

Workshop 16

Confronting Human Rights Violations

Convenors:

Marie-Bénédicte Dembour, University of Sussex

M.Dembour@sussex.ac.uk

Eva Kalny, University of Vienna

Eva.kalny@univie.ac.at

What is a human right violation? How do we recognise it? What do we do with it?

Human rights are a relatively new, but increasingly necessary, field for anthropologists, and it would be good to share our experiences and theories. We are interested in contributions that reflect upon anthropologists' personal reaction to violations of human rights in the field but also in contributions that arise from a more analytical framework. By human rights, we mean indigenous rights, minority rights, women's rights, migrants' rights, economic and social rights as well – of course - as political and civil rights.

We want to know how you have dealt, in practice, with the violations you have encountered in the process of undertaking research both towards and by people with whom you were working. What practical dilemmas did this raise? How did the experience force you to revise your analytical framework? What is the relation between ethics in research and human rights?

On a theoretical front we seek contributions that clarify and/or debunk assumptions made in the human rights discourse. Is there one discourse or a plurality of discourses on human rights that talk to each other at cross-purposes? What are the assumptions behind the human rights discourse(s). One of particular interest to us is the triangular relationship between victim/violator/human rights protector. Are things as clear-cut as that in practice or is reality more complex? You may have found other assumptions which similarly need to be reconceptualised.

Given, Won or Malleable: Three Concepts of Human Rights

Marie-Bénédicte Dembour, University of Sussex

M.Dembour@sussex.ac.uk

It is generally assumed that there is one concept of human rights – perhaps elusive (hence endless discussions on what it means and what it entails) but nonetheless single. In contrast this paper argues that three concepts of human rights can be discerned: those of whom I call – for lack of better words – the 'natural' scholars, the 'protest' scholars and the 'malleable' scholars. The 'natural' scholars believe that human rights have an immanent source; they tend to talk of human rights as entitlements, which can be encoded in law. The 'protest' scholars believe that human rights have arisen out of social struggles; they tend to talk of human rights claims, which, in their view, can never really be

enshrined in positive law – so that the protest must always go on. The ‘malleable’ scholars believe human rights exist only because they are talked about and can be anything; most of them are willing to essentialise the concept for strategic reasons. These three concepts make human rights a ‘family resemblance’ notion in the sense in which Wittgenstein used the term. The paper argues that recognising their coexistence helps to make sense of human rights debates, which are often held at crosspurposes.

Property, Rumours, and Human Rights: The “Brumarescu vs Romania” Law-Case Behind the Stage

Filippo M. Zerilli, University of Cagliari
zerilli@unipg.it

Based on fieldwork conducted in Bucharest, this paper explores the local meanings and social uses of legal notions such as “property” and “human rights” in the background of personal stories, anecdotes and “rumours”. It focuses on the case which Dan Brumarescu brought to the European Court of Human Rights (Strasbourg), which led to the first decision by this institution towards restitution of a real estate property that had been confiscated by communism. Using informal conversations with various social actors, the paper reveals different aspects of the Brumarescu vs Romania case as it was represented by the media. It demonstrates how each social actor constructs his own version of the “story” through various rhetorical devices, thus producing an image of his own and other people’s social and moral identity. The point of the paper is not to argue against a single truth, but to show how the apparently anecdotic and private character of “rumours”, which originate in familiar and domestic intimacy (shared with the ethnographer), throws a different light on the intertwining of powers and social local hierarchies that legitimise specific conceptualisations of property and justice in a given socio-historical context.

‘Stick to your culture!’ Human Rights Activists in the Global South and White Chauvinism

Eva Kalny, University of Vienna
Eva.kalny@univie.ac.at

Aren’t human rights a Western concept? This and similar questions are raised by academics in the cosy and safe lecture halls of their universities. However, these discussions are not limited to academic circles, and the reproach of alleged ‘Westernisation’ is used by non-Western governments as well as religious and political leaders to defend their powerful positions and to resist social change.

Human rights activists in the global South therefore encounter human rights violations as well as the accusation of ‘Westernisation’ and/or co-operation with earlier colonisers by local dominant groups. But also Europeans and US-Americans confront these activists with similar stereotypes: Some urge them to become

more 'Western' and change predominant social patterns. Others request them 'to stick to their culture' and accept humiliation and discrimination in its name. This however does not respect the perspectives and motivations of local human rights activists. Based on their personal experience and cultural background, they are often much more radical than their colleagues in the North, and willing to undertake considerable risks to defend their convictions.

Based on my field research and on my long involvement in an international human rights organisation, I will show how activists from the global South have to confront prejudice and white chauvinism, but nevertheless continue their struggle for justice and social change.

Women's Rights in Armenia. Local Networks and Global Perspectives

Andrea Strasser, Austrian Academy of Sciences
andreastrasser@hotmail.com

The paper will deal with violations of women's rights in Armenia gathered and analysed during a field research of women's rights training seminars in rural and urban areas. Local perceptions of rights and the notion of their violation will be examined as well as responses from local networks to problems such as violence against women. An emphasis will be placed on the interaction and interdependency of global platforms and local structures: I will examine the dilemma for civil society actors for developing local strategies that derives from their dependency on foreign donors and their agendas. The international community too often projects western approaches and ignores local expertise and strategies.

This critique, however, is also instrumentalised by the authorities to compromise and discredit the overall work of women's rights NGOs accusing them of destroying family ties when they push for equality issues and name problems such as violence against women. As a conclusion, I will critically examine the discourse of "imported civil society" in the field of women's rights protection in Armenia: its constructive potential for pushing forward the development of local strategies on the one hand and its antifeminist roots on the other hand.

Dealing with Clandestine Lives: National Refugee Policies and the Freedom of Movement

Roos Willems, Catholic University of Leuven
rwillems@grove.ufl.edu

During my doctoral research among Congolese, Burundese and Rwandese refugees in Dar es Salaam (Tanzania), I was confronted with the illegal status of the overwhelming majority of this urban refugee population. Even as the refugees of these countries are recognised by the Tanzanian government as prima facie refugees (1969 OAU protocol), the 1998 Tanzanian refugee

policy prescribes that all refugees reside in camps in rural, Western Tanzania, obliging them to depend on humanitarian assistance and preventing them from attaining self-sufficiency. This policy contravenes international laws stipulating that persons having received the authorisation to enter a country enjoy a freedom of movement within its national borders.

The implication of the Tanzanian refugee policy (similar to many other countries') is that urban refugees—while recognised as refugees—are forced to a clandestine life in Dar es Salaam and, for lack of legal documents, run the permanent risk of refoulement.

The practical implications concerning my research project were the difficulties in locating and meeting people, gaining their trust and guaranteeing the confidentiality of their information. Its most important conclusions includes a policy recommendation to refugee agencies (amongst others) to lobby at the international level for a revision of national refugee policies.