

Human Rights for All? The Problem of the Human Rights Box

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HUMAN RIGHTS INITIATIVE

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INTRODUCTION

Human rights are undeniably a central dimension of international affairs today. To an unprecedented degree, government and corporate policy as well as social and political activism are being conducted in their name. Ironically, at the same time, human rights activism is failing to resonate with, or even reach, communities where it could make an important difference. Despite the dedicated and fruitful efforts of human rights professionals around the world, many social justice advocates in local communities either have never known the promise of human rights or have become disillusioned about it. Often, the human rights movement is stigmatized; people view it as a “top down” process, imposed by international lawyers and human rights professionals who are out of touch with local realities.

The purpose of the human rights regime is to promote and protect vital human interests. But this purpose cannot be realized if the work of human rights practiced by the international community continues to have limited popular legitimacy. The problem does not appear to be a difference in fundamental norms across cultures. Rather, it is often a question of the international human rights movement's having priorities that neither adequately reflect local needs nor take full stock of the expertise of people on the ground.

The essays that follow, written by local advocates from different regions of the world, give voice to this concern and shed light on why this is so. Chidi Anselm Odinkalu argues that the human rights movement in Africa lacks accountability to its constituency as a result of domination by local elites and organizations dependent upon Northern countries. Dimitrina Petrova questions whether human rights have lost all meaning for those whose lives were damaged in the wake of the Western alliance's military campaign in the Balkans. Carlos Basombrío explains that for many Latin Americans, the notion of human rights is unpopular because it is seen as upholding the rights of terrorists and criminals while failing to address the pervasive problem of crime. Bahey El Din Hassan discusses the dominant concern of many Arabs with collective rights rather than notions of human rights they associate with the West, a preference that stems from a deep sense of having been wronged by the West.

From these essays, the image of the “human rights box” emerges. The human rights box is a set of historical and structural circumstances that enables the human rights framework to gain currency among elites while limiting advances, and even creating setbacks, among the general population. Metaphorically, the box contains a
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HUMAN RIGHTS DIALOGUE, a quarterly Carnegie Council publication, challenges prevailing paradigms and grapples with fundamental human rights dilemmas. *Dialogue* provides an international forum for an active and evolving debate about how to make the human rights regime more responsive to the vital human needs of all societies.

To Our Readers:

In 1999 Cambridge University Press published *The East Asian Challenge for Human Rights*, marking the finale of the first phase of the Carnegie Council's Human Rights Initiative. The centerpiece of the Initiative was a multi-year research and dialogue project entitled "The Growth of East Asia and Its Impact on Human Rights," which was structured around a series of three international workshops held in Asia. Drawing upon ideas raised at these workshops, the Council produced eleven issues of *Human Rights Dialogue*.

With this issue of *Dialogue*, we launch the second phase of our Human Rights Initiative, as we move from a regional focus on East Asia to a global one. In this issue we examine the barriers that prevent a broad cross-section of people from embracing and benefiting from human rights. Subsequent installments in this series will probe these barriers in detail and suggest ways to overcome them.

Human Rights Dialogue is distinctive in that it addresses topics through the eyes of actors around the world who have the greatest stake in the future of the human rights movement. It features local voices that are rarely heard, providing testimony of what happens when international human rights law confronts realities on the ground. *Dialogue* is designed not to impose a particular point of view, but to provide opportunities for constructive debate and scholarly exploration of human rights around the world. *Dialogue* aims to fill a crucial gap in human rights analysis: the need for empirical information that illuminates how people prioritize and give meaning to human rights in varied cultural, political, and socio-economic contexts. Each issue focuses on a particular topic framed by an introduction by the editors.

Articles in *Dialogue* will also highlight the implications of the testimonies featured within its pages for human rights policy, advocacy, and scholarship. In the new Responses section, academics, policymakers, practitioners, locally based actors, and other readers concerned with human rights are invited to engage in active dialogue with the contributors, debating ideas, responding to experiences, and introducing approaches. In this way *Dialogue* provides an international forum for a lively and evolving discussion of the human rights framework and how it can better serve people everywhere.

We look forward to your participation.

—Joanne Bauer, project director

Send Us Your Response

Engage in *Dialogue*—write to the editors about the articles in this issue for our Responses section, to be launched in the Spring 2000 *Dialogue*.

Send your comments before February 7, 2000, to: Roger Duthie, Human Rights Initiative, Carnegie Council on Ethics and International Affairs, 170 East 64th Street, New York, NY 10021-7496; fax: (212) 752-2432; e-mail: rduthie@cceia.org. We regret that we will not be able to publish each response. Please limit your response to 400 words. We reserve the right to edit text as necessary. Be sure to include your name and contact information, though only your name and home city will appear in published comments.

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Introduction

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universe of options and opportunities for the few, while sealing off the vast majority. For instance, Larry Cox argues that the pursuit of human rights worldwide has become a specialized profession characterized by an increasingly technical language and approach that have weakened the concept's moral power and popular appeal. Loretta Ross points out that the U.S. government, corporate media, and international human rights organizations have so controlled the human rights discourse and agenda that most Americans fail to recognize rights violations in their own backyard.

