

# The Unrestrained Corporatization and Professionalization of the Human Rights Field<sup>1</sup>

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## Abstract

Human Rights organizations are increasingly becoming professionalized and corporatized. These two characteristics might be problematic as many Human Rights lawyers and organizations may have an ambitious socially driven vision, but struggle to find a balance between economic and social value. If this problem is not solved in time, it could limit the possibility for Human Rights lawyers and organizations to achieve substantial transformations in terms of justice and equality. Based on the revision of literature and ten semi-structured interviews conducted between June 2014 through May 2017 with Human Rights lawyers from North America, Europe, and Latin America, we describe how excessive professionalization and corporatization can take place at two levels: 1) law schools, where disproportionate professionalization and corporatization end up reinforcing privilege and egos, as well as Human Rights work that is only partially critical, while producing legal advocates with good intentions but narrow possibilities for substantial change; and 2) in Human Rights legal practice, where robust negative corporate governance structures and cultures of dominance are replicated in a disproportionate manner at Human Rights institutions, losing sight of substantial change in the conditions that account for the vulnerability of particular communities. We provide possible solutions for the challenges that Human Rights advocates, international organizations, governments, philanthropists, global nonprofits, medium-size nonprofits, grass-roots organizations, law firms, and academia face in relation to the excessive corporatization and professionalization of the field. We propose a set of pragmatic legal, policy, behavioural, economic, and organizational solutions to help promote the work of Human Rights lawyers and organizations in current world affairs to their full potential.

## *French translation*

Les organisations des droits de la personne sont de plus en plus constituées en sociétés et professionnalisées. Ces deux caractéristiques peuvent être problématiques puisque de nombreux avocats et organisations des droits de la personne ont une vision sociale ambitieuse, mais doivent à la fois s'efforcer de trouver un équilibre avec des considérations économiques. Si cette problématique n'est pas résolue, cela pourrait fortement limiter la capacité des avocats et des organisations des droits de la personne d'effectuer des transformations substantielles en termes de justice et d'égalité. En nous fondant sur notre

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<sup>1</sup> **Authors' Disclaimer:** We define 'power' as a complex notion that results from the combination of privileges, such as economic and human capital, that derive from greater opportunities and access to resources that help individuals lead, influence, and make enduring and sustainable change in their own societies. However, with great power comes great responsibility. Thus, throughout this article we present the critical notion of how systems that reproduce logics of hierarchization and power imbalances in the Human Rights field ultimately benefit predominately those that are part of the top of the structure, those with more power. We argue how this power dynamic has also embedded Human Rights organizations, including the work of Human Rights lawyers in the field. As legal scholars and Human Rights practitioners, we recognize how we too belong to this structure, yet we want to be critical and purposive in bringing to light alternative ways in which we can all collectively increase the impact that results from our work. The arguments presented throughout this article are not based on the personal experiences of the authors.

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analyse de la littérature ainsi que de dix entretiens semi-structurés menés entre juin 2014 et mai 2017 avec des avocats des droits de la personne provenant d'Amérique du Nord, d'Europe et d'Amérique Latine, nous décrivons comment la professionnalisation et la privatisation excessives peuvent se produire à deux niveaux : 1) les facultés de droit, où la professionnalisation et la privatisation disproportionnées renforcent ultimement le privilège et l'égo, ainsi que les travaux reliés aux droits de la personne qui manquent de sens critique. Tout en formant des avocats avec de bonnes intentions, l'approche des facultés diminue la possibilité de changements substantiels; et 2) dans la pratique juridique des droits de la personne, où les structures de gouvernance d'entreprise et la culture de dominance sont reproduites de façon disproportionnée dans les institutions des droits de la personne. Les entreprises perdent alors de vue les changements importants qui seraient nécessaires concernant les problématiques au fondement de la vulnérabilité de certaines communautés. Nous fournissons des solutions possibles aux défis que les défenseurs des droits de la personne, les organisations internationales, les gouvernements, les philanthropes, les organisations à but non lucratif, les organisations locales, les cabinets d'avocats et les universités rencontrent. Nous proposons un ensemble de solutions juridiques, politiques, comportementales, économiques, organisationnelles et pragmatiques qui permettront de promouvoir à leur plein potentiel le travail des avocats et des organisations des droits de la personne les affaires internationales actuelles.

#### *Spanish translation*

Las organizaciones de derechos humanos se han vuelto cada vez profesionalizadas y corporativas. Estas dos características pueden acarrear ciertos problemas ya que, aunque muchos abogados y organizaciones dedicadas a los derechos humanos tienen una visión social ambiciosa, es difícil para ellos encontrar un balance entre el valor económico y social. Si este problema no es resuelto a tiempo, esto podría limitar la posibilidad que tienen los abogados y organizaciones de derechos humanos de alcanzar transformaciones sustanciales en términos de justicia y equidad. Basados en una revisión de literatura y diez entrevistas semiestructuradas realizadas entre junio 2014 y mayo 2017 a abogados de derechos humanos en Norteamérica, Europa y Latinoamérica, describimos cómo la profesionalización y corporatización excesivas se llevan a cabo en dos niveles: 1) en las facultades de derecho, donde la profesionalización y corporatización terminan reforzando privilegios y egos, y donde el trabajo en derechos humanos es importante solo parcialmente; y 2) en la práctica legal de derechos humanos, donde estructuras robustas de gobernanza corporativa y cultura de dominancia se replican de manera desproporcionada en instituciones de derechos humanos, perdiendo de vista los cambios sustanciales en las condiciones de vulnerabilidad de determinadas comunidades. Presentamos posibles soluciones para los desafíos a los que abogados en Derechos Humanos, organizaciones internacionales, organizaciones de base, gobiernos, filántropos, organizaciones sin ánimo de lucro globales y de rango medio, firmas de abogados y la academia se enfrentan en relación con la excesiva profesionalización y corporatización de este campo. Proponemos un conjunto de soluciones pragmáticas legales, políticas, conductuales, económicas y organizacionales para ayudar a promover en todo su potencial el trabajo de abogados y organizaciones de derechos humanos en el mundo corporativo actual.

## Introduction

I. The Excessive Professionalization of the 'Ideal' Human Rights Lawyer

II. The Corporatization of the Human Rights Field

III. What is Wrong with the Unrestrained Corporatization and Professionalization of the Human Rights Field?

IV. Case Studies

*A. Studying in Law School*

1. Privileged law schools for privileged students
2. Human Rights experts becoming technicians instead of social changer

*B. Working at Human Rights Institutions*

*C. The Disconnection Effect of Professionalization and Corporatization*

*D. When Lawyers Cannot Afford to be Human Rights Advocates*

*E. Increasing Excessive Professionalization Against Low Professional Status of Human Rights Work*

*F. When only Human Rights Lawyers Can Speak the Language of Human Rights*

*G. David v. Goliath: Struggles Among Organizations with Different Scopes, Resources, and Capacity*

*H. Burnout: When Human Rights Lawyers Feel Frustrated with the System and Lose Passion for their Work*

V. Possible Solutions

## Conclusion

Annexes (at the end of the issue)

I. Informed Consent for Non-Medical Research

II. Anonymous Interview to U.S. 2L Student

III. Anonymous Interview to Lawyer at U.S. International NGO

IV. Anonymous Interview to Lawyer at National NGO

V. Anonymous Interview with Lawyer at Grassroots NGO and Others

VI. Anonymous Interview with Lawyer at International Court

VII. Anonymous Interview with Lawyer at International Human Rights Body

VIII. Anonymous Interview with Lawyer

IX. Anonymous Interview with Lawyer

X. Anonymous Interview with a Private Firm Lawyer

XI. Anonymous Interview with Lawyer at International Organization

## Introduction

Amidst the current political context, the massive amount of information available in the world, the rise of nationalism and anti-globalists, populism, and the re-institution of far-wing political agendas, after decades of progress, we start to see a manifestation of Human Rights backlashes throughout several countries around the world leaving a troubled uncertain future.<sup>4</sup> These backlashes are manifested through harsh laws preventing the financing and functioning of Human Rights organizations, reprisals against Human Rights defenders, women's rights and minority groups, counter-terrorism, rising authoritarianism, and the tendency to depict Human Rights concerns as illegal outside interference in countries' domestic affairs. As a result, Human Rights as a field, and Human Rights organizations as leading institutions that work towards the protection of the rule of law and Human Rights realization, have never been as relevant.

The recognition of Human Rights has allowed communities to identify and understand sociological issues more thoroughly than ever before. With more accessible information and the recognition of issues that have been historically hidden, by looking at the history and politics of Human Rights, one could see how the field has become more complex and harder to work within, moving from of a field more interested in transnational civil, political, social, economic, and cultural rights recognition, to one more interested in the social inequalities that have resulted from the triumph of neoliberal globalization.<sup>5</sup> As a result, nowadays many competing interests and priority political agendas intertwine, ranging from climate change, privacy, access to healthcare, women's rights, migrant and refugee crisis, counter-terrorism, armed conflicts, anti-democratic regimes, corruption, police and military abuse, and human trafficking, among many other world issues.

Theoretically, the Human Rights field brings hope to redistribute goods and justice among the most excluded and to counteract political interventions, colonialism and repression that tend to reinstate inequality and exclusion. However, while Human Rights as a field remains vital nowadays, Human Rights advocates must think about their shortcomings and successes by offering an internal critique to their work in order to increase its impact potential.

This piece starts by defining the concepts of excessive professionalization and corporatization of the Human Rights field and exposing some of the critiques to these phenomena. We demonstrate how excessive professionalization and corporatization could be problematic as they limit the possibility of achieving substantial transformation in terms of justice and equality for highly vulnerable populations. While corporatization is undeniably a collateral effect of professionalization—and it is important that organizations have robust organizational structures and endowments to operate domestically and globally—through our research, we found that excessive corporatization can create negative organizational and behavioral changes that can be detrimental for the field. We found this based on concrete cases at: 1) law schools where we encountered evidence of how current legal education institutions can reinforce privilege and non-critical Human Rights activism, producing legal advocates with good intentions but narrow possibilities for effecting substantial change; and 2) legal Human Rights practices that often replicate strong corporate structures and cultures, creating problematic dilemmas for Human Rights activists and their role within these structures.

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<sup>4</sup> See Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge: The Belknap Press of Harvard University Press, 2012).

<sup>5</sup> See Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Cambridge: Harvard University Press, 2018); see also Samuel Moyn, *Human Rights and the Uses of History: Expanded Section Edition* (Brooklyn, NY: Verso Books, 2017).

This piece ends with possible solutions for the challenges international organizations, nonprofits, medium-size nonprofits, community-based and grass-roots organizations, and clinical programs face in relation to the excessive corporatization and professionalization of the field. We aim to strike a balance between doing methodical and rigorous work; we recognize that while Human Rights organizations need to be financially sustainable with clear directives, professional development strategies, and robust organizational structures, they must also strengthen the mechanisms available to enhance social justice transformation in a more effective and efficient manner, while keeping the Human Rights realization vision as the core principle component of its day-to-day practice.

Although extensive literature has analyzed the power dynamics present in the Human Rights field, we found that only a small amount of critical legal scholarship has analyzed the collateral effects of the excessive corporatization and professionalization of Human Rights practice from an organizational, behavioral, and economic perspective.<sup>6</sup> Based on this reality, in order to provide empirical evidence to support our thesis, between June 2014 and April 2017 we conducted ten semi-structured interviews with law school students interested in the field of Human Rights law, as well as junior and senior Human Rights lawyers, and pro-bono private practice lawyers, who preferred to remain anonymous. These lawyers worked for international organizations, large international Human Rights nonprofits in U.S. cities linked to Latin America, and domestic Human Rights nonprofits in Latin America. Others were students at law school clinics, and lawyers at global law firms. These individuals had also worked in development and government agencies, private foundations and academia. Several had short-term legal and advocacy experience, and others had been working for fifteen to twenty years or more in the field. Numerous interviews were conducted in Spanish since it was the native language of some of the lawyers we interviewed who focused their work predominately in Latin America. For those interviewed from the U.S., Canada, the U.K. and Switzerland, the interviews were conducted in English. The interviews consisted of twelve open-ended questions.<sup>7</sup> The questions included the reasons that had led them to become Human Rights advocates, their experience during law school, the type of work they have been doing, what they like and dislike about their work, the types of organizations they have worked for, the obstacles they have faced, their perception of the impact of their work in the communities they work with, and their relationship with those communities.<sup>8</sup>

Following Susan Silbey's critique of the role of law in reaching justice, we agree with the idea that "[to] know what law does and how it works, we needed to know how 'we the people' might be contributing to the law's systemic effects, as well as to its ineffectiveness."<sup>9</sup> Thus, while this paper celebrates the work of professionals in the Human Rights field, it also critically analyzes it under the concepts of excessive professionalization and corporatization, specifically considering: 1) the struggles legal advocates experience; 2) the obstacles they encounter within the structures and cultures of the organizations and the field of Human Rights, considering the power dynamics present; 3) their vision on these structures; and 4) the extent to which their work effectively generates positive impacts and transformations in society.

Our findings and conclusions are based on a literature review and the interviews we conducted for three years that we further analyze and discuss in our findings. Given the

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<sup>6</sup> See e.g. Christine Jolls, Cass R Sunstein & Richard Thaler, "A Behavioral Approach to Law and Economics" (1998) 50:5 *Stan L Rev* 1471 at 1471.

<sup>7</sup> See generally Annex I, "Informed Consent for Non-Medical Research" (2014) at 1.

<sup>8</sup> As this research required the participation of individuals and was expected to be carried out in a safe and ethically responsible manner, participants were asked to sign an informed consent form for non-medical research.

<sup>9</sup> Susan Silbey, "After Legal Consciousness" (2005) 1:1 *Ann Rev L Soc Sci* 323 at 326.

qualitative nature of this paper, this study does not attempt a quantitative analysis of the object of the study. Instead, this research constructs interpretations and collects ideas that attempt to make explicit the theoretical and practical tensions that exist in the Human Rights field. Our narrative and level of persuasiveness depend on how much of our ideas resonate with other members of the Human Rights community and the readers of this piece. We recognize that the findings do not represent the Human Rights field overall.

### **I. The Excessive Professionalization of the ‘Ideal’ Human Rights Lawyer**

We define the concept of professionalization within Human Rights as a characteristic of the Human Rights field that lawyers specialize in, practice, and study, as they would study any other field of the Law. As critical legal scholar David Kennedy describes it, the Human Rights discipline emerges between the fields of International, Public, and Constitutional Law, devoting students, scholars, and practitioners in this field to an institutional life, a status and a set routine.<sup>10</sup> We depart from the premise that the professionalization of the Human Rights field in recent years has helped lawyers and organizations achieve larger, sustainable results, as a result of clear directives, professional development, and strategy formulations to change economic, social, and political agendas around the world. Without this professionalization effect, the Human Rights field would not have achieved its accomplishments in the past decades. Nevertheless, when professionalization becomes excessive, Human Rights lawyers move away from the idealistic idea of finding purpose in life and fighting for a cause, and their career becomes a day-to-day job without a cause.

Human Rights lawyers work towards strategies to transform history, culture, and power dynamics of communities. Their personal history and the intersection of their personal experiences with collective situations in practice, discourses, and identities, help them define their role as agents of social change within society. This interaction between their personal history and the multiple identities they develop helps them critically analyze and engage in further work that allows them to help transform social structures and the way these structures affect the lives of people.<sup>11</sup>

Some Human Rights advocates decide to attend law school to translate their philanthropic interests and ideals into legal and political action. Others arrive at law school without a clear idea of their focus. In these cases, students progressively develop an interest in certain issues. From this point onwards, numerous Human Rights lawyers follow the existing structures and traditional career paths that are endorsed by law schools and Human Rights institutions to become the so-called “ideal” Human Rights lawyer—one who brings the expertise and the language of the Law into the field of social justice, aiming to transform the reality of a community.

An affluence of factors motivate people to become Human Rights lawyers. Some, for example, argue that leaders become activists and future advocates when they are exposed to counter-discourses among social groups that form oppositional interpretations. Others go back to moral and religious views of society that respond to ideas of charity, working for others, and creating social value.<sup>12</sup> As Professor Lekkie Hopkins suggests, individuals have unique life experiences, which, depending on their specific social and political background, might expose them to direct experiences and feelings of disappointment and powerlessness

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<sup>10</sup> David Kennedy, “International Human Rights Movement: Part of the Problem?” (2002) 15:1 Harv Hum Rts J 101 at 119.

<sup>11</sup> See also Lekkie Hopkins, “Creating an Activist Voice: Re-storying the Self in the Light of Contemporary Feminist Understandings of Power and Subjectivity” (2001) 2:2 J Int Womens Stud 1.

<sup>12</sup> See Gustavo Gutiérrez, *Teología de la liberación: Perspectivas* (Salamanca: Ediciones Sígueme, 1972) at 387–88; Phillip Berryman, *Liberation Theology: Essential Facts about the Revolutionary Movement in Latin America and Beyond* (Philadelphia: Temple University Press, 1987).

in relation to the government. It is often through this process of recognition of their own political identities that Human Rights advocates commence a journey that remove them from a context of oppression and marginalization in terms of their socio-political identities, and give them stories of development and transformation.<sup>13</sup> Yet, in the Human Rights field, these ideals are often immersed in a system that welcomes agents of social change only within the current structure, in a singular way through excessively professionalized and traditional legal channels that limit them from expressing concerns and taking action through substantial changes or mass mobilizations.

If one places two types of Human Rights advocates at opposing ends of a spectrum, on one side, one would have the “idealist transformative advocate”, and on other, the “excessively professional advocate.” On the one hand, the idealist would bring powerful experiences, open spaces for the voices of vulnerable communities to be heard, and innovative ideas that are aimed at transforming the system towards diversity and respect for differences. This type of advocate would promote ideas of hope and change, embrace a world where communities are not systematically disadvantaged and oppressed as a result of their identities or beliefs, and where individuals are treated equally, but not identically, conforming to their specific needs.<sup>14</sup> Anthropologist Stephen Gregory, for example, has referred to some advocates that inspired this notion, bringing powerful and innovative ideas about different ways to identify and tackle racial inequalities that derive from existing power relations and practices, while obscuring and masking inequalities among racial minorities.<sup>15</sup>

On the other hand, excessively professional advocates, particularly those at higher levels of power, might continue to be interested in Human Rights and social justice. However, due to their access to privileges and the disproportionate professionalization of their roles, this group of advocates is more likely to be interested in building a prominent career, thinking about the Law, but less interested in its application and its impact, detached from the communities and the contexts for which they advocate. In practice, a number of advocates are located somewhere along the spectrum between the “idealist transformative advocate” to the “excessive professional advocate”.

## II. The Corporatization of the Human Rights Field

We define corporatization as the process through which organizations transform their assets into a legal entity with a corporate-style structure.<sup>16</sup> The corporatization of an institution often involves a high level of bureaucracy in decision-making and hierarchy. Among more sophisticated organizations, competition becomes a natural pattern between organizations seeking funding,<sup>17</sup> as well as between lawyers within organizations.

Robust corporate structures within the Human Rights field have become complex and hard to work within. They are a direct consequence of the rapid and changing landscape of the professionalization of Human Rights. Corporate governance per se is not necessarily negative, as the more resources an organization has, the more important it becomes that it has clear directives, a strategy, organizational models, sustainable growth, and financial

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<sup>13</sup> Hopkins, *supra* note 11.

<sup>14</sup> Robert Leckey, “Must equal mean identical? Same-sex couples and marriage” (2014) 10:1 Int’l J.L. in Context 5.

<sup>15</sup> See Steven Gregory, “Race, Identity and Political Activism: The Shifting Contours of the African American Public Sphere” (1994) 7:1 Pub Culture 147.

<sup>16</sup> This business model often includes a board of directors, managers, and staff members to retain ownership of their work.

<sup>17</sup> John K Eason, “The Restricted Gift Life Cycle, or What Comes Around Goes Around” (2007) 76:2 Fordham L. Rev 693 at 733.

stability that result in better relationships between its management, shareholders, board, and stakeholders.<sup>18</sup>

In the framework of an economic and political system modeled by market-oriented structures, the profits of private owners control the sector, even more than governments. In the context of Human Rights, one must see that “good corporatization” can strengthen Human Rights and empower individuals, and particularly Human Rights lawyers, by allowing them to participate in disputes against powerful actors on a more egalitarian basis.

We differentiate the concepts of ‘excessive corporatization’ and ‘good corporatization’. We deem the latter essential for the progress and prosperity of the Human Rights field, as it balances the power dynamics, ensures transparency standards, guarantees that clients are treated equally, and allows organizations to be independent. We believe that “good corporatization” in the context of Human Rights also protects the rights of its members, its partners, and clients, along with ensuring long-term, strategic, and sustainable objectives.

For the purpose of this piece, in the case of international organizations and international Human Rights nonprofits, we found that corporatization means that these institutions build a corporate structure where they establish managerial and responsibility hierarchies, distribute tasks among a range of varied commercial functions including programing, communication, development, management, monitoring and evaluation, safety and security, finance and operations, among others.<sup>19</sup> Climbing the corporate ladder implies learning a jargon and developing a set of skills that allow bureaucratic differentiation in terms of salary, responsibilities, and clear distinctions between a junior Human Rights lawyer and a senior one. Human Rights organizations that adopt these corporate characteristics highly resemble corporate behavioral schemes in the way their internal administration operates.

### III. What is Wrong with the Unrestrained Corporatization and Professionalization of the Human Rights Field?

The critique of the Human Rights field remains highly theoretical, yet Human Rights lawyers and organizations do not address it. As legal scholar Richard Delgado explains, the practical work in the field of Human Rights often reveals that studies on the doctrine of rights promoted by critical legal scholars and critical race scholars are far from being implemented in practice.<sup>20</sup> Critical scholars focus partially on the power dynamics and the oppression present in the field, and the relationship between those with more privileges

<sup>18</sup> See generally OECD, “G20/OECD Principles of Corporate Governance” (Paris: OECD Publishing, 2015), online: <<http://www.oecd-ilibrary.org/docserver/download/2615021e.pdf?expires=1521077867&id=id&accname=guest&checksum=B89A0140D24ED18FFF4DD4F8092EC1C2>>; Richard A Brealey et al, *Principles of Corporate Finance*, 8th ed (Boston: McGraw-Hill Irwin, 2007).

