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The Promotion of Local Policies in Human Rights and How the Results are Affected by the Local Perspective – A Case Study

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The Promotion of Local Policies in Human Rights and How the Results are Affected by the Local Perspective – A Case Study

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Abstract

The Application of Human Rights Policies needs to be taken from a Local Perspective, in order to guarantee the effectiveness and the resulting achievements. I present a practical case study in the context of a Brazilian favela to better illustrate how the external influence can directly affect the results. I offer discussions about the local activity as the main role in a Human Rights project, indicating challenges and strategies that can be used in the practical field. As a theoretical approach, I present a discussion around New Regionalism and the internationalization of Human Rights. My argument, as presented in the title of this article, is that external influence is correlated with the results of any Human Rights implementation and that the Local Perspective is the main framework for Local Policies promotion, based on the social point of view and adapting legal frameworks to real world scenarios.

Keywords: Local Policies, Human Rights, Mechanism of Approach, Local Perspective, Policy Implementation

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Introduction

Globalization has transformed the Human Rights application around the World, influencing countries to discuss treaties and agreements in order to effectively apply Human Rights policies. With this transformation, adaptation is necessary when it comes to the diverse local conditions. Challenges are always a barrier that needs to be overcome, and taking the perspectives of different levels of Governance can help to better address those challenges and hence improve Human Rights application and policies.

As is well known, each human being deserves social justice and basic rights, but still, that is not the reality for a big part of the humanity. While globalization brought to us a non-territorialist mind-set, we observe that, in order to reach any goal, we need to adapt policy-making to the different types of society/community that we are trying to reach trough projects implementation or regulation laws.

That discussion brings to light the ascending frameworks of New Regionalism and Local Perspective, which together can help in solving issues with regards to Human Rights Implementation. Both frameworks are not yet well established, and there is no consensus about what the basic political and economic ideas should be, and what the limits of those two points of view are.

Having said that, it has been noticed that the diversity present in the practical field can also be influenced by external factors and hence, it can affect the project results.

The main role of this paper is to discuss how the community is affected by the external influence (as a consequence of globalization). Even if only a small community is the objective of a Human Right project, the influence is real and needs to be analysed, in order to identify the advantages and disadvantages. Given that, the Human Rights providers can understand the situation better and find a balance in the strategies used in project implementations.

The theoretical discussion will be around the existing international collaboration, the current discussion in New Regionalism and the Local Governance, explaining the main characteristics of this new approach and trying to inspire governmental actors to understand the cultural, linguistic and behavioural idiosyncrasies of communities, not only applying general rules to different societies but also, understanding that a local, and a social point of view ate necessary if we want to reach our goals in Human Rights implementation, avoiding empty rules or treaties that are not accountable.

Finally, in the conclusion we try to resume the main ideas and arguments of this paper, considering the results obtained in the practical case presented and how it was affected by external influence and Local Perspective.

1. The Internationalisation of Human Rights and the New Regionalism

Since the Second World War, Human Rights have always been discussed in society, they have been more than statements to be followed or political concepts, but essentially, they are rights inherent to every human being from birth, without exception based on any kind of discrimination, like religion, gender or nationality[1].

Following the development of the events in the social context, a legal framework was created to guarantee Human Rights, after genocides and massive deaths. Society understood the importance of providing guides, research, sanctions and mainly cooperation between nations in order to effectively implement basic rights and world peace.

In 1948, The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations, recognizing the universality of human rights[2] in order to achieve equality and non-discrimination, through an implementation of actions, guaranteeing rights such as housing, health, education and others moral values (Ward 2012). Human Rights had then a complete framework to be followed, and not only be discussed. Now, the states needed to make an effort to implement these rules with different tools, specifically adapted to the existing diversity in each one of them.

This development leads to a transformation of the relationships between countries, creating an internationalization of Human Rights. This, for instance, brought new jurisprudence where parties can now address international treaties against the state to claim for new actions (D'Amato 1982), e.g., in International Law and also in sovereignty issues.