Despite their serious implications, these observations of the human rights movement from the academic, policy, and practitioner communities have yet to be systematically analyzed and addressed in a public forum. The essays in this inaugural issue introduce, in broad terms, the barriers to popular identification with human rights in the quest for social justice. Subsequent issues in this series of *Dialogue* will explore how the practice of human rights can enhance understanding of and commitment to human rights ideals across all sectors of all societies. Each issue will focus on a specific topic, such as human rights litigation, humanitarian intervention, national human rights commissions, the right to live in a secure environment, access to natural resources, corporate codes of conduct, conflict prevention and response, and the corporatization of medicine.

To open up or break down the walls of the human rights box, the practice of human rights needs to be reconfigured into a powerful tool of social change, not a social tool of the powerful. *Human Rights Dialogue* will pursue this goal in the course of exploring how human rights work can be more responsive to vital human needs throughout the world. ❖

Why More Africans Don't Use Human Rights Language

BY CHIDI ANSELM ODINKALU, *senior legal officer, INTERIGHTS, London, UK*

The anti-apartheid and anti-colonial independence movements in Africa, along with the American civil rights movement, are examples of successful human rights initiatives that gained a popular following. They tell us that the realization of human rights is an inclusive enterprise. Throughout history, the protection of human rights has been won by struggle, and struggle requires mobilization. The process of mobilization validates the movement, connecting it with the needs of the people and earning their commitment. To be successful, such struggles must be biased without being unfair and political without being wedded to a particular party. However, it is the practice of today's human rights organizations to claim to be "impartial," "unbiased," "neutral," and "non-political." Fashionable though they may be, and donor-friendly though they certainly are, such expressions do not describe the complex realities of the struggle for human rights in Africa.

Africa is living through a human rights crisis and a crisis for human rights. It is impossible to locate any African country in which the hope held out by the Universal Declaration of Human Rights (UDHR), or any of the standards that have mushroomed under it, is not habitually assaulted by a combination of abuse of public power, private privilege, and resulting popular destitution.

While Africa's human rights problems are immense, even ubiquitous, most of our people do not describe their problems in human rights terms. Many communities and groups involved in social justice movements and initiatives in Africa are reluctant to make the Universal Declaration, or language inspired by it, their mascot or medium. To seek to explain this by reference to the high illiteracy level in Africa—itsself a denial of several human rights—is to avoid the problem. Nor is it enough to wish this alienation away by inveighing against the unfortunate historical fact, true though it is, that Africa was hardly represented when the Universal Declaration was negotiated or adopted. After all, the struggle for independence in Africa predated the UDHR and remains, with the anti-apartheid campaign, the most popular and successful human rights movement known to African peoples. Although in some African languages there is no direct equivalent to the phrase "human rights," neither the notion of justice that underlies human rights nor the experience of struggle to realize these rights is unknown to Africa.

AFRICA IS LIVING THROUGH A HUMAN RIGHTS CRISIS AND A CRISIS FOR HUMAN RIGHTS.

What then explains the current crisis of human rights and the retreat from the human rights paradigm as an engine of struggle? The search for an understanding of this crisis begins with an examination of the evolution and practices of the organizations and institutions that espouse the protection of human rights around Africa.

In Africa, the realization of human rights is a very serious business indeed. In many cases it is a life and death matter. From the child soldier, the rural dweller deprived of basic health care, the mother unaware that the next pregnancy is not an inexorable fate, the city dweller living in fear of the burglar, the worker owed several months arrears of wages, and the activist organizing against bad government, to the group of rural women seeking access to land so that they may send their children to school with its proceeds, people are acutely aware of the injustices inflicted upon them. Knowledge of the contents of the Universal Declaration will hardly advance their

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condition. What they need is a movement that channels these frustrations into articulate demands that evoke responses from the political process. This the human rights movement is unwilling or unable to provide. In consequence, the real life struggles for social justice are waged despite human rights groups—not by or because of them—by people who feel that their realities and aspirations are not adequately captured by human rights organizations or their language.

The current human rights movement in Africa—with the possible exception of the women's rights movement and faith-based social justice initiatives—appears almost by design to exclude the participation of the people whose welfare it purports to advance. Most human rights organizations are modeled after Northern watchdog organizations, located in an urban area, run by a core management without a membership base (unlike Amnesty International), and dependent solely on overseas funding. The most successful of these organizations only manage to achieve the equivalent status of a public policy think-tank, a research institute, or a specialized publishing house. With media-driven visibility and a lifestyle to match, the leaders of these initiatives enjoy privilege and comfort, and progressively grow distant from a life of struggle.

In the absence of a membership base, there is no constituency-driven obligation or framework for popularizing the language or objectives of the group beyond the community of inward-looking professionals or careerists who run it. Instead of being the currency of a social justice or conscience-driven movement, "human rights" has increasingly become the specialized language of a select professional cadre with its own rites of passage and methods of certification. Far from being a badge of honor, human rights activism is, in some of the places I have observed it, increasingly a certificate of privilege.

