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## Human Rights in Motion

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## ABSTRACT

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The following article analyses the changes generated in the global human rights movement in recent decades by the resurgence of alliances of organisations from countries of the Global South. Based on the perspective of a national human rights organisation in Argentina, we reflect on our strategies and analyse developments in the processes used to define international agenda on human rights. We also examine the effects on mechanisms and institutions and on the capacity to implement the decisions made.

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## KEYWORDS

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ESSAY

# THE GLOBAL HUMAN RIGHTS MOVEMENT IN THE 21<sup>ST</sup> CENTURY: REFLECTIONS FROM THE PERSPECTIVE OF A NATIONAL HUMAN RIGHTS NGO FROM THE SOUTH

Gastón Chillier and Pétalla Brandão Timo\*

## 1 Introduction

The global human rights movement (GHRM) has undergone significant changes over the past 65 years. Since the adoption of the Universal Declaration of Human Rights in 1948 – both a landmark and the foundational symbolic framework for the movement – socioeconomic and geopolitical processes have led the GHRM to experience numerous changes. The founding of a series of human rights organisations in the United States and Europe consolidated the movement in the 1960s. These organisations, like civil liberty activists, became an important actor on the political scene (NEIER, 2003). Until the late 1980s, a specific model of transnational activism was consolidated within the GHRM. This model established a division of labour in the movement whereby local organisations worked to collect reports on human rights violations in their countries, while international organisations sought to give them greater visibility and force on the global scene.

Now, at the end of the first decade of the 21<sup>st</sup> century, there is broad consensus among members of the GHRM – social organisations, academics and experts, international officials, etc. – that a new scenario has emerged. This new context has led actors to rethink the model that has guided the GHRM's forms of organising, tactics and strategies for many years.

By GHRM, we refer to a conglomerate of social actors who coalesce around common values and discourse and that work together on the international level to meet a common goal: to defend, promote and protect human rights, and strengthen

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the systems and institutional mechanisms created for this purpose. Some studies emphasize the absence of top-down leadership in the GHRM and conceptualise it as a “transnational support network” – a kind of activism characterised by the establishment of horizontal, voluntary and reciprocal relations of exchange.

The increase in number and diversity of organisations in the GHRM in recent years has generated a more complex scenario. For example, some national human rights organisations increased their presence on the global scene, expanded their operations and strengthened their work agenda on the regional and international level. Organisations with years of experience in using international protection mechanisms to deal with human rights violations in their own countries diversified their actions to take on new roles in the global discussions that define agendas and in debates on institutional issues.

In this article, while basing ourselves on our work at the Centre for Legal and Social Studies (*Centro de Estudios Legales y Sociales* - CELS), we reflect on the context and the experience of this national human rights organisation from Argentina in reformulating and broadening its international scope of action. We also examine the implications of these changes for its local and global work.

## 2 Changes in the Global Human Rights Movement

A succinct overview of the history of the GHRM allows us to identify four main periods: the 1950s; from the 1960s to the 1980s; the 1990s, and from 2000 on.

After the adoption of the Universal Declaration, the international scene was dominated by diplomats and officials who coalesced around the ideal of preventing atrocities like those committed during the not so distant Second World War. At the beginning of the 1960s, there was an incipient opening for civil society participation. This participatory space was broadened during the 1970s (POSNER, 1997) due to the creation of some of the main international human rights organisations, including *Amnesty International*, *the International Commission of Jurists*, *the Centre for Legal and Social Policy*, *the Washington Office for Latin America*, and *Human Rights Watch*. The GHRM adopted a particular model of transnational activism in which the actions of these international organisations prevailed.

Their main actions were focussed on the elaboration of regulations and on institutional development, which meant intervening in processes for the codification and ratification of international human rights treaties. Practices that violate human rights were exposed primarily through public reports denouncing the situation and holding States accountable before the international community, according to the “name and shame” logic. This kind of campaign follows a pattern that Keck and Sikkink (1999) call the “boomerang effect”, which refers to the triangulation between international NGOs from the Global North-West and local actors from the “underdeveloped South”. This dynamic, which aimed to generate international pressure in order to influence the actions of the States, made a decisive contribution to exposing massive and systematic human rights violations, such as those committed by dictatorships, namely between the 1960s and the 1980s in various Latin American countries.