In this regard, norms should be introduced in the legal framework under the lights of the Human Rights and International Law, which does not mean that the International Human Rights Law is simply a subject or a page within International Law, but a whole structure of rules and norms that need to be implemented and applied (Reisman 1990). In order to achieve Human Rights

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[1] Besides the naturalistic point of view, Human Rights can also be studied under the concept of Legal Positivism, which claims as inexistent, the moral philosophical basis of Human Rights, affirming that Human Rights exists only when there is a legal framework to regulate its application (Shestack 2017).

[2] The Universality of the Human Rights is the recognition of right by simply the natural fact that we are human beings. Unfortunately that does not mean the universal enforcement of Human Rights, as some states are still grossly violating those rights without any sanction, as except in the European region, states are not allowed to intervene in other state's actions. What we have nowadays has been called as the international legal universality, given concept by Jack Donnelly (2007).

protection, it is necessary to apply policies of problem-solving on different levels of governance that are suitable with the already existing frameworks.

Nowadays, countries have to address HR issues on different scales (e.g., global, regional, local level), and on each scale, a different approach has to be applied in order to guarantee the effectiveness of projects and their goals. Considering the different mechanisms that each country can use to measure this effectiveness, the approach policies should be a major concern, as that can be considered a decisive strategy in the Human Rights implementation.

The UDHR had a positive impact in the legal framework, as the rules established in the declaration were enforced in each signing country as a part of the domestic law, giving Human Rights basic concepts and a faster exchange of information between NGOs, the civil society, and government. The questions raised at that time were mostly about the mechanism used to measure the practical effects of those treaties, as sometimes, there were gaps between the treaties and the results obtained. However, this issue has to be discussed and researched according to difficulties found in each one of the participating countries (Heyns and Viljoen 200). The policy-making used in Human Rights implementation should also be a subject of study from the governance perspective, using an interconnected view between the different dimensions. In other words, in the age of globalization, the actors present in governance (civil society, authorities) are subject to a growing interdependence and those actors should create collective actions addressing the issues, in order to increase the effectiveness of Human Rights protection and its implementation.

When there is a unique legal framework to be applied in different cultures, governments, then that brings into the discussion the mitigation of subjects, as for instance sovereignty or territoriality, which means that geography is not a matter anymore, our society is no longer shaped as a territorialist society but as co-existent territorials within a global space. However, territorial identities and territorial governance still have an important role and influence in this scenario (Scholte 2002).

Nevertheless, in order to increase the effectiveness of projects, the local perspective is the most effective way to access the needs of a community, when compared to an international viewpoint. Applying the same rules and policies in different territories will not lead to the same result, for instance, a favela in Brazil has a completely different social structure and culture that have to be taken in consideration at the moment of project creation.

Local authorities have access to the global definitions of Human Rights, designed by international treaties. Working with those universal legal definitions, they can then, wherever necessary, adapt those definitions to the local reality, using the locally available data and experience as guidelines

for new projects. This kind of quantitative approach can empower local authorities to effective self-governance, expanding the governance through decentralization (Merry and Conley 2011). That being said, new regionalism can be identified as fundamental in the process of increasing the success of human rights projects.

The first wave of regionalism[3], according to Frederik Soderbaum (2004), had mainly three sources: Firstly, grounded in the question about the sustainability of a nation state as a vehicle in effectiveness and peaceful human governance; secondly, in the gradual formalization of the social sciences; and thirdly, one in the genesis of the post-war European economic organization. The European economic model is the starting point of the current models in the discussion of New Regionalism, as the European Union became a region with all aspects of interconnection. From the beginning of regionalism until today, we can identify regionness as a process where a geographical region can have the capacity to articulate its interests in the global scenario (Hettne 1993).

