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COMMEMORATIVE ISSUE
HUMAN RIGHTS IN MOTION

CONECTAS
HUMAN RIGHTS

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Human Rights in Motion

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

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

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

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

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

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

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

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

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

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

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

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

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

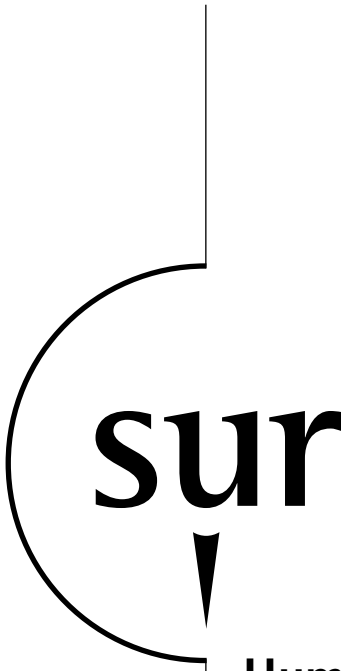
Tools. In this section, the editors included contributions that focus on the instruments used by the global human rights movement to do its work. This includes a debate on the role of technology in promoting change (**Mallika Dutt and Nadia Rasul**, as well as **Sopheap Chak** and **Miguel Pulido Jiménez**)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

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

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

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

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



Human Rights in Motion

Language

SARA BURKE

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ABSTRACT

In the past several years, the world has been shaken by protests, peaceful and otherwise. Findings of recent research indicate that the leading cause of protests around the world is a broad set of grievances related to economic needs. However, the single demand that exceeds all others is what prevents progress toward economic justice: a lack of what protesters increasingly frame as "real" democracy. This holds true in political systems of all types, from the authoritarian to representative democracies old and new. Rights-based grievances are the driving force behind significantly fewer protests than those related to economic need, and the demands for economic justice that have dominated world protests in recent years have not been formulated in the language of rights. This article explores both why this might be so and how human rights practitioners might better understand the drivers of social unrest and the importance this holds for their work.

Original in English.

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KEYWORDS

Austerity – Campaigns – Democracy – Demonstrations–Economic crisis – Human rights – Inequality – Protests – Riots – Social justice – Social movements

ARTICLE

WHAT AN ERA OF GLOBAL PROTESTS SAYS ABOUT THE EFFECTIVENESS OF HUMAN RIGHTS AS A LANGUAGE TO ACHIEVE SOCIAL CHANGE

Sara Burke*

In recent years, the world has been shaken by protests, peaceful and otherwise. The Arab Spring, the anti-austerity protests throughout Europe, Occupy and the movement of the Squares around the world are well known to us because of the extensive international media coverage they have received. These protests were largely non-violent, but recent years have seen violent protests as well, with a particular spike in 2007–08 due to riots over food prices; these protests are less well covered in international news. Compounding recent years of unrest, in which hot spots of civil war and armed conflict have also continued, there has been an increasing failure of existing political arrangements at the local, national and global levels to address grievances raised by protesters in a peaceful, just and orderly way. It is therefore of the utmost importance to understand what is driving recent protests, and in particular to do so on a global level.

This was the contention behind research contributing to "World Protests 2006-2013"[1], which queried over 500 local and international news sources available on the Internet to analyse 843 protest events (both non-violent and violent, organized and spontaneous), occurring between January 2006 and July 2013 in 84 countries covering over 90% of world population. Researchers looked for evidence of main grievances and demands, who is protesting, what methods they use, who their opponents or targets are and what results from protests, including achievements and repression. The objective of the study was to document and characterize manifestations of protest from just before the onset of the recent world economic crisis to the present, to examine protest trends globally, regionally and according to country income levels, and to present the main grievances and demands of protesters in order to better understand the drivers of social unrest. The objective of the present article is to ask what light the findings of this study may shed upon one of the existential questions for human rights as posed

*Thank you to my fellow authors of "World Protests 2006-2013": Isabel Ortiz, Mohamed Berrada and Hernán Cortés.

Notes to this text start on page 33.

by the editors of this 10th Anniversary issue of *SUR*: Is human rights (still) an effective language for producing social change?

