required to achieve healthier – and therefore more effective – organizations.

Looking beyond a focus on organizational health, as I noted at the very start of this article, the headwinds currently buffeting the human rights field are worsening, and fortifying your organization, while vital, is far from sufficient. Our field is fragmented. It is beyond the scope of this article to elaborate on the critical need for an invigorated and more muscular solidarity in the human rights field, but in our view, the power that can be built through solidarity not only improves outcomes against oppressors and rights abusers but also strengthens organizations and improves their resilience. We believe that working to build *both* strength and solidarity is vital for surviving the storm.

NOTES

1 • “About,” Strength & Solidarity, 2022, accessed December 20, 2022, <http://strengthandsolidarity.org/about>.

2 • The Strength&Solidarity podcast, 2022, accessed December 20, 2022, <https://linktr.ee/strengthandsolidarity>.

3 • “Invitational Events,” Strength & Solidarity, 2022, accessed December 20, 2022, <https://strengthandsolidarity.org/engage/invitational-events/>.

4 • Ignacio Saiz, “Transition Take-aways: Five tips on how to leave well.” Strength & Solidarity, May 26, 2022, accessed December 20, 2022, <https://strengthandsolidarity.org/blog/transition-take->

[always-five-tips-on-how-to-leave-well/](#).

5 • Audre Lorde’s lecture, *The Master’s Tools Will Never Dismantle the Master’s House*, has proven one of the most popular readings we use in the Symposium, partly because it locates discussions about how and whether people collaborate well firmly around power - who has it, who depends on the power of others and in whose interest a real change in social relations might be.

6 • See, for example, “Leadership,” Trust Based Philanthropy Project, 2022, accessed December 20, 2022, <https://www.trustbasedphilanthropy.org/leadership>.



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THERE IS GOOD NEWS FOR INSTITUTIONAL DEVELOPMENT

Muriel Asseraf

ABSTRACT

The advocacy work carried out by human rights organizations, mainly in Latin America, was and is constantly being challenged by an external context of global crisis related to the Covid pandemic and its impacts that still affect us, but also and very importantly, by internal situations related to organizational structure, capacity and health. In this brief institutional reflection from Conectas, we share the challenges, the lessons learned and, most importantly, the concrete actions that have been implemented in recent years within the organization to strengthen it institutionally and ensure the safety and well-being of the people who are part of the team. To this end, it was and still is necessary to assume the mistakes along the way, recognize the priority of care and health of the team and finally evaluate the implications of this process in relations with both partners and funders.

KEYWORDS

Organisational culture | Care | Well-being | Working models

Had this article been written a few years ago, it might have painted a grimmer picture. Events and trends in the NGO world in particular, and in the world in general, have precipitated some changes in the way NGOs – and their funders – consider institutional development issues. For the better!

What I hope to share in this essay are not research-based data and findings. Rather, they are some thoughts and observations based on my experience as an institutional development consultant for various NGOs in São Paulo, Brazil, and more specifically as an institutional development coordinator (from 2012 to 2015) and officer (since 2020) for Conectas Human Rights, a human rights organization based in São Paulo.

Over the past few years, I have witnessed a subtle, yet profound, change in the way organizations look at and deal with institutional development issues, especially those related to people management and organizational climate. Profound because I believe (I hope) that the changes described in this paper are irreversible and will continue to be felt in the long run. Subtle because they may appear small in the eyes of outsiders, but they are, in fact, shaking the very power structures (internal and external) that have for so long prevailed in the NGO world. I believe (and hope) that these changes are ushering in a new way of looking at people management, career development, work models and organizational culture. These models are based on the organization's values and the collective and individual profiles of its members, rather than on existing models inspired, more often than not, from the corporate world.

At Conectas, this change was driven and shaped by a strong desire from the leadership of the organization - especially its Executive Director Juana Kweitel, Associate Directors Camila Asano and Marcos Fuchs, but also from its coordination team – to be a better organization, to do things differently. They realized that people come first, that care and well-being are paramount, and they acted on it.

I do not, by any means, wish to suggest that we have reached the end of the journey. That we have found a solution to all management and organizational culture problems in the non-profit sector. If anything, we may have just found our way to the beginning of the road. We are uncovering issues that are important and relevant to our work and to our sustainability: we have learned that our institutions are impregnated by the structural racism we try to combat; we have been forced to admit that some of our colleagues are also overworked and underpaid; we have had to face the fact that the values that we stand for are not always what guide our internal processes. And as painful as it may be, identifying the problem is a first step towards solving it.

I will not do a social and historical analysis of the elements that have paved the way for this transformation. Others will do it better and more accurately. As ably outlined in an article in *The Intercept*,¹ questions of abuse, inequalities among staff members, lack of transparency in wage policies, internal conflict, burn out, cancel culture, race and gender discrimination are issues that have plagued advocacy organizations for years and that

possibly have been exacerbated by the Covid-19 pandemic. These issues are now being discussed and tackled by most organizations.

Indeed, for the longest time, as would or should be expected, NGOs focused their attention and resources on the impact they can have in the world: their impact on people's lives; their ability to affect change; their power to educate, influence and mobilize. And often, though not always, it seemed like focusing on internal matters – staff well-being, development, remuneration and career plans and institutional policies and processes – was a distraction from the organization's core mission, a waste of precious time and scarce resources.

For a long time as well, the form of funding – project-based, short-term, with a strong emphasis on “final beneficiaries” – encouraged this kind of thinking: anything that did not directly impact target populations or final objectives was difficult to include in a budget.

But things started to change, slowly and surely. Some of these changes were provoked by the brutal recognition that our institutions are not immune to the very ills we are trying to fight. At Conectas, we received a few racism complaints and entered a deep process of uncovering our unconscious biases. Committed to greater racial diversity at all levels in the organization, we reformed our selection processes and looked at our career development opportunities, among others. All institutional aspects of the organization are now engaged in the fight against racism.²

Over the past few years, in a context of great political adversity, we also had to recognize that some of our team members suffered from depression and anxiety and that maybe their identity as NGO workers and human rights activists had something to do with it.

As an institutional development professional, I often feel like I am lacking a roadmap to some of the problems I am presented with: how can small or medium-size organizations like Conectas create space for all team members to grow and develop their careers? What are the right mechanisms or processes that can help prevent acts of racism or discrimination? What is the right platform that can enable denunciations and swift resolution? How do organizations ensure the security of their teams without being constrained in our work? And the list goes on.

One of the main realizations of the past few years is that organizations have nothing if they do not have a committed group of people invested and dedicated to their mission. So, *the physical and mental well-being of staff is of absolute, critical importance for an organization like Conectas*. Human rights organizations are filled with professionals who believe that a better, more just society is possible. They also happen to be highly qualified and competent people, who are aware of the challenges and obstacles that they face. In Brazil, between an anti-democratic government and the Covid pandemic, the past few years have been particularly challenging. As an institution, recognizing that we work in complex and stressful environments on issues that can, at times, seem daunting, showing that you care

about collective but also about individual well-being and striving to create a culture in which we can share our doubts and concerns or celebrate our victories seemed important.

At Conectas, we elected the “culture of care” as a new institutional principle in 2021.³ Behind this choice was a deliberate decision made by all of us, to put it simply, to treat each other kindly in the context of a global pandemic that brought angst and sadness to all in particular ways. From then on, we had to treat each other with kindness in the midst of a distressing and sad context of a pandemic that each of us experienced differently.

