ABSTRACTS TRACK 5

INTERNATIONAL CONFERENCE

THE GLOBAL CHALLENGE OF HUMAN RIGHTS INTEGRATION:
TOWARDS A USERS' PERSPECTIVE

Ghent, 9-11 December 2015

TRACK 5 - HUMAN RIGHTS ARE USELESS/USEFUL

Track leader: Koen De Feyter, University of Antwerp

Panel session no. 1: Human rights may be useful

Wednesday 9 December, 13.30 – 15.00

Chair: Koen De Feyter
Venue: Rector Blancquaert (third floor)

Strategic litigation and the multiple roles of the NGOs before the European Court of Human Rights: focus on the UK Mass surveillance cases

Jukka Viljanen & Heta Heiskanen, University of Tampere

The paper discusses the recent ECtHR application against the mass surveillance measures and other actions taken by the human rights community in the aftermath of Edward Snowden revelations. It is an example of dialogue between national and human rights mechanisms in the field of human rights and security.

The mass surveillance case originated when a number of NGO's (the American Civil Liberties Union, Amnesty International, Bytes for All, the Canadian Civil Liberties Association, the Egyptian Initiative for Personal Rights, the Hungarian Civil Liberties Union, the Irish Council for Civil Liberties, the Legal Resources Centre, Liberty and Privacy International) challenged the Tribunal's December 2014 judgment that GCHQ's Tempora programme – which sees the agency intercept and process billions of private communications every day – complies with human rights law. The submitted application also challenges the Tribunal's finding that it is lawful for UK's Intelligence Services to access data gathered in bulk under the mass electronic surveillance programmes PRISM and Upstream operated by the US' National Security Agency (NSA).

The case is interesting because despite the UK context it is relevant to larger global phenomenon of new secret surveillance mechanisms. It is also interesting because the NGOs having major contribution to the application. The integrated approach is having particularly absorbing potentials when we are able to consider the situation out of country specific circumstances and put into a wider pattern of challenges against privacy rights in the name of security interests.

The paper claims that integrated approach needs to be acknowledged especially in the fields where the development of new technology or other changes (scientific or societal) are challenging the prevailing interpretation and legislation becomes quickly obsolete. The mass surveillance is an example of these developments where the real possibilities to interfere with respect for private life given are increased without providing legal safeguards to challenge these measures.

The paper focuses on the theme of integrated approach within both the national and international

human rights regimes. In this paper we try to present preliminary views over the strategic litigation and its role in the recent case-law against the measures that has been taken since 9/11. At the same time we endeavor to explore more generally over possibilities to extend role of strategic litigation in the Strasbourg Court

Negotiating meaning of human rights: victimhood and social agency in Chile

Katrien Klep, Utrecht University

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Human Rights Practice in a Mexican Jesuit Context: Examining the Usefulness of Center Prodh

Luis Arriaga Valenzuela, Loyola Marrymount University

In the last forty years, violations of human rights in Mexico have substantially increased, especially with respect to excluded populations. To reverse or at least decrease these conditions, the Society of Jesus through its institutions, has fought against such violations. Its efforts have at times resulted in a change of the law, while in other instances only brought about isolated solutions. This paper focuses on the successes and challenges of Center Miguel Agustin Pro Juarez (Center Prodh), an NGO founded by the Jesuits in 1988. My conclusion is that human rights are useful; although in some cases appearing useless. The fight for human rights causes undertaken by the Center has resulted in milestones toward reducing if not eliminating violations. Bringing a resolution to only one victim's violations can be useful, if the result is made applicable to all future violations of the same type.
The major research question guiding this paper is: "What is the main approach of the human rights

practice of Center Prodh?" In response, I will introduce the reader to the history of the Center and to the concept of human rights with the different meanings and characteristics according to contributions of sociologists, legal scholars, philosophers and theologians, in order to understand this concept. The critical discourse must then include scholars and advocates of human rights and social justice, rather than merely politicians and governmental leaders who generally dominate these discussions. In this way, a more nuanced and multidimensional approach can be provided in considering human rights violations, particularly within the context of indigenous and other historically disenfranchised populations.