With the advance of the New Regionalism wave in the political and economic scenarios, it has affected human rights projects, arising questions about how to manage this bridge between the local interests - as a micro region - and the influence of social external factors as will be discussed it the following sections.

2. Practical Case Study – Summer Programme in Cantagalo Favela

A practical case illustrating the issue of applying HR ideas in a real world scenario will be a summer program, developed for children who live in the Cantagalo – Pavao Pavaozinho's Favela, located in Rio de Janeiro, Brazil. The summer programme consists of education and leisure time during the school vacations, focused on building adequate social behaviour with activities such as e.g. environmental classes, visiting museums, theatres and guided visits of touristic spots.

The social and economic contexts of the 'community' - the usual denomination for a favela in Rio de Janeiro- are pretty precarious, e.g. there is no basic sanitation, the electric system is mostly improvised, the majority of the houses do not have a proper zip codes, some of the houses

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[3] Regionalism started to be studied from the theoretical point of view of the Rationalist scholars: Neorealism, liberal institutionalism and market integration, while the reflectivist approach led to the world order approach (WOA), the new regionalism approach (NRA) and the new regionalisms approach/weave-world.

are difficult to access because of the topographic idiosyncrasies of the built up area; hundreds of stairs without street lights. These are only some of the problems faced by the local population. Another issue, quite probably the most alarming, is the criminality caused by drug trafficking, which is continually rising and even with all efforts, the state has no control over it. In many cases, shootings between the police and the narcos let the community descend into a civil war zone, causing dangerous situations and the deaths of civilians. However, a population of approximately 5000 (Rio Mais Social 2017) is constantly exposed to dangerous situations, and the while the Government does nothing to change the situation in those areas. The favela was occupied by the police force of Rio de Janeiro on 23/12/2009 by a government action called 'pacification' which consists of a joint action of the federal, state and municipal governments, plus the civil society and other entities providing the interface between the police and the population in order to take back the control of the area from the narco activities, and building a relationship to keep up the attained peace (Governo do Rio de Janeiro 2014). This type of programme was also used in Medellin, Colombia, as a tool to reorganize the city after the massive waves of high gang violence.

Despite this attempt at bringing peace-making politics and social investment to the community, the reality has not been changing, and the criminality is still happening day by day even after the occupation by the police. The constant shootouts could not be prevented, and during these events, the citizens cannot leave their home, go to work or go to school, which changes the whole schedule of the entire community, in an attempt to avoid any civil casualties.

Those difficulties and the extreme level of poverty has attracted many NGOs and foundations to work within the community, addressing the needs and trying to help the population to get access to basic rights. Most of those organizations are focused on children and youth education, since investing in education is often a good investment in the context of developing countries.

After this brief insight into the social context, we can explain the main duties of the programme in focus, and move forward to the subject of analysis.

The NGO called *Mais Caminhos*[4] developed a summer programme for children between the ages of six and twelve. The programme lasted one month and offered activities three times a week during the school vacation in Brazil (January â€" February). The number of children was between six to thirteen per day. It was set up by volunteer social workers from different parts of the world (e.g. England, Philippines, USA). A weekly schedule was

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[4] The organization's website can be found at http://www.maiscaminhos.org/

created under the main objective of creating a safe social environment for the children during their vacations, so they could get educational assistance and not get involved with illicit activities.

It is necessary to explain that the children who live in communities in Brazil get involved with drug trafficking or any other type of gang related activities at a very early age, the main reasons for this are an abundance of free time and no activities after school (if they are even regularly enrolled at school). So instead of receiving an education, they are on the streets, vulnerable to criminal influence, at an age where they do not have the capacity to anticipate the consequences.

The activities started with a lunch, followed by an explanation of the rules for the next outdoor activities. As the children were in vacations, the activities were focused on the outdoors and interaction between themselves and the local culture. They were guided by the volunteers to museums, aquariums, beaches and the movie theatre. All those activities were augmented by games and a daily lunch break.