- **Curate our work environment and culture:** like everywhere else, the Covid pandemic deeply impacted the way we work. We now spend quite a lot of time thinking about how to work better together, how to be more efficient, more constructive, but also, how to respect everyone’s constraints and space better. For example, at Conectas, we banned the use of WhatsApp and started using Slack as our virtual office to centralize work demands in one space. We made every first Friday of every month a day off. We established a working group to figure out the best hybrid work model for the organization, one that would preserve the positive aspects of working from home, while integrating time at the office.
- **Open channels of communication and dialogue:** we also established moments and spaces - working groups, team or general meetings, one-on-one conversations, online surveys - with specific dynamics, sometimes with the help of external consultants, which were meant to help us share our thoughts or our concerns, communicate better, be more transparent and ultimately bring us closer together.

Opening these channels of communication to better understand what are the most pressing issues on the organization’s mind does not mean that we knew then, or that we know now, how to respond to them. Indeed, as I mentioned before, the power structures, racism or discrimination issues that exist in the outside world do exist in our organizations. We recognize they exist and are committed to fighting them, but we also know that changing these structural problems will take time.

- **Policies matter!** We formalized some of the beliefs that bring us together. We developed a code of conduct that outlines how we collectively and individually should deal with ethical issues, especially racism. We also developed a safeguarding policy to help us better express how we ought to behave with people in situations of vulnerability. Naturally, for these documents to become alive, they need to be constantly updated and referred to and become an integral part of our daily work, something that is not always easily done considering the competing priorities.
- **The security of our team members is essential and by security we do mean processes, policies and rules.** Over the past couple of years, and thanks to the critical help of some of our funders, we have undergone a comprehensive risk assessment

process, bolstered our security policies and held various training sessions on different aspects of security management. Security is now an issue we discuss routinely, in staff meetings, before certain trips or missions, and with partners and funders.

- **A commitment to our work model:** At Conectas, we have created a working group to help come up with a new, hybrid working model. We have conducted surveys to ask people about their preferences and tried to maintain the positive aspects of the remote work imposed by the pandemic and include them in the current organization. We have changed the model a number of times already, based on the health context, and we are committed to evaluating and adapting it as many times as the group will deem necessary.
- **Bringing the Board closer to the team:** as the ultimate governance body, the board is often called on when important ethical or strategic issues arise or to ensure smooth leadership transitions. As such, it is important that most board members have an accurate and real-life understanding of the organization, something that is hard to convey through formal meetings. Mechanisms can and should be created to make sure that the board has opportunities to interact with staff beyond the leadership of the organization.
- **What do funders have to do with it?** The ability to use funding in a more flexible way is important for these types of efforts to be possible. At Conectas, over time, we have been able to shift from mostly project-based funding to a decent balance between institutional funding and project funding. In this regard, the Covid pandemic has accelerated the process, as a lot of our funders have given us greater flexibility to spend our funds during that time. We have also seen growing interest from some of our funders on well-being issues. For example, Laudes Foundation supported a holistic and comprehensive process to improve our security protocols and Luminate Foundation invited us to participate in their Potencia program. We have been invited to take part in group discussions and training sessions aimed at bringing together NGOs of a similar size and scope to discuss people's well-being, management, resilience and mental health issues in our context.
- **Sharing is part of the learning process:** Conectas, as its name indicates, believes deeply in the critical importance of partnership. For this reason, we also make a deliberate effort to share our experience with partner organizations and learn from them, to systematize our learnings so that they can be used as “public goods” by others in the field. This essay is one such effort. It is also our hope that the experience of organizations from the Global South like Conectas can be taken into consideration and help forge new institutional development practices in the NGO world.

For more sustainable work environments

The institutional development area should contribute to a meaningful and stimulating work environment. At times, some of the steps described above do require a specific investment,

but sometimes, change is possible with mere time and goodwill. A Google form will do the trick if you are hoping to understand how the team is doing. Creating transversal working groups can help bring people together on issues relevant to the entire organization and not only to their specific area or programme.

Over the course of the past few years, I have heard from many of my colleagues words of gratitude for Conectas' efforts to demonstrate "attention, care, and openness with the team," for "creating space for real, open-hearted exchanges," for "always paying attention to people's well-being." We know we still have a long way to go, but these words comfort us in knowing we are in the right direction.

It is my hope that organizations like Conectas can help pave the way for improved institutional development practices. As we navigate increasingly adverse and rapidly changing contexts, I trust that we will be able, collectively and individually, to uphold what we hold most dear: the belief that a better world is possible, the ability to change, adapt, and learn from our mistakes; the capacity to listen to each other even and mostly when we disagree and the ability to build work environments that are a reflection of our ideals.

Regardless of the size or scope of the organization, I truly believe that tackling these issues internally and externally – with partner organizations and with funders – is an ethical imperative. We know these are not easy conversations, and they require time and dedication at the very least. But not having these conversations is even riskier. Building a better world starts at home, and we owe it to ourselves and to the institutions we are building and we believe in to improve our institutional practices and pave the way for better, healthier and more sustainable work environments.

NOTES

1 • Ryan Grim, "Elephant in the Zoom." The Intercept, June 13, 2022, accessed December 31, 2022, <https://theintercept.com/2022/06/13/progressive-organizing-infighting-callout-culture/>.

2 • Maryuri Mora Grisales, "Sur 28: a dívida do movimento de direitos humanos no combate ao racismo: A edição que continua mudando estruturalmente a Sur." Revista Periferias 6, April 2021, accessed December 31, 2022, <https://revistaperiferias.org/materia/sur-28-a-divida-do-movimento-de-direitos-humanos-com-o-combate-ao-racismo/>.

3 • Ana María Hernández Cárdenas and Nallely Guadalupe Tello Méndez, "Self-care as a political strategy: Sustainability and well-being for women human rights defenders," *Sur Journal* 26 (December 2017), accessed December 31, 2022, <https://sur.conectas.org/en/self-care-as-a-political-strategy/>. This article became an important reference, sparked internal debates and made it possible to coordinate with external contacts, marking the beginning of an institutional learning process that put care and self-care in a central place in the organization.



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“THE HUMAN RIGHTS MOVEMENT NEEDS TO LEARN FROM ITS PEERS”

• *Interview with Carlos Quesada* •

By *Sur Journal*

Thinking about the future is not an easy task for the human rights movement. However, it is not a new or innovative matter: for many organizations, this issue has been on the table year after year. Obviously, the pandemic and “post-pandemic” context raises very concrete concerns about survival and relevance, especially when working in Latin America. How did, and still do, human rights organizations deal with the recent challenges? How have the last few years affected their work agenda and redefined their internal dynamics in a context of great uncertainty about the present and the future? These are questions we will attempt to answer in this edition of Sur.

In an interview with Sur Journal, Carlos Quesada, Executive Director of Race and Equality, a civil society organization that works internationally, talks about the institutional lessons learned from the pandemic, the importance of self-care and strengthening organizational capacity and the challenges of intersectionality and financing, among other issues. He also shares regional advocacy strategies and practices currently being implemented that are part of the exercise of collectively imagining and building possible futures.

Sur Journal • Tell us a little about the organization Race and Equality. What is it about and what does it do?

