RISE TO THE POPULIST CHALLENGE
A NEW PLAYBOOK FOR HUMAN RIGHTS ACTORS

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There is an epidemic of pessimism surrounding human rights today. To name but a few examples, former UN Secretary-General Ban Ki-moon has suggested that there has never been so much suffering since World War II, University of Chicago law professor Eric Posner has claimed that there have been no marked decreases in human rights violations in the same time period, and international relations scholar Stephen Hopgood has argued that we are witnessing the “endtimes of human rights” (Ki-moon 2016; Posner 2014; Hopgood 2013). Social movement theorists have long theorized that the ways in which movements frame their issues can matter for the resonance of their concerns with the public and thus, eventually, the effectiveness of their campaigns (Benford and Snow 2000). Human rights movements make frequent use of the framing involving peril and crisis, as did the title of the conference that led to this volume.¹ Such a pessimistic mindset is understandable because of the worrisome situations that human rights activists face every day. The idea of peril and crisis, however, points not only to the present moment but also implies some knowledge about trends and change over time; it suggests that human rights were not challenged

¹ The workshop was entitled “Civil Society and Human Rights in Peril: Threats and Responses across the World.”
or imperiled previously, and that the situation now is worse. I recognize that many alarming human rights situations exist in the world today, and I am particularly worried about the current situation in the United States, but I am not persuaded that the state of human rights globally is now worse than it has been before. Instead, let us consider how the frame of constant crisis itself could have negative consequences for human rights.

My recent book, *Evidence for Hope: Making Human Rights Work in the 21st Century*, proposes that pessimistic claims need to be submitted to rigorous examination, both historical and statistical (Sikkink 2017). This debate matters because of the inadvertent effects the frame of crisis and peril may have on perceptions about the effectiveness and legitimacy of human rights activism, both inside movements and vis-à-vis outside audiences. Historically, human rights progress has occurred as a result of struggle, and has often been spearheaded by oppressed groups. Where it has occurred, human rights progress has not been at all inevitable, but rather contingent on continued commitment and effort. Some activists and scholars fear that if they admit there has been progress, people will grow complacent and disengaged. But excessive pessimism can be equally or more devastating. As community organizer Saul Alinsky reminded activists decades ago, pessimism and anger are not sufficient to maintain motivation over time; you also must have hope to believe that you can make a difference (Alinsky 1971). A recent survey of 346 individuals currently or previously working in the field of human rights found that this work is associated with elevated levels of depression and post-traumatic stress disorder (PTSD), and that one source of this appears to be negative self-appraisals about human rights work (Joscelyne et al. 2015). These findings suggest that one of the most difficult parts of being a human rights activist is the doubt about whether you are contributing to positive change. A frame of excessive crisis thus may not only contribute to the impression that the human rights movement has historically been ineffective, but it could also diminish the motivation and well-being of activists.

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2 Some of this appears in Saul D. Alinsky’s most famous book, *Rules for Radicals* (Alinsky 1971), but the exact formulation used here comes from an interview with Douglas Johnson in which he discussed a training course he did with Alinsky in Chicago in the late 1960s.
By their very definition, human rights are needed when things are bad. I worked at a small human rights organization, the Washington Office for Latin America (WOLA) in the early 1980s, a time that is now seen by some as the golden age of human rights activism. Yet we never felt like human rights goals were easily within our reach. How could we, when the Argentine government was disappearing thousands of its citizens; the Salvadoran government—with the heavy support of U.S. government training and money—was killing U.S. nuns and massacring its own citizens in places like El Mozote; and the Khmer Rouge was carrying out a genocide ignored by much of the world? The period between the end of the Cold War and the start of the so-called War on Terror has likewise been identified as a high point for human rights activism, yet it was also during this period when genocide and mass atrocities were perpetrated in both the Balkans and Rwanda.

Some of the current pessimism also suggests that human rights activists were popular at some point in the past and are now denigrated. But human rights activists have never been popular in the countries where they work. Repressive governments have a long history of attacking and vilifying human rights groups. Human rights organizations often defend the rights of unpopular minorities such as political leftists in Latin America, refuseniks in the former USSR, the Roma in Europe, and transgender people in the U.S. Another way to think of this is that human rights demands tend to be counter-majoritarian. Majorities in places like Hungary, for example, are trampling on the rights of their Roma minorities, and groups like the Hungarian Civil Liberties Union (HCLU) do not win popularity by defending their rights. As Stefánia Kapronczay, Executive Director of the HCLU, discusses in her chapter in this volume, the HCLU has nevertheless been able to enhance its identity with Hungarians by better explaining who they are, what they believe in, and what kinds of work they do. Still, one should not go into human rights work expecting to win majority acclaim, as it is often the cruelty or the indifference of the majority that necessitates human rights activism.

