

Right Side Up: Reflections on the Last Twenty-Five Years of the Human Rights Movement

By Reed Brody

The human rights movement has come a long way since Human Rights Watch was founded twenty-five years ago. In almost every nook and cranny of the globe, activists raise the banner of human rights to support their demands for respect and dignity. Thanks to this movement, by the end of the last century human rights had become one of the world's dominant ideologies, tirelessly proclaimed by governments. Although the movement was unable to stop genocide in Iraq, Rwanda, and Yugoslavia, and massive killings elsewhere, it was beginning to impose a moral element in international relations with a force unprecedented in modern history. The movement was a factor in democratic transformations in Eastern Europe, Latin America, and parts of Africa and Asia.

Yet the human rights movement now faces serious challenges. In particular, the horrific attacks of September 11, 2001, aimed at the heart of American power, have unleashed a reaction that threatens to wipe away many gains under the cover of an endless "war on terror." As this campaign unfolds, protagonist governments again relegate human rights to second-class status, just as they did before and during the Cold War, while others opportunistically invoke the war on terror to justify internal repression. In the face of these challenges, the movement must demonstrate that the promotion of fundamental rights is essential to security and an indispensable tool in the fight against terrorism.

"Human rights activists, after years of being ignored or disdained as cranks, are riding a wave of popularity because of President Carter's focus on the rights issue. They say the experience is at once exhilarating and unsettling. 'Human rights is suddenly chic,' says Roberta Cohen, executive director of the International League for Human Rights. 'For years we were preachers, cockeyed idealists or busybodies and now we are respectable.'"

So began a 1977 New York Times article on the human rights movement. Later that year, Amnesty International would win the Nobel Peace Prize in acknowledgement of its already considerable achievements. The following year, Human Rights Watch would be

founded. Today, human rights, and the human rights movement, are a fundamental part of the international political landscape.

In the past twenty-five years, a vast new array of groups—national and international—have breathed life into the Universal Declaration of Human Rights and other norms adopted after World War II. The banner of human rights is raised throughout the world—by Tibetan monks and Ecuadorian plantation workers, by African women’s groups and gay and lesbian activists in the United States. A United Nations high commissioner for human rights is the official champion of the Universal Declaration. The United States and the European Union, among others, have by legislation made respect for human rights a factor in bilateral relationships. Most countries have domestic human rights commissions or human rights ombudsmen. Human rights education is part of the curriculum in more than sixty countries. Most countries have ratified most of the major human rights treaties. An International Criminal Court is gearing up to investigate some of the worst atrocities, while the movement has already ensnared such emblems of brutality as Augusto Pinochet and Slobodan Milosevic.

The human rights movement itself has become more inclusive, a substantial mosaic that includes large professional INGOs (international nongovernmental organizations) as well as thousands of regional, national, and local organizations working on issues ranging from self-determination to the rights of children, and from access to HIV medicines to the right to water.

As the movement expands, previously neglected issues, particularly those dealing with economic and social rights, have moved into the mainstream. Indeed, there has been a growing convergence in the work of groups dedicated to promoting economic and social development on the one hand, and those protecting human rights on the other. Many development organizations are shifting from needs-based, welfare oriented and humanitarian approaches to rights-based approaches to development. Human rights groups once focused largely on civil and political issues such as political imprisonment and torture. But increasingly we are addressing the underlying social and economic causes of these violations or championing economic and social rights issues, such as education, health, and housing.

Women’s rights, once kept at the margins, has become a driving force in the human rights movement since women’s groups took the 1993 United Nations World Conference on Human Rights in Vienna by storm and won full recognition that “women’s rights are human rights.” Among other things, the focus on women’s rights

has helped broaden the core human rights concepts of “violation” and “violator,” directing the movement away from an exclusive focus on state actions to examine the culpability of state inaction in the face of known abuses by private actors.

The different layers of the movement complement each other. There are what we might call primary organizations or movements of people struggling to claim rights for their own members, such as some civil rights groups in the United States, many women’s organizations, the Landless Workers Movement in Brazil, and the like. There are groups seeking to promote rights by creating the building blocks of a rights-respecting society—a free press, an independent judiciary, education in human rights and tolerance, and civilian control of the military. And there are national and international groups, from groups such as the Colombian Commission of Jurists to Human Rights Watch, which monitor respect for human rights norms and mobilize pressure to prevent or end abuse.

