

## Putting the “Human” Back in Human Rights

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I'm very grateful for the opportunity to share some thoughts and observations with all of you, who constitute not only a group of close friends and colleagues, but also an extremely important community of donors and advisers supporting so many on the front lines of the most challenging human rights struggles in the world, and in the United States, today. It's a humbling challenge with such an informed and sophisticated audience to know what I could say that would be helpful to you in reflecting on, deepening, and advancing your work.

I think back to a different challenge, faced over a dozen years ago when my youngest daughter was in kindergarten, and her class had some kind of Career Day, when parents were invited to come in and talk with the children about their jobs. It put me in mind of the scene in that Billy Crystal movie *City Slickers*, where his character went to a similar event in his son's class, and found himself following a burly fireman's story of how he lifted a truck to save someone pinned underneath by trying to explain to 7-year-olds the intricacies of his job selling ad time on the radio. I was working for Human Rights Watch then, and I gave a lot of thought to how to make my work accessible to kindergarteners. I thought I was a pretty fair artist, so I made and photocopied twenty sheets that had the three words in our name— "HUMAN," "RIGHTS," "WATCH"—with little cartoons alongside to symbolize each word: a person for human, a telescope for “watching,” and so on. After I was done, I figured, the kids could color them in with crayons.

So I lowered myself into a little kindergarten chair, the kids seated in a circle on the floor—my own daughter Zoe already showing, by her anxious expression, tendencies toward her eventual adolescent policy that her father should never, ever, open his mouth in the presence of her friends, or, ideally, in any public setting, other than perhaps to ask how many bills should be taken from my wallet and given to her—and started my presentation.

Speaking very slowly, I explained what I did, pointing to each section of the handout—“does anyone know what this word is? I see Jeremy's hand up...”—and they seemed captivated—entranced, really—by my presentation. When I was done, I asked if there were any questions. A few quiet moments, some fidgeting underway, and then a little boy raised his hand.

“Yes?” I asked.

“I have a loose tooth,” he said.

This has become a catch phrase in my family for non sequiturs, but I drew from that experience the lesson that you have to start with where your audience is and make what you have to say relevant to what's on their mind—something the human rights movement does not always do successfully. Despite my awe for the combined wisdom, knowledge, and experience of the people in this room, I will never have a tougher audience than that kindergarten class, so I think I will start.

First let me set the stage a little bit in a way that is familiar to most of you, but with a semi-personal perspective on the rapidity of changes we have a tendency to take for granted.

Of course, there have been what we would now call human rights struggles, or at least human rights issues, since there have been humans—apologies to the animal rights activists in the room for my speciesist outlook on this. When Adam and Eve were expelled, in a grossly disproportionate punishment, from the Garden of Eden for taking the apple from the tree, and on top of that, their “original sin” was visited upon every subsequent generation—well, I would be happy to bring that lawsuit.

I have always loved former Attorney General Ramsey Clark’s pithy description that a right is not what someone gives you, it is what no one can take away from you. Not quite: in international law, certain rights can be overridden by exigency, and in U.S. constitutional law, sometimes rights clash, and one comes to trump another. But in all of human history we have struggled to claim space that cannot be violated by those who have—or, since the dawn of democracy, to whom we have given—power over us. We’ve sought to protect our land, our property, our persons. Sometimes in absolute terms—don’t kill or torture me, battles that continue today, particularly in this country—but always, at least limited by fair procedures.

The codification of rights in various cultures, at least for some members of the community, goes back a millennium or two, and the codification internationally to the middle of the last century, which is about when we can date the origins of what we might call a human rights movement. But first is the universal impulse to have respected one’s person, one’s family, one’s culture. Only then the codification in the myriad forms it has taken over the centuries.

Of the two principal human rights organizations working globally, I was born, as were many of you, before Amnesty International was created in 1961, and virtually everyone in this room is older than Human Rights Watch, which can trace its origins to 1975.

In these short years, the advocates we support—and many of us, who have our own roots and histories in these movements—have had phenomenal success in gaining acceptance of universal human rights standards, and mechanisms for enforcing them, changing the world in ways that seemed unthinkable not twenty years ago. After working a dozen years for one of the oldest American human rights organizations, the ACLU, I went global in 1988 when I came to PEN American Center to direct its Freedom-to-Write Program. PEN’s London secretariat then issued a booklet several times a year cataloguing the thousands of writers held in prison worldwide. There were, I recall, over four hundred in the Soviet Union alone. Vaclav Havel was in and out of jail, and Nelson Mandela had been in prison for more than twenty years. Journalists were regularly gunned down in broad daylight in a number of Central and South American nations. The Berlin Wall stood, and apartheid ruled South Africa.

The world is very different today. No one would argue that any of these vastly transformed countries are human rights havens, any more than the U.S. is. There is discrimination against the Roma in the Czech Republic and throughout Eastern Europe; the media is suppressed in Russia, the military behaves brutally in Chechnya, and Putin is increasingly authoritarian; millions live in grinding poverty in South Africa, and mounting crime threatens the democratic prospect. But who would go back to the days before?