<sup>19</sup> See e.g. Office of the United Nations High Commissioner for Human Rights, “OHCHR Organizational Chart”, online: <[www.ohchr.org/Documents/AboutUs/OHCHR\\_orgchart\\_2014.pdf](http://www.ohchr.org/Documents/AboutUs/OHCHR_orgchart_2014.pdf)>; Office of the United Nations High Commissioner for Human Rights, “OHCHR’s Funding and Budget”, online: <[www.ohchr.org/EN/AboutUs/Pages/FundingBudget.aspx](http://www.ohchr.org/EN/AboutUs/Pages/FundingBudget.aspx)> (The Office of the United Nations High Commissioner for Human Rights (OHCHR) has headquarters in New York and Geneva and offices in 13 countries around the world. With over 1058 staff as of December 2013, as well as 689 international Human Rights officers serving in UN peace missions or political offices, OHCHR has four major divisions: the research and right to development division, the Human Rights treaties division, the field operations and technical cooperation division, and the Human Rights Council and Special Procedures division. As of December 2016 OHCHR’s total budget was over \$200 million USD); Human Rights Watch, *Defending our Values: Annual Report 2017* (New York) online: <[www.hrw.org/sites/default/files/supporting\\_resources/english\\_annual\\_report\\_2017.pdf](http://www.hrw.org/sites/default/files/supporting_resources/english_annual_report_2017.pdf)> (Human Rights Watch, a U.S. nongovernmental Human Rights organization with offices across the world, with a budget of \$213,054,325 USD in 2017. Its staff consists of Human Rights professionals including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities); Amnesty International, *2016 Global Financial Report*, online: <[www.amnesty.org/en/2016-global-financial-report/](http://www.amnesty.org/en/2016-global-financial-report/)> (Amnesty International, a U.K. nongovernmental Human Rights organization raised €279,000,00 for its operations in 2016).

<sup>20</sup> Richard Delgado, “Rodrigo’s Reconsideration: Intersectionality and the Future of Critical Race Theory” (2011) 96:1247 Iowa L. Rev 1247.



and those with less. Legal scholar Dean Spade has argued that “critical intellectual traditions have also made an important argument that equality and rights advocacy not only fails to address the conditions that affect vulnerable people but often actually shores up, legitimizes, or expands harm.”<sup>21</sup> Critical legal scholar Janet Halley refers to the role that Governance Feminism<sup>22</sup> has played in re-victimizing women without acknowledging its own power and responsibility.<sup>23</sup> Her argument can be extended to the Human Rights field as a whole, where many well-intentioned advocates end up re-victimizing those they are trying to protect without assuming responsibility for their powerful actions.

Law schools and Human Rights lawyers have therefore created a structure that normalizes the sources of State power inside and outside the State apparatus. According to historian David Austin, this same structure has socially constructed the concepts of ‘sameness’, ‘equality’ and ‘inclusion’ through formal equality principles to homogenize communities and undermine the necessities of ‘different groups’ with ‘diverse identities’ on the cultural and political stage.<sup>24</sup>

For the purposes of this paper, we define unrestrained corporatization as the creation of a corporate governance structure where competition, climbing the corporate ladder, learning to speak a jargon, promoting mainly managerial and administrative tasks becomes the main target of Human Rights lawyers and Human Rights organizations, instead of focusing on social transformation and serving the communities that have been victims of violations. In this setting, one could argue that the excessive corporatization of the Human Rights field, in certain contexts, has been transformed into a hierarchical dominant structure by recognizing social problems but failing to fully respond to situations of discrimination and vulnerability affecting different social groups.

As critical race scholar Kimberlé Crenshaw points out, the Human Rights field creates a power imbalance that can be evidenced in the excessive corporatization and professionalization of Human Rights practice and the reproduction of hierarchies in the Human Rights field.<sup>25</sup> Crenshaw explains how a self-selected group of advocates created and further maintained this power imbalance.<sup>26</sup> Many Human Rights organizations adopt structures that promote the concepts of equality and meritocracy as a process, but as they get trapped in the Human Rights corporate culture, become less worried about the concepts of substantive equality and fairness as a result,<sup>27</sup> even for the members of the field. In accordance with Crenshaw’s critique, the discourses of technical and professional advocates, often with limited or no contact with the populations they advocate for, end up reproducing

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<sup>21</sup> Dean Spade, “Intersectional Resistance and Law Reform” (2013) 38:4 *Signs: J of Women in Culture and Society* 1031 at 1037.

<sup>22</sup> Janet Halley et al, “From the International to the Local in Feminist Legal Responses to Rape, Prostitution/Sex Work, and Sex Trafficking: Four Studies in Contemporary Governance Feminism” (2006) 29:2 *Harv JL & Gender* 336 at 340 (“I mean the term to refer to the incremental but by now quite noticeable installation of feminists and feminist ideas in actual legal-institutional power. It takes many forms, and some parts of feminism participate more effectively than others; some are not players at all. Feminists by no means have won everything they want – far from it – but neither are they helpless outsiders. Rather, as feminist legal activism comes of age, it accedes to a newly mature engagement with power”).

<sup>23</sup> Janet Halley, *Split Decisions: How and Why to Take a Break from Feminism* (Princeton: Princeton University Press, 2008) at 33.

<sup>24</sup> David Austin, “Narratives of power: historical mythologies in contemporary Québec and Canada” (2010) 52:1 *Race & Class* 19 at 20.

<sup>25</sup> See Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color” (1991) 43:6 *Stan L Rev* 1241–99; see also Loretta J Ross, “Reproductive Justice as Intersectional Feminist Activism” (2017) 19:3 *Souls* 286–314.

<sup>26</sup> See Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color” (1991) 43:6 *Stan L Rev* 1241.

<sup>27</sup> See Kimberlé Williams Crenshaw “Race, Reform and Retrenchment: Transformation and Legitimation in Antidiscrimination Law” (1988) 101:7 *Harv L Rev* 1331.

patriarchal “discourses of deservingness” and compassion that “participat[e] in logics and structures that undergird the relations of domination that are being opposed.”<sup>28</sup>

In many cases, Human Rights advocacy strategies led by large corporate Human Rights institutions might expand relations and structures of dominance.<sup>29</sup> These structures reproduce harmful systems and institutions that strive to change the lives and conditions of vulnerable groups in a non-cohesive or strategic manner, as advocates fail to set long-term strategies with clear outcomes, activities and outputs, or to share information with their peers and partners in order to set collective strategies that respect each individual or organization’s skills and expertise. Some Human Rights advocates get so immersed in these structures of excessive professionalization that they end up working in isolation, involved in tremendous competition that only helps to serve advocate’s egos. They often become technicians in applying the law, while forgetting their initial discontent with the system a lack of interested in collaborate with their peers, and their original intention to achieve social change and empower those affected by injustice and inequality.

In the context of this article, we define excessive professionalization in the Human Rights field, as a law behavior more interested in the concept of Human Rights as a legal tradition, its interpretation, and its broader analysis, and less interested in the human aspect of it, its application, and impact potential in people’s realities.

Excessive professionalization has several problems. As presented by Kennedy, one of the costs of professionalization of the Human Rights field is that it can limit work exclusively to aspirational advocates, leaving behind other pragmatic interdisciplinary professionals such as politicians, doctors, journalists, social workers, and other citizens interested in humanitarian causes and emancipatory struggles.<sup>30</sup> Excessive professionalization can further pull local and global elites away from their bases, as lawyers might be the only ones able to access professional training, working on “resolutions and reports” that end up creating more of a symbolic impact, and less of a tangible one.

The excessive professionalization and corporatization of Human Rights as a field can dangerously disturb the notion of social change by absorbing innovative ideas into the existing legal and political *status quo*. Human Rights lawyers might adopt professional language that “[a]s an absolute language of righteousness and moral aspiration came to be used strategically, human rights became less compelling, easy to interpret as nothing but strategy, cover for political objectives, particular interests clothing themselves in the language of the universal.”<sup>31</sup> As a result, the excessive corporatization of the Human Rights field, particularly at the highest levels of power, has increasingly moved to become a field that could end up perpetuating, through both its aspirational and naïve language and its highly vertical structure, the privileged class of those who can practice it. At international organizations, it could further reinstate colonial traditions in which members of the geo-historical and political elite come into less-advantaged communities with their ‘knowledge’, impose top-down solutions by presenting them as the only possible answer to address social

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<sup>28</sup> See Dean Spade, “Intersectional Resistance and Law Reform” (2013) 38:4 J of Women in Culture and Society, online: <[www.deanspade.net/wp-content/uploads/2014/05/signs-proofs.pdf](http://www.deanspade.net/wp-content/uploads/2014/05/signs-proofs.pdf)>, 1031 at 1037.

<sup>29</sup> *Ibid.*

<sup>30</sup> David Kennedy, “The international human rights regime: Still part of the problem?” in Rob Dickinson et al (eds) *Examining Critical Perspectives on Human Rights* (Cambridge: Cambridge University Press, 2012) 19 at 22.

<sup>31</sup> *Ibid* at 22.

inequalities, and forget to pragmatically address the needs of the community or listen its voices, concerns and demands.<sup>32</sup>

#### IV. Case-Studies

Based on the background of our interviewees and their experiences, we present five settings as the places where the field of Human Rights predominately operates: legal clinics at law schools, domestic nonprofits, international nonprofits, global law firms, and international organizations.<sup>33</sup> We also present a critique of each of these spaces from the perspective of excessive professionalization and corporatization.

##### *A. Studying in Law School*

Advocates we interviewed belonged to law clinics located inside prominent law faculties in Latin American and top tier American and Canadian universities. The clinics gather a minimum of 5 to a maximum of 30 students picked from a pool of candidates who are interested in Human Rights and public interest work. Law clinic professors, many of whom have experience in Human Rights and litigation, select students with high academic qualifications and/or professional experience. Once selected, students work on different Human Rights projects at the domestic and international level. Activities include conducting research, providing technical assistance, developing and executing Human Rights advocacy strategies, leading capacity-building trainings, leading strategic litigation, rights empowerment workshops, and legal counseling for vulnerable or less-advantaged populations. The law clinics appearing in our interviews are often no more than 15 years old. In Latin America, law students receive training in public interest law in the year before graduating from university.<sup>34</sup> In American and Canadian law schools, students can decide to receive training in public interest law throughout their studies.

Law schools are one of the most relevant institutions that traditionally encourage, maintain, support, and educate Human Rights lawyers. They are designed to provide advocates with tools to ensure that their political goals translate into legal action. Legal education provides them with new mechanisms to comprehend socio-legal consciousness and with a scenario to “better understand” and develop their personal identities and political action.<sup>35</sup> However, while a number of scholars put great effort into intersecting theory and practice to contravene power dynamics along racial, gender, and class lines (among other issues),<sup>36</sup> as it was documented in this study, students arrive with socially idealistic goals but only some maintain these ideals upon completion of their programs.<sup>37</sup> Under the current power structures that exist among several professions, in the context of Human Rights, a law degree represents a form of privilege that is naturally associated with access to a network and sphere of national and global decision-makers, which might enable a sense of

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<sup>32</sup> See Scott L Cummings & Louise G Trubek, “Globalizing Public Interest Law” (2008) 13 *UCLA J Intl L & Foreign Aff* 1 at 41–42; Brian Z Tamanaha, “The Primacy of Society and the Failures of Law and Development” (2011) 44 *Cornell Intl LJ* 209 at 222; Carrie Menkel-Meadow, “The Lawyer’s Role(s) in Deliberative Democracy” (2004) 5 *Nevada LJ* 347 at 354, citing Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, translated by William Rehg (Cambridge, Mass: MIT Press, 1996) at 107; Kathleen K Janus & Dee Smythe, “Navigating Culture in the Field: Cultural Competency Training Lessons from the International Human Rights Clinic” (2011) 56 *NYL Sch L Rev* 445 at 469.

<sup>33</sup> See e.g. The Inter-American Court of Human Rights, the Inter-American Commission of Human Rights, and U.N. treaty monitoring bodies.

<sup>34</sup> Richard J Wilson, “Three Law School Clinics in Chile, 1970–2000: Innovation, Resistance and Conformity in the Global South” (2002) 8 *Clinical L Rev* 515 at 567–68.

<sup>35</sup> Matthew Ball, “Legal Education and the ‘Idealistic Student’: Using Foucault to Unpack the Critical Legal Narrative” (2010) 36 *Monash UL Rev* 80 at 80.

<sup>36</sup> See Patricia J Williams, *The Alchemy of Race and Rights* (Cambridge, Mass: Harvard University Press 1991).

<sup>37</sup> Ball, *supra* note 35.

entitlement among Human Rights lawyers. However, several other reasons related to corporatization and professionalization could account for this fact.

### 1. Privileged Law Schools for Privileged Students

Privileged law schools have Human Rights programs and clinics that allow a pool of students to pursue their social justice dreams, while many lower income or public schools do not have these kinds of programs. Often, these privileged schools want to get involved in projects oriented towards high-impact social transformation and have the resources to do so, but at the same time, they want to educate Human Rights lawyers that are professional and “successful enough” to contribute to the social and educational status of the school in terms of quality of education.

One of our interviewees suggested that due to the nature of the work, Human Rights law is taught mostly at top tier law schools with specialized programs.<sup>38</sup> Law school clinics with resources to work abroad or even outside cities are limited, so the focus ends up being concentrated in elite schools that have large endowments of over several billions of dollars.<sup>39</sup> These institutions often attract and retain a highly selective pool of students with specific backgrounds and credentials to maintain their status. In order to be admitted to a highly reputable institution, students must either be highly intelligent and/or must have had access to resources that enabled them to build higher credentials, such as access to reputable educational programs, and relevant professional or personal experiences. In the Latin American context, this may include coming from elite private high schools, being fluent in multiple languages, having professional parents, among other qualifications. It becomes a cycle: many law schools try to reinforce their academic status by attracting students with credentials who are interested in social transformation, to make them as successful as possible, so they can learn the knowledge to further reinforce the status of the law school upon graduation.

Admissions officers at these law schools want to ensure that they attract highly competitive students with strong indicators of success in terms of where they end up working, their income as lawyers, their influence in national and international politics, and the media coverage of the cases they are involved in, among others. However, several problems can also come into play because of this logic.

According to one of the interviewees, “knowledge can also be used as measure of privileges and wealth. Wealth can pay for good schools, extracurricular activities, unpaid internships, summer schools, language classes, standardized test private lessons and international experiences.”<sup>40</sup> Another interviewee suggested that if it were not for the scholarships she got due to her academic ability and success, she would have never been able to focus on unpaid Human Rights internships.<sup>41</sup> Furthermore, one of the interviewees suggested that he had to find work at a law firm and then find his way back to Human Rights through pro-bono work, because he did not have the money to find a voluntary position and pay for his basic living expenses.<sup>42</sup> By following this narrative, top tier law schools not only attract smart people, but also a self-selecting group that has had access to many resources, as well as the knowledge of where those resources are. Although these

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<sup>38</sup> Annex II, “Anonymous interview with U.S. law school student” (1 March 2015).

<sup>39</sup> See Daniel Bonilla, “Legal Clinics in the Global North and South: Between Equality and Subordination – An Essay” (2013) 16 *Yale Human Rts & Dev LJ* 1 at 8–9.

<sup>40</sup> Annex II, *supra* note 38.

<sup>41</sup> Annex IX, “Anonymous interview with junior Human Rights attorney” (21 April 2017).

<sup>42</sup> Annex VIII, “Anonymous interview with senior private practice attorney” (20 April 2017).

institutions in some cases provide opportunities for students in need of financial-aid, these opportunities are often merit-based.<sup>43</sup> In contemporary society, higher credentials often go hand-in-hand with greater life opportunities related to wealth and social status. In many countries in Latin America where inequality is rampant and social mobility is limited, it is highly unlikely that low-income students that have attended low-quality schools or the public education system will have the necessary skills or credentials to be admitted to high-quality and often highly-priced universities where Human Rights law clinics operate.

In the North American context, students who want to pursue a career in Human Rights also face a set of challenges mainly associated with finances. In some cases, students acquire large loans in their aim to achieve professional skills that a career in public service will not allow them to repay.<sup>44</sup> As Noam Chomsky has argued, “Once you have a big debt, you can’t do things you might have wanted to do. Like, you might have wanted to graduate from law school and do public interest law, but if you have a \$100,000 [dollars of] debt to pay off; you’re going to have to go into a corporate law firm. Once you get into it, you’re trapped by the culture and forget about public interest law.”<sup>45</sup> As presented by one of the interviewees, if she had not received a full-scholarship from an elite U.S. law school to complete her legal studies, she would not had been able to pursue a career in this subject.<sup>46</sup>

In the U.S., the federal government has developed a Loan Repayment Assistance Program that helps former students pay their loans over a decade following their graduation if they work in the public-interest sector. One of the interviewees explains that several law schools have similar types of programs.<sup>47</sup> Comparable financial-aid programs are present in other careers such as medicine and government schools. Nevertheless, these programs have at least two problems. First, they are focused on certain careers and not on others, which entails that, for example, business school students, and others who might be interested in pursuing careers with a strong social focus, end up losing the possibility of using their skills for public interest work as they get trapped in the corporate culture. Second, many of these programs are designed to pay for the loan once the student graduates from school instead of receiving the funding at the beginning of the program. The result of this is that interest rates have already been escalating for a couple of years before graduation.<sup>48</sup>

In addition, these privileged institutions, connected to their professionalizing effort, can also reinforce the dangerous notion that the most effective way to achieve social change is through a very narrow understanding of the practice of Human Rights law. This notion presents several shortcomings. First, it ignores that law is just one tool in a variety of professional disciplines and non-professional fields to achieve social change.<sup>49</sup> Second, it narrows the interdisciplinary, critical, and innovative ideas and actions of activists to transform social inequalities, and instead, educates these individuals by placing them into legal systems and institutions that continue to reproduce structures of power imbalance or excessive corporatization.<sup>50</sup> Third, it assumes that practicing Human Rights law is only a matter of “technical expertise”, according to which students are trained to limit their

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<sup>43</sup> Annex II, *supra* note 38.

<sup>44</sup> Annex III, “Anonymous interview with lawyer at a major U.S. international NGO” (3 February 2015).

<sup>45</sup> Interview with William Hodgkinson, “The Callous System of Student Debt and the Structure of the ‘Free Market’” (15 January 2014) Breakwater Review, online: < <https://chomsky.info/20140514-2/>>.

<sup>46</sup> Annex II, *supra* note 38.

<sup>47</sup> Annex VIII, *supra* note 42.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> Julieta Lemaitre, “Legal Fetishism at Home and Abroad” (2007) 3 Unbound 6.

emotions and romanticism of justice, and pushed to place form over substance.<sup>51</sup> Fourth, in the context of Latin America, it creates a counterproductive culture that alienates Human Rights lawyers and public interest lawyers from private practice lawyers by placing them in unchangeable career paths that obstruct any type of dialogue and potential collaboration between the public, social, and private sectors.

ii. Human Rights Experts Becoming Technicians Instead of Social Changers

One cannot make broad generalizations about Human Rights experts. However, based on the interviews conducted, a common pattern was found among clinical Human Rights lawyers and prominent Human Rights scholars. As lawyers get immersed in their careers, over time, several clinical practitioners and professors became more interested in building a prominent career and a personal brand as excessive Human Rights professionals, rather than producing strategic legal tools that disrupt the *status quo* and promote social transformations.

Top tier universities generally attract well-known professional leaders in their respective fields, many of whom have been mindful supervisors that promote environments where mental health and balance are a priority.<sup>52</sup> Nevertheless, while being part of clinics or research centers, students in top tier universities felt that several faculty members, instead of being Human Rights advocates interested in social change, acted like prominent influencers. Once they have reached the top of the Human Rights field ladder, they seemed more interested in building a personal brand, a successful career, and climbing in the academic “corporate” ladder, than in advocating for the communities they were supposed to advocate for.<sup>53</sup>

In the path towards personal success, clinical professors can lose track of connecting with the ideals of young law school students, which might discourage eager students interested in pursuing a legal career in social change. For example, one of our interviewees recounted having done interview transcription after a fact-finding mission and preparing a draft for a report. Although she felt fact-finding missions are worthwhile projects as they allow students to strengthen their legal and research skills, as well as be exposed to different global cultures through work exchanges, she lost motivation because she lost track of the higher purpose of the project. She belonged to the lower ranks of the “corporate” Human Rights ladder, with no connection to the top, and with very little influence on the way in which her supervisor oriented the projects, or even a more substantive knowledge about the type of impact the final product of her work was going to have in transforming people’s realities.<sup>54</sup> In her case, the supervisor never set out a strategy, and there were no clear objectives or outcomes after the report was submitted.

Legal scholar Daniel Bonilla describes how these sorts of small projects can have structural issues as they expect students to understand and evaluate extremely complex social, political, cultural, or economic contexts after spending just a few days doing fieldwork from only legal lens of analysis.<sup>55</sup> This is problematic, as reports of fact-finding missions not only include descriptive sections but also theoretical, critical, and normative analyses of the country’s overall legal, political and economic context.

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<sup>51</sup> Williams, *supra* note 36 at 140.

<sup>52</sup> Annex VIII, *supra* note 42.

<sup>53</sup> Annex IV, “Rodríguez-Alarcón and Montoya-Robledo to an anonymous lawyer at a mid-size Colombian NGO” (15 June 2015).

<sup>54</sup> *Ibid*; Bonilla, *supra* note 39.

<sup>55</sup> Annex II, *supra* note 40.