Panel session no. 2: Do the regional human rights mechanisms matter?

Wednesday 9 December, 15.30 – 17.00

Chair: Koen De Feyter
Venue: Rector Blancquaert (third floor)

The contribution of the Inter-American Court of Human Rights to domestic accountability efforts for serious crimes: fact or fiction?

Hanna Bosdriesz, Leiden University

In a region where impunity for serious crimes is rampant, the Inter-American Court of Human Rights has become the go-to place for those seeking justice for the violation of their rights. When their home state is unable, or unwilling, to effectively investigate and prosecute such crimes, which are often perpetrated by or with the assistance or acquiescence of state agents, victims turn to the Court for assistance in their struggle to make the state do justice.
The Court, for its part, has aligned itself with victims' calls for justice and dedicated much of its work to the fight against impunity on the continent. It has developed rich jurisprudence on the duty to investigate, prosecute and punish serious violations of human rights and has on many occasions ordered states to effectively apply its criminal justice powers in defense of victims. Compliance with such orders has been low, however, leading some commentators to conclude that the Court's jurisprudence on this topic has been useless and nothing more than a dead letter.
This paper departs from the proposition that the focus on compliance rates obscures the real and concrete contributions of the Inter-American Court to domestic accountability efforts for serious crimes. In order to better understand these contributions this paper will undertake an in-depth case study, using qualitative empirical methods, of one example of the Court's involvement in such efforts: its support to the efforts of victims of state repression during the Guatemalan civil war to hold state agents responsible for this repression before the domestic courts.
This paper analyzes how Guatemalan victims and the local and international NGOs supporting them have included the Inter-American Court in their strategies to pressure their government into providing justice at the domestic level. Furthermore, it examines the different ways in which the Court's judgments and orders, and the Inter-American human rights system more generally, have supported and enhanced the work of domestic actors. In doing so, this paper shows that the Inter-American Court has helped bring about important progress, if not full compliance, in some cases and that the domestic impact of the Court's case law is broader than the small number of cases that have been the subject of its judgments.

The Cross-Fertilization of Human Rights Norms and Indigenous Peoples in Africa: From Endorois and Beyond

Derek Inman, Vrije Universiteit Brussel

Growing public interest in indigenous peoples, coupled with a long process of international negotiations influenced by the advocacy efforts of numerous indigenous organizations, prompted the international community to adopt the United Nations Declaration on the Rights of Indigenous Peoples in 2007. While there is no doubt that this achievement, along with many others, should be applauded, what is also of interest and deserves further study are the ways in which human rights jurisprudence concerning indigenous peoples' rights intermingle, cross-fertilize and integrate. Without a doubt, this dynamic relationship between the various sources of indigenous rights law has had a tremendous impact domestically, effectively 'localizing' human rights.

The aim of my proposed presentation will be to explore this dynamic relationship, paying particular attention to the African human rights system. The main reason the focus of this paper will be on the Africa region is that its human right regime has been reluctant at times to utilize external sources relating to indigenous peoples and, for a long time, opposed acknowledging indigenous peoples' rights, whether philosophically, politically or legally. Recently however the African Commission on Human and Peoples' Rights appears to have welcomed the concerns of indigenous peoples and also seems to have been receptive to utilizing external sources in interpreting the African Charter on Human and Peoples' Rights. The landmark case of Endorois v Kenya will be examined in detail, along with an investigation into what this has meant for indigenous peoples in Kenya since the judgment, and what these developments could mean for indigenous peoples in Africa in the future.
'Part of the game': Government Strategies against Litigation in Migrant Rights before European Courts

'Part of the Game': Government Strategies against European Litigation Concerning Migrant Rights

