



Defining and Conceptualizing Human Rights for Community-Engaged Research & Action

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Introduction

This paper explores the utility of human rights language for community-engaged research and action through a review of existing literature on the topic. I attempt to distinguish between particular policy areas and engage with the work of activists, scholars, and policy and lawmakers who have used human rights language and frameworks in their advocacy work. Although I focus on particular policy areas for the purposes of this paper, I discuss the ways in which struggles for indigenous rights, women's rights, the right to health, educational justice, and racial justice are implicated within one another; a truly intersectional human rights approach acknowledges the ways in which these struggles cannot be separated from one another on the ground or in the courts. This work asks how we might situate local uses of the human rights approach within a global context, with opportunities to link social justice efforts and the communities fighting for justice together in solidarity.

Why a Human Rights Approach?

Many of the ideas that animated the human rights movement developed in the aftermath of the Second World War and the events of the Holocaust (Moyn, 2010; Falk, 2000), culminating in the adoption of the Universal Declaration of Human Rights in Paris by the U.N. General Assembly in 1948. Human rights language has gathered increasing momentum in recent decades, yet it has not been without contestation and critique. Several paradoxes arise in the progress of human rights

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thinking. One example of this is the tension between collective ideals of liberation and individual rights, which I will elaborate on in subsequent sections of the paper.

Another tension lies within the reality that governments that adopt human rights treaties rarely focus on domestic issues, with discourses of U.S. exceptionalism obscuring accountability to ideals deemed “universal”. Indeed, in reading through the articles of the Universal Declaration of Human Rights, it is evident that access to the same ideals put forth as ‘rights’ are criminalized in our own backyards. Stop-and-frisk practices in New York City and heightened surveillance of Muslims after the events of 9/11 are only two examples of how simple acts like walking down the street or gathering with community members can become acts of suspicion in the eyes of the state. Falk (2000) argues, “If the issue of human rights is featured in American political discourse, it is as a stick with which to beat other states that have fallen foul of the State Department or are regarded as adversaries that threaten U.S. strategic interests” (p. 57). Many human rights groups in the U.S., he argues, are reluctant to focus their energies on domestic human rights problems or even on domestic events of close U.S. allies; instead, human rights have been treated as an instrument of foreign policy.

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Falk goes on to argue that the human rights movement after 1945 emerged from a guilt among liberal democracies that they had framed the war crimes of World War II as “essentially a domestic affair” (p. 59). This framing of war crimes being committed “out there” gave rise to a political climate that allowed the Universal Declaration of Human Rights to be formulated. Public outrage against the Nazi atrocities developed into loud calls for accountability. Invocations of human rights language post-World War II (and the political force this language gained during the Cold War as currency in ideological battles), alongside the emergence of NGOs and civil initiatives rooted in the Declaration’s international standards, constructed a landscape for the construct to develop and become further defined. At the same time, the concept of human rights gained a level of durability that would allow it to be invoked across many different contexts.

To ground Falk’s critique of how the U.S. (and other Western nations) have used human rights language as a distraction from having their internal behaviors subject to external scrutiny, we might turn to the manner in which the U.N. has handled the right to self-determination. The scope of the right of self-determination has become more ambiguous and remains unresolved. Practice has been inconsistent with the law as set forth in U.N. General Assembly resolutions, which deny validity to any claim of self-determination that is state-shattering (Falk, 2000). The U.S. has justified many of its interventions in Central America on the grounds that it was promoting democracy and human rights. In case of Nicaragua, the U.S.

State Department grounded its objection to the Sandinista government--and their direct intervention through selling arms to Iran in order to fund the opposition group--on the failure of the Sandinistas to grant adequate democratic space to the political opposition (Byrne, 2014). It is evident that once human rights language becomes entangled with geopolitics, it can be used to promote imperialist agendas that make state power stronger.

Still, scholars and activists maintain that it is important for resistance movements to have a human rights foundation for their political projects, with goals sanctified by law and based on a universal standard. What is clear from the literature is that it is important for there to be a strong participatory dimension in the creation of norms, so that the standards that emerge and the process by which they have been established are meaningful for those most marginalized by systems of oppression.