A second problem arises when law clinics from the Global North are primarily the ones that execute these projects. In these cases, North-South collaboration often normalizes behavior based on the questionable premise rooted in beliefs that law schools from the Global North are solid enough to “produce knowledge, after a tangential direct contact with the reality being studied and that a week or two is enough time within which to determine what the problems are, how to evaluate them and how to fix them.”<sup>56</sup> This completely disregards or gives less visibility to the local knowledge produced at Global South countries. One could even extend this critique to top tier law clinics from elite schools in the Global South where highly privileged students go on short fact-finding missions to peripheral areas of their own countries, hoping that in a very short amount of time they can get ahold of the context and complex issues that communities face.

In order to gain a name in the Human Rights field, many clinical professors want competent and interested law students that can produce quality work for their clinics and their clients. One would imagine this is desirable, since outstanding law students become a good indicator of successful Human Rights interventions that will help the professors in their task. In the process of recruiting these students, Human Rights law clinics adopt selective processes that follow a corporatization approach, to take in “the best and brightest students”. According to one of our interviewees, the pool of applicants for the law clinic where she wanted to practice was rampant, and only a small group was admitted.<sup>57</sup> Again, this admission depended on certain credentials and networks to which only particular students had access, which relates to the previous critique about privilege.

Prestigious law schools can therefore be the starting point of a structure that inherently promotes and sustains hierarchical structures and power misdistribution. This is often immersed in logics of disproportionate professionalization, corporatization, and competition within a legal career, which impacts the reality of Human Rights practices. These logics could reinforce egos, class, language, country of origin, ethnicity, sex, gender, disability, and other sources of inequality within its members, and its partners, and clients, instead of promoting avenues that break those structures.<sup>58</sup> Therefore, once activists become Human Rights practitioners and their interests in social justice prevail, those interests adapt to the existing legal and social system. As a result, Human Rights lawyers, both at the higher and lower levels of power, still aim to promote change, but they learn how to convey those ideals primarily by using only the existing social, political, and legal channels.

### *B. Working at Human Rights Institutions*

Human Rights lawyers that were interviewed have worked either in international organizations, domestic small and medium-size nonprofits, large international nonprofits, international organizations, or global law firms. The domestic nonprofits they described are either too small, or have grown rapidly and in an unplanned way. They receive financial resources for operation mainly from international donors such as international organizations, foreign aid and development government agencies, private foundations, larger non-profits, and seldom from the governments of the countries where they operate. Some of these nonprofits devote themselves to one issue, helping a set of populations. Other nonprofits have broader missions, working with multiple vulnerable populations at a time.

Advocates working at domestic nonprofits range from those interested in litigating and helping transform the situation of these communities, to those that are more interested

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<sup>56</sup> *Ibid.*

<sup>57</sup> Annex II, *supra* note 53.

<sup>58</sup> Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy: A Polemic Against the System: A Critical Edition* (New York: New York University Press, 2004) at 9.

in learning and doing research, while thinking of policy as their main target. Some nonprofits focus mainly on litigation before international courts and advocacy, others focus on domestic judiciary, and some combine their strategies while also working as think tanks. Most of the activists working on these nonprofits are lawyers, but they also include journalists, administrative personnel, anthropologists, economists, sociologists, and political scientists, among others.

These domestic nonprofits, as described by anthropologist Sally Engle Merry, are among the fundamental institutions involved in the process of vernacularization of Human Rights. On the one hand, they often act as intermediaries and translate the language of transnational Human Rights to local contexts and back. On the other hand, being in the middle implies that these nonprofits can become vulnerable to manipulation and subversion by actors including States, communities, and even international organizations and bodies.<sup>59</sup> Merry explains: “Translators are both powerful and vulnerable. They work in the field of conflict and contradiction, able to manipulate others who have less knowledge than they do but still subject to exploitation by those who installed them.”<sup>60</sup>

The international nonprofits we identified are large organizations with headquarters in major U.S. and European cities, and regional offices across the world. They have a large international staff and sophisticated corporate structures. They focus on several issues with a global scope, and use diverse tactics and strategies (predominately advocacy and communications) to achieve their mission. They have large endowments of over several million dollars, and receive unrestricted and restricted funding from international organizations, anonymous donors, foundations, and private sector corporations among other powerful and influential global actors.

Governments establish and fund international Human Rights judicial and political bodies, such as international and regional intergovernmental Human Rights agencies, treaty monitoring bodies, international courts, and special courts, as well as special political missions.<sup>61</sup> Their main task is to monitor Human Rights situations and thematic issues in countries, analyze individual petitions, and decide on cases brought by victims against States located in different regions. They employ mostly Human Rights lawyers, political scientists, and few administrative personnel; however, they also maintain a highly sophisticated corporate legal structure. They work on cases related to any Human Rights issue brought by victims and nonprofits.

In practice, the work of Human Rights involvement that seeks to protect and transform society is performed in a variety of ways. In this regard, Legal scholar Martha Minow analyses three essential words: “Law” and “Social” “Change”. She explains that “Law” includes actions and inactions in the judicial, legislative and executive branches, and also those activities of private groups or individuals, which either pursue a transformation of the law or law enforcement as such. “Social” includes politics and culture in which people

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<sup>59</sup> Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle East” (2006) *American Anthropologist* 108:1 38.

<sup>60</sup> *Ibid* at 40.

<sup>61</sup> For Intergovernmental Human Rights Agencies see for example: The Office of the U.N. High Commissioner for Human Rights, the Inter-American Commission on Human Rights, and the African Commission on Human and People’s Rights. For International and Special Courts see for example: the Inter-American Court of Human Rights, the African Court on Human and People’s Rights, the European Court of Human Rights, the International Criminal Court, the International Court of Justice, the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL), the Extraordinary Chambers in the Courts of Cambodia (ECCC), the Special Tribunal for Lebanon (STL). For Treaty Monitoring Bodies see for example: Human Rights Committee (CCPR), Committee on Economic, Social and Cultural Rights (CESCR), Committee on the Elimination of Racial Discrimination (CERD), Committee on the Elimination of Discrimination against Women (CEDAW), Committee Against Torture (CAT), Committee on the Rights of the Child (CRC), Committee on Migrant Workers (CMW), Committee on the Rights of People with Disabilities (CRPD), Committee on Enforced Disappearances (CED).



think and experience their society; as well as spaces to debate morality and economic justice. “Change” refers to alterations, renovations and challenging of the *status quo*.<sup>62</sup>

From a bottom-up perspective, activism and social change can be related with individuals expressing their frustrations with the system in more radical and explicit manners, such as demonstrations and protests, or working directly with communities on a more personal basis for rights awareness and legal empowerment.<sup>63</sup> Some strategies include, for example, the work of grassroots organizations empowering communities on their rights and the existing mechanisms they can use to ensure the respect for those rights. Other work may involve producing analytical research by exposing the multiple circumstances that affect social groups in practice, to promote awareness among the community and relevant stakeholders. In some other cases, work might involve direct representation of clients with specific needs before lower courts and impact litigation before high-level courts in each country. The work might also include drafting bills and negotiating with legislatures for the recognition of rights for groups that have been historically discriminated or neglected. Most of this work takes into consideration the suffering and experiences of communities and individual victims and build the type of work based on this, often opening spaces for them to express their own concerns and desires, for their voices to be heard.

From a top-down perspective, the word ‘activism’ is no longer used. Instead, ‘advocacy’, ‘diplomacy’ and ‘negotiation’ are the terms experts use to describe the type of work conducted within large Human Rights organizations, such as international organizations, national governments and international nonprofit organizations. It includes technical work involving liaising, negotiating and drafting domestic and international laws, resolutions, and policies aimed at implementing the changes identified as necessary in achieving social justice.<sup>64</sup> Additionally, it includes the role of experts in academia conducting research to identify and develop new theories and strategies that can be implemented to improve the work of advocates, law, and policy makers in their respective fields. It involves using international litigation strategies before international courts and treaty bodies to resolve individual cases on thematic issues, and aiming to establish groundbreaking precedents with an international scope that can influence governments from around the world in addressing structural inequalities at the legal and the policy level.

These forms of Human Rights work do not necessarily represent an exhaustive list of what Human Rights legal practice entails. However, these examples suggest that work in this field can be performed in a variety of ways, at different levels, and in traditional and non-traditional ways. These methods sometimes demand excessive technical efforts that are often led by privileged legal professionals who develop work that might centralize and replicate their own backgrounds, their concerns, and the concerns of the same class only accessible to their peers.<sup>65</sup>

### *C. The Disconnection Effect of Professionalization and Corporatization*

The collateral consequences of disproportionate professionalization and corporatization of the Human Rights field are made visible when people working at Human Rights organizations disconnect from the needs and experiences of communities or individual victims for whom they act as advocates. One of the interviewees describes that

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<sup>62</sup> Martha Minow, “Law and Social Change” (1993) 62 UMKC L Rev 171 at 182.

<sup>63</sup> Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (Durham: Duke University Press, 2011).

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

the relationship between the nonprofit and the communities is fluid.<sup>66</sup> Other interviewees expressed that they were able to build self-help groups that empowered members of the community in the long term and maintain a strong relationship with them.<sup>67</sup> Another explained that the relationship went beyond the community and included people not involved in the case but who simply became aware of it.<sup>68</sup> However, this was not the experience of all interviewees.

Several interviewees shared the dilemmas they faced when interacting with communities, both because of structural constraints of their organizations and the practice of Human Rights law in relation to victims who suffered rights violations. One of the interviewees who worked in an international nonprofit spoke to clients who felt the nonprofit had its own agenda, took information from them and then left them alone; she felt used.<sup>69</sup> This was not the same experience she had while working in a small domestic nonprofit where contact with the community was constant. Although in this context, administrative disorganization was persistent, the work was completely directed at assisting the community.<sup>70</sup> Another interviewee shared the ethical dilemma they faced when working with victims. She wondered whether “it was ethical to remove their silence”, and open the doors to traumatic events of the past that could make traumas resurface.<sup>71</sup> Moreover, the interviewee was worried about the dilemma of victims expecting something in exchange for their testimonies and the nonprofit lacking capacity to compensate victims for sharing their stories.<sup>72</sup> Furthermore, one interviewee suggested that it is very difficult time-wise to have the same lawyer working on technical issues of the case and meeting with the community.<sup>73</sup> Another expressed the difficulty of building a relationship with particular communities that were isolated, such as combatants, indigenous communities, and inmates.<sup>74</sup>

The dilemmas described echo what Legal scholar David Kennedy explained in his “Spring Break” piece when referring to a particular episode he experienced as a Human Rights activist in Uruguay. He articulates “the activist’s sense of not knowing what things mean or where they are going in human right work [sic] by exploring the ways our search for the right tactic produced results we could not evaluate, and the ways our inability to know what was intrusive in a situation we had defined as foreign left us confused about our connections and responsibilities.”<sup>75</sup> He further introduces the element of voyeurism present in Human Rights practice, where perhaps as a consequence of excessive corporatization, the practitioner accesses the life of the victim(s) in problematic ways.

Legal scholar Makau Mutua further categorizes the relationship among 1) savages or victimizers, 2) victims, and 3) saviors who are human rights advocates, part of the “human rights corpus” within the grand narrative of Human Rights.<sup>76</sup> In this scenario, although lawyers are supposed to be the saviors of “powerless” victims promising “freedom from the

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<sup>66</sup> Annex IV, *supra* note 53.

<sup>67</sup> Annex V, “Anonymous interview with lawyer at grassroots NGO and others” (6 August 2015).

<sup>68</sup> Annex VIII, *supra* note 42.

<sup>69</sup> Annex VI, “Anonymous interview with lawyer at international court” (31 July 2015).

<sup>70</sup> *Ibid.*

<sup>71</sup> Annex V, *supra* note 67.

<sup>72</sup> *Ibid.*

<sup>73</sup> Annex VIII, *supra* note 42.

<sup>74</sup> *Ibid.*

<sup>75</sup> David Kennedy, “Spring Break” (1985) 63:8 Texas L. Rev 1377 at 1378.

<sup>76</sup> Makau Mutua, “Savages, Victims and Saviors: The Metaphor of Human Rights” (2001) 42:1 Harv Intl LJ 201 at 201–04.

tyrannies of the state, tradition, and culture”,<sup>77</sup> their position as saviors is deeply problematic because it is embedded in the power dynamics that places knowledge, population, advocacy, and ideas of the Global North over those of the Global South. In this setting, Human Rights legal activism becomes a very particular practice where often well-intentioned professionals try to help victims in the name of an organization and of a belief in justice, and end up providing legal aid without consciously anticipating the consequences of their actions, and having to face indeterminacy, trouble, internal moral questioning, and even guilt about their roles and actions as individual Human Rights advocates.

Major international nonprofits and clinical programs have enough funding to send researchers on fact-finding missions to document Human Rights situations across the world, organize lectures series on the methodologies of clinical work at Global South universities, or lead specific projects such as drafting an amicus brief before a high Court or a submission before an international Human Rights body.<sup>78</sup> These projects allow students to develop lawyering skills such as gathering facts, documenting witness depositions, drafting legal memoranda through experimental learning methodologies, as well as expanding the network of researchers through partner clinics across universities around the world. Researchers are later expected to write reports and develop advocacy strategies to bring powerful stakeholders and high-profile leaders to pay attention to their issues.<sup>79</sup> Although identifying Human Rights issues remains a crucial part of the work in the field in giving visibility to such situations and later developing strategies that help mitigate these realities, in fact, institutions are often not accountable for the impact this type of work has in communities, which sometimes causes additional emotional and moral harm among the victims.<sup>80</sup>

As Bonilla presented, in some cases “many of these exchanges are guided by unstated background assumptions that do not promote equal relationships between clinics in the Global North and the Global South, or with the individuals and communities which are impacted by these issues. Rather, the unstated background assumptions which result from unbalanced power structures create dynamics of domination and subordination that hinder the fulfillment of the purpose that clinics are said to pursue.”<sup>81</sup> In the context of legal academia, these dynamics create unequal relationships between the center and the periphery in the ways legal knowledge is created, produced, and used.<sup>82</sup>

In the context of International Human Rights and judicial bodies, the relationship with the grassroots level or the community level is almost inexistent. For instance, a number of local community organizations or major international non-governmental organizations get immersed in the logics of professionalization, collaboration, and recognition from the State or multilateral bodies, responding to State’s control dynamics. The dialogues about human suffering between professionals that represent the interests of the States or their respective institutions, end up forgetting the real stories of those behind the resolutions that motivate their practice. These institutions are not substantively critical to new forms of mobilization and resistance towards these power dynamics.<sup>83</sup>

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<sup>77</sup> *Ibid* at 229, 204.

<sup>78</sup> See Annex II, *supra* note 40.

<sup>79</sup> *Ibid*.

<sup>80</sup> Annex VIII, *supra* note 42.

<sup>81</sup> Bonilla, *supra* note 39 at 3.

<sup>82</sup> *Ibid*.

<sup>83</sup> See, for example, Aziz Choudry & Eric Shragge, “Disciplining Dissent: NGOs and Community Organizations” (2011) 8:4 Globalizations 503.

Several large nonprofit organizations work on issues that do not completely address the specific necessities of the population. For example, critical legal scholar Dean Spade has critiqued the manner in which U.S. reproductive and Lesbian, Gay, Bisexual, Trans and Queer (“LGBTQ”) organizations advocate and promote discourses and strategies of legal inclusion, recognition and equality before the law which have not necessarily aided the poverty cycle conditions that trans individuals experience in their lives.<sup>84</sup> Instead, their strategies have only been directed at benefitting a small portion of white, middle-class and upper-class populations that experience completely different necessities.<sup>85</sup> In these cases, these types of organizations adopt strategies that are distant from the real necessities of the communities.

*D. When Lawyers Cannot Afford to be Human Rights Advocates*

In our interviews, we found that working in the field of Human Rights is not easy nor is it inexpensive, which creates a diversity and inclusion problems in the field. People tend to believe that merely because a lawyer or an individual is interested in Human Rights issues they can develop a career in the field, but this is not always the case. Even though several people would have the motivation to work in alleviating poverty and social issues, many are unable to do it either because a career in Human Rights is not as profitable as one in other legal fields and therefore not everyone can afford it, or because entering field itself is difficult and highly-competitive. Some of our interviewees working at low-corporatized domestic nonprofits revealed that their salaries were low and did not even cover their basic personal expenses. According to one of the interviewees, although she had a great interest in Human Rights issues, she had to quit her job at a domestic nonprofit because her father went bankrupt and her salary as a Human Rights lawyer was not enough to cover her living expenses. She had to migrate to a public office and change her career path; although she had been in a fulfilling job that could improve the well-being of others, it was not well-paid.<sup>86</sup> Another interviewee answered that the salary she received while working for an international nonprofit in a larger city was very low, thus she had to find additional sources of income to cover her living expenses.<sup>87</sup> For many, this implies a challenge to their mental and emotional wellbeing, as they lack time to rest.<sup>88</sup> One interviewee explained that he had trouble leaving his job at a law firm to go work full time in Human Rights advocacy because he had to start on a voluntary basis, which implied no salary for a while.<sup>89</sup> He had to live in unsafe areas of cities around the world since he could not afford anything else.<sup>90</sup> Now, after a long career in this field, he continues to earn much less money than his peers working at private law firms.<sup>91</sup> However, this was not the case at international organizations such as the U.N., where officials reported receiving generous salaries and benefits in comparison to their counterparts at Human Rights nonprofits doing similar work, exposed to same political contexts, and facing the same security risks.<sup>92</sup>

In response to the problem of low salaries, it is reasonable that, in order to become sustainable institutions that can fairly compensate their staff for their work, nonprofits have

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<sup>84</sup> Space, “Intersectional Resistance”, *supra* note 21.

<sup>85</sup> *Ibid.*

<sup>86</sup> Annex V, *supra* note 67.

<sup>87</sup> Annex IV, *supra* note 53.

<sup>88</sup> Annex VIII, *supra* note 42.

<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

<sup>92</sup> See United Nations, “Salaries, Allowances, Benefits and Job Classification” (30 January 2018), online: <[www.un.org/Depts/OHRM/salaries\\_allowances/index.html](http://www.un.org/Depts/OHRM/salaries_allowances/index.html)>.

adopted excessive corporatization and commercial strategies to attract new donors who can allow them to operate more functionally. While financial sustainability remains a critical issue for Human Rights nonprofits and lawyers, the problem with this excessive corporatization effect is that nonprofits could go down a slippery slope of pursuing the donors' agendas, which are the powerful actors, instead of their original mission, and in so doing, ignore their vision of making substantial and sustainable social transformations.

*E. Increasing Excessive Professionalization Against Low Professional Status of Human Rights Work*

Due to the low professional status that many Human Rights lawyers face within the legal profession for not being “real lawyers” that deal with black letter law, the Human Rights field has increasingly professionalized the entry requirements and the career path. This means that many Human Rights lawyers with a passion for transforming oppressive realities are dismissed from the sector either because they do not have the professional qualifications to start a career in the field, or because they do not fit the internal paradigm of professional standards at Human Rights organizations. One of the advocates interviewed mentioned that in particular elite and right-wing contexts, being a social justice or Human Rights lawyer has a low professional and social status. She mentions that in these settings, she rather describes herself as a researcher or public interest lawyer than a Human Rights lawyer. She is afraid of being stigmatized as either less legally and more politically driven, superficial, “not too professional” and left-wing.<sup>93</sup> This stigmatization pushes the Human Rights movement even further into professionalization, which makes it “look more serious” and gives status to Human Rights lawyers, despite the fact that this disproportionate professionalization might not be helping the vulnerable communities in a direct manner.

In response to the low status of Human Rights and its characterization as not professional enough, the recruitment process—especially at international nonprofits and international organizations—has increasingly become stricter in attracting more competent and talented Human Rights lawyers who may bring legitimacy and who could cover an extensive international scope of work. In both settings, lawyers usually come from Global North top tier law schools and have the necessary networks and work experience to be hired. Consequently, the Human Rights field is such an exclusive field that most of the time it indirectly creates a circle that only benefits those at the top of the system, those who are more privileged. The above argument is exemplified if one analyses the nationality, languages, education and work experiences that advocates have in their curriculums before starting professional work in the field of Human Rights.

After reviewing the job requirements for ten positions published at the websites of major international Human Rights nonprofits, private foundations, international organizations and Human Rights government institutions from the Global North,<sup>94</sup> we found that in many of these organizations, technical expertise, international experience, public speaking, public relations, project management, and a clear understanding of the power dynamics in the grantee/grant maker relationship, as well as the ability to handle this

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<sup>93</sup> Annex IV, *supra* note 53.

<sup>94</sup> Bonilla, *supra* note 39 at footnote 1 (Based on Daniel Bonilla's critique in “Legal Clinics in the Global North and South: Between Equality and Subordination – an essay”, the words ‘Global North’ are not used as geographic terms, but rather concepts related to historical distribution of wealth among countries that are “politically stable”, “militarily strong”, and “culturally dominant”. ‘Global North’ refers to countries such as the U.S., Canada, continental Europe, Australia, or Japan. On the other hand, the words ‘Global South’ refer to “a group of countries with a colonial history, [that are] politically unstable, relatively [less wealthy or] poor, militarily weak...and culturally subordinated.” In the context of this article, ‘Global South’ refers to countries with some exceptions situated in Asia as well as Latin America, Africa, and Eastern Europe.)

relationship accordingly were required.<sup>95</sup> Applicants were also required to have excellent writing and oral skills in English, although in some cases other language skills were desirable for certain positions in the field depending on the geographic location. Bachelors and advance university degrees, masters or equivalent, preferably in law, policy, economics, or international relations were also required.