Moritz Baumgärtel, Université libre de Bruxelles

The human rights situation of migrants and asylum seekers is currently one of the most pressing political issues in Europe. Increased migration flows, populist anti-migrant rhetoric and nationalist political agendas have together generated a political deadlock in which the relevance of the European Court of Human Rights and the Court of Justice of the European Union is perceived as elevated. That is to say, activist lawyers and civil society organizations have brought an increasing number of cases before European courts in a strategic attempt to promote migrant rights where lobbying and political initiatives are failing.
Against this background, this paper explores some of the ways in which governments seek to prevent and contain the impact of judgments in European cases. The claim will be made that sophistication and coordination of government 'tactics' seriously challenge the assumption that rulings of the European courts can have a 'systemic' and strategic impact that improves not only the situation of the claimant but also of migrants in similar situations. To this end, this paper empirically analyses several landmark cases that deal with migration on the basis of 22 qualitative interviews and which have been conducted in the period between June 2014 and May 2015 with lawyers, state officials and judges that were directly or indirectly involved in European litigation.
The paper presents a number of 'tactical tools' repeatedly used especially by governments of seemingly human rights-abiding states. Firstly, they offer certain interpretative framings of the law to persuade courts not to examine claims, relating for example to jurisdiction, the exhaustion of local remedies and the 'resolutions' of complaints. Secondly, governments implement 'anticipatory measures' that seek either to provoke a strike-out of the case or to decrease public reaction to rights violations. Another tool is 'peer mobilization' of other states through which governments achieve

putting collective pressure on the courts. Finally, they sometimes make 'political deferrals' to shift the political responsibility for unpopular migrant-friendly policies to the European courts.
In short, as European human rights litigation becomes more frequent and strategic in the migration domain, governments also adapt to 'the game'. Both legal activists and scholars need to consider this trajectory in their analyses of the utility of human rights instruments for migrants. Even where facts are favourable and legal arguments strong, human rights litigation runs a serious risk of being contained in its impact.

Panel session no. 3: Africa and China

Thursday 10 December, 11.30 – 13.00

Chair: Ellen Desmet
Venue: Oude Infirmerie (second floor)

Human Rights and Nubian Mobilization in Egypt: towards recognition of indigeneity and return to ancestral landS

Maja Janmyr, University of Bergen

How do indigenous peoples and minority groups mobilize rights in authoritarian societies? What strategies do they take vis-à-vis nationalist governments who are unwilling even to recognize their mere existence? How and what human rights discourses are employed to further their demands? I aim to offer a nuanced, historicized analysis of the social processes of mobilization in an authoritarian society by exploring how Nubians in Egypt have begun mobilizing to demand a number of rights, including recognition of indigeneity and return to ancestral lands, from which they were forcibly displaced a half-century ago. When explaining Nubian mobilization and demands, I use conceptual tools from legal mobilization studies, as well as a users' trajectories in human rights-approach. I base my article on fieldwork and archival research in Cairo, Egypt, between March and May 2014, and in February 2015.
I argue that for reasons of Egyptian Arab nationalism, Nubian marginalization, Egyptian state repression and fragmentation of the Nubian community, Nubians have long been prevented from, or chosen not to, mobilize. In the past decade, however, a growing number of Nubians have started to perceive status quo as a more profound threat to their existence, and Nubian rights mobilization has taken place on an unprecedented scale. The 2008 Bread Crisis and the 2011 Egyptian Revolution provided important political momentum for a new generation of Nubians. Nubians mobilized now not because they believed they were necessarily taking less risk than before, but because many considered this the best opportunity yet to act. Many important political and legal gains have subsequently been made, culminating in the 2014 Egyptian Constitution which sets out a basis for Nubian return to ancestral lands.
I furthermore show how the history and political experience of Nubians in Egypt have shaped their understanding and utilization of the discourses of human rights. When it comes to demanding return to ancestral lands, for example, I argue that Nubian activists have employed competing legal and historical frames: the right of return based on indigenous/minority rights frameworks versus a less confrontational development discourse used by the Egyptian government itself and rooted in the displacement of the Nubians in the 1960s. I also explain how human rights discourses have been employed legitimately, rhetorically and strategically to further demands directed against the Egyptian state.