It is here that we might imagine how grassroots organizers and those doing community-building work might engage with a human rights approach. Indigenous knowledge and action must be at the center of norm construction and definition, and we must be wary of the ways in which human rights language can easily become co-opted. This is particularly important in the current moment, as Islamophobia and the global 'war on terror' has set the stage for gross human rights violations. In the wake of recent attacks in the U.K., prime minister Theresa May recently proposed reducing human rights laws that "get in the way" of stopping terror suspects. Her campaign for re-election has increasingly focused on security funding, claiming that she will introduce tougher anti-terrorism measures--including restricting the movement of suspects when authorities do not have enough evidence to prosecute them ("Theresa May: Human Rights Laws", 2017). What does this co-optation of human rights language for national security projects mean for the future of human rights advocacy? Are these co-optations not violations in themselves—used to justify violence against communities deemed 'suspicious'? How do activists, scholars, and policymakers honor the radical roots of this framework and centralize the needs and desires of those on the ground, rather than the state? I will explore these questions in the areas of indigenous rights, women's rights, the right to health, educational justice, and racial justice.

Indigenous Rights:

Fighting for Self-Determination using a Human Rights Framework

The contemporary indigenous rights movement gained momentum in the 1960s and 1970s, when indigenous peoples in the Americas, Australia, New Zealand, and other parts of the world began to draw increased attention to their demands for continued survival as distinct communities with historically based cultures, political institutions, and entitlements to land (Anaya & Williams, 2001). Agitation and movement on the ground led to a number of international conferences and

heightened attention from scholars and international NGOs to consider the right to self-determination. By the late 1970s, indigenous peoples' representatives began appearing before United Nations and other human rights bodies in increasing numbers and with increasing frequency, grounding their concerns on generally applicable human rights principles.

Serious challenges to the universalist claims of human rights have emanated from global networks of indigenous peoples, who have argued that their conceptions of human rights and self-determination have historically not been reflected in the Universal Declaration. In 1994, the Draft Declaration on the Rights of Indigenous Peoples was crafted by indigenous representatives, built around the idea of indigenous peoples as a distinct and separate community entitled to claim rights of self-determination. In 2007, it was adopted by 143 countries. Australia, Canada, New Zealand, and the U.S. voted against the Declaration, although each of these countries has since moved to endorse the declaration in some informal way— in which it would not actually become binding law pleadable in court. As Cornwall (2007) argues, rights-based language gains much of its allure from the legitimacy it promises, but what exactly is meant when the concept of human rights is invoked needs to be examined.

On the ground, the right to self-determination has been central to indigenous struggles globally. Self-determination has been defined as having full authorization to determine one's destiny without interference from authorities of the dominant society (Svensson, 1992). Self-determination for indigenous groups is closely intertwined with the right to cultural integrity and survival. The right to cultural integrity is made explicit by article 27 of the Covenant on Civil and Political Rights, which states: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language" (quoted in Anaya & Williams, 2001). The issue of human rights has traditionally focused on the rights of the individual—protection of group identity has been approached as a matter of individual freedom to engage in group activity without enduring discrimination (Falk, 2000). Therefore, it has been a challenge for indigenous groups to fight for the right to their collective survival under a framework that privileges individualism.

In instances where indigenous groups have mobilized consciousness using a human rights framework, mobilization has been most effective when a concrete case is involved (Yamin, 2008). In a number of Latin American nations, cases involving exploitation of indigenous land have been crucial not only to securing specific remedies for rights violations but also to having these communities organize politically. This, in turn, has led to the creation of entire movements and indigenous political parties (Yamin, 2008). In Canada, a key point of contestation has been around utilizing the unique knowledges indigenous people possess about land and resources in claims-making. In *Delgamuukw vs. British Columbia*, the Canadian Supreme Court incorporated recognition of the customs of the