After reviewing the profiles of U.N. staff that appears on online job search websites like LinkedIn or Idealist, which lists background information on the education and other credentials of current employees of these organizations, we found that a greater percentage of these advocates came from predominately elite universities from Global North countries.<sup>96</sup> One interviewee described that stigmas regarding qualifications become an issue within the Human Rights industry especially for qualified or overqualified advocates coming from the Global South and not being native English speakers. In his case, the interviewee observed that younger students originally from higher-income countries, educated at universities in the Global North, with less or no experience in the field, and even without law degrees, or advanced degrees, were hired more easily than highly educated and experienced lawyers from the Global South.<sup>97</sup>

A dichotomy exists when one realizes that if a person wants to be ‘competitive’ in the Human Rights market, the person is required to be fluent in English, and ideally in an additional languages, have volunteered or done a number of unpaid internships with a nonprofit or international organization domestically or abroad, and have studied at a highly ranked and reputable Global North institution, all dynamics that are also present in other for-profit fields.<sup>98</sup> As a result, only those that come from specific countries and a privileged background can have access to these types of experiences and credentials, both to cover their tuitions and living expenses without receiving a salary. This dynamic excludes by default a large group of individuals with different types of qualifications who could be highly interested in Human Rights and pursuing a professional career to achieve social justice. They might come from diverse backgrounds and bring innovative visions on how to conduct matters, and even belong to vulnerable communities with firsthand experience of their problems. However, due to their lack of opportunities reflected in their restricted access to prominent legal education programs, resources, and networks, they are not even considered as potential candidates in this field. We saw this pattern in the interviews conducted: the ten interviewees went to elite law schools either in their home countries or abroad in Global North countries, and all of them fit in the standard of privilege, highly educated, experienced, and professional Human Rights lawyer.

The weight of credentials is not surprising in the existing social and economic *status quo*, modeled by our market oriented society, the existing current foreign policy dynamics between the Global North and the Global South, and the social demands that the economy impose upon individuals to be competitive in a global market. However, for a field that aims to be fully global, to reach inclusion and equality at its core among the most marginalized ones, to ensure access to justice, and to empower the most vulnerable, maintaining such logics and structures is unreasonable and contradictory.

#### *F. When Only Human Rights Lawyers Can Speak the Language of Human Rights*

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<sup>95</sup> Idealist, “Human Rights and Civil Liberties” (5 July 2016), online: <[www.idealists.org/en/?areasOfFocus=HUMAN\\_RIGHTS\\_CIVIL\\_LIBERTIES&type=ALL](http://www.idealists.org/en/?areasOfFocus=HUMAN_RIGHTS_CIVIL_LIBERTIES&type=ALL)>.

<sup>96</sup> LinkedIn, “People who work at United Nations” (5 July 2016).

<sup>97</sup> Annex VIII, *supra* note 42.

<sup>98</sup> See Aoife Nolan & Rosa Freedman, “The human rights sector must stop exploiting unpaid interns” (12 January 2015), *The Conversation*, online: <[www.theconversation.com/the-human-rights-sector-must-stop-exploiting-unpaid-interns-34994](http://www.theconversation.com/the-human-rights-sector-must-stop-exploiting-unpaid-interns-34994)>.

The Human Rights field, given its public origins and its main concerns, often implies a language and vocabulary that centralizes the debate of Human Rights among those with more decision-making power against those with less or minimal power.<sup>99</sup> Only those who speak the language present in legal theories, international legal scholarship, treaties, general observations and comments, case law, and sometimes philanthropy can take part in Human Rights disputes. Although this is also the case in any other legal field, in the context of Human Rights, where the violation of the rights of vulnerable people are the main issues in dispute, excessive professionalized language can legitimize the hierarchy that divides lawyers from the rest of the population, and those coming from elite schools from the rest. It can reinstate an oppressive system affecting those with less power, privileges, and who have neither access nor tools to speak this language, but rather an interest in disrupting power misdistribution and injustice.

In addition, the gap that exists between those documenting Human Rights violations, those interacting with the communities, on the one hand; and those discussing the reports presented at international organizations, and working at global forums concerned about the same Human Rights violations, on the other, is vast. One of the interviewees describes the huge disconnect she felt between what she saw in the communities and their desires, on the one hand, and what she had to write to multilateral organizations in order to seek funding, on the other.<sup>100</sup> From a colloquial language that better addressed the experiences of the members of a vulnerable community, she had to adopt a technical language that donors encourage as part of the requirements to obtain funds. No member of the community could have expressed her sufferings without the “translation” service that the interviewee provided as a Human Rights professional. Her experience brings back Sally Engle Merry’s argument previously referred to when describing the vernacularization of the field.

The interviewee also commented on having to change the type of language she used originally in her reports to protect a set of victims as a result of a change in the political context because donors, including the State, were no longer interested in the previous language used and its implications. In particular, she worked for an organization that had worked for seven years using the concept of “forced displacement”, but then that concept faded away because the concept of “victim” emerged as the acceptable one.<sup>101</sup> This language transformation, although it might seem formal, implied that the organization lost a big part of the work it had been doing for almost a decade.<sup>102</sup> Language transformation in order to receive financial resources from donors implied that the process with communities was partially broken.<sup>103</sup> The organization had to renew its business model, and the lawyer had to promote a new language of Human Rights that ended up ignoring many of the claims of the forcibly displaced community she had been building trust with for years.

In the context of academia, Human Rights legal theorists often develop refined critical theories that serve to distinguish and categorize negative sociological issues among specific groups. They operate under a logic where only those with their background and credentials can participate in their debates and understand the language they use to describe such situations. Those who cannot have access to such spheres and institutions are systematically excluded from such conversations. However, while reputable scholars and

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<sup>99</sup> Dustin N Sharp, “Human Rights Fact-Finding and the Reproduction of Hierarchies” in Philip Alston & Sarah Knuckey, eds, *The Transformation of Human Rights Fact-Finding* (New York: Oxford University Press, 2016) 69 at 69.

<sup>100</sup> Annex V, *supra* note 67.

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

high-level decision makers continue advancing these academic conversations, many vulnerable communities continue living their lives without sufficient transformations in their social or economic realities. As described by two of the interviewees, very few Human Rights scholars have direct contact with the communities that have suffered Human Rights abuses.<sup>104</sup> If they do, it often occurs in a hierarchical or paternalistic way that sets a distinction between them and the affected people. Yet, they keep sophisticating a language that broadens the gap with the realities of the communities they are supposed to be working with.

*G. David v. Goliath: Struggles Among Organizations with Different Scopes, Resources, and Capacity*

The difference in terms of access to resources is huge between small organizations and large ones. One of the interviewees described her work for a small domestic organization that was purely interested in helping a population. The work was encouraging and intellectually appealing, but highly disorganized in terms of management, and thus they received less funding than other more “corporate-like” nonprofits. However, she did encourage some type of organized scheme, emphasizing that nonprofits without a financial team are not sustainable.<sup>105</sup> Another interviewee explained that even for the victims the survival strategies are complex, and that sometimes organizations have trouble supervising and understanding the dynamics and needs of the vulnerable populations they work with. In one case, 40% of the victims dishonestly stated that they lived out of the capital city to receive funding from the State, asking public officials to pay for a working day.<sup>106</sup> The small organization she worked for had limited resources to tackle these dynamics, and as long as they kept happening, the possibility of getting additional funding in the future was reduced.

Small organizations respond to the problem of not getting enough funds to operate by immersing into a snow-ball effect of excessive corporatization, often simulating private model schemes, as they are forced to reproduce logics of organization and management mirroring their larger peers to conduct their work in the field.<sup>107</sup> As they start professionalizing their language, many times they end up forgetting about their own constituency, the trust bonds built with communities for years, or even their original mission.

*H. Burnout: When Human Rights Lawyers Feel Frustrated with the System and Lose Passion for Their Work*

Two ideas come into play when thinking of Human Rights work as a job without emotions. On the one hand, excessive professionalization and corporatization of the Human Rights field has promoted a view of Human Rights technicians who lose interest and passion for their work the more they advance their professional paths, because they realize substantive change is often difficult to achieve, and tackling the existing power dynamics is challenging. As a result, with time, Human Rights lawyers become increasingly concerned with their personal brand and legal technocracy rather than with trying to change people’s lives, make an impact, or achieve social change. On the other hand, many Human Rights advocates, due to the difficult cases they deal with, end up suffering from serious distress.

According to one of the interviewees, when she worked at a domestic nonprofit, she saw international Human Rights bodies as a ‘God’ that understood human suffering and injustice, but once the case reached the jurisdictional body, she discovered that many of the

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<sup>104</sup> *Ibid.*, Annex V, *supra* note 67.

<sup>105</sup> Annex V, *supra* note 67.

<sup>106</sup> *Ibid.*

<sup>107</sup> Space, Normal Life, *supra* note 63.



people working there, who generally are high-profile experts, are not emotionally attached to the cause. Instead, they just see their work there as a “normal” job. As stated by one interviewee, “they are more interested in feeding their ego than in helping people.”<sup>108</sup> This excessive reliance on technocracy and egos derived from the politicization of such professions ends up affecting the strategy crafting process as well as the possible outcomes of working with communities to help them transform their lives.

Another interviewee commented on all the stress she suffered associated with the difficult cases she took, and how many organizations that think of Human Rights lawyers more as experts than as human beings in touch with immense sufferings lack effective mental health aids to help advocates respond to this collateral emotional damage.<sup>109</sup> “In some of these cases, when you hear advocates laughing nervously when telling a case, it is not because they are laughing at victims, but because by distancing themselves from the cases they cope with their own frustration and stress.”<sup>110</sup> She also described good practices in a nonprofit that had a psychological therapist contracted to help advocates deal with their emotions.<sup>111</sup> She referred to outstanding supervisors that promoted free time policies inside the workplace, and psychological outlets to help advocates deal with emotions in a healthy way, and not just by blocking them.<sup>112</sup>

## V. Possible Solutions

In practice, several problems relate to the excessive professionalization and corporatization of the Human Rights field. Yet several solutions can be proposed and implemented with the aim to improve good corporate governance and the substantive social transformation that Human Rights Law and practice can produce.

At the international level, Human Rights bodies at international organizations can work to guarantee that the discussions that occur at these organizations turn into inclusive spaces, while breaking the existing gap between these powerful institutions and civil society. These conversations should move from global and diplomatic discussions to local realities. Given that most of these gatherings take place in international affairs hubs like New York, Washington D.C., London, Brussels, and Geneva, these bodies should strike a balance by trying to bring these conversations to the regional level, as well as bring regional representation to global spaces and forums, so a greater number of Human Rights activists and lawyers can directly engage with these bodies and improve effective dialogues in a less vertical manner. By doing so, international Human Rights bodies and international organizations must work in making the language that they use more accessible to people from all backgrounds<sup>113</sup> — one that is not just accessible to people with the credentials and privileges to be in these spaces, and that does not exclude from these conversations those for whom they advocate. Instead, this language should open spaces so that the members of vulnerable communities can always speak for themselves when they feel they need to.

Human Rights advocates should also implement forms of affirmative action by making high-level Human Rights institutions spaces that experience diversity, inclusion, and equality principles, instead of corporate-style institutions that respond to strong for-profit

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<sup>108</sup> Annex V, *supra* note 67.

<sup>109</sup> Annex VIII, *supra* note 42.

<sup>110</sup> *Ibid.*

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> Annex VII, “Anonymous interview to lawyer at international human rights body” (2014–2017).

commercial rationalities that lose sight of their own mission.<sup>114</sup> Organizations should not become institutions that segregate those members of the communities whom they work for, and privilege only members that are already part of the field, while increasing the competition to access the field reproducing logics of racism, classism, ableism, and settle-colonialism.<sup>115</sup> Therefore, empowerment, implementation, accountability, impact measurement mechanisms, organizational mobility, work-culture shifts, as well as diversity and inclusion strategies, have been suggested as solutions to better engage with people in legal and political struggles.

For instance, one of the interviewees identified herself as a grassroots trans activist that has worked hand-in-hand with trans communities in the poorest areas in Colombia. Just like her peers, many times she felt like an outlier within the Human Rights community. Even though she felt highly critical and had the credentials to participate in such spaces, her ideas were often taken for granted. She did not speak their sophisticated language nor knew how to act in spaces like international organizations where Human Rights debates at the highest levels often take place. When a private foundation awarded her a fellowship to work at an international Human Rights body, she mentioned how she felt empowered. She felt that her radical ideas were being listened to and were becoming influential among high-level decision makers.<sup>116</sup> Currently, she is a respected and inspirational trans leader in her country tackling power dynamics between the trans movement and the gay and lesbian movement. Therefore, Law, but also Human Rights institutions at the highest levels, can take the symbolic role of embracing the work and ideas of excluded individuals that can help deconstruct unjust structures as well as develop new strategies that tackle systemic inequalities. By adopting rights empowerment and implementation strategies, advocates and critical legal scholars could try to make individuals aware of their abilities as citizens, and help them find solidarity in collective action.

In terms of capacity building, international organizations and international nonprofits must work to equip civil society with the necessary tools so that they can directly engage and advocate effectively when they don't have the skills or resources to complete this type of work.<sup>117</sup> In addition, these bodies should allocate resources for the implementation of standards previously recognized by these bodies. Whether these come as the result of political discussions between certain Human Rights bodies or individual complaints, international Human Rights bodies must increase their implementation role to guarantee that their work is substantially improving domestic realities in countries where Human Rights abuses persist. They should also assist governments, ensuring that governments guarantee that their Human Rights policies allocate budget and human resources to follow up on the implementation of decisions and recommendations made by these bodies.

For example, international organizations in partnership with international nonprofits should critically develop mechanisms that not just invest on norm-building work or evaluate countries compliance with international norms, but also set a full body of work that monitors the application and implementation of international Human Rights legal standards in each country. This should also include impact measurement guidelines of such standards to track the real effect of such norms into country realities. Political resolutions, recommendations, international case decisions, and Human Rights principles will continue to be the core basis of Human Rights Law, yet new conversations should arise in terms of how

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<sup>114</sup> Duncan Kennedy, "A Cultural Pluralist Case for Affirmative Action in Legal Academia" (1990) 1990:4 Duke LJ at 705.

<sup>115</sup> Spade, Normal Life, *supra* note 63.

<sup>116</sup> Annex VII, *supra* note 113.

<sup>117</sup> *Ibid.*

those existing standards are and should be communicated, discussed, and applied at the local level, which should increase the impact accountability of Human Rights organizations.

In addition, international organizations must have an open conversation about their diversity and inclusion policies to question whether their staff is reflective of egalitarian values, and how as organizations these institutions can contribute to bridging the gap between those with power and those without it. They should respond to stereotypes that place advocates from the Global North or native English speakers as better trained to make effective use of Human Rights legal knowledge, worthy of respect, and recognition *per se* than those from the Global South; question its culture of meritocracy; but also open the path to people coming from more vulnerable settings and interdisciplinary professional backgrounds.

International nonprofits must discuss their resources and whether their day-to-day work effectively contributes to the causes they work for in each country. It is crucial to determine whether their role should be an integral one that executes each of the tactics that currently exists in the Human Rights field, or one of giving international visibility to the people that would not have a voice or importance without intermediaries.<sup>118</sup> Given the reality of the amount of economic resources these organizations receive from large donors, it is paramount to create a culture among these organizations about their ‘institutional responsibility’ with their smaller peers.<sup>119</sup> One that is realistic of each organization’s resources, human capital, and competitive advantage, and that creates a social consciousness of promoting capacity building among smaller organizations, so that large international nonprofits transfer their ‘know-how’ to smaller organizations with the goal of building a more robust and skilled Human Rights movement in each country. At the same time, however, a culture that values the knowledge and personal skills that grass roots organizations already have, and the personal skills of how they locally approach their communities and realities.<sup>120</sup>

Within a market-based society, resources will continue to determine the level of competition and culture among these organizations; however, as their assets continue to grow exponentially, the brand equity must be used ethically and responsibly. Given the capacity that international organizations, global top tier universities, and large nonprofits have, these organizations and educational institutions must be the first institutions to adopt, implement and respect the standards they advocate for. They should be the primary example of change that external stakeholders can see as a good-practice reference. Their staff must be diverse, and their structure must reflect the vision of the organization in a more horizontal way. The structure should value people in all professional levels, respect merit, promote diversity, boost innovation and maintain the vision as the core component of its work culture.

As one of the interviewees suggests in the nonprofit sector, a good practice would be limiting the periods of people directing the organizations or including employees from different levels in the Board to allow a work culture of transparency and dialogue between employees and leadership at each organization, against the idea of the vertical corporate ladder based on timing or experience only; and rotating them to other projects or tasks in order to allow oxygen to come in and bring new voices of other innovative leaders and their

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<sup>118</sup> Annex II, *supra* note 38.

<sup>119</sup> Annex III, *supra* note 44.

<sup>120</sup> Annex VIII, *supra* note 42

ideas to the table.<sup>121</sup> Another idea could be to decentralize work and responsibilities,<sup>122</sup> to redistribute the power from high-profile Human Rights lawyers to other activists and people from the communities that historically have had less power; or to innovate operational models of strategy, organizational behavior, and management that respond to nonprofit structures and promote operational models that improve nonprofit functioning and reliability. More innovation and research from nonprofit management and social impact experts is needed to address these problems.

In the context of Human Rights clinical education, in order to avoid reproducing dynamics of subordination between the academic center and the periphery, Bonilla proposes three principles that should be followed by clinics: “mutual recognition of the parties involved in the project; using consensus to establish, interpret, and apply the rules governing the clinical exchange; and prioritizing the social justice objectives pursued over the educational and professional development purposes that are also part of the programs of cooperation advanced by the clinics.”<sup>123</sup> Likewise, the path to access the Human Rights field must be re-constructed critically. Law schools, nonprofits, governments, and international organizations should not use unpaid internships as forms of free labor that disregard labor rights, or as forms that help identify and measure privilege. Instead, internships should be based on factors that dismantle power structures and recognize talent, potential, and needs-based financial aid. As presented by Darren Walker, president of the Ford Foundation,

The right internship can put a young person onto a trajectory for success. This is precisely why those of us who oversee internship programs ought to make sure they provide a hand up to all people of promise, not merely a handout that, best intentions aside, accelerates a cycle of privilege and reward.<sup>124</sup>

In the context of academia, universities at large should take the opportunity to expand the vision that only law schools and particularly Human Rights lawyers can enable social change. By informing the students of other professional and non-professional avenues for social transformation, they can promote more creative paths that promote social change, empower disadvantaged communities, as well as foster knowledge, debates, and dialogues on the importance of mutual collaboration between these fields, once students are part of these institutions, in order to achieve collective, interdisciplinary, and sustainable impact.

Schools can promote forgivable loan programs in faculties besides law schools for other professionals who want to engage in public interest and social impact work.<sup>125</sup> In this regard, they can also strengthen interdisciplinary approaches towards social transformation that can facilitate a greater understanding between the passion for social change and the technical mechanisms to achieve that transformation. In addition, by creating bridges between law students, policy and socially business driven students,<sup>126</sup> as well as others pursuing alternative professional careers, they can understand how the intersection of Human Rights, businesses, and other fields can result in high-impact and long-term social

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<sup>121</sup> Annex VI, *supra* note 69.

<sup>122</sup> Annex IV, *supra* note 53.

<sup>123</sup> Annex II, *supra* note 38 at 4.

<sup>124</sup> Darren Walker, "Internships are not a privilege", *The New York Times* (5 July 2016), online <[www.nytimes.com/2016/07/05/opinion/breaking-a-cycle-that-allows-privilege-to-go-to-privileged.html?smid=tw-share](http://www.nytimes.com/2016/07/05/opinion/breaking-a-cycle-that-allows-privilege-to-go-to-privileged.html?smid=tw-share)>.

<sup>125</sup> *Supra* note 41; see also Michael Beer et al, *Higher Ambition: How Great Leaders Create Economic and Social Value*, (Boston: Harvard Business Review Press, 2011).

<sup>126</sup> We define socially business driven students as students in the disciplines of business and economics that are programmatically interested in the fields of universal healthcare, poverty alleviation, financial inclusion, venture philanthropy, gender pay gap, etc. or in fields such as nonprofit management, social strategy, diversity and inclusion, monitoring and evaluation, communications, and fund-raising.

transformations. For example, one way to achieve this is by incorporating changes in MBA curricula and redesigning courses to advance management thinking and practice at non-profit and other Human Rights organizations. These changes enable training higher-ambition leaders with greater social purpose and value.

Several career paths, other than Law, can also produce social change. However, a paradigm shift in terms of training and career path avenues is needed to have more individuals at different fields and disciplines interested in delivering superior economic and social value in distinct ways to scale up social change and Human Rights realization. At the more programmatic level, when large Human Rights organizations bring strategic cases before international Human Rights bodies or domestic high-courts, this type of work must adopt many ethical guidelines that clearly set out the type of partnership and collaboration that is expected with affected communities. The guidelines should include among others: understanding and building the work on local experiences, and not just on top-down impositions; maintaining open communication channels between the lawyers and the community without leaving that communication for particular moments in which lawyers need something from the victims; constantly informing the community of the stage of the process and what can be expected; bringing in the goals of the community to the particular goals of the case; making legal language accessible to the community; and, once impact is made, organizations should accompany victims in creating sustainable educational and financial plans that allows them to reach new opportunities and investments that increase their life opportunities, such as better education opportunities, housing, and savings.

At the individual level, Human Rights advocates should try to go beyond their technical skills, acknowledge their privilege, and start reconnecting with the communities in any way they can. Pragmatic and interdisciplinary Human Rights Law Practice requires going beyond legal expertise taught at law schools into community-based practices. As legal practitioner Shin Imai argues,

The lawyering skills transmitted through the conventional law school courses do not prepare students for this type of community practice. In order to transmit community lawyering skills, clinical courses should utilize a counter-pedagogy that allows students to absorb the lessons of collaborative relationships, the recognition of personal identity and race, and the ability to take community perspectives. By doing so, we will be preparing future lawyers to play a positive role in the work for social justice.<sup>127</sup>

Without this necessary transformation, advocates can get immersed in a system where their imagination for change, their feelings, their idealism, and their deep connection with the communities they are supposed to work with gets limited, and their scope of action to transform realities becomes restricted.

