Maddy Batt

The Bernstein Symposium’s third panel, titled “Culture and Change,” considered the variety of intersections between human rights and cultural change. Sharanya Kanikkannan (‘11), a Legal and Policy Adviser at AIDS-Free World, spoke about her work on the Code Blue campaign to end impunity for sexual violence committed by UN peacekeepers. Her challenge, she said, is to change the institutional cultures that “define certain victims as more worthy”—a designation not accorded to UN peacekeeper’s victims. Efren Olivares (‘08), who is the Director of the Racial and Economic Justice Program at Texas Civil Rights Project, faces different issues in his efforts to stop the denial of birth certificates to the American-born children of undocumented immigrants. He explained that, without birth certificates, these children are kept “in the shadows and outside the system.” The potential for clashes between culture and human rights was also addressed during the panel; American University of Central Asia professor Meghan McCormack’s (‘14) presentation on bride kidnapping in Kyrgyzstan demonstrated the difficulty of combatting a human rights violation when it is widely accepted as a “cultural phenomenon.” And for Ryan Thoreson (‘14), a researcher in the LGBT Rights Program at Human Rights Watch, the culture of the country he is working in shapes his approach to his advocacy for transgender youth rights.

Moderator Tara Jane Melish (‘00), the director of Buffalo Human Rights Center and a professor at the University of Buffalo School of Law, emphasized the importance of frames throughout the panel. She worried that framing issues in the language of human rights is no longer persuasive. “If we want to reclaim human rights moving forward,” she argued, “we have to do some very serious framing work.” To achieve this, she urged the audience, “We as a community need to come together and understand what we mean when we say human rights.”

Melish’s concern about the failings of human rights as a persuasive tool struck me as well founded, though I am unused to hearing the concept of human rights discussed as a method of persuasion rather than a universalist philosophy. I think a significant reason that human rights can be unpersuasive is because they can feel imposed—either by the West or, in Western countries, by elites. I thought about this sense of imposition when McCormack discussed the Kyrgyzstani laws that prohibit bride kidnapping. These laws, she said, had been passed due to pressure from human rights organizations. I wondered whether the human rights organizations were Kyrgyzstani-based or coming in from elsewhere; in the latter case, it is hard to see how the laws could be seen by Kyrgyzstani as anything but imposed from the outside.

The human rights framework is especially likely to be seen as an imposition when the institutions that are meant to uphold human rights are victimizing rather than uplifting the communities that they enter. I’m thinking here of Kanikkannan’s work on UN Peacekeepers. When entities that hold themselves to be arbiters on matters of human rights construct narratives wherein certain violations and certain victims take precedence over others, and when there is no accountability for the violations that those entities themselves commit, human rights as a mode of understanding the world is compromised.
The human rights framework cannot survive if it is operationalized by outside powers proceeding with a selective understanding of whom human rights should apply to.

I do not mean to argue that human rights violations in a given country cannot or should not be addressed by people and organizations from outside of that country. Doing so would be to adhere to an untenably strict notion of sovereignty. However, I wonder how, from a strategic perspective, one should address human rights violations in foreign countries in the absence of dissenting voices within those countries to amplify. How can we prevent human rights from appearing to be an outside imposition in these cases? Unfortunately, while I left the panel with a lot of doubts about the ongoing potential of human rights discourse to effect positive change, I did not feel we came to any concrete solutions regarding this question.