Gitsxan and Wet'suwet'en band members by reversing a lower court, which refused to credit oral testimony concerning the boundaries of the bands' ancestral homelands. The Canadian Supreme Court ordered a new trial, stating that the oral testimony, which consisted of traditional songs containing descriptions of the ancestral territory, must be considered by the trial judge as evidence of the boundaries of the bands' historically occupied lands (Anaya & Williams, 2001). As Povinelli (2002) illuminates in the Australian context, seeking recognition through the courts poses particular challenges for indigenous groups to define and defend the issues facing their communities (including who belongs to the community, and where they belong) in terms legible to the courts. Povinelli argues that liberal modes of recognition require groups to adopt impossible standards of 'authenticity' in order for their claims to be validated. In the *Awatitgin* case, the Inter-American Commission on Human Rights determined that the Awatitgin community had property rights to its traditional land, on the basis of maps and other documentation developed by the community itself with the assistance of an anthropologist (Anaya & Williams, 2001). These acts of translation are rife with contradiction and ambivalence, but are often necessary in struggles for state recognition.

In the U.S., water protectors at Standing Rock have been fighting since early 2016 against the \$3.8 billion Dakota Access Pipeline—a fight that is shaped by innumerable Indigenous land defense movements (Spice, 2016). Protests against the construction of this pipeline and the threat it poses to the region's clean water and ancient burial grounds have drawn international attention. The criminalization of indigenous people's asserting their right to protest is also at stake here. The UN Special Rapporteur on the Rights of Indigenous Peoples has been investigating allegations of human rights abuses by North Dakota law enforcement against Native American protesters, with indigenous leaders testifying about "acts of war" they observed during mass arrests at an oil pipeline protest (Levin, 2016). This struggle continues, as President Trump signed a presidential memorandum to advance the construction of the pipeline under "terms and conditions to be negotiated" in January of this year. The director of the Indigenous Environmental Network, which has helped organize demonstrations against the pipeline since last summer, released a statement following this decision, asserting that the granting of an easement without any environmental review or tribal consultation "is not the end of this fight—it is the new beginning" (Hersher, 2017).

Applying a Human Rights Framework to Health

When considering the intersections of human rights and health, it is important to think about the assumptions underlying a human rights approach. As Yamin (2008) argues, there is an underlying idea of society being at an equilibrium; violation upsets the equilibrium, the remedy restores it. Mainstream human rights

practice operates under this assumption so that identifying a violation, perpetrator, and remedy is central to advocacy. However, if we understand patterns of disease to be socially produced, it is fundamentally changing the status quo rather than seeking to return to it that becomes the work. The radical potential of a human rights framework lies in reconfiguring the ways in which we understand health as a matter of justice. The reproductive justice movement, for example, embeds reproductive rights in an intersectional framework that includes social justice and human rights (Luna, 2010). Reproductive justice stresses both individual and group rights because the ability of a woman to determine her reproductive destiny is in many cases directly tied to conditions in her community (Shen, 2006). Critical human rights work demands a shift in the way that we understand health as a product of social relations as much as biological or behavioral factors, and the inequalities in these relations for which the state can and should be held accountable.

According to the WHO, every country in the world has now ratified at least one treaty containing health-related rights (Yamin, 2008). The UN Committee on the Elimination of Discrimination Against Women (CEDAW) and the UN Committee on the Rights of the Child (CRC) as well as the ESC Rights Committee have each issued important authoritative interpretations of norms relating to health rights. Invoking public shame has been central not only to calling attention to human rights violations but also to building solidarities across borders. Yamin (2008) argues that social media and the internet has allowed for this kind of solidarity building, allowing international and regional networks of advocacy organizations to share information regularly about rights-based strategies relating to health care, food, and housing policies; trade agreements; and other issues affecting poor people's health. For example, when the High Court of South Africa recently ruled that the City of Johannesburg's forced prepayment water meter scheme in one Soweto township was unconstitutional, activists across the world working on establishing entitlements to a minimum amount of safe drinking water found out that same day; this permitted them access to the arguments made as well as the reasoning of the court.

Rights-based advocacy must extend beyond redistribution of resources—we must also work towards dismantling the structural barriers that silence the radical desires of individuals and communities, opening up possibilities for us to imagine different futures for ourselves and one another.