Carlos Quesada • We are an institutional capacity-building organization. Basically, we work to strengthen civil society organizations in Latin America, mainly in the countries where we work, in order to achieve two fundamental objectives: for one, so that they can use the Inter-American and international human rights systems. Our organization works "backstage". We do not speak on the behalf of the organizations; instead, we empower them to use certain tools so they can access the systems. For example, in the case of CERD and the UPRs, we help civil society organizations elaborate and send in their shadow reports. Then, we initiate advocacy work so that the organization itself does the advocacy work. We do not give training only on the systems and how to use them, but also on how to do effective advocacy work. We train organizations to prepare reports – we call them *reports for human rights advocacy*.¹ So, we are not in the forefront of anything; we always support and give voice to organizations. We are like a ghost organization. But why is it important to empower organizations? Organizations need to know what to do and what happens with what they are doing. Over the years, we have built close ties with rapporteurs of both the Inter-American and the universal systems, and we exert pressure so that the organizations can use the system. However, we also engage directly in strategic litigation when organizations are unable to do so. For example, we have brought before the Inter-American system cases of journalists in Nicaragua, cases of violations of freedom of expression because the victims are not an organization; they are individuals. In these cases, our work is to engage in strategic litigation directly and also, in the case of Cuba, the Dominican Republic and certain cases in Colombia, when we identify victims who do not have the support of other organizations. But in general, ideally, we are an institutional capacity-building organization that strengthens other organizations' capacity to use the systems.

Sur • How old is the organization?

C.Q. • I founded the organization in 2014, but before that, I used to work for an organization called *Global Rights: Partners for Justice* in the United States. In a way, I transferred what we had already been doing there to this organization and so, I can say that I have worked with Criola,² Geledés³ and other organizations for many years, always doing the same kind of thing: working behind the scenes, so to speak, with the organizations themselves taking the lead. In the case of Colombia, we worked with Afrodes⁴ when it was what people in Colombia call a "first generation" organization, as they literally were the victims. Now, we are very happy to see organizations such as Afrodes and others in Colombia get as far as they have. This involves institutional capacity. Geledés, for example, now files complaints with the Inter-American system on their own. When people don't need us any more, it means we did something right. That is a bit of the philosophy behind institutional capacity-building.

Sur • What structural challenges did the pandemic and the situation afterward raise for the organization? How did this affect its institutional policies? What kind of measures did you have to put into place and what lessons did this bring?

C.Q. • I would like to look at the positive side. In relation to opportunities, it was [about learning] *to adapt to* what was coming up fast. I remember that we had planned a face-to-face workshop in May 2020 with Víctor Madrigal, the UN Independent Expert on sexual orientation and gender identity. My LGBT team and I closed the office in the third week of March and we immediately thought, “What are we going to do?” We already used tools such as Zoom and Skype because as an international organization, we have 65 people around the world, an office in Bogotá and Rio de Janeiro and partners, a small office in Geneva and consultants spread out in other locations. So, working online was not something new. The challenge was to adapt the workshops to hold them online. How do we make sure people do not get bored and tired? We learned a lot from the workshop with Víctor. What we did was adapt ourselves to virtuality. We started paying for the webinars; they are free up to a certain point, but then you have to pay and then, there were other options. The 3-day workshops could no longer be held in three days. We had to reduce them to 3 sessions held in 3 different weeks. This meant we had to start mobilizing early.

The major challenge that we faced at the internal or institutional level had to do with *how we were feeling* as individuals inside the organization. I live in Washington DC and there were three months where it was almost like if we stuck our nose outside, they would arrest us in the street. Washington is very close to New York and Covid-19 hit New York really hard. So, of course, these were big challenges for the staff in DC – there was great concern about what was going to happen, and then, at the international level. Obviously, in the second month, I contacted our donors and told them, “Well, we need to know if you are going to continue funding us. We have to readjust the budget because right now, I need to guarantee the staff that they are going to continue working.” The donors’ response was actually quite positive. They told us, “you need to prioritize your staff”.

Another thing we did was to hold *group sessions*. Now, it seems like everyone talks about it, but at the time, many people (especially in Latin America) did not like to talk about psychologists. So, we hired psychologists for these online sessions. Suddenly, we would be in a Zoom meeting and a colleague would appear on screen with three small children running around all over the place, and she’d feel bad, as if she was not giving it her best – misconceptions about what others think; “they’ll think I’m not working”, etc. So, in June 2020, we managed to hold internal training processes, which were not mandatory. Every month and a half, we would have a session with a group psychologist so we could say how we were feeling. Important things to mention here are: first, *stability*: we were fortunate because many other donors did not do the same. And I refer to our donors, private and public – they all adapted. And the other thing I like to see as an opportunity is that we realized that we had managed to do everything we wanted and there was *money left over*. We had to request what is called “no cost extensions” to be able to use the funds for something else. This was very positive in the midst of this process, but I know that other organizations, especially in Latin America, did not have the same luck. Even in the United States, many NGOs closed their doors or reduced their staff.

About the lessons learned: virtuality. In the end, we were fed up with working online, but the truth is – and it is important to say this – online work will continue to be used as a complementary instrument or tool. It brought us closer – not only the institution, but myself and the partners – because we carried out an entire process mediated by online technologies. This allowed us to ask our partners how they were. Since people in the United States were vaccinated much earlier, we brought staff from Latin America to get vaccinated in the United States when the vaccine was not yet available in their countries. When colleagues from Colombia and Brazil arrived in Miami to get vaccinated, we took advantage of this opportunity to hold face-to-face meetings. Another important thing is that we hired people online. We thus discovered that seeing people face-to-face is not essential for something to work. I think that's important.

Sur • One of the organization's recent publications is on self-care.⁵ This was an issue that organizations had already been discussing even before the pandemic. How did the pandemic give new importance and meaning to self-care?

C.Q. • In the United States, there is a culture of working more than 8 hours a day; it is considered normal to work 10 to 12 hours a day. And as human rights defenders, we believe that we have to work long days. I think the pandemic left us with that – well, that you don't have to work 12 hours to do what can supposedly be done in 8 hours or less. Secondly, something that can be applied to all areas of work, not only human rights, is the need to see each other not just as co-workers, but as human beings with needs and frustrations.

When we put out this material on self-care, it was interesting because in one of the group sessions with the psychologist, I asked a colleague, "how are you?", and it was as though I had scolded her. She started to cry and cry, but I had only asked her how she was. That is when we realized, while talking to the psychologist, that many people obviously feel pressured. And the message was clear: to care for others, we need to take good care of ourselves. We had already been working on this in 3 very difficult countries: Cuba, Nicaragua and Colombia. This was having strong psychological effects on our colleagues, people from civil society organizations in these 3 countries. Situations of violence affect you as a human rights defender, but also as a human, and it was like that even before the pandemic. So, there were already things that we knew we had to protect ourselves from.

We then implemented something called "pandemic day" in the whole organization. All one had to do was let people know that "tomorrow, I am taking a pandemic day", which was a day to do whatever. You can do whatever you want. You only have to let us know that you will not be available because you're going to take a pandemic day, and it's all good. And there were several times when someone would say, "maybe that person isn't working because they are taking a pandemic day." So, we already knew that it was someone who was taking care of themselves, dealing with their process. Honestly, in recent months, no one has asked for a pandemic day, but we haven't eliminated them. They are there for anybody who wants them.

We work on very difficult issues. Working with human rights is not easy. What is more, we carry the weight of our own personal issues as well: relationships, home, family, etc. I always tell them that if they want a personal day off, they should just let their supervisor know. We also offer psychologists on an individual basis: we offer to pay for intensive psychological support for up to three months. Many have accepted this psychosocial support. As for self-care, feminist organizations had already been working on all the sexual and work harassment that women defenders suffer in human rights organizations – in other words, this was not a new issue either. The reasons are different, but one has to take care of oneself. Period. We have to care for ourselves.