There was an advantage for advocates in the nature of repression as it was practiced by many countries before the democratic transformations of the 1980s and 1990s: it had a human face. The political prisoner—the man or woman behind bars for their conscience—could spark the attention of the world and provide a focus for campaigns. When you won—when he or she was released, when the power of human rights toppled governments—you knew it, and you could celebrate and move on to the next challenge.

Thinking back to those heady days of the Velvet Revolution and the transition to majority rule in South Africa brings home a lesson that we would do well to remember in considering the Bush Administration’s campaign to spread human rights and democracy in the Middle East with a wedge of military action. It is this: the most significant democratic transformations in our lifetime, from South Africa to the breakup of the Soviet Union and its gulag, were essentially peaceful transformations led by citizens of those nations given courage by

international solidarity, but making change from the bottom up. Brave advocates faced violence and many died. But in the end, these revolutions overwhelmed repressive governments not by the force of arms, not by outside intervention, but by the amassed power of people and ideas.

That is still happening in many places and will happen again in places that now seem unlikely. But for human rights advocates and funders, I don't need to tell you that today's challenges are different than those in which I cut my teeth as an advocate. They sometimes make me question whether we can sustain the movement that had such blazing success in the last few decades.

First, the problems of human rights and their solutions are increasingly more complex. There are, as my colleague Andrew Puddephatt puts it, many more shades of gray to deal with. Second-stage human rights issues—the discrimination and poverty and crime and corruption that open societies must deal with—resist easy remedies, and when these problems mount, democracy itself is threatened, and citizens all too often crave the quick fix, the man on horseback. Human rights activists have traditionally fought to curb the power of the state, but we have seen in the last decade or so that collapsing states cannot guarantee minimum rights, and non-state actors—the kind of wonky human rights term that only 100 people outside this room understand—can exercise power as fully and brutally as governments and must be held accountable as well. Unfortunately our response to this complexity has often distanced us from popular understanding and support, as we speak not only to one another but to the public in the shorthand of optional protocols and reservations.

Second, as I alluded to above in talking about the Bush Administration, a sign of the human rights movement's success but also its possible unravelling, to which we see parallels in every other progressive achievement, from protecting the environment to educational opportunity, is its co-optation by those with very different values and a very different policy agenda. It seems we have an administration that has placed human rights and democracy at the core of its foreign policy goals in a way that, at least rhetorically, would seem like the promised land to Jimmy Carter, who was excoriated by realpolitik practitioners like Henry Kissinger for his fuzzy-headedness. It seems we went to war in Afghanistan and Iraq for women's rights and free elections. As a marketer might look at it, in the gap between its professed values and its practices, from the post-September 11 roundup of Muslims, Arab-Americans, and South Asians to the continuing abuses at Guantanamo, the U.S. has badly eroded the human rights "brand."

Third, the postwar human rights movement was premised on the core notion that human rights abuses exposed to public view could not be sustained. But the events of recent years have sorely tested that view, from Rwanda to Darfur and, sad to say, at Abu Ghraib, not to mention Rodney King. No one can say—certainly no policymaker—they didn't know what was happening, but that doesn't mean they will act.

Leading to the fourth challenge, which is that we lack a strong constituency for human rights. Going back to Eastern Europe, Latin America, and South Africa in the 1970s and 1980s, the elite tools of advocacy—documentation and research, invocation of international standards, influence with editorial boards and saturation of op-ed pages—were coupled in each case with a strong grassroots constituency: émigrés and ethnic organizations across the U.S., along with the political right, on the Soviet Union and Eastern Europe; the anti-war left and progressive Catholics on El Salvador and Guatemala; the African-American civil rights movement on South Africa. We have that constituency on few human rights issues today. The women's movement, surely, on many issues, though the mainstream human rights organizations rarely acknowledge and deploy this powerful force. And let's be frank: on trafficking, slavery, religious persecution, the evangelical right is a significant, mobilized, and essentially positive force. We could learn much from their organizing savvy.

Like many of you, I am still chilled by the story told by my former Human Rights Watch colleague Holly Burkhalter, recounted in Samantha Power's book about genocide, *A Problem From Hell*. When Holly made the rounds of Congressional offices in the summer of 1994 to press for action to stop the killings going on at

that moment in Rwanda, from every staffer and member she heard the same thing: we aren't getting any calls or letters about this.

So without a strong constituency, with all the limits of exposure, with all the complexity of the issues, with the dangerous co-optation of our language—what do we have going for us?