Part of the responsibility for this sad state of affairs lies with the overseas spon-

sors of our human rights organizations. Unlike the groups they support, donor agencies and philanthropies that fund human rights work are accountable to their trust deeds and the laws of the countries (in the North) where they are incorporated. While exhorting national human rights groups in Africa to think globally and act locally, these agencies think locally and act globally. With overseas donors as sources of reference and accountability, the only obligations local human rights groups have are reporting requirements arising under grant contracts where these exist. The *raison d'être* of the African human rights movement is primarily to fulfill such contracts rather than to service a social obligation or constituency. Local human rights groups exist to please the international agencies that fund or support them. Local problems are only defined as potential pots of project cash, not as human experiences to be resolved in just terms, thereby delegitimizing human rights language and robbing it ideas of popular appeal.

THE HUMAN RIGHTS MOVEMENT IN AFRICA EXCLUDES THE PARTICIPATION OF THE PEOPLE WHOSE WELFARE IT PURPORTS TO ADVANCE.

All this is not to say that we should do away with the norms of human rights or with groups that purport to promote or defend them. Human rights norms articulate values that are truly universal and essential. There is a distinction, however, between human rights norms and human rights institutions, which, as organizations of human beings, are necessarily imperfect. In an ideal world, we can envisage human rights norms without taking account of the deficiencies of the groups that promote them. But no such world exists.

Human rights organizations are probably here to stay with their imperfections. But they can do well to adopt the strategies and values of the successful social justice

movements of the past, such as popular mobilization and inclusivity. People will struggle for their rights whether or not the language of human rights is accessible to them. But they will not build their struggle around the notion of human rights unless that language and those who wish to popularize it speak directly to their aspirations and survival. ❖

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Human Rights Litigation

Litigation is an increasingly prominent tool of human rights implementation. We see evidence of this in the new European Court of Human Rights, international war crimes tribunals, groundbreaking suits against multinational corporations, and the headline-grabbing litigation against General Augusto Pinochet of Chile.

Human rights litigation is intended to achieve social justice for those whose rights have been violated. But does it? Are the values and interests of the plaintiffs adequately represented? Are their grievances ultimately heard and addressed? The upcoming issue of *Human Rights Dialogue* will feature the plaintiffs' perspectives and examine the local impact of human rights litigation. Does it help affected communities to mobilize or increase awareness of human rights? Or does the litigation process result in community factionalism, co-optation by outside interests, dashed expectations, and long-term frustrations? What can be done to achieve better social justice outcomes?

Renowned scholars, local activists, and plaintiffs in human rights cases will address these questions in the Spring 2000 issue of *Human Rights Dialogue* in articles from Ecuador, South Africa, the United States, Nigeria, the Philippines, the Czech Republic, and other countries.

Reflections on Human Rights at Century's End

BY LARRY COX, *program officer, Human Rights and International Cooperation Unit, The Ford Foundation, New York, USA**

Human rights, as I understand them, are the most fundamental requirements for a fully human life. Only the language of human rights can adequately convey what is at stake when essentials of human life, such as dignity and freedom, are challenged. Torture or denial of access to food are so clearly in violation of what is vital to human integrity and well being that any other language—even that of constitutional rights—seems inadequate to capture the seriousness of the offense. Because the language locates these rights in what is essentially human rather than particular laws or customs, it also conveys the fact that the problem so described transcends a particular culture and society and is of universal importance and concern.

Yet increasingly, the term “human rights” is being challenged. A common criticism is that the term has been applied so often to so many problems that its impact has been lost. Because human rights are concerned only with what is essential and fundamental, the language sounds jarringly inappropriate—even ludicrous—when applied to issues that do not rise to this level, such as an increase in taxes or Internet pornography. However, in the United States, and perhaps in most countries, it can hardly be argued that human rights language is used too widely. A more likely explanation for both its relative lack of application and its limited power when used is that, as the human rights effort has moved from a cause to a professional career, it has increasingly employed an exclusive, legalistic language that fails to resonate with people's lives and daily struggles. Its link to what is human and universal has been diminished, if not lost, and correspondingly, so have its power and appeal.

I have growing doubts about whether the human rights language we now use can be successful in capturing the imagi-

* The views expressed in this article are solely those of the author and do not reflect the analysis or positions of the Ford Foundation.

nation of a broad cross-section of people. In my experience, the increasingly legalistic approach to human rights has overshadowed a moral approach, which for me is what resonated early on. In the 1970s, when I had the good fortune to be a part of Amnesty International before it was a very wide network, questions of right and wrong formed the dominant discourse. I was not a lawyer. It was not a question of whether something violated Article X of this covenant or that covenant. It was that torture is wrong. Starvation is wrong. It was a language of morality, and it captured people's imagination and made the human rights movement grow. Once human rights started to become a specialist language that only certain people who had been to school could access and only the experts could interpret correctly, it lost the ability to mobilize the vast majority of people.

THE HUMAN RIGHTS MOVEMENT HAS NOT KEPT PACE WITH THE RAPIDLY AND DRAMATICALLY CHANGING POLITICAL ENVIRONMENT.