The activists and researchers fighting to resolve the Flint water crisis have also mobilized together to bring visibility to this violation against the human right to health (Article 25 of the UN Universal Declaration of Human Rights). When the city switched its water supply in 2014, the water became contaminated and almost immediately, residents

started complaining about the quality of water. City and state official denied for months that there was a problem (Jurkiewicz, 2016), yet residents continued to show up to city council meeting and share photos of the water on social media to expose this issue. Virginia Tech professor Marc Edwards—an expert in lead corrosion—put together a team to conduct field tests in Flint in September of 2015 under an NSF grant. Their team put together a website called “Flint Water Study”, serving as a comprehensive database for all information relating to the study. In March of 2017, a federal judge finally approved funding for Michigan to examine and replace lead water service lines for 18,000 Flint homes to be completed in a three-year time frame (Kennedy, 2017) Flint is a majority Black city suffering from decades of disinvestment, which begs the question—who is seen as ‘human’ and worthy of the right to health? It is impossible to understand the Flint water crisis without paying attention to the conditions that allow for poor, Black communities to be most affected by environmental injustice (Campbell, Greenberg, Mankikar, & Ross, 2016).

A critical rights-based approach to health focuses centrally on health as a product of social relations, and the conditions under which people are able to exercise meaningful agency with respect to their health. As Yamin (2008) argues, health promotion through a human rights lens must be understood to be a matter of changing the power dynamics at the root of people’s suffering as much as delivering services or goods. In other words, human rights, self-determination, participation, and dignity are intricately connected to one another. Rights-based advocacy must extend beyond redistribution of resources—we must also work towards dismantling the structural barriers that silence the radical desires of individuals and communities, opening up possibilities for us to imagine different futures for ourselves and one another.

Human Rights and Education

Traditional human rights approaches in the context of education target behaviors or practices that cause harm in children. It also directs attention to actions and circumstances that create ‘hostile environments’ including but not limited to curricular and extracurricular activities and behaviors by teachers and administrators that implicitly or explicitly support such hostile climates (Greene, 2006). In a paper exploring bullying in schools, Greene (2006) outlines three components to implementing a human rights campaign to address bullying: 1) buy-in from all stakeholders, 2) a small group of leadership who will frame, organize, and implement campaign, and 3) creation of an anonymous self-report survey that covers each form of bullying. A critical human rights approach to bullying would also mean placing emphasis on generating discussion among students about their understanding of what constitutes bullying and harassment and respectful treatment so that students are accorded as true experts on the norms and behaviors of their peer group. Wellesley College Center for Research on Women

has created a curriculum that includes detailed lesson plans on bullying and sexual harassment from kindergarten through high school using this approach. The state of Idaho has also adopted a K-12 human rights curriculum that conforms to the state's social studies standards.

It is not surprising that an issue like bullying would lend itself well to a human rights framework, as it can be considered an interpersonal issue between individuals rather than produced by particular social conditions. However, Greene goes further to say that behaviors like enforcing heteronormativity in literature, plays, and sexual education classes, dismissive treatment of students who perform poorly academically, or inconsistent application of disciplinary policies can also be analyzed through a human rights lens. One example of this is through Fine and McLelland's (2006) framing of abstinence-only education programs as a threat to fundamental human rights to health, information, and life. Fine and McLelland lift up how medical and public health organizations, educators, and government bodies have mobilized to resist the "trend towards censoring educators, suppressing science, and silencing young people's sexuality" (p. 323) Another example is The Dignity in Schools Campaign (DSC), a coalition of organizations working to dismantle the school-to-prison pipeline through direct organizing, public policy advocacy and leadership develop to fight for the human right of every young person to a quality education and to be treated with dignity.

In Arizona, the former Superintendent of Public Instruction began a campaign in 2010 to eradicate the Tucson Unified School District's Mexican-American/La Raza Studies Program. Almost immediately after legislators passed the bill on Mexican American studies, activists and lawyers fought back and resisted the directive; they would eventually take the ban to court (Phippen, 2015). In April of 2010, students chained themselves to the school board members' chairs, preventing a vote to terminate the program's accreditation. Author and professor Tony Diaz and a group of Chicano writers, poets, artists, and activists began a "mobile underground library", where they handed out books to former Mexican American studies students and created a library at a local center. In an interview, Diaz said, "They were used to bullying and controlling immigrants, and they wanted to control our thoughts. They were wrong. I'm a Mexican American citizen with a master's. I know my rights" (Phippen, 2015). Later in 2014, University of Arizona researchers would publish a report that found offering Mexican American studies increases graduation rates, grades, and college enrollment (Cabrerá, Milem, Jaquette, and Marx, 2014). While it is unclear whether ethnic studies advocates have explicitly framed this issue using a human rights approach, it is evident that the right to retain group identity and cultural integrity remains central to fight for ethnic studies and educational justice more broadly.