The movement has also become considerably more sophisticated in its advocacy. From the early letter-writing campaigns invented by Amnesty International, the movement has evolved to include campaigners, organizers, lobbyists, and media experts. The leading INGOs now have researchers on the ground connected by e-mail with advocacy offices at the United Nations and in major capitals, putting us in a strong position to affect international decisions as they are being made. Some monitoring groups, such as Human Rights Watch, target advocacy at powerful governments—such as the United States and the European Union—treating them sometimes as partners in pressing for change, sometimes as surrogates for their abusive allies who are more impervious to democratic criticism, (and, of course, sometimes as perpetrators of abuses themselves). We are of course mindful of Ian Martin’s salient warning that “the human rights movement cannot be happy in working through the existing power relationships in an unequal world, nor can it even be neutral in its attitude to them.” Yet applying the methodology of “naming and shaming” not only to abusive governments but also to their international allies, when it is done with the support of our own partners in the affected country, has made the movement a much more powerful force with which to reckon.

After the Cold War

For years after Human Rights Watch’s founding, the Cold War provided both an incentive for governments to use human rights as a weapon and an obstacle to those seeking principled international cooperation to advance human rights. The United States was eager to raise the banner of human rights in its ideological war with the Soviet Union and its allies, even as it covered up abuses (when it did not directly sponsor them)

in authoritarian regimes that it aided, ostensibly as bulwarks against communism. The eastern bloc, for its part, rejected criticism of its rights record as impermissible “interference in the internal affairs” of sovereign countries and paralyzed the United Nations human rights machinery.

Even during the Cold War, however, human rights mobilization helped lead to many important accomplishments, playing no small role in the end of *apartheid* in South Africa and the move towards democratic governance in much of Latin America. The Helsinki process—which triggered the creation of Helsinki Watch, the forerunner of Human Rights Watch—created the framework for individuals both within and outside of the Soviet bloc to challenge repressive governments, ultimately leading to the collapse of a Soviet system that in practice denied fundamental human rights.

The end of the Cold War seemed to bring a new consensus around the human rights ideal. The dissidents of the Soviet bloc who had created the human rights movement there, and for whom the international movement had campaigned, were not only free but in some cases were swept into power. A movement towards multi-party democracy took hold in Africa. Latin America completed its transformation from the era of U.S.-backed military dictatorships. In some Asian countries such as the Philippines and South Korea, human rights movements also helped usher in democratic change. A new democratic majority—now including many countries of Eastern Europe and Latin America—unlocked the potential of the United Nations Commission on Human Rights, which in the early 1990s finally unlocked the potential of the United Nations to take human rights seriously and, in some cases, even adopt something close to the activist role that Eleanor Roosevelt might have envisioned.

Most importantly, the principle of state sovereignty steadily yielded in the face of human rights pressure. In 1993, the United Nations World Conference on Human Rights in Vienna decisively put the sovereignty defense to rest by proclaiming that the “promotion and protection of all human rights is a legitimate concern of the international community.” The way a state treated its people was indeed everyone’s business. In the face of challenges from supporters of cultural relativism and “Asian values,” the Vienna conference also emphatically declared that the “universal nature of these rights and freedoms is beyond question.”

Human rights became, in the words of Michael Ignatieff, the “dominant moral vocabulary in foreign affairs,” even if, in practice, they were often trumped by inconsistent economic and security goals. With the rhetoric of human rights ascendant,

and television and the internet carrying instantaneous reports of abuse, the free hand of governments to act in the perceived interests of ruling elites was, perhaps more than any other time in recent history, constrained by an informed and active civil society. Richard Falk rightly recognized that “during the decade of the 1990s, the movement towards an international human rights consensus was initiating a normative revolution in international relations that was beginning to supersede realist calculations of power and status in the political imagination of observers and policymakers.”

Yet even in this supposed golden decade of the 1990s, the human rights movement could not stop genocides in the former Yugoslavia and Rwanda, crimes against humanity in East Timor and Chechnya, or the killing of millions of civilians in armed conflict in central Africa. (Indeed, as we were meeting in Vienna to celebrate the triumph of human rights, the slaughter in Bosnia continued unabated only a few hundred miles away). Half of our planet’s six billion people still live in poverty, 24 percent in “absolute poverty.” Two billion of the human rights movement’s clients do not have access to health care; one-and-a-half billion have no access to drinking water.