Another equally formidable obstacle to achieving broad-based support is the operational structure of the human rights movement. Born in a colonial and neo-colonial world, the human rights movement has not kept pace with the rapidly and dramatically changing political environment. While opposing colonial structures and relationships substantively, operationally the movement initially both mirrored and made use of them. The human rights groups that sought to work internationally in the 1970s were based in the North, although they primarily focused their efforts on documenting human rights abuses in the South (and the East) to the exclusion of violations in their own regions. A few national organizations and many courageous individuals provided the raw material from the South for these Northern

organizations. The Northern groups packaged this material into reports and press releases, which were then owned by the Northern groups and fed through the media or international mechanisms (also largely based in the North) to the governments of the South and only occasionally to their citizens. What is most striking about this model is how natural it seemed and how little critical notice was taken of it except by repressive governments. Perhaps this is because, given the political realities, it was hard to imagine an alternative.

Today, however, we are in a different situation. Where once there were scores of national human rights groups around the world, now there are thousands operating in every region and in almost every country. The implications for promoting human rights are profound and positive. National and local groups are far better placed to understand the social and political context in which violations are occurring and to devise appropriate strategies. They have a legitimacy that external actors lack. Particularly when they are rooted in local communities, domestic groups are in a position to mobilize social forces to ensure that human rights laws and policies are put not only in place but also into practice.

None of this means that there is no longer a need for international work. For myriad reasons, external pressure to uphold international norms is still vital and in some cases can be even more powerful than pressure from within. Moreover, because external actors are usually removed from partisan domestic battles, they can have a legitimacy and an authority of their own. Groups in the North, of course, also retain access to other powerful external forces that can be an important part of an overall strategy, such as wealthy governments, multinational institutions, and citizen action groups that can effectively organize boycotts and other

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forms of consumer pressure. Most important of all, international work upholds the notion that human rights are a matter of human and universal, not national and particular, concern, thus reaffirming in practice precisely what gives human rights norms their power.

The problem is that, although there is now for the first time the possibility of developing human rights strategies that take into account both international and national work, the basic overall structure of the human rights movement does not appear to have significantly changed. International work is still for the most part the domain of groups located in the North. Groups in the South are still seen largely as domestic partners or as “human rights defenders” who are protected by those doing international work. The possibility for groups outside Western Europe and the United States either to set the international agenda for human rights or even to influence, as equal partners, the strategies set by international groups for their countries is still very limited. To change this would take a much deeper commitment than currently exists on the part of either donors or NGOs to invest in travel, discussions, and the alteration of old patterns.

Nevertheless, there are some hopeful signs. New global movements—around such issues as globalization, land mines, and women's rights—are successfully addressing barriers associated with colonial legacies and the excessive professionalization of human rights. More Southern groups are developing institutional mechanisms that will amplify their voices and increase their capacity to provide leadership on international strategies and agendas. Certainly there is greater awareness than ever before that these problems must be addressed. The best way to start is to recognize how far we have to go and begin to move actively toward the kind of genuinely popular and international human rights movement that is now possible and as desperately needed as ever. ❖

Crime: A Latin American Challenge for Human Rights

BY CARLOS BASOMBRÍO, *deputy director, Instituto de Defensa Legal, Lima, Peru*

Crime and street violence, while prevalent in most parts of the world, have become an extreme and intractable problem in Latin America. The issue of crime presents human rights advocates with challenges that must be resolved if we are to build legitimacy for human rights principles.

Latin America is arguably the most violent region of the globe. The rates of murder in El Salvador are among the world's highest. In the Colombian city of Medellín an average of 30,000 people are murdered every year. Robbers, kidnappers, youth gangs, and drug traffickers terrorize many cities. In Guatemala and Jamaica, for example, crime has reached such levels that many see it as the major social problem, more pressing than poverty or inequality. Citizens' security throughout the region is becoming more and more precarious. Even in Bolivia and Chile, which are among the countries of the region with the lowest rates of criminality, citizens sense increasing danger.

There is a general consensus among sociologists and criminologists regarding the causes of crime in our region. These factors include rapid, large-scale urbanization that is incapable of sustaining basic services; extreme inequalities between rich and poor; a culture of violence carved from many years of internal wars; poverty, exclusion, and lack of opportunity for young people; police abuse, corruption, and inefficiency; and the unimpeded availability of guns, drugs, and alcohol, including an overwhelming presence in many cities of small-scale drug trafficking. While crime has multiple causes, it has no easy solutions. Complementary strategies are required to address it. Yet, the policy solutions implemented by governments are usually limited to repression, increased penalties, and the building of new prisons.

Numerous human rights violations occur as a consequence of efforts to combat crime, including police brutality, restrictive laws that curtail civil liberties, and the militarization of the public order. Because the police in Latin America suffer from lack of training, scarce resources, and, in some instances, complicity with criminals, they frequently abuse and sometimes kill suspects. They almost always enjoy impunity from these acts because many segments of the public welcome such behavior as a means of promoting a safer environment.

HOW DO WE CONTINUE TO DEFEND BASIC HUMAN RIGHTS PRINCIPLES WITHOUT LOSING THE SUPPORT OF THE CITIZEN SECTOR THAT PERCEIVES US AS PROTECTING CRIMINALS INSTEAD OF LAW-ABIDING CITIZENS?