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3 For example, in his presentation at “Civil Society and Human Rights in Peril: Threats and Responses in the World” (October 27, 2017, at Brown University), Mandeep Tiwana said that there had been progress in human rights in the second half of the twentieth century. However, if we look at the first seventeen years of the twenty-first century, we have started to go backwards, he said, and there is “a steady erosion of human rights.”
The fact that the fight for human rights has always faced significant opposition should not discourage us. The longer history of human rights offers a positive message that can help sustain us in the context of our current struggles. In Evidence for Hope, I explore what changes have taken place over time, using the best data I can find on what many of us would agree to be good measures of diverse human rights. Looking at this data carefully, issue by issue, we see that some situations are worsening—such as the absolute number of refugees displaced by war or economic inequality within many countries. Nevertheless, there are many more upward trends, including a decline in genocide and politicide, a shrinking number of people killed in war, decreasing use of the death penalty, and improvements in poverty, infant mortality, and life expectancy, as well as advances in gender equality, the rights of sexual minorities, and the rights of people with disabilities. I use this history and data to tell not a triumphalist history, but what Albert Hirschman would call a “possibilist” one, focusing not on what was probable, but on what, with commitment and struggle, was eventually possible (Adelman 2013; Hirschman 1971; Hirschman 1963).

So why is it that so many people believe human rights violations in the world are getting worse rather than better? The short answer is that we think the world is worse off because we care more and know more about human rights than ever before. The media and human rights organizations have drawn our attention to an increasingly wide range of rights violations around the world. Their success in doing so sometimes inadvertently causes people to think that no human rights progress is occurring. Discouraging results are also generated by a method employed by human rights activists and scholars that I call “comparison to the ideal”—we compare our current situation not to the past but to an imagined ideal world, and thus we always fall short.

Some of the chapters in this volume exemplify this tendency to see our own period as uniquely bad compared to what came before regarding some of the key challenges posed by the attacks against civil society groups that this volume addresses (smear campaigns, foreign funding restrictions, attacks against the media, operational and administrative restrictions, and attacks against fundamental freedoms). Here, I briefly explore which of these challenges are mainly new for civil society, and which are older challenges, before addressing more specifically the topic of the restriction of fundamental rights. The newness of the challenge does not necessarily mean that it is more important; indeed, restrictions of fundamental rights of civil society groups are
very important, but not new. It may be useful to start with an exploration of how new or old these challenges are because civil society groups can draw on prior experiences in response to older issues, while new tactics and innovation may be necessary for responses to newer challenges. Harsh Mander’s activism, as described in his chapter in this volume, “A Caravan of Love: Protest, Atonement, and Conscience in India” for example, draws on Gandhian traditions of love and non-violence that have been effective in India in the past.

Historical comparisons and an effort to examine evidence we have on the topic of trends may be useful to put the chapters here in context. I suggest that more formal restrictions on foreign funding and severe burdens on the operational capacity of civil society organizations, including new registration requirements for NGOs, are newer challenges, while smear campaigns against civil society, attacks against the media, and restriction of fundamental rights are older problems. Let me briefly give some historical evidence for these claims.

**SMEAR CAMPAIGNS AGAINST CIVIL SOCIETY**

As long as there have been civil society groups advocating social change there have been smear campaigns against these organizations. Even Gandhi faced a smear campaign from Winston Churchill, who accused him of sedition or treason, a charge used frequently against activists today. Although it could be the case that today’s smear campaigns are better orchestrated or further reaching, especially given social media, the general tactics are all too familiar.

The suffragists and suffragettes, for example, were smeared both personally and politically, as sly, unwomanly, ugly, unmarriageable, greedy, and even mentally unstable activists undermining order and the family. These became the inheritance of feminists. One author has argued, “When the feminist movement grew out of the successes of the suffrage movement, the already existing negative tropes about suffragists were recycled and adopted by antifeminists” (Lamoreaux 2014). Some of these same tropes were used against women’s human rights organizations as well, including accusations of mental instability. For example, in Argentina, the dictatorship of the late 1970s and early 1980s attempted to delegitimize the Mothers of the Plaza de Mayo by calling them “Las Locas de la Plaza de Mayo” (“The Crazy Women of the Plaza de Mayo”).