During the 1990s, the socioeconomic and geopolitical changes of the post-Cold War era and socio-environmental concerns brought major transformations to the GHRM. The distinction between civil, political, economic, social and cultural rights was questioned and re-conceptualized. In Latin America, after years of democracy, the movement felt the need to complement its analysis on and denunciations of States' actions and omissions with work on other relevant dimensions, like inequality and the actions of non-State actors. It is important to remember that these shifts in paradigm arose at a time when neoliberal tendencies based on the concept of a minimal State were gaining ground. The GHRM had to balance its emphasis on denunciations with elements related to the prevention of human rights violations and thus, the elaboration of public policies aimed at strengthening the role of the State as the protector of rights.

Also in the 1990s, local social movements underwent important changes, which affected the GHRM as well. The “major international conferences” - including the well-known World Conference on Human Rights in Vienna in 1993 – were held, with the participation of a wide range of non-governmental organisations. In Latin America, in the context of the return to democracy in the region, social movements diversified and were revived, while civil society gradually became more organised. As the sphere of public participation at the local and global level continued to slowly broaden, it revealed new opportunities for civil society, as well as the need for different actors to coordinate and cooperate on various levels in order to respond adequately to complex human rights issues.

A series of events at the beginning of the 2000s gave rise to a new era: changes in the weight of regional economies in the world,<sup>1</sup> the impacts of the “war on terror” led by the United States on human rights and the intense incorporation of communications technology into research, documentation and communication work,<sup>2</sup> among other factors. Changes in the distribution of power at the global level generated pressure on governance structures, which raised questions on legitimacy, representation and participation in an increasingly multipolar world. Furthermore, especially after September 11<sup>th</sup>, 2001, the global leadership that actors from the North exercised in the area of human rights was questioned and it became a source of geopolitical tensions.

In recent decades, democratic regimes in Latin America in particular are experiencing a period of stability – albeit one with nuances, tensions and exceptions. This has created the need to rethink relations between States and international human rights bodies.<sup>3</sup> What is more, governments with strong social agendas and their own views on human rights have come to power in the region, which has been reflected in their priorities for public policies and socioeconomic development. The mark these States are leaving is making it more complex for the GHRM in terms of its strategies and legitimacy.

In short, these factors have had important impacts on the GHRM in relation to its systems and mechanisms, how it relates to States, and the legitimacy of its main actors. The current context challenges the effectiveness of its traditional intervention model on several levels. Several questions have been raised regarding political legitimacy in terms of the basis of one's interventions: What is the basis of

our actions? Who are our allies? What has our participation and dialogue with the actors we are seeking to influence been like in the past?

Questions also exist on the way thematic agendas and the hierarchy of the issues on them are defined: What are the factors at play that determine why some issues and/or situations are given priority over others? Is the idea merely to point out the disconnect between “universal” human rights priorities and what is happening in the real world? The often volatile and asymmetric relation between international NGOs and local actors, in many cases, does not help the movement to establish processes that integrate the strategies, issues and nuances of locally sustained practices.

Finally, there is a need to reflect on the concrete impacts of the GHRM’s strategies based on its commitment to implementation processes on the local level. These processes are essential for ensuring that the conditions needed to prevent human rights violations or to effectively protect such rights are met. In democratic contexts, the chances of implementing the decisions made at the international level depend on the organisations’ capacity to sustain long and tedious processes at the local level, and to participate in the bodies overseeing the operationalization of commitments made by regional and international offices. It also involves keeping up-to-date with the actors and issues in order to grasp the changes brought on by the processes themselves. This is especially true when organisations seek to address the structural conditions that facilitate rights violations, by using strategies of dialogue aimed at strengthening the role of the State as the guardian of human rights, and to go beyond merely denouncing emergencies or intervening in grave crises.

This necessary commitment to the effective realisation of human rights demands that social organisations have the capacity to engage state actors not only in relation to denunciations, but also as stakeholders in the transformation processes. This requires an understanding of the State as a heterogeneous entity, full of contradictions and fissures.

### **3 Changes in the international work of a national human rights organisation from the South**

Since its creation, CELS has worked in the international human rights protection systems in alliance with other local and international actors, with the goal of fostering change at the local level. Denouncing violations and building transnational solidarity networks has been one of our institution’s main strategies since its inception. CELS was founded in 1979 during the preparations for the Inter-American Commission on Human Rights’ visit to Argentina. This visit constituted a decisive step in the work to expose the violations perpetuated by the military regime in the country at the time.