Where the police have been outnumbered by criminals and street thugs, people have organized to take the law directly into their own hands. While sometimes highly effective in stopping criminals, their methods almost always contravene basic principles of human rights; with no due process (in fact, no process at all), torture and killing often result. For example, in the name of “people's justice” and “social cleansing,” groups of vigilantes often kill children and teenagers in poor and conflict-ridden neighborhoods and with the complicity of many in the community.

This pathology of fear, where almost everyone feels that he or she could be the next victim, allows the government and the competing political parties to easily manipulate the issue of crime and restrict rights. Many authorities in the region argue

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Human Rights in the Aftermath of Kosovo

BY DIMITRINA PETROVA, *executive director, European Roma Rights Center, Budapest, Hungary*

As we enter the twenty-first century, human rights form one of the dominant paradigms of our world. But, in my region of the globe, I have recently witnessed an alarming transformation in the political function of human rights.

NATO's intervention in Kosovo, in the name of human rights, decimated whole communities throughout the Balkan region. Yet the Western public was given few opportunities by the international media to sympathize with these communities. The besieged people of Serbia—left without electricity, water, transportation, medicine, and food—were driven to the brink of a humanitarian catastrophe. The population of Montenegro was also victimized, and the conditions of armed conflict further exacerbated racist prejudice and persecution of the Roma (Gypsies). Against the backdrop of war, pogroms against the Roma were carried out on a mass scale, including killing, torture, abductions, looting, and rape.¹

We in the Balkans wonder whether the citizens of Western democracies shared our disgust when a NATO spokesman in Brussels referred to the previous day's bombing in terms of a tennis match: "We won the game, we are about to win the set, we will surely win the match."

Significant segments of the human rights communities in both the West and Eastern Europe remained silent, confused, and ineffective in influencing the public debate on the Kosovo intervention, insofar as such a debate even existed. To the extent that human rights organizations and activists took part, they did not demonstrate the strength and conviction expected of them on such a critical issue.

I believe that initially the silence on NATO's bombing campaign from Western human rights groups reflected a

common fear that the status quo imposed by Milosevic—an ethnically cleansed Kosovo—would prevail and Milosevic would be handed victory if NATO stopped its offensive. Many of us in Eastern Europe initially shared this fear as well. But we soon came to believe that if the bombing went on—and even if NATO completely reversed the ethnic cleansing—the price of such a victory would be unjustifiably high: hundreds and probably thousands of further deaths and devastated lives. As the days passed, it appeared to us that all that mattered to NATO was how to proclaim victory, regardless of human cost. Therefore, the continuation of military action could no longer be justified in the name of human rights.

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IN THE PAST, HUMAN RIGHTS WORKED MORE EFFECTIVELY AS A CHALLENGE TO OPPRESSIVE POWER STRUCTURES. TODAY, THE HUMAN RIGHTS DISCOURSE AND AGENDA HAVE GRADUALLY BEEN USURPED BY GOVERNMENTS AND INTER-GOVERNMENTAL ORGANIZATIONS.

Following the first week of NATO bombing, dozens of human rights activists in Eastern Europe were questioning the efficacy of continued military strikes. But beyond reporting on human rights violations, they made no public statements. No one was speaking out on what the Western alliance ought to do next. Most human rights defenders did not want to abandon the principle of political neutrality required by standards of professionalism.

Three additional factors overwhelmed the judgment of human rights organizations in Eastern Europe. First, many Eastern European states had opted for NATO membership. The human rights community in these countries was therefore afraid of compro-

misiting their respective national chances of being admitted to the alliance if they criticized NATO. Second, the very status and jobs of most human rights activists were made possible by the generous support of Western, and particularly American, donors. Without their continued support, the future of the human rights movement in Eastern Europe would be uncertain. Third, the human rights community in our region was caught in the sinking ship of cold war logic. Human rights activists feared that whatever they said would immediately place them in one of two camps—for or against NATO. If one is against NATO, one sides with Russia and China and therefore is an enemy to democracy.

By not speaking out, human rights groups in Eastern Europe excluded themselves from the decision-making process, leaving the question of whether to continue air strikes in the hands of the military and political elites of NATO. Their silence was in large part determined by the lack of leadership from the more powerful and better-positioned international human rights groups in the West. These groups seemed to be more preoccupied with the possible ways in which NATO could extricate itself from Kosovo and save face than with formulating a consistent and convincing human rights demand. Their criticism of NATO was moderate and never included an appeal to stop the bombing campaign.

Many human rights advocates, myself included, were having a difficult time deciding what position they should take throughout the war in Kosovo. Most of us believed that when an abusive government engages in gross and systematic human rights violations, the international community must intervene, if necessary, by military force. However, when NATO's intervention started to cause

1. See *Roma Rights*, No. 2, 1999 (European Roma Rights Center).

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that basic rights, such as the presumption of innocence, protection against torture, and the right to be judged before civilian courts, actually benefit criminals and allow them to avoid punishment. At the national level they are considering “tougher” laws against crime, which strip suspected criminals of their civil rights. Some countries, such as Peru, have already enacted such measures.