In order to do so, Human Rights lawyers should speak the language of the people they are trying to empower. Meet them. Leave their safe spaces to try to build empathy and listen and attend to their concerns. Report to the communities on how the work is going and hearing what the communities have to say in terms of their goals and wishes. Advocates should also open institutional spaces so that members of vulnerable communities can speak for themselves. It becomes paramount to successfully empower victims while at the same time avoid their re-victimization. As one our interviewees presented, she proposed to rethink the ethical dilemma of how to help the victims, empower them, and give them back using their skills and knowledge to help them with particular needs, create financial inclusion plans,

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<sup>127</sup> Shin Imai, "A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering" (2002) 9:1 Clinical L. Rev 195 at 226–27.

and education tools, while also being able to gather information.<sup>128</sup> Some have suggested this dilemma can be worked out through participatory action research (PAR)<sup>129</sup> that:

...seeks to understand and improve the world by changing it. At its heart is collective, self-reflective inquiry that researchers and participants undertake, so they can understand and improve upon the practices in which they participate and the situations in which they find themselves. The reflective process is directly linked to action, influenced by understanding of history, culture, and local context and embedded in social relationships. The process of PAR should be empowering and lead to people having increased control over their lives.<sup>130</sup>

This type of research links activism with knowledge and could break some of the excessive professionalization of Human Rights by bringing communities to self-reflect and participate with their own empowerment.

Finally, following Spade's argument in the article "For Those Considering Law School", Law should not necessarily be considered the most effective tool to dismantle systems of oppression or to improve the living and social conditions of marginalized communities.<sup>131</sup> Despite the fact that lawyers, and particularly Human Rights lawyers, have an important supportive role when providing legal counseling services to vulnerable communities to ensure not to reproduce logics of power and hierarchy. Lawyers can help movement leaders find strategies to promote legal transformations when it becomes necessary, and effectively target the weak points and grey areas where the legal system presents shortcomings. However, most of the Human Rights work that can be done in any social movement does not necessarily require a law degree. Social impact work can also be done through trainings, empowerment workshops, art, communication strategies, support networks, media visibility, financial and economic inclusion, or direct participation of members of the communities that advocate, all of which require diverse forms of disciplinary training other than Law.

Spade's argument is supported by one of our interviewees who suggested that often Law is ineffective as the only remedy to solve structural inequalities, since it can often legitimize and reproduce those same inequalities.<sup>132</sup> She raised an example of how trans individuals are not considered citizens by laws in many countries in Latin America, and don't have access to justice mechanisms.<sup>133</sup> When trans women are assaulted, they are not able to report their cases to the police, as the police often further abuse them. Thus, community-based approaches that enhance alternative protection mechanisms for these groups and empowers them on their identities and political recognition could even be more effective than using Law as the only tool to protect their rights.<sup>134</sup>

## Conclusion

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<sup>128</sup> Annex VIII, *supra* note 42.

<sup>129</sup> See, for example, Amy Ritterbusch, "Bridging Guidelines and Practice: Toward a Grounded Care Ethics in Youth Participatory Action Research" (2012) 64:1 *The Professional Geographer* 16.

<sup>130</sup> Fran Baum, Colin MacDougall & Danielle Smith, "Participatory action research" (2006) 60:10 *J Epidemiology & Community Health* 854 at 854.

<sup>131</sup> Dean Spade, "For Those Considering Law School" (2010), online: <[www.deanspade.net/wp-content/uploads/2010/10/For-Those-Considering-Law-School-Nov-2010.pdf](http://www.deanspade.net/wp-content/uploads/2010/10/For-Those-Considering-Law-School-Nov-2010.pdf)>.

<sup>132</sup> Annex VII, *supra* note 113.

<sup>133</sup> *Ibid.*

<sup>134</sup> *Ibid.*

Building on Kennedy, we acknowledge that "...we routinely underestimate the extent to which the human rights movement develops in response to political conflict and discursive fashion among international elites, thereby overestimating the field's pragmatic potential and obscuring the field's internal dynamics and will to power".<sup>135</sup> As a result, the excessive professionalization and corporatization of the Human Rights field on its way to 'positively' transform society is problematic due to the embedded power imbalances present under this structure. The ideas that motivate the corporatization and professionalization of the Human Rights field are aimed at raising funds to conduct their work and promoting a higher social and professional status of the Human Rights field. Many questions arise from the decision of adopting excessive corporatization and professionalization as a path towards achieving these ends. One of the main questions is how to strike a balance between the aim for social transformation and the challenge for financial and political resources that Human Rights organizations face. To be able to fund the professionalization of Human Rights lawyers, corporatization becomes a necessary consequence. However, other questions arise. What is the real danger when large and powerful corporations not operating in good faith try to influence the focus, policy, or strategy of a Human Rights organization? What occurs when donors set their own political agenda on the organization's work plan, imposing clear political or disjunctive plans? What happens when the legal requirements of such incorporation due to the legal regime make these Human Rights organizations adapt to robust and unfair corporate structures?

This has already been the case of universities and think tanks, where funds come from powerful actors, and those actors then have unfair and potentially dangerous influences on the organizations that they are supposed to be helping to prosper.<sup>136</sup> The fiscal control and accountability objective of such logics seem to be necessary to have a more effective system. Yet the consequences of disproportionate corporatization and professionalization of the field can be detrimental for the aims of social transformation that the movement claims in its foundations.

The responsibility from private sector actors remains unresolved due to the tensions that exist between the Human Rights field and the private sector. However, a critical approach to this tension seems necessary to have a more comprehensive strategy of new forms that drive to enduring, sustainable change. One that involves non-traditional actors, like corporate actors and socially driven business that operate in good faith into Human Rights conversations, as well as one that breaks the privilege among Human Rights lawyers.

Based on the problem described, one could argue on the one hand that if someone wants to build a career in the Human Rights field, this person must immerse in the logics of excessive corporatization and professionalization to be part of and remain in the field. On the other hand, one could critically analyze whether current structures and the social dynamics that lead into the excessive professionalization and corporatization of the Human Rights field and its way of promoting social change is the ideal one. Managing Human Rights nonprofits poses unique challenges that have not been adequately addressed in leading mission-driven organizations, managing organizational change, behavior, strategy, operations theory, and practice until now. One such issue is the need to balance multiple demands on the organization, including economic, human resources, and social goals. Although Human Rights advocates and organizations might be operating in good faith, as capitalism, market requirements, and globalization inescapably become part of the structure of the Human Rights field, they quickly get immersed in logics that push both advocates and

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<sup>135</sup> Kennedy, *supra* note 10 at 118.

<sup>136</sup> See Jane Mayer, *Dark Money: The Hidden History of the Billionaires Behind the Rise of the Radical Right* (Toronto: Random House of Canada, 2016).

organizations to be less radical and vocal about important issues, as they know that drastic changes are near impossible in a system that only allows subtle changes and rejects massive mobilizations. As established by Dauvergne and LeBaron, “Without a doubt most activists still want to speak truth to power. But nowadays they are entangled in this power.”<sup>137</sup> Instead of challenging a system of global capitalism, they are simply now conforming to the logics of it.

The unrestrained corporatization and professionalization of the Human Rights field has served as a tool to arguably legitimize and perpetuate the existing misdistribution of wealth and power.<sup>138</sup> These power structures are based on privilege and supremacy that continue to systematically affect communities that are already disadvantaged. Authors like Foucault, Kennedy, Crenshaw, Spade, Moyn, Lemaitre, and Bonilla have developed significant responses to the social movements’ theory from a more constructivist perspective that reshapes the way in which the system has been structured. These authors present strategies that challenge the conformation to the ways in which the system has been created and the way that legal regimes regulate and govern knowledge and practices. By trying to put practices into more institutional forms, Human Rights advocates should not follow the rules of behavior that the system imposes upon individuals.<sup>139</sup> Instead, advocates should deconstruct oppression and resist institutional forms that directly reproduce racialized, gendered, and other subjections, as well as centralized power among specific social groups.

These types of discourses that legitimate oppressive dynamics should not engage in efforts embedded in pedagogies of demobilization and re-colonization led by national or historic “global political and economic power elites.”<sup>140</sup> Effective Human Rights work should neither reinforce a system where Human Rights lawyers replicate logics of excessive corporatization that result in power dynamics of compassion and charity. Instead, Human Rights advocates should aim for substantive social change and equality among its citizens by learning more from small and grassroots organizations or individuals that have been strongly committed against colonial discourses and politics of mobilization, but lack the technical knowledge and resources to make their work sustainable or replicable for bigger communities.<sup>141</sup> Human Rights lawyers should then work in reshaping political spaces with more decentralized forms of organization and with greater community participation and engagement from other professional and non-professional fields, and gain a better sense of social responsibility to the communities who they advocate for.<sup>142</sup> One of the interviewees commented that the relationship between the organization and the victim should become stronger and based on ethical grounds in order to empower the victims and compensate them for their engagement.<sup>143</sup>

By writing this article, we do not intend to deconstruct the structure of a field that for decades has fostered dialogue, amplified the voices of the most marginalized ones, and evidenced dynamics of subordination and control that lead to social problems that have been historically and deliberately hidden. This paper is not intended to criticize specific persons or institutions, but rather, to recognize that while we admire that good people with good intentions fight for Human Rights, all of us as humans must be humble and recognize

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<sup>137</sup> Peter Dauvergne & Genevieve LeBaron, *Protest Inc.: The Corporatization of Activism* (Malden, MA: Polity Press, 2014) at 2.

<sup>138</sup> Delgado, *supra* note 20.

<sup>139</sup> See also Anthea Roberts & Martti Koskenniemi, *Is International Law International?* (New York: Oxford University Press, 2017).

<sup>140</sup> Aziz Choudry, “Transnational Activist Coalition Politics and the De/Colonization of Pedagogies of Mobilization: Learning from Anti-Neoliberal Indigenous Movement Articulations”, (2007) 37:1 *International Education* 91 at 97.

<sup>141</sup> Choudry & Shragge, *supra* note 83 at 511–14.

<sup>142</sup> *Ibid* at 514.

<sup>143</sup> Annex VI, *supra* note 69.



that sometimes we make mistakes, and these must be corrected. There are few individuals with such noble ideas, dedicating their professional careers and personal lives to make positive and enduring change to transform society for the well being of others. However, Law as a tool, its structure and the fields that result from it, including the Human Rights field, must pragmatically help redistribute goods and justice. These should connect and collaborate between lawyers and organizations, as well as with other legal fields and disciplines to build strategic and collective impact. Human Rights organizations must also adopt good corporate governance standards, and identify more opportunities to open spaces for members of vulnerable groups to raise their voices beyond the legal path. The Human Rights field should also serve as a bridge to give opportunities to those that cannot access it from its roots—one that embraces egalitarian values, and that tackles poverty and discrimination, the deep-rooted origins of social inequality.

## Annex I

### INFORMED CONSENT FOR NON-MEDICAL RESEARCH

#### **Paper on Critiques to Human Rights Legal Activism: THE INDUSTRY OF ADVOCACY**

You are invited to participate in a research study conducted by VALENTINA MONTOYA (SJD Candidate Harvard Law School) and JUAN SEBASTIAN RODRIGUEZ (LL.M by Research McGill University, Faculty of Law), because you are a legal activist fighting for social justice and human rights. Your participation is voluntary. You should read the information below, and ask questions about anything you do not understand, before deciding whether to participate. Please take as much time as you need to read the consent form. You may also decide to discuss participation with your family or friends. If you decide to participate, you will be asked to sign this form. You will be given a copy of this form.

#### **TIME INVOLVEMENT**

Your participation will take approximately 15 minutes.

#### **PURPOSE OF THE STUDY**

**The study aims at understanding the current problems of human rights legal activism at the international and domestic level from a critical perspective to assess what can be done to improve this legal practice.**

#### **STUDY PROCEDURES**

If you volunteer to participate in this study, you will be asked to respond to a short semi-structured interview based on your experience as a human rights legal activist. The interview will be conducted in Spanish or English, according to your desire, by one of the authors of this paper. We will conduct the interview either in person or through Skype, after setting up an appointment that is more convenient for you.

The interview will include open questions regarding obstacles you have found in legal activism, your response to those obstacles, your decision to become a legal activism, particular examples of problems you have encountered on your professional life as a legal activist and what you think could be solve them. The interview will be audio-recorded if you allow so.

#### **POTENTIAL RISKS AND DISCOMFORTS**

There is the risk that someone identifies where you work, but in order to avoid this, your personal information and the name of your employer organization will remain anonymous.

#### **POTENTIAL BENEFITS TO PARTICIPANTS AND/OR TO SOCIETY**

**There are no anticipated direct benefits for you. As this is a research study, the benefits are contingent upon the results. Society will benefit from this research as we will provide insight on the current problems in activism and discuss possible solutions that different human rights organizations and activists can implement to face some of the obstacles.**

#### **CONFIDENTIALITY**

We will keep your records for this study confidential as far as permitted by law. However, if we are required to do so by law, we will disclose confidential information about you. The members of the research team may access the data.

The data will be stored in a digital version in the personal files of the researchers who will be the only ones having access to the interviews. **You have the right to review the audio-recordings or transcripts. The audio-recordings will not be used for educational purposes or for any other purposes apart from this paper. Your name and organization will be held anonymous.**

The data will be kept for three years following the date of the interview. When the results of the research are published or discussed in conferences, no identifiable information will be used.

### **PARTICIPATION AND WITHDRAWAL**

Your participation is voluntary. Your refusal to participate will involve no penalty or loss of benefits to which you are otherwise entitled. You may withdraw your consent at any time and discontinue participation without penalty. The alternative is not to participate. You have the right to refuse to answer particular questions. The results of this research study may be presented at scientific or professional meetings or published in scientific journals. You are not waiving any legal claims, rights or remedies because of your participation in this research study.

### **CONTACT INFORMATION**

If you have any questions, concerns or complaints about this research, its procedures, risks and benefits, please feel free to contact Juan Sebastian Rodriguez, Principal Researcher, [juan.rodriguezalarcon@mail.mcgill.ca](mailto:juan.rodriguezalarcon@mail.mcgill.ca); and Valentina Montoya, Principal Researcher, [vmontoyarobledo@sjd.law.harvard.edu](mailto:vmontoyarobledo@sjd.law.harvard.edu).

### **SIGNATURE OF RESEARCH PARTICIPANT**

I have read the information provided above. I have been given a chance to ask questions. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been given a copy of this form.

### **AUDIO**

*I agree to be audio-recorded*

\_\_\_Yes \_\_\_No

### **IDENTITY**

*I give consent for my identity to be revealed in written materials resulting from this study:*

\_\_\_Yes \_\_\_No

\_\_\_\_\_  
Name of Participant

\_\_\_\_\_  
Signature of Participant

\_\_\_\_\_  
Date

**SIGNATURE OF INVESTIGATOR**

I have explained the research to the participant and answered all of his/her questions. I believe that he/she understands the information described in this document and freely consents to participate.

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Name of Person Obtaining Consent

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Signature of Person Obtaining Consent

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Date

## Annex II

Anonymous interview to U.S. 2L student

Interviewer: Juan Sebastián Rodríguez

**Paper on Critiques to Human Rights Legal Activism: THE INDUSTRY OF  
ADVOCACY  
INTERVIEW/CUESTIONARIO DE ENTREVISTA**

Review and sign inform consent form previous to the interview/Revisar y firmar el  
formulario de consentimiento informado antes de realizar la entrevista

1. Why did you decide to become a human rights legal activist? (personal history: what and where did you study, what motivated you)/ ¿Porque decidió convertirse en activista legal de derechos humanos? (Historia personal: ¿qué y dónde estudio? ¿qué lo motivó?)

- She grew up in Western Massachusetts, liberal place, parents are anthropologist.
- In High School, she lived in Buenos Aires and was very familiar with human rights violations in Argentina.
- She was very involved with human rights activism.
- She went to a top tier U.S. private college. School is co-ed and it is a progressive college.
- Law was a way to make change and that's why she decided to go law school.
- She could travel to Latin America extensively when she was younger.
- She spent 3 summers in Mexico and her grandparents lived in Costa Rica. She was very close to political movements in Latin America.
- Her parents are both academics and both went to grad school. Her Mom is a Mexican-American. She wanted to connect back with Latin America and that's why she decided to become a public interest lawyer. Her Dad travelled the world and became interested in international relations.

2. How long have you been working as a human rights legal activist? / ¿Cuánto tiempo lleva trabajando como activista legal de derechos humanos?

- She started working as a human rights activist at the age of 16.

3. Can you describe the kind of organizations where you have worked as a human rights legal activist? (kind of organization, kind of job you have done (including internships and volunteer experiences), size of organization, is it national or international, what is a normal day of work for you, how big is your team, what area do you specialize in)/ ¿Puede describir el tipo de organizaciones en las cuales ha trabajado Como activista legal en derechos humanos? (tipo de organización, tipo de trabajo que realiza o ha realizado, tamaño de la organización, si es nacional o internacional, como es un día normal de trabajo para usted, cual es el tamaño de su equipo, en que área se especializa).

- Internationally: international nonprofit based in New York.
- U.S. advocacy: small non-profits, she worked in housing. They work in family law. General legal clinic. Paralegal paid.
- She interned at domestic nonprofit, it was a 5-people organization. Their funding came from wealthier donors and organizations such as a private foundation. They relied a lot on foreign trained lawyers that came to volunteer, as well as local volunteers. It was a volunteer job. Translation, reports, grants. Unpaid internship. She did this under a government fellowship.

- Elite academic institutions provide funding to do internships and fellowships. However, people need to get there to access these programs. This means students need to have high GPAS, AP classes, afford SAT classes, and get to a good school. It's a cycle, and it's all about economic privileges.
  - She speaks 3 languages.
  - Her dream job is a global non-profit organization.
4. What expectations did you have about social justice when you decided to go to law school?/ ¿Qué expectativas tenía sobre la justicia social cuando decidió estudiar Derecho?
- She had a romantic notion of what it meant to be an activist for social justice.
  - She never considered working in a law firm.
  - She knows it would be more practical to work in social justice.
  - She received a merit based full-tuition scholarship from a top tier U.S. law school which gave her the financial freedom she needed to do what she wants.
  - Perhaps when she has a family money might become a concern but now that she doesn't have financial responsibility she can pursue what she likes.
  - Her school portrays as the school that is educating the next generation of public interest lawyers, many of them come with those expectations but once they start working, they have huge loans, so the most practical decision is to work in law firm that offer very attractive salaries.
  - In most of the cases the path of becoming a lawyer means you'll have to fit in the practical path to survive it. Even if people are interested in human rights but have different kinds of experiences, job descriptions often require specific experiences that lawyers with corporate or transactional backgrounds won't have, which might discourage them from applying to these jobs. Even if they might be interest.
  - Students that go to top schools are privilege in many ways. They are very smart, and that could come because of their position of privilege or because they are inherently smart. Great GPAs, great LSAT scores, good indicators, hardworking people, competitive.
  - Often only top law schools offer human rights programs in the U.S.. At her law school there are many clinical courses.
  - She is not entirely certain whether she would like to practice international human rights law because she doesn't feel if she is really going to make the most difference through this channel.
5. What expectations did you have when you started working as a human rights legal activist?/ ¿Qué expectativas tenía cuando empezó a trabajar como activista legal de derechos humanos?
6. Where those expectations fulfilled? Explain/ ¿Fueron sus expectativas iniciales cumplidas? Explique.
7. What obstacles have you encountered as a human rights legal activist? (financial, type of job, supervision, organizational, bureaucratic)/ ¿Que obstáculos ha enfrentado en su carrera como activista legal de derechos humano? (financieros, tipo de trabajo, supervisión, organizacional, burocracia).
- Funding is the biggest challenge. On one side because of the problem that was described above, but also because often organizations don't have the funding to hire entry-level positions, jobs are very few, and are extremely competitive so you must do human rights for forever if you want to get these kinds of jobs/fellowships.
  - Many people don't have the resources to do that.

- At smaller non-profits, these don't have the organizational capacity to train lawyers. They just need free labor force and often throw interns into a project, even though they might not know what they're doing.
- The Global NGO are very well-funded. Her experience at a Global NGO is that they have an organized program where she has a detailed work plan of products she feels confident enough to handle. The capacity of the organization in terms of human resources is big enough so that each person has a specific and detailed oriented job at the organization.

8. How do you think those obstacles could be overcome?/ ¿Cómo sobrepasaría esos obstáculos?

- Lack of funding.
- No time or resources to train people.
- She hasn't come across with people that work in this field but are more interested in themselves or their own achievements. Because it's a competitive field she thinks it's hard to find people that act that kind of way or that are making, relatively, little money. They won't do that unless they believe on what they're doing.
- As an undergrad, when she worked with a professor she had a good mentoring experience. She was very well known and very well connected, she went to the embassy and the president of the country, but she also went to the community and shared spaces with the community. She felt exposed by working alongside with the communities, she felt the professor had a connection with this community.
- At her school there are many small seminars on different social justice issues. She has found that at these spaces there are high-level conversations that never involve the voices of the communities.
- She saw that, she is a member of the Bickel and & Brewer Latino Institute for Human Rights, there was a conference on the latino children, when they were planning the conversation they were looking for fancy key note speakers. Thus, she organized a panel about undocumented youth. 6 undocumented adolescents came to NYU to speak about their own experiences, age 16 to 22. She was surprised because she volunteered at smaller organization who was deeply interesting in empowering communities and teaching legal and community tools to make law more accessible. But she wasn't allowed to do this at the school. Law doesn't allow you to engage with communities. Is more of a top down approach and paternalistic approach?
- International human rights are a replica of that model. A model that looks more like colonialism, people use benevolent tools to replicate structures of power.

9. To what extent do you consider the work you has a real impact on the human rights of the communities/groups you work on?/ ¿Hasta qué punto considera cuál es el impacto que tiene su trabajo sobre los derechos humanos de las comunidades/grupos que defiende?