Women's Rights and Coalition-Building under a Human Rights Framework

In a recent paper on feminism and abolition, Davis (2016) reflects on the first international women's conference in Nairobi, Kenya in 1985, informed by the agendas of women from the South. Dubbed the "Third World Conference on Women", questions about the universality of the category "woman" came up; the problem, Davis writes, was that "many of us then thought that what we needed to do was expand the category [of] 'women'...what we didn't realize then was that we would have to rewrite the whole category, rather than simply assimilate more women into an unchanged category" (p. 96). Elsewhere in the article, Davis argues that those who have been denied access to the category of 'woman' can tell us the most about structures of oppression and how they are connected to one another. Expanding on critiques of mainstream feminist organizing, Oza (2016) writes how western feminism intertwined with area studies has reinforced arguments that the "root causes" of violence against women in the Third World lies within the identification of particular places with particular 'traits'. She points to Clinton's address to the Commission on the Status of Women at the United Nations in 2010, where Clinton said, "President Obama and I believe that the subjugation of women is a threat to the national security of the United States" (quoted in Toor, 2012: 158). This narrative was used to justify intervention into communities from which women need to escape and be rescued, both outside of the nation and within.

Despite these challenges to feminist organizing, scholars writing at the intersections of human rights and women's rights elevate the ways in which women globally have organized alongside one another to challenge structures of patriarchy. Ho, Powell, and Volpp (1996) demonstrate how central labor has been and will always be to women's liberation struggles. They examine the ways in which union and other worker advocacy groups have organized transnationally, strengthening ties among workers of different countries so that, for example, when a plant announces it is closing in the U.S., workers at the relocation site can put concerted and simultaneous pressure on the manufacturer. UNITE and other U.S.-based trade unions have created joint movements with independent Mexican unionists; for example, when Leslie Fay threatened to shut its remaining production plant in the U.S. to move to Central America, UNITE engaged in cross-border organizing, bringing before Congress a twenty-year old Honduran worker to testify that she found a forty-dollar skirt in a N.Y store, for which she was paid forty-three cents to sew.

Ho et al. (1996) also point to California-based Asian Immigrant Women Advocates (AIWA), who have engaged in worker exchanges within the U.S., with workers from La Mujer Obrera in Texas, the Common Ground Economic Development Corp of African American Women in Dallas, and the Ramah Weavers Association of Navajo Women in New Mexico. There have also been organizations engaging in transnational feminist and cross-racial or ethnic solidarity: *Mujer a Mujer* (began as a solidarity network which was organized by

garment workers in the aftermath of the 1985 Mexico City earthquake, which killed hundreds of women workers); STITCH (unites struggles of women maquila workers in Guatemala and the US); Maquila Solidarity Network (formed to promote solidarity between Canadian Labor and social movement groups and their Mexican and Central American counterparts); and the Committee for Asian Women (regional women workers org assisting in raising consciousness among women workers in the formal and informal sectors). Ho et al. emphasize how important this solidarity-building work is alongside policy work, as it taps into regional organizing and attends to the logics under which various forms of oppression work to pit communities against one another.

There has also been work within larger human rights organizations like Human Rights Watch, which has witnessed the formation of a Women's Rights Project (Friedman, 1995). As part of this project, women's rights groups have used human rights methodology to do documentary fieldwork of abuses of women's human rights and demonstrate responsibility for those abuses under international human rights law. This is essential because human rights law cannot be applied unless both the violations and the violators have been identified. It is clear from this mobilization that a critical human rights ideology can facilitate coalition work bringing together different values and political strategies to the work of social movements.