Indigenous Rights, Social Exclusion and the Batwa of Rwanda

Morag Goodwin, University of Tilburg

This proposed paper will draw upon empirical work examining the socio-economic exclusion of Batwa from Rwandan society. As part of a project examining strategic barriers to Batwan participation in Rwandan society, semi-structured interviews are being used to build a complex picture of how individual Batwa members characterise their own exclusion, needs and aspirations. The proposed paper will examine the first wave of interview data, to be collected in June 2015, in the light of prevailing thinking about indigenous identity and human rights. As a second step, this paper will then contextualise the findings within the drive within certain sections of the human rights movement for separate status of minority groups, whether as indigenous peoples or as recognised minorities. Finally, the paper will consider what the case of the Batwa might tell us about the utility of indigenous status, and group rights more broadly, in combatting entrenched examples of socio-economic exclusion.

Localizing the International Human Right to Education in China: A Spatial Inquiry into the Usefulness of Human Rights in Cyberspace

Shisong Jiang, Sant'Anna School of Advanced Studies

This study seeks to assess the significance of spatiality in the context of human rights (laws) by examining the effectiveness of global human rights norms in the local sites of China from the critical lens of Geography of Law. To this end, an empirical study will be carried out in relation to the practice of the right to education in the city of Chongqing.

In order to implement its international legal obligations of providing free compulsory education for all, the Chinese government has employed the so-called Principle of Nearby Enrollment (PNE), a spatial planning approach aimed at guaranteeing school-age children access to schools near their homes, to balance the educational quality among distinctive educational districts on the basis of Household Registration System/Hukou system. Though based on relatively clear principle, critics have argued that PNE in effect may cause educational inequality as a result of non-transparent and presumably unfair application on the local level of rules regarding the distribution of school districts and School District Housing (SDH) in favor of more affluent families. If proven to be the case, such an imbalance would underline the spatial significance of international human rights law in the context of educational situation of Chongqing.

Associated with the case study in Chongqing, multiply methods of qualitative research, mainly including survey, interview and focus group, will be utilized to collect data on the purpose of addressing whether the spatiality of human rights confirms the idea of local relevance of right to education in the context of PHE in Chongqing. Research will not only focus on the school-age families as the dominant human right users but will also involve other human rights users, including schools, governments, planning administration, educational commission, real estate companies.

Panel session no. 4: Meanwhile at the UN

Thursday 10 December, 16.30 – 18.00

Chair: Koen De Feyter
Venue: Oude Infirmerie (second floor)

Human Rights of Working Children: A Right to Work in Dignity?

Edward van Daalen, University of Geneva

This paper presents and contextualizes findings gained from the first phase of an interdisciplinary research project that aims to understand the complexity of the relationships between working children's movements and the governing international elite – and the opposing perspectives of human/children's rights they hold. Previous research on the priorities of international children's rights advocacy has shown that the working children´s claim to a ´right to work in dignity' has remained at the margins of the human rights agenda, despite finding a broad audience within the international labour and children´s rights community. Based on a detailed analysis of legal and policy documents on child labour that were produced by the International Labour Organization (ILO) and related international entities, the paper will scrutinize on what places the claim to a right to work in dignity has been directly or indirectly referred to or discussed.
Child labour has been addressed by international law for almost a century; the most recent and comprehensive legal instruments include the 1989 Convention on the Rights of the Child (CRC), in particular its article 32, and ILO Conventions No. 138 (1973) on the minimum age for child labour and No. 182 (1999) on the worst forms of child labour. The notion that children possess a 'human right to be free from work' seems to have served as one of the pillars of these Conventions that are aimed at the general abolishment of child labour. However, children have always worked and will keep on working in many of the world's regions in the foreseeable future. There seems to be – to use one of H.L.A. Hart's observations of law – no general obedience to the codified norms surrounding child labour that are valid according to the criteria of international (human rights) law. For the last twenty years, working children's organizations have tried to address this pathology of our legal system by claiming that they, just like adults, possess the human right to work in dignity. The focus of this paper is hence on the encounters of working children's organizations with local and global actors, and on the trajectory of local social movements' claim to recognise children's 'right to work in dignity'.