- She has the privilege to pick the type of legal work she does.
- If she decides to work in legal aid she can have more access to communities. Or if she does international law, that sounds more of a colonialist approach to addressing social justice issues.
- When she decided to intern for a global nonprofit she was concerned that was what her job was going to be about. Not engaging with people or not caring and thinking carefully about the communities the organization is advocating for.
- As an intern, she has only been seated at an office. But she wishes that lawyers at international NGOs and international organizations would work with partner organizations, not just thinking about impact litigation but also thinking about advocacy

strategies and communication strategies. We can always do that kind of thing more. We should work on creating more relationships with people on the ground.

- Often there is a misconnection between organizations doing advocacy work that do fact-finding reports, send lawyers to awful places, gather the information they need and then come back and write fact-finding reports that allows to tell the world how awful the place is but without having some sort of social responsibility for those communities. Are they building connections? She would like to work in a place where she has access to build those relationships, although she recognizes that model would conflict with the idea of impact litigation.
  - When there's people trying to create systemic change is hard to care about your individual client. It is inevitable. You use the client. You use their perfect case and then you go and work from the top. Is hard to judge that dynamic, there will always be pros and cons.
  - Law as a field automatically reproduces patriarchal logics.
10. What is your relationship with those communities?/ ¿Cuál considera es la relación con esas comunidades?
11. What is the thing you enjoy the most about your work?/ ¿Qué es lo que más disfruta de su trabajo?
12. What is the thing that you like the least about your work?/ ¿Qué es lo que menos disfruta de su trabajo?
- She has done grassroots organizing and provide direct services.
  - To start learning about impact litigation you need to understand about individual stories. There's a gap between both.
  - Some questions remain unresolved: Is the point of impact litigation to try to educate people on the ground? Not really.
  - Do we need all types of strategies to do impact litigation?
  - Do the clients care about not being involve but feel their case can create an impact? Those are unresolved questions.



## Annex III

### Anonymous interview to lawyer at U.S. international NGO

**Interviewer: Juan Sebastián Rodríguez**

#### Paper on Critiques to Human Rights Legal Activism: THE INDUSTRY OF ADVOCACY INTERVIEW/CUESTIONARIO DE ENTREVISTA

Review and sign inform consent form previous to the interview/Revisar y firmar el formulario de consentimiento informado antes de realizar la entrevista

1. Why did you decide to become a human rights legal activist? (personal history: what and where did you study, what motivated you)/ ¿Porque decidió convertirse en activista legal de derechos humanos? (Historia personal: ¿qué y dónde estudio? ¿qué lo motivó?)
  - She was initially interested in international human rights law, but she didn't know.
  - Before law school she worked at a social service drafting press releases, she also worked in a theatre company and she was interested in the social work related to that.
  - She wanted to make change on the issues that were important for her.
  - Then she decided to go to Law School, she choose the school because they have a strong program on international human rights law.
  - She then was part of a team of access to mental health services in a country of the global south. She spent a summer in a country in the global south working for domestic NGOs.
  - While she was there she got interested in a new project. Native lawyers cannot access to justice because there's barriers to become lawyer. She started interview people for that. The U.S was exporting their legal model which was not applicable in that country of the global south. A government development agency was giving trainings to people, so they could participate at the courts. But the program was flawed, as they lack the local knowledge, starting by the fact in that country didn't even have law schools at the time.
  - When she was an undergrad she didn't know if she wanted to become a lawyer.
  - Her dad was a lawyer but she studied theater at college. She used to draft scripts. She was a paralegal once so she was interested. But it took a while for her to find out that this was what she wanted.
  
2. How long have you been working as a human rights legal activist? / ¿Cuánto tiempo lleva trabajando como activista legal de derechos humanos?
  
3. Can you describe the kind of organizations where you have worked as a human rights legal activist? (kind of organization, kind of job you have done (including internships and volunteer experiences), size of organization, is it national or international, what is a normal day of work for you, how big is your team, what area do you specialize in)/ ¿Puede describir el tipo de organizaciones en las cuales ha trabajado Como activista legal en derechos humanos? (tipo de organización, tipo de trabajo que realiza o ha realizado, tamaño de la organización, si es nacional o internacional, como es un día normal de trabajo para usted, cual es el tamaño de su equipo, en que área se especializa).
  - At a small domestic NGO, the funding comes from international aid.
  - At a Human Rights Clinic, they have many fellows. She was the only person doing domestic work at the time because of the nature.
  - Before coming to work for a Global NGO, she started working on sexual rights because she did a small project on birth control. Right now, if someone wants to work at a global NGO, the impression is that the path is that U.S. non-profits want lawyers with law firm experience. She has found that the legal market wants somebody that has been trained by a

firm. It's just her perception. Commitment to the cause from day 1 is not important as the credentials and legal experience a person has.

- Is it just global NGOs? Maybe, maybe not. There are very few jobs at non-profits and payment is not great. Some people don't have the option to take a lower payment job as they get their law degrees and have to pay their debts. Philanthropy doesn't really offer many options. As a result, working in a non-profit becomes a privilege. If you have a family, probably might not be able to afford working in a non-profit. There's many factors that determine who do this kind of work, in this case, this type of work is reserved to the most privileged ones.
4. What expectations did you have about social justice when you decided to go to law school?/ ¿Qué expectativas tenía sobre la justicia social cuando decidió estudiar Derecho?
    - As an undergrad she didn't had any expectations. She didn't really question if she could contribute to the world. Perhaps because her career at the time was not aiming that.
    - It became as a late idea when she became angry about injustice. It was reinforced by the political context in the U.S. after the Bush administration. Her direct experience with low income children. She realized her privileges and then decided to do something. Now that she is a lawyer she wants to continue doing this.
  5. What expectations did you have when you started working as a human rights legal activist?/ ¿Qué expectativas tenía cuando empezó a trabajar como activista legal de derechos humanos?
  6. Were those expectations fulfilled? Explain/ ¿Fueron sus expectativas iniciales cumplidas? Explique.
    - She doesn't think that she can see change.
    - She feels like her job is a positive contribution but at the end of the day she hasn't feel like she has been changing the status quo. It's a tough reality.
    - Only institutions have the money to make the change. The more established the institution is the more likely they are to make this change. She had to create her own opportunities to do that.
    - She writes academic articles and she thinks that's her contribution.
  7. What obstacles have you encountered as a human rights legal activist? (financial, type of job, supervision, organizational, bureaucratic)/ ¿Que obstáculos ha enfrentado en su carrera como activista legal de derechos humano? (financieros, tipo de trabajo, supervisión, organizacional, burocracia).
    - In the Global South country that she worked at was frustrating to see that people were ok that American lawyers were working with corrupt bar associations. Spending money on trial competitions in English for people in a country that didn't even had law schools. It was a system that legitimize the bar association. People were okay with it. IT was better that the U.S. shouldn't have been there. That is a fascinating example how the economy is sustained by the NGO business. It's nice for ex-pats, it's cheap and people get exciting jobs with fairly good salaries. People move there but they don't really contribute to the problem, however people don't question these dynamics.
    - At a global NGO, is a different story. These are big hierarchical organizations. They have development offices that allows them to get a lot of funding for their work.
  8. How do you think those obstacles could be overcome?/ ¿Cómo superarías esos obstáculos?

- We have to be more open to internal debate and intra-movement debate.
  - Conservatives work like that and we don't.
  - On the left, we want not to show a united front voice. It's hard to disagree between each other. It's not well-seen to have diverse opinions within the left. We have different agendas. We want to respond quickly to problems. We don't think strategically.
  - Lawyers need to do more to train non-lawyers do they can demand their rights and feel ownership of their rights.
  - Lawyers are not super specials and thinking that way it reproduces hierarchical structures and creates harm. Services are not affordable. Lawyers could be training non-lawyers to advance access to justice.
  - Community voices have to be included in the litigation. She feels in her job that she has no interaction with the people. But because her role is different. It's tough for these impact litigation lawyers to be connected to what is going on the ground.
9. To what extent do you consider the work you has a real impact on the human rights of the communities/groups you work on?/ ¿Hasta qué punto considera cuál es el impacto que tiene su trabajo sobre los derechos humanos de las comunidades/grupos que defiende?
  10. What is your relationship with those communities?/ ¿Cuál considera es la relación con esas comunidades?
  11. What is the thing you enjoy the most about your work?/ ¿Qué es lo que más disfruta de su trabajo?
  12. What is the thing that you like the least about your work?/ ¿Qué es lo que menos disfruta de su trabajo?
- Different people do different things. Not everyone should be radical. Some people transform organizations. Some people create their own. Some people adapt to an organization. Starting by your own is risky unless you have connections and donors.
  - Change often don't come from existing institutions. We need to find ways to bring new institutions to do new kinds of work.

## Annex IV

**Anonymous interview to lawyer at national NGO**

**Skype**

**Date: June 16, 2016**

**Interviewer: Valentina Montoya**

### **Paper on Critiques to Human Rights Legal Activism: THE INDUSTRY OF ADVOCACY INTERVIEW/CUESTIONARIO DE ENTREVISTA**

Review and sign inform consent form previous to the interview/Revisar y firmar el formulario de consentimiento informado antes de realizar la entrevista

1. ¿Porque decidió convertirse en activista legal de derechos humanos? (Historia personal: ¿qué y dónde estudio? ¿qué lo motivó?)

- Me metí y me metieron
- Me interesaba lo público y lo social
- Empecé a trabajar con él (académico y activista) al principio de la carrera como monitora, empezó a hacer community management en think tank
- Me parece interesante unir la investigación y el litigio estratégico
- En el colegio me interesaba la educación pero no estaba definida. También me interesaba la filosofía
- En una clase aparecieron nuevas preguntas y retos académicos
- Retador porque tengo papás economistas pero por ejemplo trabajo con derecho a la salud lo cual es un reto intelectual
- Clínica de DDHH: interesante pero difícil modelo. Rotar proyectos pero no hay continuidad ni impacto. Pero dependía del proyecto. Se acabó por el modelo. No había un profesor todo el tiempo. Muy descentralizado. No llevaba casos
- Abogada de interés público
- Siente distancia con DDHH porque cree que en temas de políticas públicas los argumentos de principio son muy complejos y no tienen en cuenta la parte logística
- Se está reconciliando con los derechos humanos

2. ¿Cuánto tiempo lleva trabajando como activista legal de derechos humanos?

- año y medio en think tank y clínica DDHH
- Temas: política económica, DDHH, y derecho constitucional (paradoja)

3. ¿Puede describir el tipo de organizaciones en las cuales ha trabajado Como activista legal en derechos humanos? (tipo de organización, tipo de trabajo que realiza o ha realizado, tamaño de la organización, si es nacional o internacional, como es un día normal de trabajo para usted, cual es el tamaño de su equipo, en que área se especializa).

#### THINK TANK

- Organización de investigación jurídica y DDHH
- Incidencia externa: litigio estratégico y asesoría al Estado
- Muchos temas: organización del estado, cultura jurídica, justicia transicional, étnico, ambiental
- Idea: Investigación e intervención
- Tiene más o menos treinta investigadores, y 5 pasantes o investigadores especializados
- Es una de las más grandes en Colombia

- área internacional: conexiones sur-sur. Ex: Ghana, y organizaciones en el sureste asiático
- Nuevos investigadores de otros países
- Día de trabajo en Justicia Ambiental. Proyecto andando, línea nueva. Incidencia. Catapultar nombre de think tank. Intervención ante corte. Demanda, paralelamente investigación. Trabaja en proyectos por la mañana y se reúne con jefe. Reuniones con la comunidad sobretodo en Bogotá. Hablan mucho por skype
- PROBLEMA: financiadores son internacionales y ahora existe cláusula según la cual la organización no puede hacer lobby político por exención tributaria. Es muy reciente. Dificultad para diferenciar lobby político e interés público. Frena el trabajo con comunidades
- También trabaja en litigio estratégico, pero sobretodo en el equipo con un investigador y su jefe

#### Clínica DDHH:

- 6 Estudiantes: 3 por semestre.
  - 1 persona de planta y un coordinador
  - Cada estudiante tiene un proyecto y un supervisor (usualmente un profesor de la universidad)
  - No hay un espacio para reuniones constantes, sino seminario una vez al mes
  - Perdió mucho cuando profesor se volvió internacional (se desconcentró)
  - Por no llevar casos lo sacaron de consultorio jurídico
4. ¿Qué expectativas tenía sobre la justicia social cuando decidió estudiar Derecho?
- Ética y geografía. Estudió derecho por accidente
  - Intuición de justicia social
5. ¿Qué expectativas tenía cuando empezó a trabajar como activista legal de derechos humanos?
- Expectativas personales:
  - Expectativas externas: poder ayudarle a la gente a que las cosas funcionen mejor
  - Muy difícil
  - Se ha estrellado con el hecho de que todo es a muy largo plazo. Todo es mínimo a 5 años
  - Viene de la universidad donde todo es por semestre
  - Se radican 600 y salen 2
  - Es bonito el feedback: que te llame la gente de la comunidad a agradecerte
  - Reto intelectual todos los días: “me gusta el tipo de problemas con los que trato”
  - En firma el trabajo era poco retardor
  - Problema: mucho del trabajo parte de principios pero ella es muy pragmática. Aunque defiende una causa le parece importante ver qué es posible y lógico. Hay que complejizar el debate. Miedo a ser light.
  - Contradicción: el petróleo es malo pero todos llegan en carro
  - “Soy hiper realista”
  - Típico del abogado: diferenciar el caso concreto de la política pública ideal Ex: consultas populares de proyectos mineros: bloquear la minería tienen efectos negativos pero no puede decirle a la comunidad.
  - “Veo gente en THINK TANK que es más responsable y súper realista”
  - Interesante
  - Significativo: ayudarle a la gente y tener más impacto
6. ¿Fueron sus expectativas iniciales cumplidas? Explique.

- Expectativas no se cumplieron pero sí se transformaron. Ahondado en preguntas interesantes. Todos los días salen cosas nuevas. Variedad
  - No tenía tantas expectativas antes de empezar
7. ¿Que obstáculos ha enfrentado en su carrera como activista legal de derechos humano? (financieros, tipo de trabajo, supervisión, organizacional, burocracia).
- Antes trabajó en firma porque sus amigos lo hacían. Era como parte de lo que se esperaba, como “el bautizo”. Le gustó. Trabajaba en litigio de insolvencia. Pero horas largas
  - Primer proyecto en THINK TANK fue aburrido: revisar bibliografía sin saber para qué servía eso
  - Obstáculo: lobby
    - a. Socialmente: financieramente da miedo. En Firma había career path claro. En DDHH no hay career path. A nivel social: “eso no es lo que esperábamos de tí”, “¿de qué vas a vivir?”
    - b. duda interior: refuerza inseguridad. Viene de un trasfondo social y educativo de élite. Es muy posible que si la comunidad tuviera menores expectativas sería más fácil
    - c. Hay tres cabezas que revisan, ya no 1. Pero los jefes son súper estrellas tratando de coger coyuntura y entonces se demoran 10 días en volver. No es tan grave para los chiquitos pero sí es duro para los medianos. Muy centralizado para ser tan grande (think tank)
8. ¿Cómo sobrepasaría esos obstáculos?
- a. Financiero: tener más trabajo paralelos porque el trabajo es más flexible
  - b. Mostrarse segura y contenta frente a inseguridad. Contar sobre el trabajo. No mostrarse débil. Dependiendo del interlocutor uno dice o no que es abogado de DDHH porque frente a la comunidad son buenos, frente a la familia no. La palabra DDHH es bien recibida dependiendo del contexto.
    - “Prefiero decir que soy investigadora o abogada de derecho de interés público”
  - c. Más autonomía de investigadores de área: adoptar esquema de firma organizacional
    - delegación de responsabilidades
9. ¿Hasta qué punto considera cuál es el impacto que tiene su trabajo sobre los derechos humanos de las comunidades/grupos que defiende?
- Ningún impacto en las comunidades. Pero base teórica y jurídica que defiende la causa y que puede servir para después. Buen sustento y bases.
10. ¿Cuál considera es la relación con esas comunidades?
- Buena relación pero problema con el lobby.
11. ¿Qué es lo que más disfruta de su trabajo?
- Todos los días es un reto académico nuevo
12. ¿Qué es lo que menos disfruta de su trabajo?
- Muy poco inmediato el resultado pero el trabajo sí es para ya

## Annex V

**Anonymous interview with lawyer at grassroots NGO and others**

Skype

Date: August 6, 2015

Interviewer: **Valentina Montoya**

**Paper on Critiques to Human Rights Legal Activism: THE INDUSTRY OF  
ADVOCACY  
INTERVIEW/CUESTIONARIO DE ENTREVISTA**

Review and sign inform consent form previous to the interview/Revisar y firmar el formulario de consentimiento informado antes de realizar la entrevista

1. ¿Porque decidió convertirse en activista legal de derechos humanos? (Historia personal: ¿qué y dónde estudio?¿qué lo motivó?)

En la Universidad no sabes ni eres consciente

- estaba interesada en el feminismo
- asistente de investigación en ONG de mujeres
- tenía 5 años de experiencia y era difícil echar para atrás
- inclinada por los derechos humanos y el derecho constitucional
- casi se sale de la Universidad porque el derecho civil y otros eran muy aburridos (eje jurídico en su universidad)
- 2 perfiles de abogados:
  1. Salvar al mundo- humanista
  2. Reproducción del estatus social y económico

2. ¿Cuánto tiempo lleva trabajando como activista legal de derechos humanos?

- lleva entre 14 y 15 años. “Ya no quiero más pero es difícil echar para atrás”

3. ¿Puede describir el tipo de organizaciones en las cuales ha trabajado Como activista legal en derechos humanos? (tipo de organización, tipo de trabajo que realiza o ha realizado, tamaño de la organización, si es nacional o internacional, como es un día normal de trabajo para usted, cual es el tamaño de su equipo, en que área se especializa).

Frustrante

- lógica de la cooperación internacional
- priorizar agendas
- movimiento de mujeres
- violencia sexual y feminicidios causan afectación psicosocial

Derechos de las mujeres

- En ONG de mujeres trabajó 6 meses y luego 8 años
- En otra ONG de salud: 4 años

Libertad de prensa

- ONGs nacionales relevantes y referente internacional

Red Nacional de mujeres

- Trabajo en redes y en mesas
- Nudos entre redes de mujeres y organizaciones mixtas

- Gueto: solo organizaciones de la Red

4. ¿Qué expectativas tenía sobre la justicia social cuando decidió estudiar Derecho?  
¿Qué expectativas tenía cuando empezó a trabajar como activista legal de derechos humanos?

Todas las expectativas inicialmente.

- En ONG en salud:
  - litigio en derecho de familia y violencia intrafamiliar: al principio se sentía ponderosa con el derecho pero con la práctica se distanció del litigio porque en 2006 trabajó en interdicción en casos de esterilizaciones forzadas. En un caso, a una mujer la violaron antes de que terminara. 3 días después de la sentencia de aborto. La pelea fue muy frustrante para que lograra el aborto
  - casos de alimentos: la mujer se murió en el proceso
- En una ONG nacional: investigación sobre argumento de sistematicidad.
  - El poder del proceso: acompañamiento psicosocial es muy importante (si tiene impacto pero está desencantada del litigio)
    - Mujeres desplazadas en ciudad: una era ladrona de carros
    - Una mujer en su adolescencia había estado casada con un guerrillero pero nunca dijo
    - La familia de una mujer había sido amenazada: no siguió requisitos de medidas de protección
    - Amenazas y panfletos AUTO 0092 (infiltrados)
    - Inicialmente esperanzas pero se fue distanciando

6. ¿Fueron sus expectativas iniciales cumplidas? Explique.

No por desencanto pero llevo 7 años de investigación. Problema del movimiento de mujeres: inasistencia en sistematicidad pero en el camino va a sacar información y luego vuelve a la capital a hacer informes internacionales.

- dilema ético: ¿tienen derecho a remover el silencio?
- las víctimas esperan algo a cambio y ella no está en posición de retribuirlo
- cómo se definen las agendas cuando cooperación internacional pone el dinero: todo para violencia sexual en el conflicto armado (no dinero para reinsertados del grupo subversivo)
- “Te vas para una reunión de paz”
- Crisis de ONGS porque ahora el país es de renta media, y ha disminuido el dinero entonces cambia la lógica de todo. No se respetaron los procesos
- Muchas organizaciones a punto de morir siguieron con el dinero del Estado pero están cooptadas (dilema ético)

7. ¿Que obstáculos ha enfrentado en su carrera como activista legal de derechos humano?  
(financieros, tipo de trabajo, supervisión, organizacional, burocracia).

- Psicosocial: devastador: porque en ONG aguantas mucho voltaje y quemados laboralmente
- Económico: “Yo no trabajo por plata” PERO su papá se quebró y eso la hizo cuestionarse. Renunció a ONG local por plata también

8. ¿Cómo sobrepasaría esos obstáculos?

Personas que se han salido están pensando cómo pasarse a la academia o al Estado



- Dilema ético: no le dan relevancia interna. Hablar de fuentes indirectas (cambio de metodología)

9. ¿Hasta qué punto considera cuál es el impacto que tiene su trabajo sobre los derechos humanos de las comunidades/grupos que defiende?

- Atención psicosocial a la víctima
- Afectación de víctimas cuando cuentan
- Lógicas asistencialistas

Ex: talleres en ciudad intermedia con el Gobierno. Participación política. Muchas víctimas sin interés en liderazgo. El 40% dijeron mentiras diciendo que eran de un municipio lejano cuando vivían en la ciudad. Pidieron que el Estado les reconociera un día de trabajo (lógica perversa instalada por el Estado, cooperación internacional y organización)- llenar la lista de asistencia

- Proceso de liderazgo de víctimas que han dado el paso
- Bueno el grupo de autoayuda: empoderamiento para proceso judicial y acompañamiento psicosocial y en sus familias

10. ¿Cuál considera es la relación con esas comunidades?