Race, Reparations, & Human rights

Since the U.S.'s inception, racial injustice has marked the American landscape alongside efforts to resist and dismantle it. In 2011, the U.S. Human Rights Fund (USHRF) brought together advocates, funders, artists, and journalists from across the U.S. for a discussion of how to use human rights principles to further racial justice (see www.racialjustice.org). Panels focused on the challenges and possibilities of doing racial justice work within a human rights framework, lifting up topics including but not limited to: the intersections of racial justice and migrant justice, empowering individuals to challenge the abuse they've faced through rights-based documentation, and harnessing the power of art into social justice advocacy.

One cannot talk about racial justice without talking about how mass incarceration has decimated communities of color. One out of every three Black men in their twenties is now in prison or jail, on probation, or on parole (the Sentencing Project, 2015), and the fastest growing-group of people in prison is women of color (Schaffer & Smith, 2004). Under a system that centralizes retributive justice, prisoners are constructed as "deserving" of punishment; a world without prisons is unimaginable to many. Schaffer and Smith (2004) argue that this is one of the challenges to exposing the violence of the prison industrial complex and getting stories to the public in ways that humanize those who have been convicted of crimes. Despite this challenge, local and national organizations have

deployed multiple methods of storytelling, through published collections of prison writings, memoirs, documentary and feature films, and public performances (Schaffer & Smith, 2004). In 1998, Amnesty International reported on American justice and penal systems using visual evidence—photos of a steel restraining bed, empty corridors of a super-max prison, a juvenile sitting in leg irons, waiting (Schaffer & Smith, 2004).

Those fighting for racial justice have also brought attention to the challenges and possibilities for making reparations claims using a human rights framework. While international human rights law denotes slavery as a crime against humanity, there is no formal law of reparations. There are several legal obstacles faced by proponents of reparations lawsuits, including the issue of working with a judicial system that focuses on individual and not group-based claims (Yamamoto, Serrano, and Rodriguez, 2003). The first reparations lawsuit was attempted and failed in 1915. Claims have succeeded in two instances: systematic loan discrimination against African-American farmers by the Department of Agriculture and for a Florida local government's support of "wholesale murder and mayhem" (Yamamoto et al., 2003, p. 1286) in Rosewood in 1923. The Florida State Legislature awarded \$150,000 to each of the nine survivors of the massacre.

A critical human rights perspective to reparations ties reparations to issues of history, collective memory, psychological healing, and institutional reordering (Yamamoto et al., 2003). The work of the Reparations Coordinating Committee has demanded not individuals' rights and remedies but instead focuses on 1) historical wrongs committed by one group 2) which harmed, and continue to harm, both the material living conditions and psychological outlook of another group 3) which, in turn has damaged present-day relations between the groups, and 4) which ultimately has damaged the larger community, resulting in divisiveness, distrust, and social disease (Yamamoto et al., 2003). For example, making a due process claim under the 14th or 15th amendment against the federal government for the failure to enact sufficient laws to ensure due process or for passing laws that perpetuate injustice creates structural changes for future generations. Yamamoto et. al (2003) argue that this framework is rooted in restorative justice, centralizing psychological healing that restores community structures and relationships damaged by violation. In most cases, this conceptualization of justice is not

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consistent with the American legal system, in contrast with Truth and Reconciliation Commissions in South Africa or Waitangi Claims Tribunals in New Zealand, which hears human rights claims of indigenous Maori.

A fuller and deeper conversation on how a critical human rights framework could be applied to racial justice work could certainly be useful—after all, central to movements like Black Lives Matter is insisting on the recognition of Black humanity. We can see the ways Black Lives Matter has succeeded and continues to succeed in bringing awareness to the disposability of Black bodies, with a shivering awareness that the legal system BLM activists are pleading to is broken at best, and designed to promote racial capitalism at worst.