However, in the midst of all the changes occurring in the GHRM at the beginning of this century, some international actions proved to be no longer effective for intervening in domestic affairs. At the same time, the legitimacy of international human rights protection systems were being seriously questioned, as recent processes to reform and strengthen them at the Inter-American level and within the UN have shown. In addition, the GHRM’s traditional model of intervention proved to be inadequate and too weak to respond to these approaches and to address contemporary

human rights issues on the ground.<sup>4</sup> Furthermore, the local human rights movement in Argentina has been undergoing changes since the economic, social and institutional crisis that affected the entire socio-political background in 2001.

In this context, in order to regain its efficiency, our international work had to respond to both the global changes described earlier and the way we understand our activism on the national level. Knowledge acquired on the international strategies' positive results maintained the institution's interest in seeking innovative forms of lobbying. We also realised that some of these weaknesses could be counterbalanced by a process in which national work and knowledge on human rights issues generate input for regional and international mechanisms and standards; and then these, in turn, are used to intervene on the local level.

CELS was originally founded with the goal of working on the litigation of individual and collective test cases;<sup>5</sup> documenting and investigating human rights violations; and creating alliances with other national and international social actors. After the return to a democratic system in Argentina in 1983, the organisation responded to the need to expand the scope of its work to include the protection and promotion of human rights in democracy. In addition to continuing its work to denounce violations, the institution directed its focus toward intervening in the elaboration of public policies, promoting legal and institutional reforms to improve institutional quality, and defending the most vulnerable sectors of society's right to exercise their rights.

Therefore, in addition to its ongoing work to demand memory, truth and justice and an end to impunity for the crimes committed during the last dictatorship, CELS expanded its agenda in two directions. For one, it incorporated new issues, which include economic, social and cultural rights; the justice system; migration; prisons and criminal justice; mental health, and armed forces. Secondly, its work on these issues now involves both denouncing violations and intervening on the conditions that give rise to such problems. For example, denunciations of institutional violence have always been accompanied by work on the logic behind the way the bureaucracies in charge of public safety function, studies, and the identification of possible areas for intervention and lobbying.

After the 2001 crisis in Argentina, human rights organisations, social movements, trade unions and other civil society organisations experienced profound change. The scenario created new challenges for building alliances and raised new questions on how to advance human rights activism vis-à-vis the new government, which had incorporated the national human rights movement's historical demand for "truth and justice" into the centre of its agenda, in alliance with various actors. The government's position affected the way we selected and defended strategic lawsuits, gained access to the field, and produced knowledge on our lines of research and for all of our lines of work in general.

CELS, therefore, broadened and intensified its international work based on this vision of its place in the country and in the world.

This also meant that the organisation had to assume institutionally the need to work with strategic alliances to restore legitimacy to international protection mechanisms and make them more efficient according to our understanding of

this new phase. The processes to reform and strengthen these mechanisms both at the Inter-American level and within the UN involved a wide variety of actors and interests at stake. Here, criticisms of these bodies' performance were mixed with proposals that questioned their scope and jurisdiction. Meanwhile, the number of new political decision-making institutional spaces with potential impacts on human rights multiplied, especially on the sub-regional level – for example, within MERCOSUR and UNASUR processes. At the same time, non-specialized political forums proved to be increasingly open to human rights rhetoric. In sum, these factors brought to light the lack of strategic complementarity between the work being done in the different forums and instruments created with a human rights mandate on the regional and international level.

The importance of CELS' international work as a national organisation also demands that we reflect further on the nature of the link between local issues and those that we share with allies from other countries. In some cases, we are dealing with transnational phenomena or local manifestations of global issues for which analyses and proposals on this level are needed – such as, for example, migration issues. In other cases, we find regularities or coincidences for which we are not always able to identify the causal ramifications that link them to convergence processes; even so, they indeed call on us to share our experience in addressing similar problems – as is the case of the abusive practices of security forces. It is critical that we refine these analyses in order to elaborate effective strategies that enable us to obtain concrete results on the local level with our allies from other countries.

We describe below some aspects and examples of actions that are illustrative of the wider process that is transforming CELS' international work.

