

When it comes to human rights, it is the power of the people that can achieve real change

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Battered by the states, the protection of human rights system in Latin America has weakened. We need to defend the defenders so they can do their work. [Español](#) [Português](#)



Madeleine Penman, Mexican investigator for Amnesty International; Erika Guevara-Rosas, Americas Director for Amnesty; and Byron Arellano, son of a torture survivor. Mexico City. June 28, 2016. Rebecca Blackwell / AP/Press Association Images

DemocraciaAbierta: *Thank you, Erika, for accepting our invitation. To begin our conversation, we would like to consider Latin America in context: What do you think have been the region's main achievements and challenges regarding human rights?*

Erika Guevara: I'll begin with the achievements. Undoubtedly, the Americas have been going through a phase of consolidating its young democracies. Today we live in a region which, fortunately, is seeing the end of its last armed conflict in Colombia. It is a region where the economic indexes have been growing, which has strengthened its relationship with diverse markets, and has established international alliances. Nevertheless, regrettably, when it comes to human rights we find ourselves a step behind. The region has consolidated its Inter-American system for the protection of human rights as a fundamental pillar in the creation of these young democracies. Yet today, this system is being abused by the states themselves, which have become more intolerant of criticism, especially criticism regarding human rights.

Latin America and the Caribbean is full of contradictions. On the one hand, this is one of the most unequal and violent regions in the world. It is the region with the highest number of violent deaths, a direct consequence of arms possession. It is a region which, despite economic progress - with positive indexes - has unfortunately not yet managed to reduce the immense inequalities between the rich and poor. We have a country like Mexico, home to the wealthiest person in the world, but also the poorest one, living in completely marginalised rural and indigenous communities. This is the case throughout the region... countries such as Brazil have huge inequality indexes. This inequality is not just an economic one; it also refers to social inequalities and unequal access to justice. And this explains why the contrast is so aggressive and so violent, because we're talking about is the violation of the human

rights of the majority, a violation which ends up being public policy, a state policy. This results in a lack of justice and a biased justice system, which serves to further the economic interests of those in charge.

In the last five years – during which great progress has been made by the economic powers that seek to strengthen their position, and this includes organised crime - the battle to strengthen the rule of law has weakened. This has meant that organised crime has progressed throughout the region and has taken control of territories in several areas. This has also meant that international corporations have ended up occupying the empty spaces lacking a strong state presence. And thus the abuse of human rights begins.

Therefore, in general terms, and even considering the differences of each sub-region and country, these are the common challenges faced throughout the region: a biased judicial system, used by the political and economical powers that protect just a tiny minority; a state which has compromised its principles and ideals in favour of particular economic interests rather than the general interest of the majority and, moreover, a strong tradition of impunity and corruption that keeps on overshadowing all the possibilities of fulfilling human rights.

DA: *In this context, the relationship between inequality, violence and security is a cause for concern and is weakening the state. So, speaking of Amnesty International and its distinguished ability to campaign and raise awareness... How is Amnesty responding to the question of political advocacy? How do campaigns become concrete action?*

EG: It is well known that Amnesty documents human rights violations through our own research, and that we devise actions through campaigning. Traditionally, Amnesty used to work as an international movement which focussed on mobilizing its members in countries other than the country in which the violations of human rights were being committed, as a means of exercising pressure from outside. Advocacy campaigns primarily take place in Europe and the United States, the countries in the North, because of the important political and economic interests which they used to have and continue to have. So, we believe that the force of external pressure is able to generate some changes within the affected countries. And this is still useful. But it is also true that today, advocacy must come from the grassroots. It is the power of the people that can achieve real change.

We have seen this in countries like Guatemala, and even in Colombia - where they are getting ready to carry out a peace referendum -: it is the power of the people that will ultimately decide. And this is what Amnesty is concerned with: that is why we have decentralised the International Secretariat, which has traditionally been based in London, and with it the power of making regional decisions. Our aim is to increase the political power we have through our membership and activism in the Global South. It is a fact that Latin American and Caribbean states do not understand the costs of not respecting human rights. That is, they violate human rights, they corrupt the very institutions which are there to protect them, and there is total impunity for the violation of human rights... and, yet, nothing happens. This happens because the political cost of such behaviour has not been raised by the population. They continue to vote for leaders who belong in this context of impunity and corruption. This being so, our option has to be mobilisation and awareness raising.