"World Protests 2006-2013" finds that the trend of outrage and discontent expressed in protests may be increasing worldwide. The leading cause of all protests is a cluster of grievances related to economic justice and against austerity policies that includes demands to reform public services and pensions; to create good jobs and better labour conditions; make tax collection and fiscal spending progressive; reduce or eliminate inequality; alleviate low-living standards; enact land reform; and ensure affordable food, energy and housing. Although broad demands for economic justice are numerous and widespread, the single demand that exceeds all others is found in a cluster of grievances pointing to a failure of political representation. It points to the very issue that prevents progress toward economic justice: a lack of real democracy (See **Figure 1** for detailed list of grievances and demands found in the study).

As the key grievance in a widespread crisis of political systems, the demand for real democracy is counter-posed by many protesters to formal, representative democracy, which is increasingly faulted around the world for serving elites and private interests. The study found demands not just for better governance and wider representation, but also for universal direct participation and a society in which democratic principles—liberty, equality, justice and solidarity—are found not only in the laws and institutions but in everyday life (ERREJÓN, 2013; HARDT; NEGRI, 2004; RANCIÈRE, 2006). This demand comes from protesters in a variety of political systems, and protest patterns indicate that not only authoritarian governments, but also representative democracies, both old and new, are failing to hear and respond to the needs of a majority of citizens.

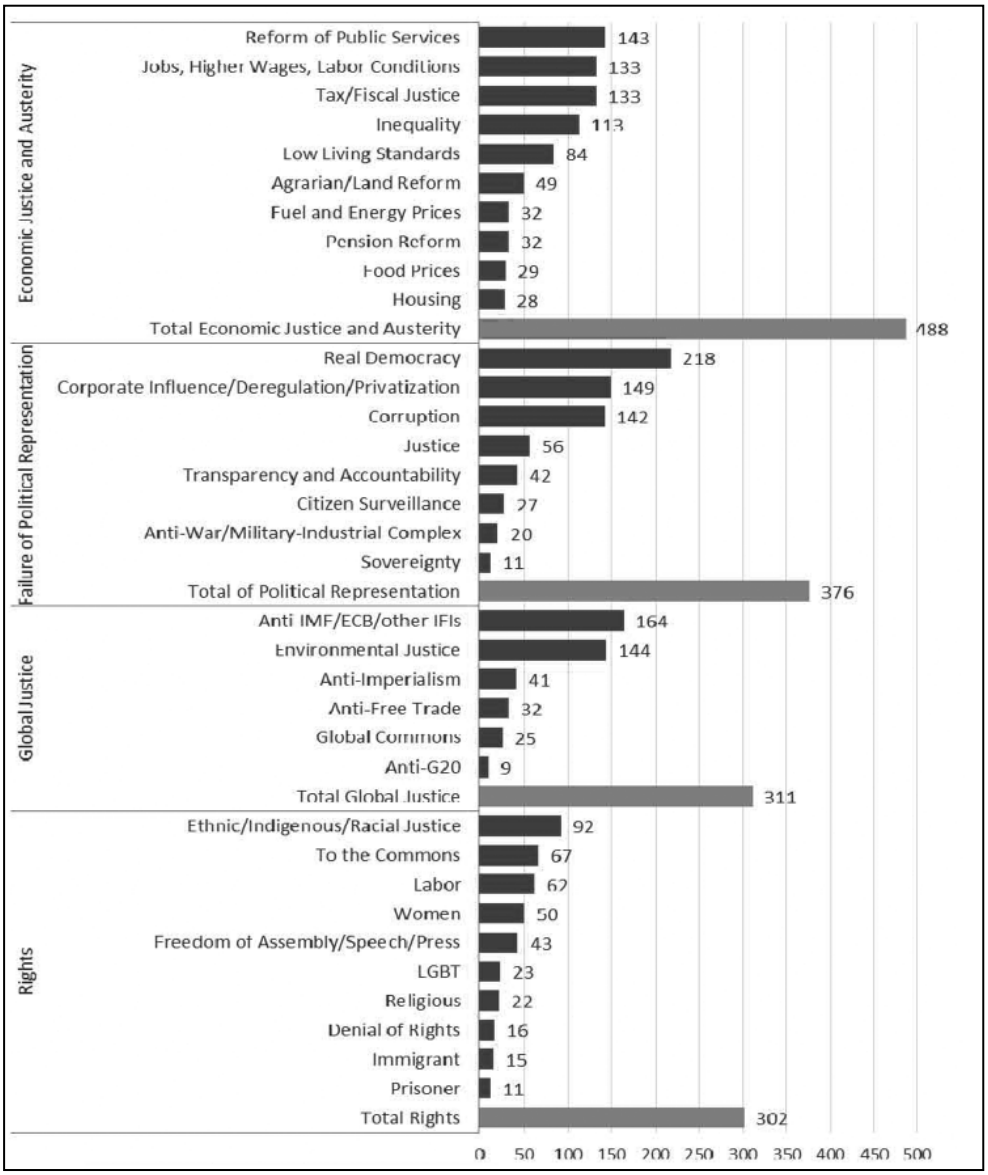
Grievances expressed as rights-based by protesters are one of the main groups identified in the study, but they are significantly fewer in number than those related to economic justice. Rights-based grievances and demands are also behind fewer protests than grievances related to failure of political representation or global justice. In the study, rights-based grievances are identified for human rights, civil and political rights such as freedom of assembly, speech and the press, and also for the social and cultural rights of ethnic groups, immigrant groups, indigenous, LGBT, prisoners, racial, religious and women's groups (including protests for the revocation of existing rights). The study also notes some protests for rights that are both economic and civil/political, namely labour rights and the right to the Commons (digital, land, cultural, atmospheric). However, the economic justice demands that have dominated world protests since 2006 have not formulated themselves primarily in the language of rights or sought their realization primarily through national legislation of international norms, according to the findings of the study. Why might this be? Both a realpolitik examination of the powers and interests on both sides and a critical examination of the framing of economic rights, as compared to civil and political rights, offer some insight.