We also pressure people to take their days off or their holidays. In these cases, we use the argument on self-care. This has helped improve internal communication and led to much more horizontal relations (I don't know if this has been the case in other organizations).

Sur • The racial issue is – or at least in Brazil it is – a big challenge in terms of self-care, institutional policies and mobility within organizations. Tell us about the role of race (which seems central) in your work.

C.Q. • Race as such, or racism, is not the sole focus. It is one of the three main issues we work on, which are gender, race and sexual orientation/gender identity. Therefore, for us, intersectionality is fundamental. The issue of race is very important because it is something we have been working on since *Global Rights*. For example, as civil society, we fought to get the Inter-American Convention against Racism and/or Racial Discrimination and Related Forms of Intolerance and the other convention, the Inter-American Convention against All Form of Discrimination and Intolerance, approved. They started as one, but then, they had to be separated because of the English-speaking Caribbean countries.⁶ The convention is my baby. I began working on the convention in 1998 as part of the preparations for the Santiago Conference in the lead-up to Durban, where we managed to get the states to ask the OAS whether or not it was necessary to have an Inter-American convention against racism. Civil society's view was, "Why is there no Inter-American convention against racism? There is an international convention, but it is not the same. We want an Inter-American convention". Back then, in 1998, led by the Brazilian mission and Brazilian civil society, we asked the OAS, in the framework of the Santiago action plan,⁷ about the need to create a convention, and that is where the convention began. We put all our bets on that convention. The Afro-Brazilian movement was key for this because as a strategy, while lobbying Brazil, we demanded that a Rapporteurship on Afro-descendent peoples be created in the Inter-American Commission. At the time, Silvio José Albuquerque Silva, who was a member of the CERD and is now the Brazilian ambassador to Kenya, played a key role in the process. I am mentioning all this because I define myself as an Afro-Latino gay man, and this new instrument was super important. Then, we had to convince Costa Rica and Uruguay to ratify it because it needed to be ratified by two countries in order to come into effect. It took a lot of work and our strategy was impressive. And one thing that is intrinsic to the entire convention is the issue of intersectionality. A black, lesbian women

living with a disability in a favela is not the same as a black woman with a PhD in Brazil, who also suffers from discrimination. We are not saying who suffers less. But when you are in certain conditions, your rights are violated more. So, our organization was created with this intention: *race, equality and human rights*.

Even though it is a very important matter, in other countries, we work on other issues. In Nicaragua, we work on civil and political rights, in addition to racial issues. In Colombia, we work on civil and political rights too; the same in Cuba. But in other countries, we work hard on racial issues.

It is also important to say that we included ‘race’ in the organization’s name on purpose – not as a biological, but rather a sociological concept. That is why for me, the issue of intersectionality is very important. Obviously, not all people enjoy the same rights equally.

Sur • Tell us more about the structural challenges that the human rights movement in the region faces.

C.Q. • I think that the compartmentalization of rights prevents us from recognizing other rights. This happens to the feminist movement with the trans movement, the black women’s movement to the indigenous women’s movement, and in other cases. We cannot continue compartmentalizing rights. I believe that this is a big challenge for the human rights movement, since its compartmentalization has hindered the full recognition of rights – and often, even collaboration with peers. During the pandemic, I saw human rights organizations that helped some organizations, but not others – and often deliberately.

This is a major challenge, which is why we created *RegionaR* [Regional Forum on Human Rights]. The idea is: let’s stop talking about individual concerns and talk about collective challenges, the opportunities we have and the strategies we can build together. Because if there is anyone who clearly knows what they want, it’s the anti-rights people. It is all very clear for them and they can sum it up in one paragraph. An anti-rights person in Peru, Mexico or any other country can tell you in one sentence what “gender ideology” is. But if you talk to the traditional rights movement in Latin America, we do not have a clear language for contesting the anti-rights groups, nor to use among ourselves. Therefore, it is difficult to go beyond the labels – “I work on this, on that” – to come together and be able to say that a structural problem our organizations face is the sustainability of the movement, access to resources. Since it is a challenge for the entire human rights movement, then let’s get together to discuss this to try to come up with joint strategies for delivering the same message to donors. We all get along great until a call for funding comes out and we start fighting over funds. And the donor’s part in this also seems quite perverse. It is important for donors to understand that sustainability is a challenge and it could end up weakening the human rights system.

Another challenge, related to sustainability, has to do with independence because when you apply for something, usually it has already been pre-defined. There is a disconnect between

what donors want and reality, and we, in the middle, have to adapt the reality we face to the donors' agenda. I tell donors this. Some listen, others simply tell us, "sorry. It has already been decided"! I think it is important that they hear this from other organizations, not just one. Because if they hear it from Carlos Quesada from *Race and Equality*, that's one thing, but if they also hear it from Camila Asano from Conectas, or they hear it from Rodnei Jericó from Geledés and others, it shows that the movement is concerned.

That is the idea of *RegionaR* – to enable us to raise our common concerns with donors, but also with the Inter-American Commission and the universal system. Because another thing here in Latin America is that we have idolized the international and Inter-American system. But that's not right! We have to criticize them when necessary. We are becoming complacent despite the fact that there are still many challenges. I argue that if we do not organize around a common language based on respect and coherence among human rights organizations, the future of human rights is at stake.

Sur • How do we strengthen solidarity transnationally to address the important issues that you have mentioned? Is *RegionaR* a strategy to move forward on this, to build stronger ties that do not yet exist?

C.Q. • Yes, indeed, when we started working on *RegionaR*, we held a process of listening to a lot of people who had the same concerns: "Here, we are becoming divided, we are killing each other over resources and the donors don't understand us". One very important aspect that we want to give visibility to through *RegionaR* is that we have to learn from one another. The human rights movement has to learn from its peers. I will never forget the time when during the steering committee's first meeting, with 14 organizations attending, we began talking about human rights in general and the organization Abya-Yala said, "wait. Everything you are saying sounds wonderful but that is not how we see the world and that is not how we see human rights". It was like a slap in the face. It was a wake-up call for all of us: we need to learn from each other. The feminist movement needs to learn from the Black movement; the LGBT movement from the children's rights movement; the indigenous movement from other movements; we have to learn from the indigenous movement. That was, I believe, the structure that managed to coalesce in *RegionaR*: we have to learn from each other before we build something together. And we went through a whole process in the two years in the lead up to the conference,⁸ where plans were made and many people participated. The organizations themselves had to invite other organizations so it wasn't just a group of friends getting together. Back then, I didn't know even 10% of the organizations that came. Everyone wanted to learn from everyone else. This was an important lesson: we, from the human rights movement, can reach out to one another and learn from each other in order to create. I think that we need more of these moments in the Latin American movement – times when we stop focusing on specificities to see the things that unite us in our struggles and based on these struggles, we help each other. We need more spaces where we do not compete among ourselves. This is where we are going

with *RegionaR*, which is only beginning. The idea is to continue growing, to continue developing this philosophy. So, for example, we do not talk about race, gender or sexual identity; we talk about our common problems, how donors see us, how to have more horizontal conversations with donors, those kinds of things. How to learn from the movements, recognize differences, respect them and, when possible, learn from them. *RegionaR* was a very valuable experience. I don't know where it is heading, but I believe that it was a good start and it went well.

I want to end with this: the world is evolving and so, the human rights movement in Latin America has to evolve too. We are constantly evolving, but we don't truly understand this, nor do donors, but our movement is evolving.