In counterpoint to these challenges, we have in human rights a tremendous and powerful asset. Human rights connect those fighting for them to a global movement—to people marching under the same banner but waging a wide range of struggles. Women fighting widow “cleansing” in Malawi, workers challenging maquiladora sweatshops in Mexico, lawyers challenging torture at Guantanamo and Abu Ghraib, rural poor residents of Alabama trying to block a toxic waste dump in their town. I was once skeptical that human rights could unite these disparate communities. But that changed a dozen or so years ago when I took a group of human rights leaders visiting the U.S.—a long-term Albanian political prisoner, a Rwandan activist already scarred by machete attacks, a Chinese dissident just released from four years of solitary confinement—to South Central Los Angeles for meetings with African-American, Latino, and Korean community leaders trying to rebuild in the wake of the uprisings that followed the acquittal of the officers originally charged in the Rodney King case. They connected immediately, and any hierarchy of suffering, any national exceptionalism, fell quickly away. What I have seen in recent years in the Ford Foundation's pathbreaking ["Close to Home" report](#) and the campaigns it chronicles—along the U.S.-Mexico border, in San Francisco, Philadelphia, in Indian country—has only deepened my excitement and my hope.

I spend much of my time these days working with donors and domestic advocates who are trying to rebuild a progressive “infrastructure.” A predominant concern, one that has already produced acres of op-eds and blog printouts, is about values. The other side's values, this lament goes, are so clear, and clearly expressed. What are our values? How do they inform our policies and strategies? How do we communicate them?

Human rights may lead the way, because, fundamentally, they are a set of transcendent values. But we must express them that way. My fellow progressives express envy that the right can express its values on a bumper sticker. It may not be a bumper sticker, but it is hard to do better than Franklin Roosevelt's Four Freedoms speech, resurrected by Cass Sunstein in his recent book, *The Second Bill of Rights*. We have made the mistake in recent years, as many of our key organizations have moved beyond their activist founders to a high degree of highly effective professionalism, of equating our values with their codification, with the mechanisms that we have created to protect and advance them. But we need to return to first principles.

Human rights are not a frame or a tool. They are the essential aspirations and entitlements of every human. They are inclusive and dynamic, given content and force in every generation by those who claim them, even though—to agree in a sense with my right-wing adversaries—gay marriage could hardly have been imagined by the U.S. founding fathers (nor, for that matter, a black Secretary of State).

Human rights are not a magic bullet. Their invocation does not transform a campaign from a losing one to a winning one. Some colleagues working on health care recently asked me to take part in a workshop to talk about the pros and cons of reframing their work as a “rights” issue. That may be the right thing to do—what most shocks the conscience of the rest of the world about the United States, along with our cold-blooded use of the death penalty, is another issue with life and death consequences: we allow people to live or die, spend themselves into bankruptcy, or eke out their final years eating cat food because their scarce dollars go to vital medicine, because they can't afford medical care. But I am cautious about the value the “reframing” would have, because I spend much of my time working on traditional rights issues. And there must be some boundaries: every good thing is not a human right.

I titled this talk “Putting the Human Back in Human Rights,” though I have strayed from that theme a bit. I want to return to it now. I do believe we have often lost sight of the humanness in human rights. In gaining a

seat, at least at some times on some issues, at the table of governments, we are in danger of losing sight of the people who put us there.

Every evil and repressive regime throughout history, every anti-rights movement, understands the centrality of humans to human rights, because they work very hard to strip those they wish to persecute or exterminate of their common humanity. Surely the Nazis and the architects of the Rwandan genocide did this, and on a different level dehumanization is a common tactic of war propaganda. It is easier to kill people when you are made to believe they have nothing in common with you, they are no better than animals or vermin.

Look at the websites of the key opponents of gay rights like the Eagle Forum or the Family Research Council. You won't find the word "people" or "persons" used in referring to gay and lesbian people. Why did the right in the U.S. care so much about pressuring the Public Broadcasting System to remove from the air a segment of the popular children's program "Postcards from Buster," in which Buster travels around the country visiting a diverse range of families, when it featured the child of a lesbian couple in Vermont? Because seeing the love and richness in their lives melts ignorant prejudices—as, indeed, the daughter in a Muslim family featured in another segment found when she watched the show.

My advice to funders who want to put more humans back in the human rights movement, who want to broaden public understanding, support and passion for human rights, is to join us, as I know a number of you have, in making grants to initiatives that use popular culture and alternative forums for advancing human rights. These include organizations like:

- [Breakthrough](#)—based in India and Queens, New York—which produces music videos and hip-hop events to raise awareness and stimulate action on gender-based violence and other issues;
- the [Sundance Documentary Fund](#), which helps underwrite dozens of films each year which tell the stories of refugees and immigrants, victims of war, poverty and torture, and many other human rights activists and actors, and in so doing overcomes, as film does better than almost any medium, the limitations of access and privilege that keep so many parts of the world hidden from view;
- the [International Coalition of Site Museums of Conscience](#), a global network of institutions based in places where terrible things happened—from the Terezin Concentration Camp outside Prague to District Six in Cape Town, razed by the apartheid regime—that enable a direct and visceral connection to human rights violations that few other experiences can convey.

The list is growing longer with our help. The centrality of humans to human rights was never expressed more eloquently than by Judge Learned Hand, no slouch when it came to the rule of law: "I often wonder whether we do not rest our hopes too much upon constitutions, upon laws, and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it."