Local conceptions of human rights: what relevance for disenfranchised communities within the UNICEF Village Assaini Programme in Kongo Central, DRC?

Pascal Sundi, University of Antwerp/Université Kongo

The overarching question of this paper is ***what are the local conceptions of human rights in the Bas-Fleuve district?*** Beyond this question, the paper also seeks to assess how UNICEF has responded to these conceptions and to what extent the local understandings have influenced or not UNICEF's initial designing and implementation strategies of the Programme, taking into account the context of the Bas-Fleuve district of Kongo Central Province, in the DRC.
More importantly, the paper also seeks to revisit the human rights discourse (if any) within the 'Village assaini' Programme to reflect contextual reality by broadening, for instance, the notion of 'duty bearer' beyond the state. It argues that a more systematic rights awareness process within these local communities, through the UNICEF 'Village assaini' Programme, would have more empowering effects on rights-holders, leading to more demands and expectations for accountability from identified duty bearers, and thus prompting for more improvement of governance mechanisms, including political willingness to respond to their human rights obligations. Such a process from below has the potential of prompting community development through stakeholders' participation, and state or non-state actors adherence to human rights obligations, and rests upon local values of togetherness,

interconnectedness, solidarity, and respect for human life and dignity. The paper thus suggests that the African perception of solidarity or togetherness, which better portrays the African meaning of human dignity or human rights, should be the centre-piece that can inform new dimensions of human rights through the 'village assaini' programme. In other words, we are arguing for a human rights approach that goes beyond the individualistic Western view to integrate an African "bu-mùutu" solidarity approach whereby the common good has priority over private claims.

Engagement of Indigenous Peoples in Bangladesh with the UN Human Rights Mechanisms: Beginning of a New Era?

Bablu Chakma, (Human Rights) Kapaeeng Foundation, Bangladesh

More than 54 Indigenous peoples, comprising of nearly two per cent of the national population, in Bangladesh have been historically subjected to colonisation, subjugation, assimilation and other forms of oppression which they have resisted in various ways. During different times, their resistance movement took different forms – from peaceful, non-violent dialogue to direct confrontation with the government. Yet indigenous peoples and their rights are not recognised by the state and its constitution. The human rights of indigenous peoples enshrined in the international human rights mechanisms are routinely violated by the State as well as non-state actors. Indigenous peoples continue to fall victim of killing, rape, abduction, arbitrary arrest, torture, land grabbing and other forms of human rights violations. In response, indigenous peoples in Bangladesh have ever looked for new and new means address the oppression and discrimination they continue to face. In this backdrop, the emergence of the indigenous peoples' human rights regime under the auspices of United Nations human rights mechanisms over the past few decades appears to be a turning point for indigenous peoples in the country. Especially establishment of the UN Permanent Forum on Indigenous Issues (UNPFII) in 2000 and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) in 2007, and adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 can be considered to be some of the most phenomenal developments that took place over last two decades in the realm of the rights of indigenous peoples. Similar to indigenous peoples in other countries, these instruments/institutions have provided indigenous peoples in Bangladesh with enormous room to let their voices heard at the international level. Indigenous peoples in Bangladesh have now been given these platforms and instruments to advocate and ally with different stakeholders at home and abroad – indigenous and non-indigenous – individuals and organisations. While apparently indigenous peoples in Bangladesh have entered into a new era, it perhaps is high time to have a critical look into the journey that they have started with the aforementioned UN instruments/institutions. How well indigenous peoples in Bangladesh have been able to use these instruments/institutions? To what extent these instruments/institutions have contributed to the struggle for the protection and promotion of their rights? This paper aims at conducting an evaluation of the use of these institutions/instruments as means of advocacy for indigenous peoples in Bangladesh at the national and international level.