Carlos Quesada.
Personal archive photo.

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*Interview conducted by Maryuri Mora Grisales on December 2022.
Original in Spanish. Translated by Karen Lang.*

NOTES

- 1 • “Manual on “, International Institute on Race, Equality and Human Rights – Race and Equality, June 2020, accessed December 31, 2022, https://raceandequality.org/wp-content/uploads/2020/09/Manual-IDH_web_ilustrado.pdf.
- 2 • Criola, Homepage, 2022, accessed December 31, 2022, <https://criola.org.br/>.
- 3 • Portal Geledés, Homepage, 2022, accessed December 31, 2022, <https://www.geledes.org.br/>.
- 4 • Afrodes, Homepage, 2022, accessed December 31, 2022, <http://www.afrodescolombia.org/>.
- 5 • “Guía para el autocuidado: ‘Si yo me cuido, puedo cuidar a los demás’”, International Institute on Race, Equality and Human Rights – Race and Equality, May 2022, accessed December 31, 2022, https://raceandequality.org/wp-content/uploads/2022/08/GUIA-AUTOCUIDADO_FINAL.pdf.
- 6 • The LGBT issue was the problem, as in many English-speaking Caribbean countries, being LGBT is still a crime and so, they said, “We will not move forward with the convention unless we do two separate ones”.
- 7 • “Second Summit of the Americas”, OAS, 1998, accessed December 31, 2022, <http://www.summit-americas.org/chileplan.htm>.
- 8 • The 2nd RegionaR Conference was held in Bogotá between November 29 and 30, 2022; 150 organizations participated in the event. For more information: www.regionar.org.



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Possible futures:
is there a “new normal”?

EXPERIENCES



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**“ALL OF US HAVE A ROLE TO PLAY
AND HAVE TO DEFEND EACH OTHER”**

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“WE ARE OPENING NEW PATHS”

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**“WE WILL CONTINUE TO MAKE PROGRESS IN STRENGTHENING
THE COMMISSION AND OUR MISSION TO SECURE
AND PROTECT HUMAN RIGHTS IN THE REGION”**

Interview with Tania Reneaum Panszi

“ALL OF US HAVE A ROLE TO PLAY AND HAVE TO DEFEND EACH OTHER”

Firuzeh Mahmoudi

• *By Renata Bahrapour*¹ •

Firuzeh Mahmoudi is a woman of Iranian origin, born in the United States. When she was a child she went to live in Iran with her mother and her sister. Her first contact with activism was at the time of the 1979 Islamic Revolution. She describes this as “a very formative” experience in her life. “My mother was a political activist at that time. I used to go to protests even though I was very young. I experienced the revolution and didn’t go to school for months [because they were shut down in the entire country]. I saw history unfold”, she says.

Some years later, because of the Iran-Iraq War (1980 - 1988) and the economic instability her country was facing, her father took Firuzeh and her sister back to the United States. Even so, the time that she lived in Iran was enough for her to gain a perception of a life based on activism.

Her involvement in promoting human rights began with environmental activism when she worked for the United Nations and several non-governmental organisations. Every now and then, Firuzeh would go to Iran to visit her mother, who had stayed there until 1993, and to meet up with colleagues who she exchanged information with. However, her activities really took off through a march in 2009.

In that year, large-scale protests contesting the recent presidential elections were happening across Iran. Firuzeh decided to organise a day for global solidarity with the Iranian people on 25 July 2009, “Global Day of Action”. This day led to protests in 110 towns and

cities, with the participation of seven Nobel prize winners, in coordination with the Irish band U2 that performed on that same day.

Following this event, Firuzeh made the transition from her work as an environment activist to starting United for Iran, which she describes as "a group of thirty or more former political prisoners, dissidents and human rights activists working to improve human rights conditions and civic freedom in Iran. The group supports movements from within Iran as directly as possible".

For over 13 years, United for Iran has been providing technological tools to help build a free democratic society, with the participation of activists all over the world, from different geographical and ethnic origins of Iran. A third of her team lives in countries that have borders with Iran. They work together in a wide network of data collection.

One of these tools is the "Iran Prison Atlas", a database on all the political prisoners in Iran, detailing which prison buildings they are in and providing information on who the most rigid judges in the country are. Firuzeh believes that transparent documentation of these cases makes it possible to hold people accountable for the systemic abuse carried out by the Islamic Republic of Iran and therefore to defend all the political prisoners identified on the platform.

"IranCubator" is a project to design applications for civic engagement which aim to safeguard the country's citizens and to sustain and facilitate the efforts of civil society in Iran, akin to hacking the political and social system imposed in the country.

"Gershad" is one of the most noteworthy applications. It was built to obstruct the *Gasht-e Ershad*, the morality police and is a tool that shows the location of officers on the basis of denouncements and information shared by the users themselves, principally women, to help each other to make diversions in order to avoid the security forces.

"Gershad" would certainly have been very useful for Firuzeh when at 16 years of age she was detained by the Iranian morality police for five hours in the city of Kerman, her mother's home town in the southeast of the country. She was held because her hair had been seen in public when she was rearranging her headscarf.²

This story is shared by many Iranian women, including Mahsa Amini, the young Iranian woman of Kurdish origin who died at 22 years of age in the custody of the same police force in September 2022.³ Since then, according to an estimate by the independent television station Iran International, over 18,000 people have been arrested in connection with the protests throughout Iran that followed Mahsa's death. In addition people have been sentenced to death and others have already been executed.⁴

When asked about what this organised movement of Iranian women is, Firuzeh answers without hesitation, classifying this phenomenon as "unprecedented [...] not only in Iran but

in the region, or even globally”. The absolute leadership of the women in this process and the incredible level of solidarity they are receiving is also drawing attention. She explains that in the past, minority groups like the Kurds would have been attacked but that now “anyone who has been persecuted, killed, wounded or arrested has countrywide support. People appear in public, smiling, showing their support and love and saying that they have not been forgotten and that they are going to remain on the streets”.

There is a clear message being given to Iran by the people of Iran. “I swear by the blood of my friends and my fellow citizens that I will stay until the end”, Firuzeh recites, echoing one of the chants being repeated by young people on the country’s streets. She believes the demands presented in the protests go beyond compulsory wearing of the *hijab*. This is about having religious freedom, freedom of expression, gender equality, bodily autonomy, food security, environmental protection, access to education, being able to live life as you wish and being part of society. “This is about really having basic rights”, she says.

Another issue that goes hand in hand with discussions on women, politics and religion is the non-secular nature of the Iranian state which will inevitably have to be addressed. The ideology that has been in place since the 1979 Islamic Revolution has seeped into the private and collective lives of the population, exercising control over bodies and minds and oppressing over half the country and this problem directly impacts on religious minorities. “Obviously religious minorities in Iran are persecuted and the bahá’is are persecuted more than any other group”, says Firuzeh.⁵

Despite challenges, she says that the transition to a secular state “is not about not having a religion”. It is instead a question of living in a society without a theocratic government, a society in which people have the option to choose to demonstrate what they believe in and the way they want to believe in it. “I think it is not only possible but defines something of an awareness of the desire of the people of Iran. How did we build this state? This is a matter of how we make the transition to that which people want [...] and of understanding what they are saying on the streets.”