Another common mechanism to fight crime in Latin America is to command the army to intervene. Historically, the armed forces, and the doctrines of national security they put into practice, were responsible for fighting crime and terrorist acts. During the 1980s the armed forces throughout the region made a partial retreat from their role of civic policeman. However, today many of the same democratic governments that sent the armed forces back to their barracks are asking them to return to lead the fight against the growing wave of criminality. The social and political consequences of this are easily predictable: respect for rights, liberties, and democratic institutions is abandoned and replaced by authoritarianism.

If it is so easy to recognize the consequences of crime and the fight against it, why is it so difficult to confront them? Equally important rights are colliding. On one side are the civil and political rights that allow citizens to be protected against abuses of the state, such as a judicial process that guarantees everyone a fair trial. On the other side, people have the right to live in a secure environment, with their lives and property protected against other people’s aggression. The problem is that a growing number of people in Latin America believe that civil and political rights can, if necessary, be sacrificed to guarantee one’s right to live in peace and in a secure environment.

This poses a terrible dilemma for human rights advocates: how do we continue to defend basic human rights principles, including the rights of suspects and criminals, while not losing the support of the cit-

izen sector that perceives us as protecting criminals instead of law-abiding citizens?

There are no easy answers. Nonetheless, we can begin to confront this dilemma by moving beyond a focus on police abuse and jail conditions and attending to the problem of crime itself, which affects 95 percent of the populace. Moreover, our challenge (a tremendous one) is to demonstrate that responses to crime that do not observe human rights norms not only do not solve the problem, but usually worsen it by creating a climate of greater fear, tension, and human suffering. For instance, a father of a teenage daughter who has been raped and who consequently supports any measure whatsoever against rapists should be warned that he may inadvertently be creating the conditions for his “suspicious” son to be arbitrarily detained (or in some extreme cases “disappeared”) for noisily drinking with his friends on the street corner.

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OUR CHALLENGE IS TO DEMONSTRATE THAT RESPONSES TO CRIME THAT DO NOT OBSERVE HUMAN RIGHTS NORMS NOT ONLY DO NOT SOLVE THE PROBLEM, BUT USUALLY WORSEN IT.

As the perception of insecurity increases due to the rise of criminal acts or the manipulation of the problem for political reasons, the very idea that rights are for everyone is questioned. Human rights advocates must take this problem seriously if our work is to avoid being perceived as biased, or worse, ignored. An important challenge for human rights advocates in Latin America is to address the problem of crime as it affects people’s everyday lives and to champion their right to a secure environment. We must also convince people that such a right is forfeited when we abandon other human rights principles. ❖

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severe human rights violations because of an irresponsible strategy of bombing from high-flying aircraft, we as human rights defenders had a responsibility to appeal for an immediate stop to the bombing.

Human rights advocates failed to make human rights count during the war in Kosovo. Their silence I fear is indicative of an ongoing transformation of the political function of human rights around the world. In the past, human rights worked more effectively as a challenge to power structures, oppressive regimes, economic inequalities, and various practices of corruption. Today, citizens and their organizations seem to be—through conscious choice or not—less militant, less confrontational, and more cooperative with democratic governments and intergovernmental organizations than they were a decade ago. I would argue that this is because the human rights discourse and agenda have gradually been usurped by governments and intergovernmental organizations. That governments have taken on human rights is a sign of the great progress made by the human rights movement. However, this progress is a double-edged sword. Nongovernmental advocates of human rights, especially in democratic and transitional societies, are less and less a force of progressive social change.

There were no easy solutions to Kosovo. Nevertheless, the NATO “victory” has had a deleterious effect on the credibility of human rights in the Balkans, where human rights discourse was used to morally justify the loss and destruction of thousands of lives. For us in the Balkans, the human rights language, paradigm, and call to action have become problematic. In the aftermath of Kosovo, the soul of human rights is in search of a new embodiment. ❖

The Credibility Crisis of International Human Rights in the Arab World*

BY BAHEY EL DIN HASSAN, *director, Cairo Institute for Human Rights Studies, Cairo, Egypt*

As do all peoples, Arabs embrace human rights when they understand that their grievances arise from violations of human rights and may therefore be redressed through recourse to human rights law. However, government repression and negative propaganda surrounding human rights severely restrict the Arab human rights movement in our effort to promote this message. The idea of human rights is further discredited when international human rights organizations act without sensitivity to Arab experience.

A pervasive feeling of having been historically wronged by the West weighs heavily on the Arab collective psyche. Arabs of all cultural and political backgrounds, from the general public to intellectuals, harbor resentment over foreign occupation, the destruction of Iraq, the starvation of the Iraqi people through the strictest economic blockade in history, and the impunity given to aggressive acts by Israel. This sense of injustice gives us cause to invoke human rights in the defense of our collective rights. At the same time, Arabs are averse to the human rights framework because Western governments use its rhetoric when defending such policies. Moreover, many Arabs perceive internationally recognized human rights as a Western import and thus unsuitable for our societies. Organizations and individuals advocating human rights are thought to be carriers of an alien culture that aims to subjugate our societies and undermine our belief in Islam.

The challenge for the Arab human rights movement is to disabuse people of these notions and to accentuate the importance of rights in people's daily lives. To do this, we must access the broad-based media and use it effectively.

