

Reimagining the Future of Human Rights:

Social Justice, Environmental
Justice, and Democracy
in the Global South

Jessica Corredor-Villamil
(Academic editor)

REIMAGINING THE FUTURE OF HUMAN RIGHTS

**SOCIAL JUSTICE, ENVIRONMENTAL JUSTICE, AND DEMOCRACY
IN THE GLOBAL SOUTH**

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and Democracy in the Global South

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Contents

	Introduction: Human Rights Have a Future	10
	<i>Jessica Corredor-Villamil</i>	
Chapter 1	The Dark Cloud and Lack of Air	14
	<i>Marisa Viegas e Silva</i>	
Chapter 2	Venezuela's Judiciary under the "Bolivarian Revolution"	28
	<i>Ezequiel Monsalve</i>	
Chapter 3	The Advent of Philosopher-Judges as an Alternative Form of Democratic Expression	48
	<i>Karim Nammour</i>	
Chapter 3	"We Used to Have Clean Water": The Fishers of Juá and the Challenge for Human Rights	68
	<i>Rodrigo Magalhães de Oliveira</i>	
Chapter 4	Notions of the "Sacred": A Tale of Two Cases of the Right to Nature in India	84
	<i>Arpitha Kodiveri</i>	
Chapter 5	"I Go to the Toilet and the Crap Disappears"	96
	<i>Yamile E. Najle</i>	
Chapter 6	Sitting by the River and Washing Your Hands with Spittle: The Story of Informal Miners of Obuasi	108
	<i>Richard Ellimah</i>	
Chapter 7	Human Rights Has a Case of COVID-19	120
	<i>Slavenska Zec</i>	

Chapter 8	Operation Hurricane: Digital Surveillance Aimed at Criminalizing the Mapuche Cause <i>Sebastián Becker Castellaro</i>	134
Chapter 9	<i>Bakur</i> : Chronicles of Unrealized Futures <i>Enis Köstepen</i>	154
Chapter 10	The Rise of Autocracy in Hungary <i>Evgeny Belyakov</i>	170
Chapter 11	Tolls of Victims, Zero Accountability <i>Osamah Alfakih</i>	184
Chapter 12	Tagged for Slaughter: To Be a Human Rights Worker under a Dictatorship <i>Mary Louise Dumas</i>	198
	Contributors <i>Reimagining the Future of Human Rights</i>	208

Introduction: Human Rights Have a Future

Jessica Corredor-Villamil

This book is the collective effort of participants from the 2018 Global Action-Research Workshop for Young Human Rights Advocates, which Dejusticia has been organizing annually since 2013. These workshops aim to strengthen the abilities of young activists from the global South to achieve a greater impact in their human rights work and to reach a wider audience through new forms of narration. This book is just one of the many outcomes of the 2018 workshop.

The talented and committed authors of this volume—all contributors to previous editions as well—hail from countries as diverse as Brazil, Ghana, Russia, and Venezuela. They came together again in 2018 to think about the intersection between research and activism and what it holds for the future of human rights. That is why our selection process for the 2018 workshop participants sought to ensure that two people from each cohort were working from a transnational perspective.

The specific goal of this particular workshop was to reflect on the future of human rights, for we sensed that we were at a crossroads. With the recent rise in populist authoritarian governments, the global increase in inequality, and the worsening climate crisis, a number of thought leaders have wondered whether we have reached “the end-times of human rights” (Hopgood 2013). We thus wished to use this workshop as an opportunity to respond to some of the most frequent criticisms of the efficacy and legitimacy of the human rights movement by drawing on historical and empirical arguments and responding to the reflections of Kathryn Sikkink—one of the workshop’s instructors—in her book *Evidence for Hope* (2017).

Human rights defenders and activists are working in a world that is constantly changing. It’s a more multipolar world; powerful voices have emerged from the global South, which has reshaped the way that human rights work is being done across the globe. Furthermore, the Arab Spring and other social mobilizations that have since taken place have put the spotlight on civil society’s ability to act and its convening

authority. Nonetheless, despite the fairly positive outlook for civil society participation and the emergence of new voices, it is necessary to review the strategies that we have been using thus far and explore how to make them more effective.