In regards to the international agenda, CELS strives to coordinate its local work – while respecting the activist preferences of its staff in Argentina at the time – with the regional or international vision the organization builds with peers from other countries while taking into account the issues in their respective national contexts. Regulatory developments and the way protection systems' mechanisms work are also taken into consideration. Working in horizontal coalitions is indispensable in the multipolar context, as the geopolitical changes we referred to in the previous section force us to revisit how we coordinate within the GHRM and how to strengthen the voices of local organisations from the South in the international arena.

A key step in this direction was the decision CELS, *Conectas Direitos Humanos* from Brazil, and *Corporación Humanas* from Chile made in 2010 to establish a representative/team in Geneva in order to participate directly in debates on human rights in the United Nations (UN)<sup>6</sup>. Prior to 2010, this participation had always been mediated by international human rights organisations. As a compliment to this, CELS also decided to participate in a network of organisations called HRCNet. This network is composed of international and national organisations from various regions that coordinate their efforts to monitor and intervene in the activities of the UN Human Rights Council.

Another important step was the creation of the International Network of Civil Liberties Organisations (INCLO), established officially in 2012 after years of meetings and efforts to coordinate among its members. The INCLO is a pioneering



initiative, as it brings together ten national-level human rights organisations from Europe, South and North America, Africa and the Middle East to take on coordinated international work. As organisations with a long history of work in their respective countries, each one of them has a record of sustained work and strong local alliances.

In terms of substance, one example of an impact on the agenda that goes beyond the traditional institutional world of human rights is the contributions we made, mainly from 2013 on, together with Conectas, to the process of revising the Standard Minimum Rules for the Treatment of Prisoners.<sup>7</sup> This process was conducted by the UN Commission on Crime Prevention and Criminal Justice. The participation of national organisations with experience in implementing these rules on the local level brought to light issues that were not being contemplated in the revision of these standards, yet are of extreme importance for prison and criminal justice systems in Argentina, Brazil and throughout the region. Among other aspects, issues like prison overcrowding and body-cavity searches were raised, which demonstrates the importance of using practical experience in implementing these regulations to influence the discussion process.

CELS is part of several other processes at the regional and sub-regional level, such as efforts to coordinate among various organisations on issues like transitional justice and human rights at the borders. Working with allies is fundamental for monitoring and intervening in institutional strengthening processes – both the ones we are following up on and the ones we contributed to during recent processes undertaken to strengthen the IACHR at the Inter-American level and the UN treaty bodies.

In the end, the nature of the relation, the modes of dialogue and the construction of alliances with other local actors – victims, social movements, political operators of the State – guide the coordinated deployment of local and international strategies. Experience with and knowledge of specific tools, like strategic litigation and international actions, constitute one of our organisation's main contributions to building strategic alliances with other actors.

Having professional and specialised knowledge can put an organisation into a position of leadership that is said to be “damaging and counterproductive to achieving the desired change” (BUKOVSKÁ, 2008, p. 8). This is why it is necessary to promote the collective construction of common knowledge, strategies and goals for change. In this context, currently, relations with other actors are moving away from the traditional approach of acting as the “legal representative” in a lawsuit or as “sources” for the elaboration of a report, and even doing coordinated work with allies. In concrete terms, when engaging in international actions, we work hand in hand with allies and local peers in Argentina and from other countries. One example of the kind of approach we are referring to here is CELS' relation with the *Movimiento Nacional Campesino Indígena* (MNCI), which is the current executive secretary of the Latin American Coordination of Rural Organizations (*Coordinadora Latinoamericana de Organizaciones del Campo, CLOC- Vía Campesina*).<sup>8</sup>

Sustained work at the local level also demands – and builds – greater capacity to engage State agencies in dialogue. It also allows us to grasp the nuances of different situations and to avoid generalisations that do not lead to real changes, nor are able to address certain circumstances.

Our experience in this position concretises our effort to work on several levels at the same time, negotiating between local, regional and global systems with the goal of applying discourses from the international law arena to concrete cases of rights violations, on one hand, and, on the other, framing local demands in terms of global human rights principles and practices. Some authors have referred to these processes as “vernacularisation” (MERRY, 2006).