* Based on a paper presented to a workshop at the First International Conference of the Arab Human Rights Movement, Casa blanca, April 23–25, 1999, as well as "Reclaiming the Initiative," by Rowaq Arabi, in *CIHRS Periodical Journal*, April 1997.

Yet, the governments and fundamentalist groups that spread propaganda against human rights monopolize the mosque, radio, television, and press. We only have limited leeway within the opposition press to the extent that it is tolerated in some Arab countries. But even then, opposition parties distort the human rights message to serve their political and ideological ends, not to mention the fact that half the population of many Arab countries is illiterate.

CONSIDERABLE PROGRESS COULD HAVE BEEN MADE ON HUMAN RIGHTS ISSUES IN EGYPT HAD INTERNATIONAL HUMAN RIGHTS GROUPS FORMULATED A COMMON STRATEGY WITH LOCAL ORGANIZATIONS.

To counter negative perceptions of human rights, our movement must demonstrate to the public that its grievances can be redressed through human rights advocacy. Unfortunately, once again, repressive government regimes stand in our way. Many Arab human rights organizations are not legally recognized. Judiciary branches often do not enjoy even limited independence from the executive. There is frequently no response when human rights organizations forward a citizen's complaint to an offending government bureaucracy. This failure to deliver weakens our credibility among our constituents.

This credibility problem can be compounded when international human rights groups, which operate away from the political, social, and cultural context in which Arab human rights violations occur, fail to consult with local human rights organizations. In the preparation of their reports, international human rights organizations often rely on foreign sources. They are based in the centers of inter-

national power—London, Washington, New York, Paris, Geneva—that many Arabs associate with double-dealing, double standards, and the use of human rights in the service of narrow interests. When international human rights organizations ignore these realities, their standing in the local Arab context is damaged. But the moral standing of local Arab organizations, along with our ability to mobilize public opinion in support of human rights, suffers even greater setbacks.

To illustrate, I will use the case of Egypt, but an example could be drawn from any Arab country. In 1992, Human Rights Watch released a report on torture in Egypt. It recommended that the United States and the European Community suspend all bilateral aid and loans until torture and prolonged arbitrary detention ended. Such a demand was not acceptable to the Egyptian public, especially because it perceived that the same criterion was not applied to Israel, which has a notorious record of torture and arbitrary detention in the occupied territories.

In 1994, Amnesty International published a report entitled "Human Rights Defenders under Threat," which documented the arrest and torture of a small group of lawyers who were known for defending Islamic political prisoners and accused of having various other connections to armed Islamic groups. Although this was accurate, the government was not specifically threatening any local human rights organizations, despite the implications of the report's title. It was at that point that our movement in Egypt started to be subjected to "threat." A month after the report was released, authorities banned a meeting of the local Amnesty chapter in Egypt and asked their representatives to leave the country. The government challenged the legitimacy of legally registered local human rights organizations and

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The Credibility Crisis of International Human Rights in the Arab World

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substantially sharpened their tone in their dealings with local groups as well.

Considerable progress could have been made on human rights issues in Egypt during these years had international human rights groups formulated a common strategy with local organizations. International groups did rely upon local organizations for collecting, verifying, and documenting information. However, with few exceptions, we were not further consulted on their many reports or campaigns. For instance, we were not included in the formulation of their policies that escalated confrontation with the Egyptian government. This occurred despite the fact that the international groups knew there would be negative repercussions for us because the authorities consider local groups to be the source of information for international groups. International groups also failed to use their position of influence to create dialogue between the concerned government authorities and our local movement.

In the essential task of broadening public legitimacy of human rights in the Arab world, our human rights organizations have to confront the formidable challenges posed by repressive governments. Much has been celebrated about the supranational authority of the international human rights regime and its ability to overcome state repression. However, the lack of credibility of human rights in the Arab world limits the potential of the international regime in this regard. International groups should collaborate with our local movement to develop strategies to build the moral standing of human rights among the public and improve the responsiveness of human rights practice to Arab concerns. ❖

Beyond Civil Rights: A New Vision for Social Justice in the United States

BY LORETTA J. ROSS, *executive director, Center for Human Rights Education, Atlanta, USA*

In the United States today, the human rights framework is a new and powerful tool for broad-based social change. Many advocates are reshaping their programs in order to identify themselves as part of the global human rights movement and achieve their goals for social justice. Local community leaders around the country are engaging in a much-needed task: educating Americans on how human rights pertain to our daily lives.

Movements on the behalf of civil rights, the environment, women, and the disabled are beginning to use human rights language to describe their issues. Other social justice activists are doing work that could be described in the same terms, even though they have not explicitly invoked international human rights. At present all of our social movements in the United States tend to coexist as parallel, unconnected vehicles for social justice. But human rights constitute a unifying force and can change this.

AT PRESENT ALL OF OUR SOCIAL MOVEMENTS IN THE UNITED STATES TEND TO COEXIST AS PARALLEL, UNCONNECTED VEHICLES FOR SOCIAL JUSTICE. BUT HUMAN RIGHTS CONSTITUTE A UNIFYING FORCE AND CAN CHANGE THIS.