These desires may seem fundamental but they are the very pillars that sustain the Islamic Republic, or even Iranian society as a whole. So, what needs to be done for change to take place at the roots of society? And furthermore, how should this process occur? Firuzeh’s response is simple: guaranteeing that all persecuted groups, ethnic and religious minorities, all women and those who have in any way been targeted by the system, must be included in this process. She says “all of us have a role to play and have to defend each other. [...] This is a movement without leaders which means we are all leaders”.

Firuzeh also believes there is a very fine line between hope and despair in this situation, principally for those who are imprisoned. For this reason, the work of United for Iran is based on the belief that it is the people who are in Iran who have to take the lead. However, support is needed to show the effort they are making and make their voices heard, in places

where it is safe, which is why civic engagement apps are being developed. An additional objective is to make it possible for all human rights groups, outside the country, to speak with wide international audiences.

Firuzeh’s activism encompasses a strong sense of unity and oneness. She sees that we are all connected and that the way each country acts affects all countries. For her this means recognition that her work is not a mere choice but is a privilege she carries with her and that she has a duty to contribute for the betterment of the world. “Being able to do this every day and night as much as I can, is a blessing [...] Not everyone has the luxury of being able to do what they want, with purpose in their lives, do they? [...] I feel that we should all pull together to reach this dream [...]. So, I’m not doing this as a favour to anyone but because this is the world I want to live in”.



Firuzeh Mahmoudi.
Source: Personal archive photo.

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Original in Portuguese. Translated by Jane do Carmo.

NOTES

1 • Renata Bahrapour is a lawyer and member of the office of external affairs of the Bahá’í community in Brazil. Bahrapour works on issues of human rights violations against Bahá’ís in Iran and other countries. She is also on the District Committee for Religious Diversity and is secretary-general of the Commission of Religious Freedom of the Brazilian Bar Association/DF.

2 • Leah Hunter, “The Woman Building Iran’s Civic Tech

Sector (From Across The World)”. *Forbes*, January 3, 2017, accessed December 31, 2022, <https://www.forbes.com/sites/leahhunter/2017/01/03/the-woman-building-irans-civic-tech-sector-from-across-the-world/?sh=4bd9f46853c8>.

3 • Farnaz Fassihi, “In Iran, Woman’s Death After Arrest by the Morality Police Triggers Outrage.” *The New York Times*, September 16, 2022, accessed December 31, 2022, <https://www.nytimes.com/2022/09/16/world/middleeast/iran-woman-death.html>.

nytimes.com/2022/09/16/world/middleeast/iran-death-woman-protests.html; Patrick Wintour, "Mahsa Amini: dozens injured in Iran protests after death in custody." *The Guardian*, September 18, 2022, accessed December 31, 2022, <https://www.theguardian.com/world/2022/sep/18/mahsa-amini-dozens-injured-in-iran-protests-after-death-in-custody>; David Gritten, "Mahsa Amini: Protests over woman's death claim more lives in Iran." *BBC*, September 2022, accessed December 31, 2022, <https://www.bbc.com/news/world-middle-east-62986057>.

4 • "Iran: 26 people risk execution in relation to protests," Amnesty International, December 16, 2022, accessed on December 31, 2022, <https://www.amnesty.org/en/documents/mde13/6309/2022/en/>; "Iran Executes Two Prisoners Arrested in Ongoing Protests, Threatens More to Follow," *Death Penalty Information Center*, December 12, 2022, accessed December 31, 2022, <https://deathpenaltyinfo.org/news/iran-executes-two-prisoners-arrested-in-ongoing-protests-threatens-more-to-follow>; "Iran To Try 10 Underage Protesters On Death Penalty Charges," *Iran International*, November 30, 2022, accessed December 31, 2022, <https://www.iranintl.com/en/202211303156>.

5 • "The Baha'i community is among the most severely persecuted religious minorities in Iran, according to

the experts. [...] The UN experts said this year has seen a marked increase in arrests of Baha'is, as well as targeting. By April, they had received reports that over 1,000 members were awaiting imprisonment, following their initial arrests and hearings" ("Rights experts urge Iran to end 'systematic persecution' of religious minorities," *UN News*, August 22, 2022, accessed December 31, 2022, <https://news.un.org/en/story/2022/08/1125162>); "The despicable onslaught against the Baha'i religious minority is yet another manifestation of the Iranian authorities' decades long persecution of this peaceful community. Baha'is in Iran cannot feel safe in their homes or while exercising their faith because they are at risk of persecution," said Heba Morayef, Amnesty International's Regional Director for the Middle East and North Africa" ("Iran: Stop ruthless attacks on persecuted Baha'i religious minority," *Amnesty International*, August 24, 2022, accessed December 31, 2022, <https://www.amnesty.org/en/latest/news/2022/08/iran-stop-ruthless-attacks-on-persecuted-bahai-religious-minority>); Sara Baptista, "I cannot find the words to express how happy I am to be able to say that I am a Bahá'í." *Sur Journal* no. 29 (2019), accessed December 31, 2022, <https://sur.conectas.org/en/i-cannot-find-the-words-to-express-how-happy-i-am-to-be-able-to-say-that-i-am-a-bahai/>.



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“WE ARE OPENING NEW PATHS”

Miluska Luzquiños

- *The fight for the rights of trans people in Peru* •

By Sara Baptista

Fighting is an intrinsic part of Miluska Luzquiños’ life just because of who she is. As a trans woman, she faces a daily battle just to exist in a conservative and patriarchal country like Peru. To merely survive, however, is not enough, and she turned this experience into an ongoing struggle, working with other trans women to clear the way to a future of opportunity and hope.

Miluska is the national coordinator of Red LacTrans (Red Latinoamericana y del Caribe de Personas Trans, or the Latin-American and Caribbean Network of Trans People) in Peru and the founder of Casa Trans Zuleymi, which offers shelter to trans women who are immigrants, victims of violence, or who have no place to live. Miluska says that this work makes her happy and explains that “The defense of human rights allows me to meet more comrades, go out into the world, talk, and build.”¹

Miluska is someone who puts the collective before the individual. While modestly sharing the merits of her work, she tells Sur that it was her comrades who made her who she is today. “I did not do a single thing. They were always there to encourage me and I am very grateful to them”. Attorney and activist, Miluska sees herself as the result of the numerous trans women she has met along the way: “Miluska is the result of the exclusion of trans women from the human rights advocacy system”. She also responds to challenges as someone who is used to dealing with them quickly and efficiently in her daily life.

Being a pioneer was not part of her plan, and turning her private struggles into activism was not an obvious choice – in fact, it happened almost by chance. Miluska had never

considered activism as a career. When she finished law school, she thought that she would work at a court of justice or a notary office. One day, she was invited to a meeting of an LGBTQIA+ group that worked on issues related to HIV/Aids, which is when she realized that the limited participation of trans people led to a lack of awareness of their true needs. She then got involved in what she believed to be an isolated issue, but was surprised when she received funding and the mission to implement a countrywide project. This was how the Northern Peru Trans Women's Platform was created, currently known as *Transorganização Feminista* (Feminist Transorganization), which is where she works today.

In 2016, knowing that there was a large number of immigrant trans women in Lima with no support, she once again found an innovative way to solve the problem. Miluska created *Casa Trans Zuleymi* to offer shelter to these people. In these spaces (there are now four units in different parts of the country), which she refers to as "a place of hope", trans people who are immigrants, victims of violence or who have no place to live can go there to receive food, health counseling, and legal aid, or find a comfortable and safe place to stay. "We must demand our rights on a full stomach!", the activist exclaims.