In a world in which intolerance and extremism are on the rise, in which millions die in armed conflict, in which poverty and misery are rampant, some are tempted to ask, as David Rieff has, whether improved norms have accomplished anything “for people in need of justice, or aid, or mercy, or bread?” Have they “actually kept a single jackboot out of a single human face?”

One should not confuse gloom about the current course of human events with scepticism about the value of the human rights endeavour or the accomplishments of the movement, however. It is certainly true that norms alone will not stop a tyrant or an extremist faction bent on genocide, and that is where the human rights movement, like many others, must confront the difficult question of military intervention to stop atrocity. (I think that most of my colleagues would agree that recourse to force is not only legitimate but also morally imperative in the face of genocide or equivalent atrocity. However there remains deep disagreement on how that force is to be authorized or employed). But while dictators may not be constrained by norms, open democracies are, as long as they are supported by an engaged civil society. Between the relatively surgical nature of the bombing of Iraq and Serbia and the carpet-bombing of Laos and Cambodia, not to mention the destruction of Hiroshima or Dresden, there is more than an evolution in the kindness of generals. Similarly, it is more difficult to imprison a Nelson Mandela for twenty-five years or a Chia Thye Poh from Singapore for twenty-

three years. What was common practice fifty or twenty-five years ago is simply not acceptable today.

Norms empower activists and victims, by creating benchmarks, by legitimising their demands, by establishing, in the words of the Universal Declaration of Human Rights, “a common standard of achievement for all peoples and all nations.” In a host of areas, ranging from the rights of women to the trend away from the death penalty, the process of developing norms and then mobilizing for their enforcement has indeed achieved concrete results.

Participating in the Pinochet case in the British House of Lords in 1998, I was struck at how the human rights movement had come of age. Not only were lofty proclamations like the United Nations Convention against Torture finally being applied in a concrete case, they were being applied in the case of the man whose sneering face behind the dark sunglasses had come to symbolized ruthless dictatorship, and whose repressive tactics twenty-five years earlier had unleashed the very forces—human rights activism and international conventions—which would lead to his arrest and to those hearings. Pinochet sent hundreds of thousands of articulate Chileans into exile. They, together with an outraged world opinion, swelled the ranks of groups like Amnesty International, which in turn pressed for the adoption of the Convention against Torture that would allow for the arrest of the ex-dictator.

September 11

At the height of its strength, however, the human rights movement was confronted with a new challenge that threatened, and still threatens, to undo much of what it had achieved. Looking out from our office conference room on the morning of September 11, 2001, Human Rights Watch staff watched as two hijacked airplanes destroyed the World Trade Center. These crimes against humanity, aimed at the heart of American power, have unleashed a reaction that threatens to wipe away many gains under the cover of an endless “global war on terror.” The campaign against terrorism has seen the erosion of the rule of law rather than its enforcement. Human rights have been undermined at the very time they most need to be upheld.

Around the world, many countries cynically attempted to take advantage of the war on terror to intensify their own crackdowns on political opponents, separatists, and religious groups, or to suggest they should be immune from criticism of their human rights

practices. Many states have responded to the indiscriminate violence of terrorism with new laws and measures that themselves fail to discriminate between the guilty and the innocent. Numerous countries have passed regressive anti-terrorism laws that expand governmental powers of detention and surveillance in ways that threaten basic rights. There has been a continuing spate of arbitrary arrests and detentions of suspects without due process. In some places, those branded as terrorists have faced assassination and extra-judicial execution.

One of the most worrying developments has been the renewed debate over the legitimacy of torture. Even if torture had continued to be widespread around the world, until recently it had become almost axiomatic that no country admits to condoning torture. Torture is the ultimate degradation, the unspeakable medieval act that we had banished from acceptable practice. Torture was one of Amnesty International's first battles and thanks to the movement, torture has been considered the emblematic barbarity that was no longer permissible under any circumstances. It is the torturer who, a U.S. court noted in the *Filártiga* case, had supplanted the pirate of yore as "an enemy of all mankind." It was for torture, not mass killings, that Pinochet was stripped of his immunity. Yet now we see, particularly in the United States, important voices suggesting that torture can be a proper tool in the fight against terrorism. Indeed, there have been serious charges that detainees captured in Afghanistan have been beaten and subject to what are known as "stress and duress" techniques by U.S. officials or handed over to third countries where they are likely to be tortured, charges which the Bush administration has failed squarely to address.