We are in quite an unfavourable position in terms of advocacy before the state. For example, our Inter-American system of human rights is in a critical financial and political situation. The Inter-American commission for human rights has been the standard for the defence and promotion of human rights in the region and for legally representing the victims who cannot access justice in their own countries. However, it seems that today the states are trying to exert some sort of revenge on the system by cutting financial support to the organisation and through political control. This is another clear example of what happens when you mobilise and organise yourself against states which corrupt and violate institutions. The state reacts by weakening the institutions which are supposed to defend human rights, trying to control them instead of strengthening their political and financial independence.

The level of intolerance, in Mexico for example, has been such that the state has denied the existence of the country's very serious human rights crisis. Despite the tragic figures- there are some 28.000 missing people, a further 170.000 who have lost their lives because of the war on drugs, and thousands upon thousands who have

been forcibly displaced from their homes as a result of the violence and the widespread and well-documented use of torture. The state denies this crisis and is totally intolerant of any sort of constructive criticism from Mexican society or any international organisation, including the United Nations. Faced with such intolerance, the remaining option is the mobilisation of the people: that people demand that the political cost for the atrocities committed be paid in full.

DA: *We have been witnessing this on various occasions in the region. The case of the Inter-American Court of Human Rights is shocking. The funding is minimal, it covers only some specific issues and/or the states don't pay their fees. The discrediting of government institutions and the protection of human rights is extremely concerning. Going back to the question of mobilisation: on the one hand, we are seeing impunity for human rights violations (the murder of journalists in Mexico, of environment activists like Berta Cáceres in Central America); on the other, the protests against this state of affairs. In this context, the key question seems to be how to turn the protests into movements which are capable of having political influence. What is Amnesty's position regarding this, considering its mobilising capacity?*

EG: This is the big challenge facing Amnesty and similar organisations. The institutional crisis that Latin America and the Caribbean are undergoing - whether this be a global crisis or not - does not just hit state institutions, but also organised civil society, and has thus been contributing to the fragmentation of this system for many years. In particular, it explains why people do not see the immediate results of our work. Hence, the importance of taking the option for mobilisation and building alliances with other social and human rights movements, particularly those at grass-root level which are the ones that are in the front line protecting and promoting everyone's rights and facing the risks that this entails.

Without doubt, those who exercise the protection of human rights are in a precarious situation. Especially those who represent marginalised communities and groups whose human rights have been violated historically, such as, for example, indigenous and rural communities, and social movements which come into conflict with transnational businesses - oil companies that do not just force people off their land but also deny them access to natural resources with total impunity. In this sense, the lack of social consciousness and the normalisation of violence - for example, in the case of the murder of Berta Cáceres - is alarming. The tragedy of Berta's death epitomises the normalisation of violence in Honduras. The number of murders for the control of territory, land and natural resources, is increasing. And it seems to have no end. Unfortunately, this violence is both normalised and justified. And the position of the media, which are often controlled by the state, further complicates things for those who seek to protect human rights.

DA: *So, does this mean that Amnesty is making alliances with other influential social movements...It is not just the members of Amnesty that are working (to protect and defend human rights), but also that these members are working with others?*

EG: Yes, indeed. Amnesty has always worked with other organisations, in collaboration with other partnerships. But today we take the option of combining efforts, while our membership continues to grow in the Global South. Amnesty is a movement of 7million people around the world who support our work, both financially and through advocacy and campaigning, but the large majority of our members are still in the Global North. So long as we can increase political power in the South, we can become a platform for those who organise themselves spontaneously for a protest, but who do not find an alternative means for making this protest turn into actions which can produce change based on peoples' power.