The ultimate goal of all of CELS’ international actions is to have an impact on the ground. For us, the fact that an international action cannot be justified on its own means that an ongoing process of collective construction and follow-up, in constant dialogue with state authorities, is necessary. This is, beyond any doubt, one of CELS’ valuable contributions in terms of implementation capacity. One symbolic example of CELS’ work in this area is its involvement in the process of implementing the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Argentina.<sup>9</sup>

#### 4 Final remarks

CELS has been actively employed a wide range of strategies in local, regional and international human rights bodies since its creation in 1979. Different kinds of global changes have had repercussions on and called into question the legitimacy and the effectiveness of international bodies for the protection of human rights. Some of these processes have also brought about changes in the local movement. CELS took note of these changes and strengthened both its strategic alliances in the country and its international work. The expansion of the organisation’s international work, in this sense, also has to do with the process that is needed to restore the legitimacy of these international spaces from a national perspective from the Global South.

The GHRM has shown that it has the power to resist and to bring change to the world. Actors engaged in the movement must help it to increase its impacts. To do so, they must reflect on the roles and strategies that best suit the movement’s different components – national and international organisations, mechanisms of the system, States –to sustain the networks that are the most effective in extending the possibility of exercising rights to all people.

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## NOTES

1. As the United National Development Programme's most recent Human Development Report pointed out, "for the first time in 150 years, the combined output of the developing world's three leading economies—Brazil, China and India—is about equal to the combined GDP [Gross Domestic Product] of the long-standing industrial powers of the North," and although "some of the largest countries have made rapid advances (...) there also has been substantial progress in smaller economies" (PROGRAMA DE LAS NACIONES UNIDAS PARA EL DESARROLLO, 2013. pp. 1 - 2).
2. The revolution in telecommunications technology has affected the GHRM in terms of both the means used for research and coordination, and the issues arising from the use of this technology – for example, the recent controversy sparked by revelations on the use of surveillance and espionage at the global level.
3. See Kletzel, G.; Timo, P. & Cárdenas, E. (2014) *Sistema Interamericano, el principio de subsidiariedad revisitado en el escenario actual de la región*. Capítulo del Informe Anual 2014 del Centro de Estudios Legales y Sociales (CELS). Argentina: Editorial Siglo Veintiuno. [printed].
4. One can affirm that other actors share a similar interpretation of this overview, which brought, for example, changes to the international funding scene. In pragmatic terms, this element allowed CELS to expand its work on the international level.
5. See Centro de Estudios Legales y Sociales – CELS (2008) *La lucha por el derecho*, 1a ed., Buenos Aires: Siglo XXI. Editores Argentina.
6. In 2012, CELS obtained the consultative status with the Economic and Social Council of the United Nations.
7. See *Documento de Aportes del CELS y Conectas para el Proceso de Revisión de las Reglas Mínimas para el Tratamiento de los Reclusos de Naciones Unidas*, available at [http://www.unodc.org/documents/justice-and-prison-reform/EGM-Uploads/IEGM\\_Brazil\\_Jan\\_2014/IEGM\\_Vienna\\_25-28-March-2014/CELS-S-VMTG.pdf](http://www.unodc.org/documents/justice-and-prison-reform/EGM-Uploads/IEGM_Brazil_Jan_2014/IEGM_Vienna_25-28-March-2014/CELS-S-VMTG.pdf)
8. Thanks to the alliance between CELS, MNCI and CLOC-Vía Campesina, a thematic hearing was held at the IACHR's 149<sup>th</sup> regular session, which was the first time the issue of the economic, social and cultural rights of peasant farming communities in the Latin American and Caribbean region was addressed. Another example is the success of efforts to coordinate among 14 organisations in the region – including CELS and organisations of individuals with mental health problems and their family members – to have a thematic hearing at the IACHR on the legal capacity and access to justice of people with disabilities, especially psychosocial ones. The hearing was held during the IACHR's 150<sup>th</sup> session. Users of the mental health system participated in the event and presented the issue for the first time before this regional mechanism.
9. See: *Explicación del Proyecto presentado por las organizaciones de la sociedad civil para la implementación del Protocolo Facultativo de la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes (OP-CAT) ratificado por Argentina en 2004*, available at: [http://www.cels.org.ar/common/documentos/opcat\\_explicacion.pdf](http://www.cels.org.ar/common/documentos/opcat_explicacion.pdf)