- Mantiene una relación con personas de atrás desde litigio en ONG local
- Pero organización todavía cercanía con mujeres (afectos instalados)

11. ¿Qué es lo que más disfruta de su trabajo?

El lado humanista: temas humanos

- Se logran objetivos. Ex: articulación con la policía (ganancias)

12. ¿Qué es lo que menos disfruta de su trabajo?

- Problemas psicosocial y temas muy fuertes
- Burocracias del Estado (en el distrito)
- Muchos proyectos no son sostenibles ex: escuelas de paz
- Económico (personal)
- No existe tradición filantrópica en América Latina: Importante tener una sección de comunicaciones
- Periodo de transición

## Annex VI

Anonymous interview with lawyer at international court

Skype

Date: July 31, 2015

Interviewer: **Valentina Montoya**

### Paper on Critiques to Human Rights Legal Activism: THE INDUSTRY OF ADVOCACY INTERVIEW/CUESTIONARIO DE ENTREVISTA

Review and sign inform consent form previous to the interview/Revisar y firmar el  
formulario de consentimiento informado antes de realizar la entrevista

1. ¿Porque decidió convertirse en activista legal de derechos humanos? (Historia personal: ¿qué y dónde estudio?¿qué lo motivó?)
  - Empezó a trabajar en una ONG en el tercer año de la universidad
  - En la universidad hacía moot courts en DDHH
  - En la universidad no tenían clases de DDHH
  - Profesora llevó a una mujer que trabajaba con una organización internacional en país africano y ella pensó: “qué bonito trabajo” además de aportarle a sociedad y ser intelectualmente retador
  - Universidad religiosa que inculca el sentido social
  - En introducción al derecho vio DDHH
  - La ONG se había formado por evento político en su país. Ahí trabajaban las víctimas. Sentía que era útil
2. ¿Cuánto tiempo lleva trabajando como activista legal de derechos humanos?
  - 10 años, empezó en 2005 siendo pasante
3. ¿Puede describir el tipo de organizaciones en las cuales ha trabajado Como activista legal en derechos humanos? (tipo de organización, tipo de trabajo que realiza o ha realizado, tamaño de la organización, si es nacional o internacional, como es un día normal de trabajo para usted, cual es el tamaño de su equipo, en que área se especializa).

ONG Local (país del sur global)

- Trabajan psicólogos, abogados, periodistas. (11 personas, máximo 16)
- Atención psicosocial (familiares de víctimas del evento político)
- Cuidar fosas comunes: menos organizado y menos académico
- Personas trabajan ahí porque la vida las puso
- Siente que el trabajo es más cercano
- Su duelo era hacer activismo: “Yo sé lo que se siente”
- Ella es especialista en el sistema interamericano
- Personas se abren más por empatía
- Era la organización más cercana a la comunidad en la que ha trabajado, aunque las víctimas no estaban en la capital

ONG INTERNACIONAL (Oficina norte global)

- Es una ONG internacional que trabaja en varios países (CIJ)- norte y sur global
- Mucho más organizada
- Más académica: publicaciones sobre poder judicial

- No hacen litigio sino que lo acompañan
- No llevan casos
- Oficina en norte Global tenía 20 personas (internacional porque diferentes secciones y por región geográfica)
- Tenía un área encargada de recoger financiación (más organizado y con plata)

#### FIRMA DE ABOGADOS EN ÁREA DE DDHH

- Uno de los socios era el presidente de órgano interamericano de DDHH
- Unos casos pro-bono y otros pagados
- Asesoraba ONGs sobre cómo llevar casos
- Millonarios con casos de DDHH
- Tipo de víctima influye en el trabajo ex: víctima millonaria pagan por tu parte técnica más que ofrecer un servicio social: “Esa gente no dice gracias” vs. En otros casos te buscan porque pueden ayudar (no consejo legal)

#### ONG INTERNACIONAL

- Tarea: buscar casos nuevos
- Hay menos acompañamiento a las víctimas en las grandes que en las chiquitas
- “Yo voy, agarro el caso y me voy”
- Una de las clientes afirmo: “Me sentía abandonada”- más de las ONGs grandes porque su línea es más legal que de acompañamiento

#### CORTE INTERNACIONAL

- Activismo judicial: no lo lee objetivamente. Tiene una perspectiva pro-víctima. Eso es mal visto PERO el sistema internacional fue creado para las víctimas
- Aunque hay grados, hay abogados hiper formalistas (repiten criterios) vs. Activistas (avanzan criterios)
- Está pensando en el activismo
- 22 abogados, 7 jueces y 10 administrativos más o menos

#### 4. ¿Qué expectativas tenía sobre la justicia social cuando decidió estudiar Derecho?

- Familia católica por lo cual tenía marcada la idea de justicia social por servicio a la sociedad
- Mi papá me decía “la abogada de los pobres”
- No se imaginaba ser “la abogada en tacones”
- Pensó en ser jueza como su tía, porque imparte justicia

#### 5. ¿Qué expectativas tenía cuando empezó a trabajar como activista legal de derechos humanos?

- Activista: ayudar a la gente en ese momento
- Cuando llegó a capital del país sentía que había crecido en una burbuja, y quería conocer lo que pasaba en su país
- Tenía curiosidad
- Lo que estudió podía ayudar a la gente
- Aunque fuera chiquito el impacto sí lo tenía
- Venía con una idea restringida del impacto
- Se conformaba con lo chiquito
- Sabía que la ONG tenía expectativas bajas porque “En este país no hay justicia”
- ONG veía a Corte como a un dios que entendía el sufrimiento humano. Pero se ha dado cuenta que no es así y que hay gente en la corte que no esta comprometida con la causa
- Mucha gente en DDHH que lo ve como un trabajo pero no hace parte de lo que siente

6. ¿Fueron sus expectativas iniciales cumplidas? Explique.

- No se sintió defraudada por el trabajo, sino defraudada porque esperaba más de las organizaciones o de las personas específicas
  - Apropiación de temas es un problema del activismo. Porque muchas organizaciones no comparten.
  - Si lo que a uno lo mueve es ayudar a la gente entonces ¿Porqué apropiación de temas?
  - Ego de saber más que de ayudar a la gente
  - Pelear por ser los únicos o los que más llevan casos que no benefician a las víctimas

7. ¿Que obstáculos ha enfrentado en su carrera como activista legal de derechos humano? (financieros, tipo de trabajo, supervisión, organizacional, burocracia).

- Ser mujer (no cuando es una organización de mujeres) y joven (intelectualmente puedes pero no confían en ti)
- Mal pagado en ONGs nacionales. Por ejemplo en su país  $\frac{1}{4}$  de sus amigos están en firmas
- ONGs sin áreas financieras no son sostenibles
- ONGs que se identifican con una sola persona son un problema porque entonces todo el poder lo tiene una sola persona. Personas dentro de la organización se apropian de su hijo sin pensar que es un proyecto común
- Es malo porque el que pone la cara limita la capacidad de refrescar el ambiente y mejorar políticas
- La mamá de los hijos impone su criterio

8. ¿Cómo sobrepasaría esos obstáculos?

- No tener a una persona toda la vida: el cambio oxigena. Deberían limitar periodos
- Cambiar al personal y a la cabeza
- Cuando seas director ver las capacidades de los jóvenes
- Experiencia para entender que uno tiene que ser mejor jefe
- En ONGs pequeñas no hay evaluación de accountability por lo cual es más difícil medir éxito y trabajo

9. ¿Hasta qué punto considera cuál es el impacto que tiene su trabajo sobre los derechos humanos de las comunidades/grupos que defiende?

- Ex: Hubo problemas pero el caso llegó a la Corte y para la persona ser escuchada por personas importantes fue la forma en la que se sintió reparada (darle voz)
- Ex: ONG internacional: En uno de los casos en los que trabajo hubo violencia psicológica. Eso no es algo del caso específico pero traerlo en los argumentos puede mejorar la vida de más víctimas más allá del caso
- Relación más cercana con las víctimas que con ONGs aumentan el impacto

10. ¿Cuál considera es la relación con esas comunidades?

- Le gustaría tener una relación más cercana con las víctimas
- Le causa tristeza y frustración por no poder ayudarles más
- Uno debería ser más distante: no ha podido serlo nunca. (lograr el equilibrio sería lo ideal)

11. ¿Qué es lo que más disfruta de su trabajo?

- Crear argumentos que lleven a la protección

- En ONGs crear algo que pueda ayudar.
- Adrenalina, reto intelectual y ayudar a alguien
- Corte: reto más intelectual porque el caso ya está
- Todo lo sustantivo en DDHH
- “Chévere ser consultora porque nadie me impone una línea de pensamiento”

12. ¿Qué es lo que menos disfruta de su trabajo?

- Lo que menos le gustan son los problemas institucionales ex: ser joven y ser mujer
- En algunas ONGs no puedes pensar diferente
- La Corte es un lugar muy estático

## Annex VII

### Anonymous interview to lawyer at international human rights body

**Interviewer: Juan Sebastián Rodríguez**

#### Paper on Critiques to Human Rights Legal Activism: THE INDUSTRY OF ADVOCACY INTERVIEW/CUESTIONARIO DE ENTREVISTA

Review and sign inform consent form previous to the interview/Revisar y firmar el  
formulario de consentimiento informado antes de realizar la entrevista

1. Why did you decide to become a human rights legal activist? (personal history: what and where did you study, what motivated you)/ ¿Porque decidió convertirse en activista legal de derechos humanos? (Historia personal: ¿qué y dónde estudio? ¿qué lo motivó?)
  - Quería estudiar ciencia política, sin embargo, decidió estudiar derecho por que habían más oportunidades.
  - Le gustaba los temas de justicia. En 4to semestre salió del closet, se unió al círculo LGBT de la universidad.
  - Las críticas contra el matrimonio gay la motivaron a pensar de forma crítica. Luego ella se acercó a personas trans por un tema personal. Hizo una pasantía en ONG local donde todo era asuntos gays, pero ella se dio cuenta que el activismo legal no era necesariamente efectivo como le habían explicado en la universidad, mientras que el discurso trans podía ser interpretado de 2 formas
  - Que no hay acceso al derecho y por tanto no lo ve como una herramienta y no cree en él. Las redes de apoyo por otro lado son más efectivos. Son más efectivas las redes de apoyo que ir a la policía para acceder a mecanismos de protección. No legitima el poder del estado, si no es alternativo a él. Es contrario a lo jerárquico.
  - En ese proceso entró a una clínica de derechos humanos, y en proyecto con organizaciones trans.
  - El derecho es importante, pero es solo una herramienta. Es excluyente. Reproduce opresión como la policía y las cárceles. La vida de los pobres y las personas trans son una fuente de violencia. La pregunta es cómo utilizar el derecho sin reproducir esquemas de opresión.
2. How long have you been working as a human rights legal activist? / ¿Cuánto tiempo lleva trabajando como activista legal de derechos humanos?
3. Can you describe the kind of organizations where you have worked as a human rights legal activist? (kind of organization, kind of job you have done (including internships and volunteer experiences), size of organization, is it national or international, what is a normal day of work for you, how big is your team, what area do you specialize in)/ ¿Puede describir el tipo de organizaciones en las cuales ha trabajado Como activista legal en derechos humanos? (tipo de organización, tipo de trabajo que realiza o ha realizado, tamaño de la organización, si es nacional o internacional, como es un día normal de trabajo para usted, cual es el tamaño de su equipo, en que área se especializa).
  - En el Círculo LGBT eran estudiantes voluntarios. Dinámicas capitalistas, todo lo que hiciera tenía que ser estético para hacerlo sostenible. Era inestable. Había tres personas empujando todo.
  - La clínica de derechos humanos solo trabajaba en temas de discapacidad. Pero le parecía aburrido. Tampoco quería seguir trabajando en temas gays. Quería trabajar en temas trans. Era el espacio de introducir a la academia de su país un tema que estaba invisibilizado. Le

enseñó a canalizar sus ideas radicales en mecanismos profesionales tales como intervenciones a las cortes, paneles, artículos académicos. Aprendió a lidiar con las jerarquías.

- No puede ser un discurso radical, sino adaptarla a un lenguaje de derechos y élite. No se sabe si es mejor, se siente que miente, y ponerle en lenguaje de poder va a ayudar a la vida. – la alternativa crítica es que a los activistas legales les falta hablar con la gente, no hacerlo condescendiente, no reproducir privilegios, ser más radical, generar redes de apoyo, trabajar desde el arte y la intervención.
  - Históricamente el activismo legal a pordebajado otra clase de activismos como arte, comunidades de base, movilización social, estrategias de protección basadas en la comunidad.
  - Hay que reconocer que el derecho no los es todo.
4. What expectations did you have about social justice when you decided to go to law school?/ ¿Qué expectativas tenía sobre la justicia social cuando decidió estudiar Derecho?
- Antes creía en la justicia social. Después no. Cada vez tiene más dudas del derecho como herramienta eficaz. La pregunta si el derecho es o no válido para la comunidad trans y que otro mecanismo existe.
  - Reforma legal no es justicia social.
  - Sentirse como hablar de temas que no sienten que no son importantes para otra gente. El derecho puede hacer algo en materia de pobreza.
5. What expectations did you have when you started working as a human rights legal activist?/ ¿Qué expectativas tenía cuando empezó a trabajar como activista legal de derechos humanos?
- Reconocimiento legal.
6. Where those expectations fulfilled? Explain/ ¿Fueron sus expectativas iniciales cumplidas? Explique.
- No
7. What obstacles have you encountered as a human rights legal activist? (financial, type of job, supervision, organizational, bureaucratic)/ ¿Que obstáculos ha enfrentado en su carrera como activista legal de derechos humano? (financieros, tipo de trabajo, supervisión, organizacional, burocracia).
- Reconocimiento de su situación privilegiada que le han permitido llegar a espacios que otros no están.
  - El conoce más transfobia en las esferas más altos. La trans junto con la diplomacia es desgastante por qué se debe adaptar a los esquemas. Son escalafones para hacer lo que hace. No puede ser tan radical.
  - Los organismos de derechos humanos internacionales no ven la radicalización como una opción. No debe haber rabia y sonriente. Pero él puede decir que no tiene rabia y sabe canalizar eso porque no ha comido mierda como si lo ha hecho una prostituta.
  - Los baños siguen discriminando a las personas trans. Entre más sube es menos accesible. Y es así porque nunca han tenido contacto con esas personas si no que deben ajustarse a la caridad porque lo ven como algo de buen corazón. Ahí hay discriminación.
  - Cambios sociales y prejuicios en esos niveles es necesario. Nunca adaptarse al status quo. Hay que cuestionar.

- Discapacidad y trans es peor. No saben cómo tratarlos. No están y nunca han estado en esos espacios entonces no saben qué hacer.
8. How do you think those obstacles could be overcome?/ ¿Cómo sobrepasaría esos obstáculos?
9. To what extent do you consider the work you have a real impact on the human rights of the communities/groups you work on?/ ¿Hasta qué punto considera cuál es el impacto que tiene su trabajo sobre los derechos humanos de las comunidades/grupos que defiende?
- En la comunidad trans. 2 momentos.
  - Activista de base: la lucha trans es comunitaria. Todo parte en la comunidad, si hay violencia del estado, hay una auto protección de la comunidad. Ese es el motor. El derecho no sirve.
  - Organismo internacional de derechos humanos: le dio aún más privilegios. Hay efectos simbólicos. Tecnificaron su trabajo. Dejó de ser la burla y legitimizó su lucha política. Le da un discurso de esperanza a lo que hace.
  - Hay un desgaste en la medida que no hay una red de apoyo. Da poder a la gente. Lo que ella dice está bien. No la cuestionan. Un incentivo perverso. Ella está en ese espacio porque es trans. No basta con tener buenas intenciones. Tiene un efecto doble. Poner su discurso en temas de poder.
10. What is your relationship with those communities?/ ¿Cuál considera es la relación con esas comunidades?
- Directa. Es su red de apoyo. No la tiene actualmente.
11. What is the thing you enjoy the most about your work?/ ¿Qué es lo que más disfruta de su trabajo?
- La gente que llega al organismo internacional nunca tiene contacto con población de base. Es gente altamente calificada. En país del sur global hay más organizaciones donde hay activistas que son dedicadas, que le dan su vida al derecho. En una escuela de derecho top no se siente que les importa, pero es más como son la voz de los que no tienen voto.
  - Ella dice que no sabe si se hubiera ganado la beca, sino hasta que habló públicamente de que tomo hormonas. En términos de poder
12. What is the thing that you like the least about your work?/ ¿Qué es lo que menos disfruta de su trabajo?
- El trabajo soñado es trabar con comunidades de base y ver resultados concretos. Pero quiere que paguen bien. Quiere montar su propia organización. Contacto directo con la gente. Como asistencia legal personal.



## Annex VIII

Anonymous interview with lawyer

Skype

Date: April 20, 2017

Interviewer: **Valentina Montoya**

### Paper on Critiques to Human Rights Legal Activism: THE INDUSTRY OF ADVOCACY INTERVIEW/CUESTIONARIO DE ENTREVISTA

Review and sign inform consent form previous to the interview/Revisar y firmar el  
formulario de consentimiento informado antes de realizar la entrevista

1. ¿Porque decidió convertirse en activista legal de derechos humanos? (Historia personal: ¿qué y dónde estudio? ¿qué lo motivó?)
  - Estudió derecho en una universidad privada en país del sur global: quería trabajar por la gente y con la gente
  - En la facultad tuvo dudas especialmente porque ciertas materias no estaban alineadas con sus objetivos pero continuó
  - Consiguió primera práctica con el Estado, pero los funcionarios no estaban tan interesados en el interés público
  - Entró al sector privado a una firma pequeña a litigio, en la que tuvo buenos jefes. Sentía que los casos estaban desconectados de la realidad del país. Se sentía en el lugar equivocado.
  - Intentó buscar trabajo en derecho de interés público pero no sabía cómo aplicar (esas herramientas no se las dieron en la universidad)
  - Descubrió que en las firmas grandes podía hacer pro-bono. Se fue a una firma grande y coordinó pro-bono por un año. Allí se sintió muy satisfecho en un caso en el que pudo alinearse con los intereses de un cliente pobre. Sintió que estaba haciendo algo por los demás, fuera de la burbuja.
  - Se fue a otra firma grande con una práctica pro-bono más fuerte . Trabajó en un caso a favor del Estado contra una compañía que estaba dejando de pagar dinero al Estado. Tuvo por primera vez un conflicto ético porque le pidieron a la firma hacer un concepto a favor de una petrolera y en contra de unas comunidades. Descubrió que ahí “uno no se da cuenta de la parte tan importante que es de ese sistema opresor”.
  - Hizo trabajo de derechos humanos por su cuenta, primero haciendo investigación de maestría sobre responsabilidad civil a favor de víctimas. Se empezó a conectar con clase sobre responsabilidad social empresarial
  - En su LL.M en EEUU oficialmente se fue para el área de DDHH
2. ¿Cuánto tiempo lleva trabajando como activista legal de derechos humanos?
  - 10 años desde que empezó a estudiar el tema y 4 años desde que empezó a trabajar concretamente como abogado de DDHH
3. ¿Puede describir el tipo de organizaciones en las cuales ha trabajado Como activista legal en derechos humanos? (tipo de organización, tipo de trabajo que realiza o ha realizado, tamaño de la organización, si es nacional o internacional, como es un día normal de trabajo para usted, cual es el tamaño de su equipo, en que área se especializa).

ONG internacional en país del sur global

- ONG internacional
- Oficina regional tenía 10 personas
- Enfocada en minas, víctimas y que el Estado cumpla obligaciones internacionales
- No tenía abogados y lo contrataron inicialmente para un concepto legal

#### Clínica de DDHH de universidad en EEUU

- 5 profesores con 5 estudiantes cada uno. Aproximadamente 30 personas
- trabajan en DDHH, DIH, y DPI.
- Era estudiante

#### ONG internacional en derecho ambiental

- ONG Internacional
- Amicus contra petrolera
- Teoría de cambio: the power of law and the power of people
- Apoyan a los defensores de la tierra incluyendo los derechos de las personas y del medio ambiente. No es antropocéntrico
- Oficina en Washington tenía 20 abogados. También en países del sur global. En total aproximadamente 50 personas
- ONG: el liderazgo estaba en Washington
- No era sólo derecho sino también educación
- Siguió como consultor externo

#### Tribunal de derecho penal internacional

- 200 personas aprox. La mitad de país del sur global y la mitad internacionales a través de la ONU
- Trabajan casos de genocidio, desaparición forzada
- Abogados, trabajadores sociales y administrativos

#### Programa de derechos humanos y clínica de DDHH universidad EEUU

- 20 personas
- Enfoque internacional
- Temas: empresas y derechos humanos, comunidades, DIH, DDHH en cortes de EEUU

#### 4. ¿Qué expectativas tenía sobre la justicia social cuando decidió estudiar Derecho?

- Derecho como herramienta de cambio

#### 5. ¿Qué expectativas tenía cuando empezó a trabajar como activista legal de derechos humanos?

- Ayudar a las personas que se encuentran al otro lado de la balanza de poder (consciente de la desigualdad en el poder)

#### 6. ¿Fueron sus expectativas iniciales cumplidas? Explique.

- Reconoce que el proceso es muy difícil. No verá cumplida nunca en la vida la transformación estructural
- Sí siente que ayuda a personas o grupos individuales: es un proceso en el cual llevar un caso a una corte puede motivar a otras personas a buscar el cambio
- No es ciego a las críticas: en el mejor de los casos, ante las cortes de EEUU por ejemplo, van a ganar dinero pero no a transformar. Tienen victoria a través de la esperanza
- Sentimiento de justicia da esperanza para el cambio

7. ¿Que obstáculos ha enfrentado en su carrera como activista legal de derechos humano? (financieros, tipo de trabajo, supervisión, organizacional, burocracia).