With regard to the realpolitik issue of power dynamics, the study finds that middle-class protesters of all ages, from students to retired pensioners, are increasingly joining activists from various movements. Not only in sanctioned marches and rallies, but in a new framework of protest that includes acts with greater potential consequences, including civil disobedience and direct actions such as road blockages, occupations of city streets and squares, and mass educational events and "happenings" to raise awareness

about issues like debt, fair taxation for public services and inequality. The impact of people's feeling about inequalities should not be underestimated in understanding what has driven many protests, particularly of the middle classes, in recent years. Even in a country which has seen policy-driven success in combating high inequality, such as Brazil, it has not proven enough to satisfy people's demands, as seen during the summer of 2013 with the evolution of protests from localized demands for affordable public transportation to national demands for sweeping changes in social protection, distribution of wealth and government corruption.

FIGURE 1

GRIEVANCES AND DEMANDS DRIVING WORLD PROTESTS, 2006-2013*



Source: (ORTIZ; BURKE; BERRADA; CORTÉS, 2013)
*As of July 31st 2013

The other side of the power dynamic concerns the opponents of these protesters (**Table 1** "Top 10 Targets"). The study finds, not surprisingly, that the target of most protests is the national government in the country where the protest occurs.[2] Many protests also explicitly denounce the international political and economic system, the influence of corporations and the privilege of elites, including the financial sector. A large number of protests against austerity implicate the International Monetary Fund and European Central Bank, which are widely perceived as the chief architects and advocates of austerity. The challenge faced by protesters, concisely captured by Table 1, is achieving not just social change, but social *justice.* And doing it against the interests of a powerful nexus of poorly-representative governments and captured international financial institutions dominated by private corporate and financial elites, all of which are complicit in upholding an economic system that produces and reproduces inequality (of great concern to the middle classes) and privation (of ongoing concern to the world's poorest). The repression experienced by protesters seeking economic justice offers further insight into the challenges they face and therefore the modes and methods of protest they have adopted. Not only riots, but more than half of all protests, experience some sort of repression in terms of arrests, injuries or deaths at the hands of authorities, or subsequent surveillance of suspected protesters and groups–surveillance that is carried out by both governments and private corporations.