Across and Within

This literature review focuses on particular policy areas that have garnered attention by human rights activists, but also around action from specific groups of people who have advocated for the rights of their communities using a human rights framework. As discussed earlier, mainstream human rights practice involves identifying a violation, perpetrator, and remedy. For this reason, constructing borders around a community, proving its legitimacy (or, as Gayatri Spivak calls it, using strategic essentialism), and collecting evidence of harm becomes central to advocacy. As indigenous scholar Grande (2000) writes, “If you cannot ‘objectively’ define a people, you cannot define their rights” (p. 351). The parallels between identity-based advocacy and policy-based advocacy warrant further attention. On the surface, it may seem that policy-based advocacy better allows for solidarity building across groups because it allows us to ‘zoom-out’ and examine how different communities are marginalized by the same logics of capitalism and colonialism. At the same time, it is not uncommon for those most marginalized by systems of oppression to be made invisible by the same movements claiming to represent them. We must continue to work towards critical intersectional work so that the issues of indigenous folks, women, people of color, and those at intersections of these identities and others are considered at every level of human rights work. This type of intersectional movement-building deserves more attention from scholar/activists engaged in social justice work.

This orientation to research allows us to shift the unit of analysis away from the bodies of those living with the legacies of colonization and exploitation towards the systems that have created those conditions in the first place.

Critical Human Rights Frameworks for Research

As scholars/activists engaged in research, we might also consider the ways a critical human rights framework might be applied to research and knowledge production. As de Sousa Santos (2014) writes, “there is no global social justice without global cognitive justice” (p. 8). Critical theory—de Sousa Santos argues—is meaningless without a search for truth and healing. Challenging the dominant epistemological systems that define what is ‘personal’ and what is ‘political’; who is deemed ‘expert’ and under what criteria; and asking who benefits from the research (and who is defining the goals) are all important interventions into existing research paradigms.

To work towards social justice and collective liberation as scholar/activists means engaging deeply with indigenous knowledge in imagining the future of our communities. As Fine, Tuck, and Zeller-Berkman (2008) argue, an understanding of how colonization has constructed the relationship between the U.S. and oppressed peoples affords us the reminder that “it is not the Indigenous who need humanizing, it is the worldview of the whitestream that needs to be humanized” (p. 160). This orientation to research allows us to shift the unit of analysis away from the bodies of those living with the legacies of colonization and exploitation towards the systems that have created those conditions in the first place. In the context of critical human rights, it means centralizing indigenous knowledge in the production of human rights norms and transforming the academy to democratize knowledge so that academics can work in better solidarity with justice-centered organizing efforts. In writing about the unique challenges to women’s human rights work, Friedman (1995) argues that we must move beyond visibility to actual accountability for abuse. As scholar/activists, we must move beyond simply documenting abuse towards fighting for justice.

Interrogating the relationship between research and activism through a human rights framework also means challenging our conceptualization of change. Human rights frameworks have often been theorized and applied in the context of policy change. We might also think about how a critical human rights framework might be used at multiple levels of intervention—*i.e.*, the community level. History tells us that once human rights frameworks become institutionalized, sustaining the radical vision of people on the ground becomes challenging. If policy changes simply re-inscribe existing norms, how might we build capacities within communities that centralize self-determination regardless of policy change? This is a question I continue to grapple with and encourage human rights advocates to take seriously, as well.

Moving Towards a Critical Human Rights Framework

This literature review outlines some of the tensions/contradictions as well as possibilities for moving forward human rights thinking. It seems that the power of

international human rights frameworks lies within its potential for building local, national, regional, and international solidarities among activists, researchers, policymakers, and everyday people positioned in radically different ways. Of course, as with any solidarity-building work, there must be purposeful attention to the ways that hierarchies reproduce themselves within organizing work. Merry et al. (2010) argue that it is often the case that once human rights frameworks are integrated into the state and political legal process, they often lose their idealism—as seen with many social movements. The concept of human rights risks remaining “fluffy and meaningless” (475), often taking on such ambiguous definitions that have made it vulnerable to appropriation for political agendas that are far from the needs and desires of people on the ground (Cornwall, 2007).

We must also bring attention to the question of access. Merry, Levitt, Rosen, and Yoon (2010) argue that it is not cheap or easy to use a human rights legal system because it requires legal and political skills to lodge complaints, document human rights violations, and produce reports that challenge a government’s representation about its human rights situation. Merry et al. (2010) argue that it may be the work of NGOs to mobilize human rights values, provide information and publicize violations, help victims of human rights violations complain to human rights bodies, and provide information to UN special rapporteurs and representatives. Organizers and activists might focus on healing and transformation through informal and popular education (Tibbitts, 2002). Critical human rights work demands a focus on the creation of structural conditions in which rights can be realized and exercised; we must recognize that irrespective of their presence in the law, rights do little to ensure that people with said rights can practically exercise them (Luna, 2009).