This book is extremely relevant today, three years after the workshop, as we are living in a transformative time. The COVID-19 pandemic has had unprecedented socioeconomic and political impacts, including increases in inequality, unemployment, states' abuses of their emergency powers, and the concentration of presidential power. Moreover, social networks have played a critical role in the sociopolitical arena, not only in light of their capacity to massively mobilize but also due to their propensity to foster political polarization and the use of misinformation for political ends. Thus, although we face a different context from the one in 2018, this volume serves as a guide of sorts to help us reconsider the effectiveness of our strategies as a human rights movement as we look toward the challenges being posed by the third century of this decade.

The contributors to this book question traditional methods and explore new ways and visions of advancing human rights in the troubled context in which we live. Do the struggles of small-scale miners in Ghana, the use of strategic litigation in Lebanon, and the recognition of the rights of nature in India represent evidence for hope? Or is the opposite true, and, as shown in the chapters on martial law in the Philippines, the treatment of wastewater in Argentina, and in the internal conflict in Yemen, human rights have failed to deliver on their promises?

Acknowledgments

This book, like the other volumes in this series, is part of a collective and long-term project being conducted within the framework of Dejusticia's international work. The Global Action-Research Workshop seeks to help participants use action-research tools to strengthen their ability to produce rigorous texts capable of resonating with a broad audience.

Above all, the book is the result of the hard work and creativity of workshop participants, who earnestly followed the mentoring process from start to finish in order to write the chapters that make up this book. The leadership and dedication of Meghan Morris, global workshop coordinator, and Camila Soto, coordinator of Dejusticia's Escuela D, were key to the workshop's success. Morgan Stoffregen and Sebastián Villamizar Santamaría translated and edited the chapters in the English and Spanish editions, respectively. Claudia Luque, Dejusticia's

publications coordinator, led the production process and is the one responsible for ensuring that this book saw the light of day.

Lastly, the book—as well as the Global Action-Research Workshop effort in general—was made possible thanks to the continued support of the team at Dejusticia, the constant mentorship and involvement of Nelson Fredy Padilla, and the generous financial support of the Ford Foundation and the Open Society Foundations.

References

Hopgood, Stephen. 2013. *The Endtimes of Human Rights*. Ithaca, NY: Cornell University Press.

Sikkink, Kathryn. 2017. *Evidence for Hope: Making Human Rights Work in the 21st Century*. Princeton, NJ: Princeton University Press.

The Dark Cloud and Lack of Air

Marisa Viegas e Silva

This chapter seeks to illustrate the political tension in Brazil during August–October 2018, the months leading up to the country’s presidential race, from the perspective of a public official living in the capital of Brasília.

Brasília and the Lack of Air

It was one of those days where it was hard to breathe. August in Brasília: rain was nowhere to be found, and it was impossible not to think about it. How long would it take for the rainy season to arrive this time? Meteorologists had predicted scattered showers for this week, but they had said the same thing the week before and nothing. It was like that year round.

The public servant’s body was on fire because of the dry air: at night, it hurt to breathe, as the air scalded her nostrils and shredded everything inside. She had been living in this city for some years now, but she could never get used to the drought that scorched her skin, eyes, and nose, as if they were an offering to the earth, a price to pay for those who have come to Brasília in search of job opportunities. It was as if the red dust that swallows the city during the dry season were a trial by fire for the outsiders who now lived here and were seeking to become children of this land.

Records dating back to the eighteenth century document the idea of moving Brazil’s capital from the coast to the inland region. Indeed, the capital’s transfer was the result of centuries of proposals and initiatives put forth by eminent figures in Brazilian history, and even of a legend: in 1883, Italian Catholic priest Don Bosco dreamed of a special “promised land” that would appear between South America’s 15th and 20th parallels (Universidade Católica de Brasília 2013). Today, Brasília is located in the same spot prophesied by this priest, on the shores of Paranoá Lake (an artificial lake built to accompany the new capital), and Don Bosco is considered the city’s patron saint, along with Our Lady of Aparecida (Senado Federal n.d.).