Also common in Cold War Latin America were accusations of communism. Some human rights groups in Latin America were in fact connected to communist parties, such as the Liga Argentina por los Derechos del Hombre (The Argentine League
for the Rights of Man), the nation’s oldest human rights organization, which was set up in the 1930s by members of the Communist Party of Argentina. For others, however, the accusation was far-fetched, and could be seen as part of a smear campaign. Amnesty International (AI) was routinely branded as communist by anti-communist regimes in Latin America, even though its tripartite structure at that time required each of its groups to adopt prisoners of conscience from the three “worlds”—the first world, the second world (e.g., the communist world), and the third world. For example, after Amnesty International’s first-ever country campaign, which focused on Uruguay in 1976, the Uruguayan government accused AI of “being a communist front.” Another Uruguayan newspaper published a political cartoon (figure 1) depicting a devil with “Amnesty International” written across his chest, holding signs that read “slander” and “lies.”

In addition to facing accusations of communism, human rights organizations in Latin America were labeled “foreign agents” or “traitors.” Because they were accused of being “anti-national,” some human rights organizations were hesitant about revealing their sources of funding. However, I do not recall hearing about any formal or official policy blocking foreign funding or making groups register in the 1970s or 1980s.

Figure 1. An anti-Amnesty International cartoon published in La Mañana, February 20, 1976.

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4 This material comes from Sharnak 2017, and I thank Debbie Sharnak for her permission to use it here.
ATTACKS AGAINST OR COOPTATION OF THE MEDIA

Another old tactic of repressive regimes is to attack or coopt the media. One of the best-known cases of a government launching an attack against the media occurred in Argentina with the newspaper *La Opinión*. This paper’s editor, Jacobo Timerman, was kidnapped, imprisoned, and tortured in 1977, supposedly for his connections to terrorism, and released only after a concerted campaign that included some key members of the U.S. Congress. Yet the attempt to control *La Opinión* did not stop there. From 1977 to 1981, the dictatorship expropriated the newspaper, and published it under the same name with a completely different editorial line. All the dictatorships of Latin America censored, attacked, or coopted the media. Suppressing journalistic activism was, to a greater or lesser degree, a standard strategy.

RIGHTS RESTRICTIONS ON HUMAN RIGHTS ACTIVISTS

Restrictions on the fundamental rights of human rights activists are likewise not a recent practice. Suffragettes were beaten and abused by police and members of the public when they protested, and those arrested were brutally force-fed by prison guards when they went on hunger strikes. Henry Brailsforth was commissioned to write a report on the way police dealt with one demonstration of suffragettes that turned violent, and obtained “irrefutable testimony not just of brutality by the police but also of indecent assault” (Foot 2005, 32).

From my work and research on human rights organizations (mainly in Latin America) in the 1980s and 1990s, I learned that restrictions on the fundamental rights of human rights activists—from freedom of speech and association, to freedom from arbitrary arrest and torture, and even their right to life—were common. Searches of the offices of human rights organizations and confiscations of their files were common. Governments killed and disappeared activists, often clandestinely, though sometimes in the open.

One of the problems with trying to assess whether the current restrictions against human rights organizations have created a uniquely negative situation for civil society groups is that there is no source of information to explore whether these restrictions have significantly changed over time. For this reason, I use some data from...
the Special Rapporteur on the situation of human rights defenders, which was set up in 2000 to study exactly this situation. Although these reports almost certainly capture only a small subset of violations of the fundamental rights of human rights civil society groups, it is the only source focused exclusively on these kinds of violations of human rights defenders.\(^5\) A survey of the reports of the Special Rapporteur could provide some evidence about changes in the violations of the fundamental rights of human rights activists from 2000 to the present, but not about how this current period compares to periods before 2000. One independent evaluation found that in some cases these experts have been effective in catalyzing improvements in human rights (Piccone 2012, 18). Still, a comparison of the reports of the various Special Rapporteurs is difficult because each had different levels of staff and resources available to them, and did not always include the same information in their annual reports. Despite these caveats, after comparing summary data from 2001 to 2017, no clear increase in violations of the fundamental rights of human rights defenders is evident. As knowledge about the rapporteurs grew, more human rights defenders may have submitted complaints, but since multiple communications about particular violations against individuals and organizations were issued, it is hard to identify any trends in new complaints.\(^6\) This is potentially both a commentary on the lack of effectiveness of the communications from the Special Rapporteur and a warning that the numbers cannot be easily used to explore trends in the violations of fundamental rights of human rights defenders.