Miluska has already won recognition for her work to defend trans people's human rights: she received a Franco-German Prize for Human Rights in 2019. However, in 2020, with the arrival of the pandemic, courage and agility were once again needed to put together a plan and work to meet the most urgent needs of the people she worked with. Through *Red LacTrans*, she managed to raise funds and deliver food to trans women all over the country. During this time, work was intense, and Miluska ended up coming down with the coronavirus before getting the vaccine. In addition to her direct actions, Miluska and her network produced a report and published a few articles about the specific situation of trans people in the context of the pandemic.²

One of the hardships that the network faced was that due to the lockdowns imposed by the pandemic, many trans women lost their regular access to drugs for the treatment of HIV, which affected their immunity. This led to a high number of deaths from Covid-19. When the vaccination effort began, trans people also had problems accessing the vaccine because they lacked ID cards.

Another aspect mentioned by the activist was the transition to the virtual world. She admits that she had neglected this means of communication until it suddenly became the only one that could be used, thus creating yet another obstacle. As structure for digital communication was still lacking, many people, particularly those in the jungle in the north of the country, were basically isolated and had more difficulties in accessing information and resources. "Covid taught us to work and coordinate as a community", she affirmed.

They now face another challenge: the political turmoil in Peru. Since early December 2022, the country has plunged into a massive crisis. Former president Pedro Castillo attempted to dissolve Congress and was removed from office. New general elections have been called for

July 2023 and protests have taken over the streets of major cities.

In a time of great instability in Peru, minority rights are threatened and the hope of progress is even more remote. Nowadays, in Peru, the life expectancy of a trans person is only 35 years.³ Furthermore, according to the Reniec (Registro Nacional de Identificación y Estado Civil, the Peruvian National Registry of Identification and Civil Status), 1% of the population of Peru is undocumented, and this percentage is higher among the trans population.⁴ The lack of ID makes it difficult for them to access rights, as in the case of the vaccine. Without vaccines, in addition to being more exposed to the virus, trans women were also prevented from accessing many places, as they did not have a vaccine passport.

The current situation is a source of concern for Miluska, who explains that economic, political, and social issues affect women more, especially trans women. “We are very worried that the Congress elected by our people continues to be filled with conservative, anti-gender representatives who oppose all advances on rights”, she states. An example of what is at stake right now for trans people in Peru is the gender identity draft bill, which Miluska helped formulate and has been moving through the Peruvian congress since 2016. The proposal provides for a judicial and non-pathological process for transsexuality and proposes that the rectification of names in official documents should be free of charge. Although some progress was made in 2021, when the Women and Family Commission in Congress passed the draft bill,⁵ it is not known when the discussion of the topic will resume.

Human rights organizations in the country are also facing challenges of their own. Because of the economic instability, these entities risk losing funding for their actions, which are now needed more than ever. Furthermore, the granting of protection measures for defenders and other activists is also being undermined. “Our comrades who go to demonstrations, go to Casa Trans and who sit in the office are the direct entourage of human rights defenders, so we are concerned with the lack of interest on the part of the state, the failure of the state to take protection measures”, Miluska explains while referring to the people she believes are at risk of suffering from the violence involved in the country’s current political situation.

When faced with the absence of the State, organizing as groups – and, more importantly, in networks – is fundamental. The combined strength of both activists and organizations is what guaranteed trans people’s access to food during the most critical moments of the Covid-19 pandemic. Networks such as Rede LacTrans, present in 23 countries, also mobilized to produce and disseminate reports such as “No Muero, Me Matan!”, which denounced the exclusion of trans women in Latin America and the Caribbean and informed the world of the situation in the country.

From her childhood in Lambayeque to the international recognition of her work, Miluska has witnessed countless losses and setbacks, both personal and collective: discrimination at university, where she was the first trans student, financial hardships, the challenges of life as a sex worker, family quarrels, threats and attacks as a human rights defender. None of that took

away her will to build a better future for herself and her comrades. With her grandmother’s love and the help of the numerous people who cross her path, Miluska keeps on going. In her own words, “This is Miluska’s starting point. I have suffered from violence, attempted robberies – they’ve even stolen some of our confidential documents. But I am very happy because I have met wonderful people who give their lives to promote human rights”.

Even though Miluska got into human rights activism almost by chance, her choice to continue in this field is a conscious one – and one that she reaffirms every day. Her greatest source of motivation is not the awards or national or international recognition, but rather the people who are with her along the way. “There are things that pay but that don’t involve money”, she says. Just the other day, she was approached by a young woman who told her that her work was inspiring and asked to take a picture with her. Miluska said she felt like a TikToker and concluded, “we are opening new paths”.



Miluska Luzquiños.
Source: Personal archive photo.

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Original in Portuguese.

Translated by Luis Misiara. Proofread by Karen Lang.

NOTES

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4 • According to the National Plan *Perú Libre de Indocumentación 2017 - 2021*, there are no official statistics that show the current situation of undocumented trans people; the few statistics available are usually related to health issues, specifically HIV and other sexually transmitted infections (STIs). A study by Universidad Cayetano Heredia 76 (2012:24) indicated that

the percentage of undocumented individuals within this population exceeds 13%. Although these data are only indicative, they show that the percentage of undocumented people in this group is much higher than the national average”. “Perú Libre de Indocumentación Plan Nacional 2017 – 2021”, Registro Nacional de Identificación y Estado Civil, March 29, 2021, accessed December 31, 2022, <https://www.gob.pe/institucion/reniec/informes-publicaciones/1779616-peru-libre-de-indocumentacion-plan-nacional-2017-2021>, p. 87.

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“WE WILL CONTINUE TO MAKE PROGRESS IN STRENGTHENING THE COMMISSION AND OUR MISSION TO SECURE AND PROTECT HUMAN RIGHTS IN THE REGION”

• Interview with Tania Reneaum Panszi •

By Sur Journal

The Inter-American Commission on Human Rights (IACHR) is the main autonomous body of the Organization of American States (OAS). According to the OAS Charter and the American Convention on Human Rights, its mandate is to promote respect for and the defense of human rights in the region. It thus plays a leading role in the promotion of democracy on the continent.

For the IACHR, however, fulfilling its mandate has been a challenging process, especially in recent years, as it has had to monitor state action regarding human rights violations in the midst of social unrest, political instability, and the evident fragility of democratic systems in the region.

In an interview with Sur Journal, Tania Reneaum Panszi, who took office as the Commission's Executive Secretary on June 1, 2021 for a 4-year term, talks about the challenges of the IACHR and her mandate in the context of the health and economic effects of the pandemic, the impacts of misinformation on historically discriminated populations, and, the global political crisis that is now affecting the region.

Among the priorities on her agenda, the Executive Secretary highlights the strengthening of the institutional autonomy of the IACHR, the implementation of strategic plans for the advancement of human rights, and the work to accelerate proceedings. Furthermore, she

**"WE WILL CONTINUE TO MAKE PROGRESS IN STRENGTHENING THE COMMISSION
AND OUR MISSION TO SECURE AND PROTECT HUMAN RIGHTS IN THE REGION"**

reaffirms the responsibility of states to uphold international human rights standards and the need for an evolving interpretation of these standards.

Tania Reneaum Panszi is a Mexican national and has a PhD in Law from Pompeu Fabra University in Barcelona, Spain. She holds an International Master in Criminal Law and Comparative Social Problems degree from the University of Barcelona and a second Master in Legal Sciences degree from Pompeu Fabra University. According to an OAS press release announcing her election, "Tania is the second woman to be elected Executive Secretary in the 62-year history of the IACHR."