We might also think about related concepts and work that aligns with human rights frameworks. One framework to think of is that of human justice, conceptualized by the Center for NuLeadership on Urban Solutions. Defined as the merger between human rights and human development, it is an outcome-driven philosophy created to deconstruct the prison industrial complex by redirecting human and financial resources away from punishment-oriented systems towards long-term sustainable solutions for social and economic equality. Engaging with these concepts provides opportunities to expand our notions of human rights while grounding them in deconstructing systems of oppression that sustain inequality and injustice.

Beginning with those who have been most silenced gives us an expansive and inclusive view of oppression, survival, and resistance.

The language of human rights has typically been invoked by individual actors seeking social change vis-a-vis the state. Because this framework operates under a theory of change that centralizes state power, we must continue to ask ourselves—to whom are we accountable? What

is the utility of human rights language outside of policy change? Implicit in this question is how activists/scholars trying to reclaim human rights language might take seriously the needs and desires of people on the ground and their articulations of change. Here, I want to reiterate that placing the power in communities to define and articulate their own norms becomes central to the work. Otherwise, we run the risk of reproducing the same colonial logics we seek to dismantle. Under a critical human rights framework, the state's role is then to implement the systems of governance articulated by those on the ground. The key tension here becomes taking seriously the needs of communities without essentializing the boundaries of those communities. What or who are these frameworks ultimately for? Intersectionality theory warns us of the dangers of idealizing 'communities' and homogenizing their needs and desires. We must attend to divisions within communities and make room for conflict. We must continue to ask—who is being excluded from the rights-creating processes, and how do we resist inclusion when it happens in a partial and paternalistic manner?

It becomes important to think through processes for creating norms, disagreeing on them, etc. and allowing for these norms to change and grow with individuals and communities over time. I would also say that part of this process should include space for different groups of people to come together organically to share knowledge with one another about their processes and human rights standards. We might rethink a universal human right standard and move towards an articulation of human rights nested between and across communities. Racial justice work around reparations as discussed earlier in this paper opens up some possibility for how we articulate human rights beyond the individual and account for community and inter-generational trauma.

As mentioned elsewhere in the paper, human rights advocacy typically requires clear identification of a perpetrator and victim. This is important because of what it implies about how power functions. On one hand, I would suggest that those most marginalized by systems of oppression (whether it be by race, gender, class, sexual orientation, ability, citizenship status, etc.) can teach us the most about constructing norms that take seriously the rights of all. Beginning with those who have been most silenced gives us an expansive and inclusive view of oppression, survival, and resistance. This understanding of power, however, conflicts with Foucauldian conceptions of power as relational rather than concentrated in one source (Foucault, 1991). This makes identifying a clear source or violator difficult for the purposes of the courts. Perhaps this tension leads us to reconceptualize not only how norms are constructed, but also how we understand the sources of injustice so that we are not relying on the victim/perpetrator binary. As we move towards a critical human rights framework for community-based research and activism, holding onto these tensions allows us to build on the legacies of activists and scholars fighting against injustice, while imagining new ways of bringing power back to communities and individuals.

Further Readings

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Other Resources

United Nations Human Rights Office of the High Commissioner
<http://bit.ly/UNHReduction>

United Nations Declaration of Human Rights
<http://bit.ly/HRdeclaration>

Ann Fagan Ginger Meikeljohn Civil Liberties Institute
<http://mcli.org/>

Marjorie Cohn, Thomas Jefferson School of Law
<http://marjoriecohn.com/>

Bill Quigley, Loyola University, New Orleans
<http://ccrjustice.org/home/what-we-do>

Sandy Bernebei, President of National Association for Social Workers
<https://www.facebook.com/SocialWorkersAgainstCriminalization/posts/1652491621695895>
<https://www.socialworkhelper.com/2015/01/21/social-workers-criminalization-launch-new-initiative-wake-protests/>

What We Talk About When We Talk About Indicators:
Current Approaches to Human Rights Measurement, by Maria Green
<https://muse.jhu.edu/article/13805>

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