The idea of creating a new capital was usually justified on the grounds of “interiorization” (moving the capital inland), given that the two previous capitals, Salvador and Rio de Janeiro, were located on

the coast, as were other major Brazilian cities, and thus all were vulnerable to possible foreign attack. But other factors were also at play, such as the desire to populate the country's inland areas and President Juscelino Kubitschek's proposal to make Brazil a "modern" country (Oliveira n.d.).

It was the 1950s and the country was enjoying relative stability, having endured nearly ten years without any military coups. Kubitschek, the president of modernization, assumed office under the motto "fifty years in five," representing his ambitious development plan. He spearheaded the decision to give life to the old dream of the new capital. In fact, Brasília's construction was one of Kubitschek's campaign promises, and under his administration the city was built at an astonishing pace, at the expense of poor laborers seduced by the idea of trying their luck in the future capital. These construction workers, who hailed mainly from the northeastern region, as well as Goiás and Minas Gerais, were Brasília's first inhabitants. They eventually became known by the name *candangos*, a derogatory term for uneducated itinerant workers.

The rush to inaugurate the new capital was for a well-known reason: to avoid any moves by political actors opposed to abandoning the old capital, located in the idyllic beach city of Rio de Janeiro, for a piece of dirt in the middle of nowhere. To prevent this project from failing, Kubitschek needed to inaugurate the capital before his term was up—and in 1960 he did just that, presenting the country with an unfinished city. Despite opposition, the city was inaugurated as Brazil's new capital that year, and its new role was cinched with the arrival of the dictatorship in 1964.

The promises of a bountiful land and easy money turned out to be a sham: work was frenetic, pay was low, free time was practically nonexistent, and entertainment was scarce. Worker riots were quickly shut down by the Special Guard of Brasília, a special police force connected to state-owned company Novacap, which was responsible for managing the capital's construction. This special force was notorious for its aggressiveness and arbitrariness.

The public servant recalled wistfully how she came to Brasília some years ago thanks to a job opportunity in the public sector, one of the government's preferred ways of attracting new residents. The public service, with its difficult entrance exams and competitive wages, was still a dream for most Brazilians. And Brasília, among other things, was just that: an oasis in the midst of a challenging job market, a magic land of civil service and bureaucracy, a big amusement park where the usual urban scourges of violence, begging, and traffic were largely

absent. In fact, in 2017, Mercer, a US consulting firm, rated Brasília as the Brazilian city with the best quality of life (Mercer 2017, 2019). This ranking confirmed the same results from the firm's 2015 and 2016 reports, which looked at infrastructure-related factors such as access to electricity, water availability, and telephone services.

One of Brasília's many peculiarities is its climate, which has two distinct seasons: the hot and humid season (October to April) and the dry season (May to September). The region is home to the Cerrado biome, famous for its short, drought-resistant trees with thick bark. When the public servant first moved to Brasília, she didn't think much of these small, twisted trees so common in the area. But over time, she learned to observe and respect the Cerrado, which harbors one-third of Brazil's biodiversity and 5% of the world's flora and fauna—all of which are currently being threatened by human activity and the expansion of soybean and other crops. The Cerrado is dry and amazing; it defies fires and is reborn from the ashes. The Cerrado of the ipe trees that bloom during droughts.

The public servant thought about how the red tone so characteristic of the dry season was outshone only by the dazzling ipe trees, whose color filled the city with beauty. One by one, with their different colors, and their exuberance and strength, the ipes bloomed while Brasília's residents wrangled with the fatigue and dry skin that come with that time of year.

Brasília in a Country of Hope

It was an election year and everything was out of the ordinary: there were about two months left before the election, and, unlike in other years, the outcome was not a foregone conclusion by August. One of the candidates was in jail (former president Luiz Inácio Lula da Silva), one was a far-right candidate from a small party that was on the rise (Jair Bolsonaro), and there was a scattering of other contenders, some of whom had performed well in previous elections (such as Marina Silva, Geraldo Alckmin, and Ciro Gomes).