Despite my inability to identify trends from these reports, Forst reports that he has witnessed an increase in such violations during his mandate:

> After spending the past three years traveling around the world and documenting the situation of human rights defenders, the Special Rapporteur is more appalled than ever to see attacks against them multiplying everywhere, assailing bloggers, indigenous peoples, journalists, community leaders, whistle-blowers and community volunteers. Furthermore, the Special Rapporteur has become convinced that the incidents in question are not isolated acts but concerted attacks against those who try to embody the ideal of the Universal Declaration of Human Rights in a world free from fear and want. (UNHRC 2017, 3)

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5 For example, one could also try to code Amnesty International documents for violations of fundamental rights of human rights defenders.

6 We see data about these multiple reports in two places. First, in the summary report by H. Jalani for 2000–2007, we see that although she sent well over 3,000 communications in this time period, they involved 1,137 individuals. Likewise, in his 2016 annual report (UNHRC 2017), M. Forst clarified that of the 209 communications he had sent to governments, 184 were follow-ups on persons and organizations that had previously been the subject of communications.
In addition to providing some data on violations of the fundamental rights of human rights defenders, the Special Rapporteur also has a useful website (in English, Spanish, and French) with dozens of resources and tools in each language.\(^7\) This single website provides a wealth of information for human rights defenders faced with a variety of assaults on their fundamental rights, including of course a way of contacting the Rapporteur.\(^8\) This suggests that although there continue to be extensive attacks on human rights activists, there are also more resources available to help them defend their rights than in earlier periods.

One type of attack that has been particularly worrisome is that of political imprisonment. Although people suffer political imprisonment for diverse reasons, repressive governments have long targeted human rights and democracy activists, as we see today in Venezuela, Egypt, or Turkey. In this area too, however, it is not clear if there is more or less political imprisonment today than in the past, and thus we simply do not know if human rights activists are more likely to be imprisoned today than they were in previous decades. The weakness of data on political prisoners in the world makes it difficult to document trends. In the most careful research to date on global trends in political imprisonment, Katrin Kinzelbach and Janika Spannagel gathered data from three separate sources—Amnesty International, the U.S. State Department (USSD), and the UN Working Group on Arbitrary Detentions (UN WGAD). They found little overlap between data on specific political prisoners in these three sources, and that perhaps as a result they varied in terms of their trend lines about the level of political imprisonment in the world (see Kinzelbach and Spannagel’s chapter in this volume). Using data from Kinzelbach and Spannagel we once again cannot conclude that there is more political imprisonment in the world today than ever before, but they would be the first to remind us that the imperfections in the data make any claims about trends problematic.

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7 The website of the “Resources and Tools” of the Special Rapporteur can be found at https://www.protecting-defenders.org/en/resources-and-tools. For the digital guide, see Nyst 2016.
8 There is also a Special Rapporteur on Human Rights Defenders established by the African Commission on Human and Peoples’ Rights. See http://www.achpr.org/mechanisms/human-rights-defenders/.
My point here is not to suggest that the situation for human rights defenders is improving in the world. I mainly want to remind readers that human rights defenders have long been on the front line, and we should be cautious in suggesting that there was a better period for human rights in the second half of the twentieth century that has now been eroded in the twenty-first century. Some of the threats—particularly those involving invasive laws about registration and funding—are indeed new and threatening, while other challenges have been almost a constant for civil society human rights organizations over time. In concluding, let me reiterate that nothing about how new or old these challenges are or about any trends in fundamental human rights detracts from acknowledging the frightening challenges groups and individuals face, nor do they negate the urgent need to strategize about how to respond to these challenges. What I hope is that some information about historical trends in the five challenges to civil society space, as well as a more focused look at data on possible trends in challenges to the fundamental rights of human rights activists, may be useful as part of an action-oriented discussion of promising tactics and how to address these challenges.

The stakes in this human rights debate are high. Anger, hope, and the knowledge that you can make a difference in the world give people the energy to keep working. Knowing more specifically how human rights groups have made a difference can teach us more about effective strategies and tactics to use in the future. The empirical research is not unified or simple, but using the best data at our disposal, my research has led me to have a bias for hope based not on optimism, but on reasoned evaluation of evidence. The challenge we face now is how to sustain hope and action without spiraling into complacency or indifference.²

REFERENCES


² For readers who require detailed support for my claims, see Sikkink 2017, particularly chapters 5 and 6.


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