DA: *Another issue causing concern in the region-- in addition to the repression of social protests - is the militarisation of the police and the increase of institutional and governmental violence. What is Amnesty's approach here?*

EG: Indeed. I think that militarisation is one of the central axes of this impunity regarding human rights violations. The states have responded to social problems with increased militarisation, and this has happened from North to South and from South to North: it affects the countries in the North of the continent, such as the United States. This

has undoubtedly resulted in an increase of human rights violations. States claim that such military action is justified because of the growing influence of organised crime in the region. However, all that this does is enable and assist states to continue to abuse human rights and to fail to address the root problems that generate violence.

So, there are issues such as the use of torture, on which we have allegedly made huge progress in legislation and regulation, and also in putting into practice the laws for its prevention and eradication. Today, however, we are finding that the phenomenon of torture is not only continuing, but becoming more prevalent. This is happening in Mexico, which is certainly one of the most emblematic cases, but it is happening all over the region. When you look into the cases of torture or violations of human rights which we document in the region, they are so similar that they seem to fit a general tendency. This is happening in Venezuela: consider the protests, both in favour of and against the government; the government responds with military action, followed by a series of torture cases. This shows that the political leaning or colour of the government involved does not matter, but that the response is significantly common to all of them and is based on the violation of human rights.

Amnesty takes the option of documenting these problems, but also of looking for solutions. How can we go ahead proposing recommendations that go beyond institutional and legislative strengthening, because we already have enough laws and institutions in the region? The question is how to put change into practice, how to generate the conditions which enable citizen participation, and how to directly control the implementation of these laws and the way in which these institutions operate.

DA: *In terms of "agenda-setting", on the question of sexual and reproductive rights, and also violence and sexual abuse, including in the public service, we have seen obvious pressure to put this issue on the agenda. Is this an issue which is seeing real progress? Or is this a token item on the news which does not translate into real progress?*

EG: I believe that sexual and reproductive rights are another of the great contradictions of the region. On the one hand, we see legislative and institutional progress in terms of the protection of the human rights of women and the lesbian, gay, bisexual and transsexual communities, but this has not meant a significant change in the lives of these communities whose rights have been traditionally violated. Consider the sexual and reproductive rights of women and girls in the continent: we are the region in the world with the highest number of countries where abortion is completely prohibited. In some countries, women can be thrown in prison at the mere suspicion of having had an abortion, when in fact they are facing obstetric emergencies that require immediate medical attention. This happens in El Salvador, for example, where women are not just accused of having abortions but of aggravated homicide, and can face penalties of up to fifty years in prison... as an exemplary punishment for any woman making an autonomous decision over her own body.

In the case of LGTB communities, unfortunately the legislative and institutional advances, such as the legal recognition of same-sex marriage in some countries, does not necessarily translate into the protection of these people's lives. High rates of hate crime, murders and the atrocious persecution of LGTB activists are still present. In countries such as Honduras, for example, the number of homicides is increasing. There may be normative achievements made and institutions in place to protect these people, but we continue to have an extremely *machista* and patriarchal culture, and a religious influence which keeps on churning out a hate rhetoric. We keep on hearing expressions of discrimination in many countries which are not persecuted by the state... the Catholic church itself continues to say that the members of the LGBT community are sinners or mentally ill... and there is no way of containing these views and expressions which only generate hate.

DA: *Finally, what would be the determining, or 'flagship' issue, capable of creating change? Is there a priority, or is there a jigsaw of several elements?*

EG: Answers must be integral, diverse and multifaceted. On the one hand, we support new strategies - such as the use of technology and innovation to protect and defend human rights -, but we must also fall back to traditional strategies of mobilisation and community organisation. We want to generate protection mechanisms for defenders of human rights, since at the end of the day they are the people who are openly fighting this battle and putting their

lives at risk. These defenders work to protect human rights and they fight for social justice... including the fight against economic inequality and for access to justice. Therefore, the focus is on being able to protect these people and make states accountable for how they are protecting human rights defenders, so that they can do their work without putting their lives at risk. But I insist: strategies must be multidimensional because the challenges we face are multidimensional too.



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