Another aspect that gave a new face to the election process that year was the ban, thanks to the Supreme Court, on corporate donations to presidential candidates, which meant that campaigns had to be financed with public funds and individual donations. There were also new rules on campaign advertising and on the use of sound trucks, among other things, which made the campaign season a bit calmer, more organized, and more peaceful than usual.

It was impossible not to breathe politics, even if minimally, in a city that was built on this function. And it was especially true for someone who worked in the federal public service.

She had prepared for the public service entrance exam back in 2012, when the country was enjoying a period of significant economic prosperity and was hiring lots of public servants. Brazil's economy was the sixth largest in the world, having surpassed even that of the United Kingdom, according to the Centre for Economics and Business Research, a leading economics consultancy based in the United Kingdom (Inman 2012).

In a country that is extremely unequal, that has a large population suffering from hunger, that has suffered economic crises time and again, and whose collective memory knows all too well how difficult it can be to get by, the benefits of working in the public service were undeniable. Two of the main advantages were job stability and above-average salaries. Here, it is worth noting that job stability is only for those who join the public service via an entrance exam, and not for political appointees (who are at-will employees).

She was optimistic, and she remembers clearly how passing the exam changed her life forever: her purchasing power increased considerably, opening the door for home ownership and financial security. There were lots of employment opportunities in the country, with even a shortage of labor for some of the more basic jobs. She recalls being surprised at seeing people from the poorest sectors of society gaining access to goods and services that they had never dreamed of, such as housing, appliances, and even air travel, something that had been unimaginable just a few years prior.

There was also the strength of BRICS and the euphoria over Brazil's pre-salt oil region. With regard to the first of these, the acronym BRIC was coined in 2001 by British economist Jim O'Neill, from Goldman Sachs, to refer to the then-emerging economies of Brazil, Russia, India, and China. In light of these countries' prospects for economic growth and the observations of international agencies, these countries' governments established an economic bloc in 2009. Two years later, South Africa joined the group, and the acronym was modified to BRICS.

With regard to the second factor, the pre-salt region is an oil and gas reserve that Petrobras discovered in 2006. This reserve, trapped below a thick layer of salt, is located along an 800-kilometer strip of coastline between the states of Espírito Santo and Santa Catarina (Senado Notícias n.d.). The company's discovery generated tremendous enthusiasm due to its potential to greatly expand the Brazilian economy, particularly since Brazil has historically had to import oil. Although

pre-salt drilling is inherently more difficult than other types of extraction, that fact didn't diminish excitement around the idea. Later, Petrobras became ensnared in a serious political scandal, which slowed down investments in the pre-salt project, but this did not stop it from commencing drilling in the Jubarte field, located in the Campos Basin in the state of Espírito Santo. According to data published by Petrobras, average oil production in this area was 41,000 barrels per day in 2010;¹ one million barrels per day in 2016; and 2.03 million barrels per day in 2018 (Petrobras 2016, 2019).

Brasília and the Political Scene

She couldn't fathom how much Brazil had changed in just a few years. She was not an expert in politics or the economy, but she recalled a few events from recent years that helped her understand, at least in part, how it got on this path.

She remembered the massive protests of 2013, which began with a public demonstration led by the Free Fare Movement that had been organized online and brought together students and workers to protest a bus-fare increase. This wave of protests ended up reaching all corners of the country, uniting people with disparate political agendas behind a common cause: to denounce the country's World Cup spending, its dislocation of families in the name of development, and its reduced spending on education, among other things. Above all, the need to protest was in the air.

She thought back to the 2014 World Cup and the public's fear that it would be a colossal failure because of the surrounding tensions. She also remembered the presidential race from that year, marked by a tragic airplane crash that killed Eduardo Campos, a promising candidate. She recalled the fierce battle for office between Aécio Neves (the Social Democratic Party), Marina Silva (Socialist Party), and Dilma Rousseff (Workers' Party). After the country's return to democracy, elections had always been decided in favor of one of two parties—the Social Democratic Party or the Workers' Party—but this time had been different, with Rousseff winning by only a slim margin of 51.64%.