This state of affairs has been long in the making. Falling wages and shrinking pensions led to decades of rising inequalities and decreasing opportunities for decent work and full engagement in society, especially for youth, which has paved the way for the joining of middle class protesters with unemployed and precarious workers over this period. Of the protests linked to economic policy—either arising in response to a policy implementation or law or demanding policy changes—the greatest number are in relation to subsidies, typically a threat to remove a subsidy

TABLE 1

TOP 10 TARGETS OF PROTESTS, 2006-2013

Opponent	% of protests targeting opponent
1. Government	80%
2. Political/economic system	44%
3. Corporations/employers	29%
4. IMF	20%
5. Elites	17%
6. EU	16%
7. Financial Sector	16%
8. ECB	10%
9. Military/police	9%
10. Free Trade	9%

Original data source: (ORTIZ; BURKE; BERRADA; CORTÉS, 2013).

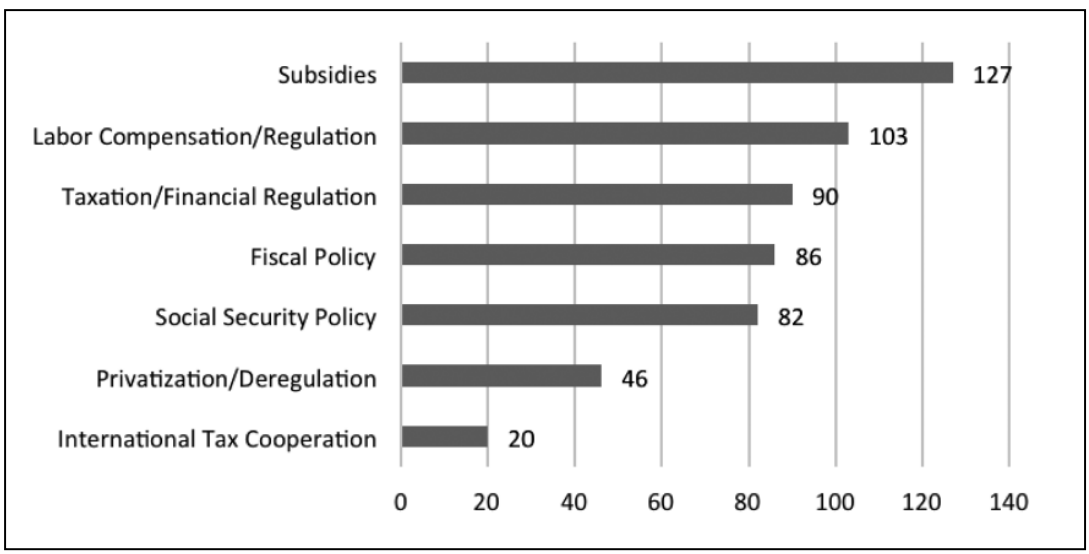
for fuel or food (**Figure 2**). A great number also relate to labor compensation and regulation of safety in the workplace, taxes and financial regulation, and fiscal and social security policies. A smaller number pertain to attempts at non-financial regulation and international tax cooperation. These protests are largely a response to the unravelling of the social contract that formerly bound the world's middle classes more tightly to the policies of elites, including remnants of the welfare state. This unravelling contributes to a mounting failure of existing political arrangements at the local, national and global levels to deal with problems and protests peacefully and justly. The world's people are roiled by economic needs that go unaddressed because they are, in ever greater numbers, shut out of the political processes in which decisions about the economy are made. Furthermore, they are shut out by the very elites who benefit directly from those decisions.

Can human rights norms and agreements be an effective weapon against such an adversary when its economic interests are at stake? Inequality, to a degree world protests indicate is unacceptable, is this adversary's stated intention. This adversary counters all objections with imperatives: to prioritize growth and deregulation, low debt-to-GDP ratios, the rights of creditors and the privileged role owed to private interests in the economy and government. Could it be that the success of the Occupy and *Indignants* movements in changing the discourse around inequality lies in their resistance to formulating demands as a list of policies to be put to such authorities?