At the inter-governmental level, concern for human rights has taken a back seat to lining up allies in the terror war, effectively giving free passes to newfound as well as more established strategic allies. This year at the Commission on Human Rights in Geneva, no government was willing to table a resolution critical of China, while Russia easily beat back a resolution on Chechnya despite its on-going atrocities there.

These developments led Michael Ignatieff to ask, after September 11, "whether the era of human rights has come and gone."

There is no doubt that the human rights movement faces a new challenge. The gloves have come off. We should not cling to the illusion that without the support of an organized citizenry the United States (or any other powerful country) will make human rights the "soul of [its] foreign policy," to use President Jimmy Carter's words.

In this new era, the movement must demonstrate that the promotion of human rights internationally is not just an ethical value but is also an essential tool in the fight against terrorism. Kofi Annan pointed the way in his September 2003 address to the General Assembly: "We now see, with chilling clarity, that a world where many millions of people endure brutal oppression and extreme misery will never be fully secure, even for its most privileged inhabitants." While terrorists themselves are not likely to be mollified by policy changes, we must act on the evidence that support for terrorism feeds off repression, injustice, inequality and lack of opportunity. As Richard Falk has said, "The message of extremism is not nearly as likely to resonate as broadly and nearly as menacingly if its animating grievances are not widely shared in the broader affected community." Where there is democracy and equality, where there is hope, where there are peaceful possibilities for change, terrorism is far less likely to gain popular support. Global security is thus enhanced by the success of open societies that foster respect for the rule of law, promote tolerance, and guarantee people's rights of free expression and peaceful dissent.

In the United States, where the shock waves of September 11 are most naturally felt, the resulting fears have been exploited by the Bush administration to press a radical roll-back of constitutional rights. The human rights movement is striving to persuade Americans that, while the government has to be empowered to take those measures which are reasonable and necessary to reduce the very real threat of terrorism, the requirements of security can and must be reconciled with the blessings of liberty. In one of the most chilling warnings by a sworn defender of the constitution, U.S. Attorney General John Ashcroft told Congress that "to those who scare peace-loving people with phantoms of lost liberty, my message is this: Your tactics only aid terrorists, for they erode our national security and diminish our resolve. They give ammunition to America's enemies, and pause to America's friends." Though it is an uphill battle, the movement is responding with the words of Benjamin Franklin, one of the U.S.'s founding fathers, that "they who would give up an essential liberty for temporary security, deserve neither liberty nor security."

These difficult times demand that the human rights movement reach its full potential to mobilize individuals and groups. This means completing the unfinished task of integrating all its parts, of developing mutually beneficial relations between international and national human rights groups. We have come a long way since a Central American activist complained to me that the movement followed the "maquila" model in which northern groups exploited the south's "raw material" of abuses and then pressed for rich governments to condition aid to poor countries. But we are still struggling to find ways

in which national and local front-line groups can overcome their difficulties in access to funding, international media, and expertise in order to better participate in defining the international rights agenda. This is not just politically correct rhetoric. As Bahey El Din Hassan, Director of the Cairo Institute for Human Rights Studies, has pointed out, for example, only by empowering Arab partners to help define the agenda can international NGOs help them counter the perception that human rights are a western imposition. The movement must come to grips with the fact it is weakest precisely where support for terrorism is greatest, in the Middle East and west Asia.

In order to reach our full strength, we must create a synergy between the human rights movement and those campaigning for social and economic justice. Even if our agendas are not always a perfect fit, we need to join our voices around the key issues that unite us. Many of our signal successes as a movement, such as the creation of an International Criminal Court and the anti-apartheid struggle, came about when we joined forces with wider constituencies. The International Campaign to Ban Landmines, for instance, of which Human Rights Watch was a founder, unites a massive coalition of 1,300 human rights, humanitarian, children, peace, disability, veterans, medical, humanitarian mine action, development, arms control, religious, environmental, and women's groups in over 90 countries. In awarding the Nobel Peace Prize to the Campaign and its lead coordinator, Jody Williams, the Nobel Committee cited the uniqueness of an effort that made it "possible to express and mediate a broad wave of popular commitment in an unprecedented way."

I have no doubt that an overwhelming majority of people in our world support the human rights ideal. Our unfinished task is to mobilize that majority into a force too powerful to be resisted.