From there, everything had gone downhill quickly and confusingly. There were so many events that it was hard to keep track. The feeling she had was that the 2014 election had not been decided at that moment, since the results (which gave a narrow but verifiable victory, from the point of view of electoral rules, to the Workers' Party) had

1 According to Petrobras, average daily production increased tenfold between 2010 and 2014 (Petrobras 2014).

been disputed before the Electoral Justice by the Social Democratic Party.

In the midst of all this, a series of corruption scandals involving high-ranking politicians emerged. One such scandal was Operation Car Wash (*Lava Jato*), the largest corruption investigation in Brazilian history. The operation's name was coined at the start of the investigation, when the Federal Police were focused on investigating a gas station suspected of laundering money; subsequently, the operation transformed into a much larger investigation targeting a web of corruption that was operating in Brazil and abroad and which involved business executives and politicians from different parties. Operation Car Wash, which began in 2014 and continues to the present day, has included search warrants and arrest warrants, pretrial detention, and plea bargaining (in which suspects reduce their sentences in return for cooperating with the criminal investigation or testifying against their accomplices).

Through the joint work of the Federal Police, the Public Prosecutor's Office, and the federal judicial system, for the first time in Brazil's history, high-ranking politicians were being investigated, charged, and arrested, marking a paradigm shift away from the traditional impunity enjoyed by politicians and the country's elite. Without a doubt, the most impactful of these actions, at least symbolically speaking, was the jailing of former president Lula in early 2018.

Despite being widely supported by the public, Operation Car Wash also had its critics, most of whom argued that the state's investigation was violating constitutional guarantees. Among the violations cited were the selective leaking of records and information, arrests used to force plea bargains, and the failure to respect the principles of presumption of innocence and impartiality.

The fact is that Operation Car Wash was much more than a simple police investigation, since it struck at the heart of Brazilian politics and business, thus playing a role in the crisis that the country is currently experiencing. Her impression was that Operation Car Wash led politicians to redirect much of their energy toward defending themselves from possible imprisonment and criminal sanctions instead of leading the country.

Each time a potential prison sentence was announced for an Operation Car Wash suspect, Brasília trembled. The city is the setting where major decisions are made, where battles, betrayals, and conspiracies take place—and it is the place where people from different parts of the country gather together to define the country's future.

Brasília and Architecture

Many years ago, when Brasília's construction was being planned, a design competition was held, and the jury selected urban planner Lúcio Costa and architect Oscar Niemeyer to design the new capital. Costa proposed an urban layout in the shape of a butterfly or cross (known as the "pilot plan" in allusion to its airplane-like format). The uniqueness of this design led to Brasília's designation as a UNESCO World Heritage Site in 1987.

The entire city was conceived of as an open-air work of art, with its magnificent buildings showcasing the political power that came to inhabit the city starting in 1960. Though it is famous for being a city of cars and not people (due to its wide avenues and the long distances between places), the public servant always felt the opposite: she was impressed by the "super blocks" (the term used for the city's neighborhoods), which were all the same except for their numbers. And in commercial and residential areas alike, there were trees, so many trees. And birds. And cicadas. And quiet, to balance out all of the noise generated by the political scene.

And in the midst of the turmoil caused by Operation Car Wash came the impeachment of President Rousseff, who had been accused of "fiscal pedaling," a creative accounting practice involving the delay of government payments to banks, with the aim of creating a false impression of the state's financial health. As a result, Rousseff was impeached and removed from office on charges of criminal administrative misconduct, marking the second president to be impeached since the country's return to democracy.

All of this was happening in the National Congress, next door to the public servant's place of work. She had seen so many newspaper photographs of this strange-looking building located at the eastern end of the Monumental Axis, which occupies one of the corners of the Three Powers Plaza, along with Planalto Palace and the Supreme Court. The building consists of a main structure that serves as a platform for the domes of the Chamber of Deputies and the Federal Senate. The smaller dome, belonging to the Senate, is turned downward in a sign of reflection, serenity, and balance. The larger dome, belonging to the Chamber of Deputies, is turned upward, symbolizing an openness to receiving the wishes of the people.

Every time she passed by that building, she wondered: When will you finally hear us? Despite having lived in the city for years, seeing the building still filled her with awe, especially on afternoons boasting those beautiful orange sunsets so common in the region.