This was philosopher Judith Butler's contention in a 2012 essay entitled, "So What Are the Demands?", referring to the question repeatedly directed to the Occupy movement, which resisted giving a straight answer. Butler points out that even the most comprehensive list of demands—including for example, jobs for all, an end to foreclosures and forgiveness of student debt and so on—cannot but fail to express the

FIGURE 2

NUMBER OF PROTESTS LINKED TO ECONOMIC POLICY, 2006-2013*



Source: Data set created by Ortiz, Burke, Berrada and Cortes (2013).
Initiative for Policy Dialogue and Friedrich-Ebert-Stiftung New York. *As of July 31st 2013

movement's ultimate ambition to resist inequality. This is so, she argues, because such a list can never communicate how those demands are related, and an end to inequality cannot be seen as simply one demand among many, but as the overarching frame. The problem requires instead a unifying and systemic approach (BUTLER, 2012).

Ironically, in spite of the principle that all human rights are indivisible and interdependent, the human rights field lacks a unified approach to economic, social and cultural rights, on the one hand, and civil and political rights, on the other. Progress in civil and political rights, the so-called "first-generation" human rights, such as the right to assembly, speech and religion, is largely based upon monitoring the relatively unambiguous presence or absence of negative outcomes (e.g. incidences of wrongful incarceration or censorship), whereas progress in economic, social and cultural rights, the "second-generation" of human rights, monitors their progressive realization over time (UNITED NATIONS, 2012). In the case of economic rights, this is done via economic indicators that many protesters would find inaccessible because of their technical nature.

Excellent work has been done by a number of economists to rethink macroeconomics from a human rights perspective, including the model audits of US and Mexican economic policies conducted by Radhika Balakrishnan, Diane Elson and Raj Patel in 2009 for compliance with human rights obligations (BALAKRISHNAN; ELSON; PATEL, 2009), and the Outcomes, Policy Efforts and Resources to make an overall Assessment (OPERA) Framework developed in 2012 by the Center for Economic and Social Rights and their partners to create an overarching way for advocates and activists to build a well-evidenced argument about a state's level of compliance (CORKERY; WAY; WISNIEWSKI, 2012). Despite this work, doubts remain about the usefulness of using human rights to fight economic injustice precisely because these are legal and policy-based goals that require responsive democracies with meaningful citizen participation, which is the very problem blocking progress toward more equitable economic systems. Perhaps this is why these path-breaking human rights economists are also modest in their goals, aiming less for radical change than to "move economic policy in a better direction by identifying which policies are at least likely to be inconsistent with human rights obligations" (BALAKRISHNAN; ELSON; PATEL, 2009). While their work remains an excellent guide for economic policy in real democracies, as a tool for the kind of system change that would actually fight further inequality, its value is sharply limited by political will.

The findings of the "World Protests 2006-2013" research and other efforts to map and understand the components of global protest—who is protesting and where, against which entities and with which methods, enduring what sort of repression and with what end results—should be of keen interest to those in the human rights field. They show that many protests that have shaken the world in recent years have framed their grievances as rights-based, but that the majority of protests, and those aiming specifically at changing the economic system—in particular its production and reproduction of inequality—have not pursued their aims in terms of rights, but instead in terms of economic justice and the need for real democracy. In conclusion, it is hoped that far-reaching and strategic thinkers within these protest movements, particularly those with the capacity to strategize on both a national and international level, will realize nonetheless that the advancement of human rights is necessary (if not sufficient) for the ultimate attainment of their goals.

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NOTES

1. September 2013 working paper by Isabel Ortiz, Director of Global Social Justice Program at Initiative for Policy Dialogue (IPD), Columbia University; Sara Burke, Senior Policy Analyst at Friedrich-Ebert-Stiftung New York (FES-NY); and research assistants Mohamed Berrada and Hernán Cortés, Ph.D. candidates in economics and international relations, respectively. Research was funded jointly by FES-NY and IPD. The paper can be downloaded at <http://policydialogue.org/files/publications/World_Protests_2006-2013-Complete_and_Final_4282014.pdf.> Last accessed on: 15 Aug. 2014.

2. Note: many protests have more than one target.

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

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