Accommodating new human rights claims. A proposal of a framework of analysis, applied to peasants and youth

Arne Vandenbogaerde, University of Antwerp & Ellen Desmet, University of Antwerp/Ghent University

Even though the basic contours of international human rights law have been outlined half a century ago, new groups of rights holders continue to stand up to claim recognition of their specific rights and needs. This paper critically reflects on how human rights law can and should respond to these challenges. Such answers may be provided by interpreting existing human rights law and/or by creating new human rights instruments. Indigenous peoples are a case in point where a two-pronged approach has been taken: general human rights conventions have been interpreted in a way tailored to their views and needs, whereas also new instruments have been adopted that focus exclusively on

their rights (e.g. ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples). The same reasoning can be made for children (and for other categorical rights holders), where e.g. the European Convention on Human Rights has been interpreted as incorporating specific children's rights, but also a Convention on the Rights of the Child has been adopted.
This paper zooms in on two groups that are 'related but different to' indigenous peoples and children: peasants and young adults (18-24 years old). In more recent years, both groups have been calling for attention in the international arena, claiming that their human rights are not adequately protected by the current human rights framework. This paper aims to assess possible avenues to cater for these claims. As regards young people in Europe, three possible scenarios to enhance the protection of their rights are analysed and evaluated. These are (i) extending the coverage of the Convention on the Rights of the Child to include 18-24 years old; (ii) drafting a (European) convention on the rights of young people; and (iii) interpret the current human rights framework in an evolutionary way. As peasants are concerned, first steps have been taken towards the creation of a new human rights instrument, with the adoption of the draft Declaration on the Rights of Peasants and other people working in rural areas by the Human Rights Council Advisory Committee in June 2013. Is such a new instrument desirable and necessary? Could the same result be achieved through interpretation of existing human rights law – given the critical voices on human rights inflation? But what about the potential for awareness raising generated by the adoption of specific instruments?

Panel session no. 5: Human rights may be useless

Friday 11 December, 11.00 – 12.30

Chair: Koen De Feyter
Venue: Rector Vermeylen (second floor)

Human Rights – Limited Source of Solidarity? Objective of Societal Stability and the Question of Legitimating the Limitations on Human Rights

Siina Raskulla, University of Tampere

Either for reasons of self- or common interest, it is a rational objective for government to pursue societal stability. Security is an essential part of societal stability. People's desire for safety has long been recognised by those studying the relations of individual freedom, state power, and right to protection from state as well as other individuals.
Maintaining security via either upholding traditional/religious values and/or pointing outside threats that endanger commonly accepted values, are strategy-choices for pursuing societal stability. This strategy of creating organic solidarity via esprit de corps often rejects human rights – at least partially – as something foreign and dangerous to the security and stability of society. While this argumentation can be seen to be more common among developing states, even many democratically governed modern Western states have limited the application of human rights and fundamental rights for reasons of national security and security of citizens, to protect common and individual interests from 'external' enemies such as terrorists or e-criminals.
There are at least two arguments for why human rights could be dangerous for societal security and stability. Firstly, human rights themselves can be seen as creating insecurity, and secondly, the measures by which human rights are enforced can be deemed as (either purposefully or not) increasing instability.
The relationship between human rights, security and societal stability will be studied by considering how and why human rights have been either rejected or implemented for reasons of security, and

what are the actual effects of those decisions in relation to the long-term pursue of societal stability. This analysis considers these questions from the viewpoint of strategic decision-making exercised by the government pursuing the objectives of security and stability.
The paper studies both theoretical concepts and contemporary empirical phenomenon related to the implementation or rejection of human rights and its relation to the pursuing and the realisation of societal security/stability. The objective is to shed light on the question of how to integrate both human rights and issues of security in a manner that efficiently supports long-term national and international societal stability. From the viewpoint of sustainable societal stability, self-motivated and gradual changes that are not forced upon, executed because of positive examples rather than deterrence, and relations based on trust and self-determination will, according to preliminary hypothesis, be key elements in the integration of human rights and societal security in both national and international levels.