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Sur Journal • You have been the Executive Secretary at the Inter-American Commission on Human Rights (IACHR) since June 2021. Tell us about the priorities on your agenda and your expectations for this term in office.

Tania Reneaum Panszi • Since I became Executive Secretary, my priority has been to work to finish implementing the 2017-2021² Strategic Plan and continue pursuing this roadmap with the new Strategic Plan for 2023-2027³ to respond to the human rights challenges facing the region.

Up until now, in the exercise of my duties, the main areas of priority have been the strengthening of the autonomy of the IACHR and the work to protect and defend human rights. To draft the Strategic Plan for 2023-2027, we carried out a highly participatory, open, and transparent process to come up with a diagnosis and a plan to deal with the new regional realities caused by the COVID-19 pandemic based on the evolving nature of human rights. Regarding institutional strengthening, since I assumed my position, we have worked to build a goal-based organizational culture and management approach that helps improve the performance of the technical teams of the Executive Secretariat of the Inter-American Commission.

The priorities for the implementation of the 2017-2021 Strategic Plan are democratic institutionalization; the independence of the judiciary branch and the prosecutor's offices, and access to justice; the institutionalization of human rights; safety and violence; development and human rights; and gender equality and diversity. It is worth noting that one of the achievements of the last plan was the elimination of the procedural backlog in the initial review stage of the system of claims and cases. For the first time in decades, the Commission managed to ensure that all claims were examined upon receipt.

I am convinced that in the coming years, we will continue to make major progress in strengthening the Commission and our mission to secure and protect human rights in the region.

Sur • What are the main challenges that the IACHR is facing in a “post-pandemic” context?

T.R.P. • I wish I could believe we are in a post-pandemic context, but we often hear about new variants of the virus and their consequences. Even so, the IACHR continues to prioritize its mission to defend and protect human rights in a regional context where poverty, inequality, and social exclusion have been exacerbated and in a global context marked by severe economic recession, war, lack of resources, and discrimination, which continues affecting millions of people. Violence, the migration crisis, climate change, arms dealing, militarization – there really are many issues that the world and the region in particular face. This shows us that it is urgent for states to put people and their human rights at the center of their actions.

The IACHR’s new Strategic Plan for 2023-2027 incorporates the impacts of COVID-19 both in its diagnosis of the regional context and its roadmap for action for the next five years, while seeking to ensure that every person in the region has better living conditions. All this based on the vision that people are always the beacon that guides the IACHR.

Sur • One of the goals of the 32nd issue of *Sur Journal* is to understand the current geopolitical scenario and its impacts on the promotion and defense of human rights. In this regard, how do the new global power dynamics affect human rights in the Americas?

T.R.P. • In 2021 and until now, the IACHR has monitored, with some concern, certain trends connected to the weakening of democratic institutions at the regional level. As documented in the 2021 Annual Report,⁴ this hemisphere has seen a weakening of national human rights institutions, the closure of democratic spaces, and violence against rights defenders and journalists, including murder, harassment, intimidation, and criminalization.

One could add to that the impacts of the post-pandemic economy, inflation, rising unemployment, and a war that, though it seems far away, affects the countries in our region. It necessarily hinders the access of millions of people to their rights, which is why we must think of urgent solutions in terms of government measures and public policies.

Gender violence against women also continues to occur at alarming rates. According to available data, until 2021, 14 of the 25 countries with the highest rates of femicide worldwide are in Latin America and the Caribbean. Furthermore, 34% of women aged 15 to 19 have suffered physical or sexual violence at one point in their lives. At the global level, 31% of women have been the victims of violence, which is not the result of isolated acts, but rather structural conditions, social norms, and cultural patterns that legitimate and reproduce this violence.

Sur • How has the IACHR responded to movements and coalitions that use the grammar of human rights to attack rights, particularly those of minority groups in the region?

T.R.P. • States have a crucial role in guaranteeing human rights and complying with the international obligations they have adopted. These obligations include refraining from reproducing discrimination and stereotypes that lead to exclusion. In short, states should adopt an evolving interpretation of human rights and reinforce their interdependent nature.

State measures, laws, and public policies must be based on international human rights standards. This is where the IACHR has played an important role, as part of its mandate to protect and defend human rights, using its different mechanisms, such as thematic reports or cases submitted to the Inter-American Court of Human Rights that address issues related to rights that could be at risk due to a narrative of groups that may permeate government actions and are based on discrimination, hate speech, misinformation, and prejudice. These mechanisms lead to recommendations by the IACHR and rulings by the Inter-American Court that give states the opportunity to adopt measures that turn attacks against rights into concrete actions for reparation, whenever necessary, and guarantee respect and protection for all people from all forms of discrimination and/or violence.

Sur • How has the IACHR dealt with the issue of misinformation and its negative impacts on human rights?

T.R.P. • Misinformation has a direct impact on the exercise of freedom of expression under the right to information and also affects other rights, as we have recently seen during the pandemic regarding access to health and vaccines. Misinformation prevents people from making free and informed decisions, particularly in the digital age, in which misinformation is reproduced at an unprecedented speed and scope.

Furthermore, prejudice-based misinformation sustains historical discrimination and hate speech against, for instance, women, LGBTI people, indigenous peoples, people of African descent or immigrants, among others.

At the IACHR, we have systematically and extensively addressed the topic in press releases, good practices guides, public hearings held during sessions, and reports with concrete recommendations. In this regard, our practical guide⁵ on universal access to the Internet establishes a few guidelines, such as the need for states to fight misinformation with accurate, scientifically sound information and guarantee access to quality online education that allow users to develop digital skills and understand the contents disseminated online.

It is important to recall one of the standards on the right to access to information, which has been included in the report on the Internet: states are obligated to ensure that all people can search, receive, and issue opinions and information under equal conditions.

Sur • How does the IACHR, particularly the Executive Secretariat, act to fulfil its commitment to the diversity of voices and the promotion of greater participation of civil society in the Inter-American Human Rights System?

T.R.P. • The Executive Secretariat of the IACHR is committed to the plurality of voices and promoting greater civil society participation in the Inter-American System through constant dialogue and exchanges with civil society from the Americas and the Caribbean. The Commission managed to organize periodic meetings with civil society representatives during the sessions held throughout the year, where we received important information on the regional human rights situation. Public hearings held during the sessions are also crucial spaces for civil society participation, and in them, we have worked on a diversity of issues and wide dissemination to help increase participation.

The IACHR's recent experiences in field in crisis situations offer very concrete examples of our relationship with civil society. In June 2021, when we went to Colombia amidst the social protests,⁶ we spoke with civil society. Now that Peru is undergoing a crisis and social conflict, we went to those territories to listen to victims and human rights defenders.⁷ Their voices and experiences on the frontline are crucial for allowing the technical staff of the Executive Secretariat and members of the IACHR plenary understand complex realities.

The 2023-2027 Strategic Plan was recently drafted as the result of a transparent consultation process that consisted of an open online consultation, 10 panel discussions with governments and civil societies, 12 consultations on priority topics and populations, 5 internal workshops with members of the IACHR technical team and a consultation with OAS bodies. In total, 2,663 people, 40 states and 585 civil society organizations were part of this process. The commitment of the IACHR and its Executive Secretariat to the diversity of voices and greater participation comes to life through our practice of listening and establishing dialogue.



Tania Reneaum Panszi.
Source: Personal archive photo.

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Interview received in January 2023.

Original in Spanish. Translated by Luis Misiara. Proofread by Karen Lang.

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