- Cambia mucho tener entrenamiento a no tenerlo
- 1. Barreras de entrada:
  - muy competido para entrar
  - muy difícil conseguir algo pago sin calificaciones
  - dificultad mayor para las personas del sur global por el idioma y porque hay una presunción de que las universidades del norte global son mejores
  - En Tribunal internacional por ejemplo él tenía 29 y entraba con niños de 21
  - Toca voluntariarse. Tuvo que hacer 3 pasantías antes de encontrar algo pago.
- 2. Nepotismo: contratar al amigo de un amigo o por palanca. Puede haber poca transparencia sobretodo en ONGs más pequeñas
- 3. Financiero: Si uno se compara con un abogado de firma es muy difícil. Internamente tuco que dejar de hacerlo

8. ¿Cómo sobrepasaría esos obstáculos?

- Darse cuenta que la presunción de que son mejores los del norte global están ahí y no dejarse engañar. Fortalecer la seguridad
- Ayudar a que otros entren y se sientan seguros
- Tratar de romper con consciencia
- Financiero: lo que uno necesita es poder vivir bien para uno
- Hay que oponerse directamente al nepotismo. Apoyar más transparencia

9. ¿Hasta qué punto considera cuál es el impacto que tiene su trabajo sobre los derechos humanos de las comunidades/grupos que defiende?

- Esperanza. Fomentar una idea de justicia
- Se mete y se da cuenta que uno hace poco
- Darles ley para que haya justicia
- Peligro de caer en la trampa de buscar la victoria para uno como abogado y no para las comunidades

10. ¿Cuál considera es la relación con esas comunidades?

- Lo ideal es que haya una comunicación de doble vía con las comunidades. Es muy difícil que una misma persona lleve la parte legal y también la comunicación. Se pueden repartir las funciones

11. ¿Qué es lo que más disfruta de su trabajo?

- La búsqueda de la justicia y replantearse cada día qué es justicia y qué es victoria
- Recordar que la victoria no es para sí mismo sino por el interés público

12. ¿Qué es lo que menos disfruta de su trabajo?

- La poca seguridad laboral a largo plazo

## Annex IX

**Anonymous interview with lawyer**

**In person**

**Date: April 21, 2017**

**Interviewer: Valentina Montoya**

### **Paper on Critiques to Human Rights Legal Activism: THE INDUSTRY OF ADVOCACY INTERVIEW/CUESTIONARIO DE ENTREVISTA**

Review and sign inform consent form previous to the interview/Revisar y firmar el formulario de consentimiento informado antes de realizar la entrevista

1. ¿Por qué decidió convertirse en activista legal de derechos humanos? (Historia personal: ¿qué y dónde estudió? ¿qué lo motivó?)
  - Activista de DDHH antes que activista legal
  - Historias familiares: abuelo refugiado de la guerra civil en España. Motivos y dificultades para irse. Abuela también migró a EEUU. Dificultades de inmigración
  - 3 experiencias familiares: abuelos tuvieron hijo que se murió, con síndrome de down.
  - Dificultades familiares y creencias en su familia sobre los temas que sus abuelos y padres consideraban importantes
  - Idea familiar de crear un mundo mejor
  - Primeros temas en los que trabajó: migración forzada y derechos de personas con discapacidad. Empezó a trabajar desde secundaria con ONGs
  - Oportunidad de pasantía de 1 mes en secundaria: ONG de derechos humanos para refugiados: momento clave en formación personal. Lo disfrutaba aunque era difícil escuchar historias de la gente. Conocer cómo lo habían superado. Se inspiró mucho.
  - Pregrado: oportunidades. Beca- difícil entrar en DDHH porque no te pagan por las pasantías. Beca para estudiar gratuito. Veranos para ir a otros países y conocer movimientos de derechos humanos en otros países. Trabajó con comunidades migrantes en Carolina del Norte. En Argentina con migrantes y refugiados, luego hizo investigación de tesis en esa misma área. Pasar tiempo en Argentina fue importante para el desarrollo como activista. Entiende derechos humanos, en parte, como posibilidad de intercambiar con personas de otros países para crear un mundo más justo. También trabajó en Francia y Suiza. Allí descubrió que le interesaba lo que hacían los abogados. Al principio pensaba que quería ser trabajadora social pero se encontraba con los límites del sistema. Muchas veces querían hacer más programas pero no tenían la plata para hacerlo. Los cambios que se necesitaban eran mucho más grandes. Ayudaba a la gente en el momento concreto (respuestas inmediatas) pero quería poder luchar para crear cambios más estructurales. Ahí empezó a pensar en el Derecho. Nunca había pensado en ser abogada. No le gustaba argumentar. Después del pregrado hizo 1 año en país del sur global y entró a trabajar a una organización de abogadas para trabajar por los derechos de las mujeres y los niños. Le gustó y por eso decidió estudiar derecho.
  
2. ¿Cuánto tiempo lleva trabajando como activista legal de derechos humanos?
  - Como activista legal: 3 años desde que entró al law school
  
3. ¿Puede describir el tipo de organizaciones en las cuales ha trabajado Como activista legal en derechos humanos? (tipo de organización, tipo de trabajo que realiza o ha realizado,

tamaño de la organización, si es nacional o internacional, como es un día normal de trabajo para usted, cual es el tamaño de su equipo, en que área se especializa).

Org. De país del sur global

- Asociación local que hace parte de federación internacional. Era la sede de la federación cuando ella trabajó ahí
- Trabajaba en nacional e internacional
- Organización pequeña. Mayoría son voluntarias. Staff pagado: 3 personas
- Investigación: hacer concientización sobre derechos humanos en argentina y el mundo
- Acompañan algunos casos en argentina ex: amicus. Apoyo al movimiento de mujeres
- Temas: derechos reproductivos, violencia de género, abuso infantil

Think tank

- Justicia transicional
- 40 personas

ONG ambiental

- 9 personas. 8 mujeres y 1 hombre.
- Acompañan a comunidades afectadas por proyectos de desarrollo a gran escala
- Litigio + informes
- Local

Clínica de derechos humanos de Universidad

- Proyecto sobre derechos humanos de personas presas por terrorismo
- Contra impunidad de personas en gobierno de EEUU que autorizaron la tortura
- Partners con ONGs nacionales y otras clínicas
- Responsabilidad de empresas en país del sur global
- Contra ex funcionario muy importante de país del sur global por graves violaciones de derechos humanos. Partner de buffet de abogados pro-bono y abogadas por su propia cuenta

4. ¿Qué expectativas tenía sobre la justicia social cuando decidió estudiar Derecho?

- Derecho como herramienta para usar dentro de movimientos sociales
- Derecho como fuerza que también actuaba para oprimir a la gente porque siempre encontraba límites de políticas públicas
- Veía derecho como herramienta pero pensaba que no iba a tener mucho en común con la gente que estudiaba acá

5. ¿Qué expectativas tenía cuando empezó a trabajar como activista legal de derechos humanos?

- Esperaba hacer cambios más estructurales

6. ¿Fueron sus expectativas iniciales cumplidas? Explique.

- Difícil decir todavía
- La facultad superó las expectativas. Sacó muy buena experiencia y colegas para trabajar juntas
- Todavía cuestiona el derecho. Sigue siendo una herramienta. No debería ser el centro del movimiento social. Estar en Law School ha reforzado esta creencia. El poder está en las comunidades y en las gentes. Rol como abogada para ayudar o facilitar este poder.

7. ¿Que obstáculos ha enfrentado en su carrera como activista legal de derechos humano? (financieros, tipo de trabajo, supervisión, organizacional, burocracia).

- Tema financiero en EEUU y en el mundo es enorme
- Beca para financiarse y ganar experiencia
- No podía vivir y hacer pasantías sin pago
- Salir con préstamo del law school. Pero la facultad tiene este programa para ayudar a pagar préstamo (es mejor porque cubre más y es más flexible)- escuelas de gobierno y medicina para trabajo en zonas rurales también. Facultad de derecho es particularmente grande porque es 3 años, es muy caro y porque cuando sales la diferencia salarial entre firma y ONG es muy grande.
- A veces la cultura del trabajo, depende de la organización, no es saludable porque personas trabajan demasiado, si quieres salir en el tiempo libre piensan que no estás tan comprometido con el tema
- Algunas oficinas tratan de superar una cultura así. Difícil para mantener la salud mental- depresión y ansiedad. Manejar esto no es fácil. Humor negro
- Casos muy difíciles- psicólogo y Buenos supervisores

8. ¿Cómo sobrepasaría esos obstáculos?

- Encontrar maneras y áreas de trabajo para que haya becas para que más personas puedan ganar experiencia
- En países en Latinoamérica tenían mucha dificultad para trabajar en derechos humanos: varios trabajos o no poder hacer pasantías
- Pasantías pagadas o becas
- Pledge in advance: 10 años de tu vida a servicio público tener una matrícula más baja. Ahora es como que la facultad te da la beca después. Para quienes tienen obligaciones familiares sería bueno que dieran la plata antes para que toda la deuda no venga después.
- Dentro de las organizaciones: cómo mejorar el clima de trabajo y tenían un programa con otra ONG para tener asistencia psicológica gratuita. Fondo para que los empleados pudieran tener 1 hora de lo que quisieran a la semana. Para entrar en el hábito.
- Rn la primera ONG- psicólogos. Tenían una aproximación diferente al trabajo porque estaban mucho más conscientes del trauma. No chequear tu mail. No es posible en todo ámbito, pero aprender la mentalidad de otras profesiones que toman más en serio el impacto del trauma de quienes trabajan con DDHH
- Ayuda que supervisores den ejemplo sobre tomarse tiempo por fuera

9. ¿Hasta qué punto considera cuál es el impacto que tiene su trabajo sobre los derechos humanos de las comunidades/grupos que defiende?

- En caso con de violaciones de DDHH en país del sur global, la gente sabe del caso y cree en el caso. Sienten poder porque han podido enfrentar a oficiales públicos de esta manera. Personas no involucradas conocen el caso. Caso tan mediático que puede haber cambiado la manera (otros casos internos también) porque ven diferente el derecho: se pueden enfrentar a los poderosos. Fundamental porque el caso surge de un movimiento social muy fuerte. Los abogados toman en cuenta lo que la comunidad quiere. ONG hicieron trabajo de selección y estrategia con la comunidad. Se sienten comunicadas con el caso
- Caso de terrorismo: difícil creer que tenían impacto en la vida de las personas. Alguien tiene que hacer el trabajo pero el sistema está tan cerrado y es tan técnico porque tienen que tener lenguaje de seguridad nacional, y sino no te prestan atención.
- Ganaron juicio- cambia la manera en que la minería iba a entrar al país

10. ¿Cuál considera es la relación con esas comunidades?

- Terrorismo: solo con abogados de las personas y ellos tampoco tenían mucho acceso
- Responsabilidad corporativa: deberían haber empezado desde el principio con más enfoque en la comunidad. Muy importante que la práctica de participación de la gente y que el abogado transfiera el poder sea algo desde el inicio. Cambios en la misma práctica más allá del resultado. Trabajo tradicional de DDHH es mucho más jerárquico y el abogado decide todo. Pide participación solo en momentos claves pero no involucrados en la estrategia.
- Otros campos como antropología y sociología: participatory action. Nosotros ya tenemos el elemento de acción y como abogados a veces no lo usamos tanto

11. ¿Qué es lo que más disfruta de su trabajo?

- Interactuar con la gente. Cuando hace entrevistas y reuniones.
- Hacer estrategia y tratar de pensar en los límites: cual es el objetivo más radical que queremos y como enmarcar eso (sin que la gente se de cuenta). Meta más transformativa. Muy difícil pero muy interesante
- Aprender: organizaciones de base en pueblo de país del sur global- uno aprende tanto. Por eso me frustra un poco lo paternalista del trabajo que hacemos porque muchos movimientos sociales están muy al tanto de los métodos y las estrategias y nos enseñan mucho cuando compartimos con ellos. Nos traen los mapas- y nosotros pensando que les íbamos a enseñar cartografía social.

12. ¿Qué es lo que menos disfruta de su trabajo?

- no le gusta cuadrar demandas o necesidades de la gente en lenguaje jurídico
- no me gusta limitar la experiencia de la gente en lenguaje jurídico
- no me gusta la carga emocional
- no me gusta esto de sentir que no tengo tiempo suficiente.

## Annex X

**Anonymous interview with a private firm lawyer**

**Entrevista BY**

**Date: April 24, 2017**

**Interviewer: Sebastian Rodriguez**

### **Paper on Critiques to Human Rights Legal Activism: THE INDUSTRY OF ADVOCACY INTERVIEW/CUESTIONARIO DE ENTREVISTA**

Review and sign inform consent form previous to the interview

1. Why did you decide to become a lawyer? (personal history: what and where did you study, what motivated you?)
  - a. I decided to become a lawyer because I enjoy advocacy and arguing. I also enjoy the intellectual aspects of lawyering, including drawing on aspects of logic, philosophy and politics.
  - b. There is also an aspect about wanting to change the world. But as a lawyer there is limited scope for that, as you generally have to work within the legal paradigms that currently exist. Beyond that, it would be political campaigning, which can benefit immensely from lawyer skills and is thus very valuable, but is not, strictly speaking, being a lawyer.
  - c. I studied French, International Relations and Law in Australia at undergraduate level, before taking at top tier university in the UK.
2. How long have you been working as a lawyer?
  - a. On and off since 2009. I clerked 2009-2010, then worked as a graduate lawyer 2011-2012, then took a Masters year in 2012-2013, then have continued working as a lawyer 2013 to current. All up I have spent around 5.5 years working as a lawyer in private practice, not including my clerking and student years.
3. Can you describe the kind of organizations where you have worked as a human rights lawyer? (kind of organization, kind of job you have done (including internships and volunteer experiences), size of organization, is it national or international, what is a normal day of work for you, how big is your team, what area do you specialize)
  - a. I have worked for a range of organisations as part of my pro bono work in private practice.
  - b. The main organisations include:
    - i. Legal advice and advocacy clinics for disadvantaged people with a range of legal issues such as debt problems, housing problems etc.
    - ii. Representing people who have been refused disability benefits before tribunals.
    - iii. Representing larger human rights organisations as interested parties in the domestic courts, international tribunals, and treaty bodies.
4. What expectations did you have about social justice when you decided to go to law school?
  - a. I had every expectation of wanting to change the world.
5. What expectations did you have when you started working as a pro bono human rights lawyer?
  - a. Once I started working as a lawyer, I understood the limitations within which I was working. For example, in legal advice clinics, many individuals simply did not have viable claims. Many were just unable to cope with the system. It is the



- lawyer's role to help facilitate engagement within that system, but if the system does not work then it is difficult to work within it, as a lawyer.
- b. In an international human rights field, the main challenge I feel that I have faced is that it operates at the intersection of politics and law. So while we may well achieve a whole range of legal objectives, whether that translates into political reality is a different question. Sometimes, legal progress can be counter-productive in the political sphere, so it is important to choose which fights to fight.
6. Where those expectations fulfilled? Explain
- a. My expectations of human rights work during law school were not fulfilled. The line between legal and political advocacy was not readily apparent to me at that time.
7. What obstacles have you encountered as a human rights lawyer? (financial, type of job, supervision, organizational, bureaucratic)
- a. Financial – while I work in private practice principally, I am able to dedicate some time to pro bono human rights work. However, it is not possible to dedicate myself to human rights work full time. If I were to become a human rights lawyer full time, it would have to be outside of private practice and into a world that is badly funded and with very limited resources. That is a serious obstacle.
8. Does your university offer any kind of financial support for students interesting in pursuing careers in human rights or public interest law?
- a. Yes, there are plenty of scholarships and internships available. However, while it is not difficult to pursue these opportunities, it is the long-term issue of having a sustainable career in human rights that is well funded and well paid relative to private practice that is a key disincentive.
9. How do you think those obstacles could be overcome?
- a. Better government funding of legal aid and human rights organisations. These organisations are important to maintain the principle of the rule of law (since they facilitate access to justice), but also serve an important function as gatekeeper, providing preliminary analysis and thereby allowing unmeritorious cases to be selected out.
10. To what extent do you consider the work you have a real impact on the human rights of the communities/groups you work on?
- a. Some do, some don't. It is difficult to say and assess, as my involvement has been relatively ad hoc.
11. What is your relationship with those communities?
- a. Limited.
12. What is the thing you enjoy the most about your work?
- a. Intellectual engagement and advocacy.
13. What is the thing that you like the least about your work?
- a. Can be tedious and quite hard going.
14. Given the political context and the vast amount of resources concentrated among powerful actors, from your perspective as a private sector lawyer, do you think law firms are doing enough to support human rights across the world? What else could they do?
- a. They can always do more. Lawyers are in the privileged position of being able to facilitate access to justice. There are many not particularly glamorous cases at the coalface that would benefit from more attention, even if it is not particularly newsworthy.
15. How do you think law firms and other private actors can scale their social value (externally and within their companies)?
- a. Yes and they should. However, the key question is how to balance that against the financials.

16. Do you think the human rights field should diversify the range of stakeholders involved and include the private sector?
- a. Yes, the private sector is key. In a capitalist system, it is the private sector that has money, and is not bound by public sector funding issues. However, the private sector also acts pursuant to the profit motive. That motive is not as absolute as it once was. The human rights field should certainly take advantage of that broadening of motives.
17. What kind of guidelines should philanthropists follow to invest in impactful organizations and human rights leading attorneys?
- a. They should invest in accordance with the impact that is or can be made.

## Annex XI

### Anonymous interview with lawyer at international organization

Interview NS

In person

Date: May 20, 2017

Interviewer: **Sebastian Rodriguez**

#### Paper on Critiques to Human Rights Legal Activism: THE INDUSTRY OF ADVOCACY INTERVIEW/CUESTIONARIO DE ENTREVISTA

Review and sign inform consent form previous to the interview

1. Why did you decide to become a lawyer? (personal history: what and where did you study, what motivated you?)
  - Always interested in human rights.
    - a. Interested in respect of values she strongly believes.
    - b. Undergrad thesis: States ratification and compliance with human rights norms.
    - c. She discovered early in her life an interest for human rights. However, she always had a passion for entertainment as well.
    - d. Law school: She wanted to practice either entertainment law or human rights law. At the time of graduation, and opportunity at an international organization arise. The law school did job placements at the international organization.
    - e. Strong interest to do social change.
  
2. How long have you been working as a lawyer?
  - 6 years.
  
3. Can you describe the kind of organizations where you have worked as a human rights lawyer? (kind of organization, kind of job you have done (including internships and volunteer experiences), size of organization, is it national or international, what is a normal day of work for you, how big is your team, what area do you specialize)
  - Always wanted to practice international law. The school already had contacts with the international organization. That's how she landed at her previous role. Once a person is an intern at an international organization, there are network opportunities that allow them to stay.
    - a. INTERNATIONAL ORGANIZATION:
      - i. Supervisor was the top in their field.
      - ii. She was a good manager.
      - iii. She felt profound admiration for her boss. Her boss was always professional and could connect with her employees at a personal level as well.
      - iv. Respect and diversity were the strongest values that shaped her work culture.
      - v. Her team consisted in 4 staff members. All of them were traditional lawyers. The work its more oriented towards public relations, diplomacy and providing technical assistance to governments, rather than law itself.
      - vi. Work topics: Sex work, LGBTI, drug users. Those were the key populations.
      - vii. She felt everyone in her team was passionate and committed. Everyone care about their work. However, she acknowledged there are also a great number of bureaucrats.

b. INTERNATIONAL ORGANIZATION AGENCY:

- i. Her colleagues, some of them were privileged and well-connected, and some had worked their way up. School representation at the UN is not necessarily 'elite'. Its more about the connections that you have. Some people might have attended Oxford, but that's not the general rule. The rule is that everyone is highly educated.

4. What expectations did you have about social justice when you decided to go to law school?

- She didn't feel she wanted to be a lawyer.
- Romantic notion of justice. She felt an international organization was the principal agent for social change. It was her dream job. She later realized human rights wasn't the most suitable channel to achieve change.

5. What obstacles have you encountered as a human rights lawyer? (financial, type of job, supervision, organizational, bureaucratic)

No.

a. Why?

- i. Substance of work. How it works is that you get a request by a government, then the 'experts' will issue recommendations, and the government don't take any of the input they have made. Laws don't get implemented, and there's a lack of control.
- ii. There's a strong gap between theory and practice. Human rights is a field that theoretically idealize the world. However, is an industry that doesn't work in implementation or law enforcement. In many of the cases HR represent exotic principles, primarily from the west, that people don't understand in several countries with different cultural values.
- iii. Bureaucracy: Once you're trapped in the system, you stop becoming a HR expert, instead you become an international organization expert – which means you understand how to navigate the internal politics and processes.

INTERNATIONAL ORGANIZATION: It was a system issue. There are visionaries and strategists. However, as they get trapped in a diplomatic system where they can't raise their voices and concerns, they become bureaucrats with lack of decision making but interested in their work.

- b. In many of the cases, it's easy to see how an international organization is not meritocratic. An international organization recruits people for political reasons.

- c. It has a strong global culture.

From the day to day: no.

- d. However, the 'norm building' work has its own potential that it's hard to see its immediate effect.
  - i. Human rights it's about its potential. It's about hopes that one day will decision-makers take and grasp them.
  - ii. Litigation has concrete goals for the petitioners, however it doesn't necessarily guarantee it goes beyond the case itself.
  - iii. One way is not necessarily better than the other, each option has its own role. However human rights need more collaboration, accountability mechanisms, effectiveness, resources.

6. What is your relationship with those communities?

- Interaction with 'civil society' at global forums in Global north Headquarters.
- Global NGO: fact-finding and media work. They amplify voices.

7. How do you think those obstacles could be overcome?

- Interact to people at the country level. Support regions in their work at global spaces. Work in change that has an effect at the national level. That's what makes her feel more passionate about her work.

8. What is the thing that you like the least about your work?

- Internal politics. Those are everywhere, have the nature of the politics can substantially be different at different places/work cultures.