Human rights are universal and indivisible. Everyone has precisely the same human rights, regardless of ability, race, gender, religion, age, sexual orientation, or class. Whether abuses are committed by armies, racists, politicians, domestic batterers, corporations, polluters, or street thugs, many community leaders in the United States believe that the cycle of violence can be broken by human rights education. The human rights approach promises to break down the barriers of identity-based politics because we are all human. Such a conceptualization allows multi-issue community organizing to move beyond civil and political rights and identity politics to a more comprehensive framework.

Civil rights, as just one component of human rights, are an appropriate mechanism for achieving legal equality. However, what African American civil rights leaders in this country have learned is that improving civil and political rights has not necessarily improved the livelihood of many people in this country; equality in and of itself does not ensure economic or social justice. Before joining the human rights movement, I spent a decade working to counter hate groups. It is very clear in this work what you are against: racism, fascism, homophobia, and so on. But you never quite get to describe what you believe in. It is not just tolerance, because in practice tolerance often amounts to delayed negation: it means that you will accept me until I do something that provokes your anger or hatred. Tolerance is not a vision of justice. For me, human rights as a conceptual framework works much better because it defines what we are fighting for as well as what we are against.

Given the promise of human rights, it is unfortunate that very few Americans actually know that we are entitled to them, and even fewer understand their meaning. According to a poll conducted by Peter D. Hart Associates in 1997, only 8 percent of the American public had heard of the Universal Declaration of Human Rights. While the United States has ratified the International Covenant on Civil and Political Rights,

turning those principles of the Universal Declaration into law, our government has stubbornly refused to ratify the accompanying Covenant on Economic, Social, and Cultural Rights. In doing so, government officials have taken advantage of Americans' poor understanding of human rights.

Americans have been conditioned by the corporate news media, international human rights organizations, and our government to associate human rights violations with political prisoners and the lack of freedoms in other countries. This portrayal often prevents us from seeing injustices in the United States as human rights violations. For example, it is arguably an internationally recognized rights violation to refuse to feed and house poor people; to coerce poor women to limit family size by threatening to withhold support for their children; to deny asylum to refugees; to treat immigrants as second-class citizens; or to allow obscenely profitable corporations to ravage our environment, avoid taxes, and callously displace our labor force.

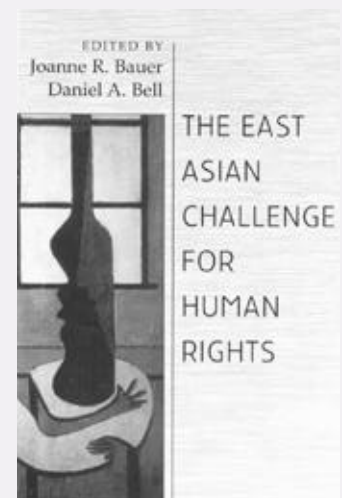
While there are a good number of American human rights groups doing excellent work on the international stage, they only focus on the United States when it comes to domestic prison conditions and the death penalty. Moreover, few of these groups examine why people go to prison in the first place. If you do not address the need to alleviate poverty and oppressive social conditions, you will never solve the problem of crime in this country. You can never end people's desire to survive, and many people will survive in what seems to them to be the only way possible: through prostitution, drug-running, street crime, and child labor. Almost two million people are in jail in the United States. While I hope these people are treated humanely while they are there, I am more interested in exploring what we can do to prevent them from going to jail in the first place, and a human rights framework can be effectively employed in this regard.

The essential human right is the right to know one's human rights. By helping individuals and communities identify their own experiences within the framework of international human rights law, human rights education is an important new strategy. It presents a counterweight to the dehumanizing and dislocating aspects of economic and cultural globalization that have been devastating our communities. Human rights education teaches people in grassroots America to anchor local abuses in specific international human rights laws and thus empowers them with an effective framework for obtaining social justice.

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**IT IS UNFORTUNATE THAT
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As they learn about the possibilities of human rights, community leaders across the country who have long struggled for justice are eagerly engaging in program reorganization to embrace the human rights framework. In Atlanta, Sandra Robertson from the Georgia Citizens' Coalition on Hunger is employing a human rights approach in the organization's opposition to welfare reform. Jamala Rogers from the St. Louis Coalition for Human Rights is applying human rights to anti-poverty and prison programs. And Cheri Honkala from the Kensington Welfare Rights Union in Philadelphia is engaging in a campaign for economic human rights. The appeal of human rights lies in their power to move beyond limited categories such as civil rights to a more universal and multifaceted conceptualization. This period of global reorganization presents social justice activists with a unique chance to promote an exciting vision for a new social justice movement, defined not by our multiple oppressions, but by our humanity. ❖

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The Growth of East Asia and Its Impact on Human Rights

Human Rights Initiative, Phase One, 1994–99

In 1994 the Carnegie Council launched a multiyear research and dialogue project entitled “The Growth of East Asia and Its Impact on Human Rights.” The project responded to the burgeoning debate over “Asian values” and the corresponding need to develop an improved international human rights regime with greater input from East Asians. The goal of the project was to move beyond the rhetoric of Asian values to shed light on how East and Southeast Asians prioritize and give meaning to rights. Ultimately, it sought to reveal the ways in which these understandings of rights are changing in both the East and the West, and how a consensus on human rights can be better achieved across cultures.

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