Valuing Human Rights: How to assess the impact of different HRs uses on their perceived values

Gabriele D'amico, Freie Universität Berlin/The Hebrew University of Jerusalem

The paper focuses on the question of the extent to which the economic theory of value is suitable in guiding the critical analysis on the usefullness/uselessness of HRs both as a concept and in terms of positive legal instruments.

Such approach adopts the position that ETV is applicable to HRs norms, to the extent to which they are understood as a man-made product, therefore suitable to be examined as a cultural product of immaterial (claimed) universal moral value.

Three criteria for “suitableness” are reviewed: legal, ethical and conceptual.
Their analysis suggests that: (i) the dichotomy use/abuse or usefullness/uselesness ignores the third scenario offered by the legal critics of HRs pointing out how they might end up as a “mode of criticism which delegitimates alternatives (and ultimately leads to the loss of) vocabularies of emancipation”; (ii) the concepts of use and non-use value are a viable analytical tool to investigate the question of HRs' use/abuse outside of any embedded normative committment while allowing for individual preferences to be guided by metaphysical commitments; (iii) such concepts are a significant instrument for any reconstructivist project on HRs aiming to incorporate the critiques founded on the economic analysis of law; (iv) the application of non-use value to HRs enables the capturing of individual preferences over different conceptions of the essence of HRs as a normative global paradigmt (v) consecutively ETV helps to showcase how the challenges to the notion of universal HRs are reflected in and affect the assessment of the aggregate value of HRs in terms of individual preferences for HRs' norms.
The benefits of the described approach resides on the methodological added value that economic theory of value brings to the legal dispute over the usefullness/uselessness of HRs in terms of harmonious combination of different qualitative and quantitative research techniques.

Can Human Rights Generate Social Change? The Case of the Campaign for a Right to Food Law in India in the Period 2009 to 2013

Sara Bailey, University of Essex

Over the past ten to fifteen years, human rights scholars and practitioners have sought to develop meaningful ways to assess the impact of human rights interventions such as litigation, campaigning and awareness-raising. One of the key challenges in this area relates to the attribution of impact: how can we be sure that a particular outcome is the result of a particular intervention when one or more third factors may be present? For instance, a state that repeals a repressive law following a civil

society campaign may in fact be responding to foreign investor concern. This article contributes to the debate on the impact of human rights in general, and the attribution of impact in particular, by examining the campaign for a right to food law in India. This campaign grew out of mobilisations focused on India's 'right to food litigation' (PUCL vs Union of India and others No. 196 of 2001) and took place in the period 2008-13. The article pieces together the trajectory of both the campaign and the law-making process from official documents, parliamentary debates, court orders, media reports, campaign materials and interviews with campaign activists; discusses competing explanations for the outcomes observed; and concludes that the entitlements contained within the final statute – a calculable improvement on initial government proposals – can be attributed directly to the campaign's work.

The article finishes on a cautionary note. While the campaign for a right to food law in India demonstrates that human rights interventions can achieve positive change, at least at the policy and law-reform level, the success observed in this instance does not attest to the efficacy of all forms of human rights work. For one, the campaigners developed a unique conception of human rights, based not on international human rights law but on the Indian Constitution, the orders of the Indian Supreme Court and the lived experience of Indian rights-holders. In addition, the campaigners deployed strategies rarely used by mainstream human rights actors with the explicit goal of creating the political will needed to pass the act. In addition to conducting research, lobbying decision-makers and securing media coverage, the campaign mobilised thousands of rights-holders to agitate on the streets, and in doing so, made the statute an electoral issue. Interestingly, recourse to the language or mechanisms of international human rights law was not deemed to be useful. Greater insight into the circumstances under which different types of human rights interventions may be efficacious could be gained by comparing this case study with others.