The project was funded by donations collected using online tools as Facebook and crowdfunding platforms. This way, the costs of the tickets, the food and all material used during the programme could be covered. Most of the children that were benefitting from the programme could not afford any of those activities and their parents usually do not have any time to take them to those places. The scenario they are used to live in is being surrounded by financial difficulties, violence, and death. Their usual social environment consists of large family, where the older siblings are responsible for taking care of the younger siblings, which forces them to be self-sufficient at a very young age. Essentially, they rarely find themselves in a stable social context in their family or social environment.

3. Challenges and Strategies: How the Local Perspective Affected the Project

The city of Rio de Janeiro is a relatively expensive city in comparison with other large cities in Brazil. This means that the programme has to be adapted in that regard, and thus one of the obstacles faced by the programme was of budgetary nature, essentially how to optimize the use of a tight budget to schedule activities in an expensive city.

One local strategy used was to get in contact with the different places that the children would visit, an establishing if they could provide free entries or some type of discount achieving a lower cost. This approach worked for many activities (for example at museums), nevertheless in some private

places it was denied, despite attempts by the volunteer social workers to get such discounts through e-mails and phone calls. In these cases where the programme did not have any discount, the costs were regularly paid, as the access to a varied selection of different activities for the children was one of the base objectives to the program. With regards to the food costs, another strategy to guarantee the effectiveness of the programme was by negotiating a mutually beneficial arrangement between the parents of one of the children and *Mais Caminhos*. These parents supplied the meals for a lower price, in order for the project to be able to afford daily meals with their funds. In return, they had a guaranteed regular income from the production of a certain number of meals, during the whole time of the *Mais Caminos* summer program. The crowdfunding provided the basic funds for meals, entrances, transportation. Using the local strategy of negotiating with local actors allowed achieving the goals of the programs even on a small budget. Without the negotiation of discounts and the hiring of local workers, and the volunteer's work, this project could not have been successful. Following this subject, let us shed light on another challenge faced by the project which is directly associated with the application of a local perspective and governance: The difficulty of finding locals who wanted to help in the project as volunteers and the reluctant acceptance of help from foreign volunteers by the children and their parents (representing the local community).

The NGO was initiated from the Netherlands, and at the time of the summer project, the project management was Argentinian. However, the fact that foreigners were entering in the community and bringing projects did raise an eyebrow in the local community. One good example of this local behaviour is the general distrust of parents towards foreigners in charge of supervising their children. The children remained under the responsibility of the NGO social workers for some hours, which is a big deal for many Brazilian families.

Another significant challenge was the language; since the programme was basically managed by foreigners, the necessity of native Portuguese speakers was the first problem to be solved, due to the fact that the children had to communicate with the volunteers, so they had to be not only conversational, but to be able to explain the concepts during the classes and show the children they could trust in their language skills. This goes without saying that some of the children were too shy to communicate well or they were not very clear in their pronunciation. This necessity was addressed by looking for Brazilian volunteers, which was not easy because most of the people who live outside of favelas consider those locations to be extremely dangerous, so they are afraid of getting involved in projects like this. However, there were four Brazilians that applied to be volunteers and work during the whole summer program.

The procedure to become a volunteer consisted of sending a CV and conducting a Skype interview to explain the motivations for being a volunteer in this specific project. After going through all the applications, the volunteers were chosen and the team finally consisted of a diverse group of French, US American, Argentinian and Brazilian volunteers. The objective was to create a bridge between the local community and the project, which is why local involvement was deemed necessary for achieving an effective execution of the project. The local volunteers can navigate the communicational difficulties easily, and they can understand the implicit social rules of the favela's own micro society. The involvement of local volunteers also increases the trust of the local population in the program, and essentially allows the children and parents to feel safe about participating in the program.

In Brazil, the sensation of insecurity is very common. Especially with regards favelas, the general population believes that those areas are akin to a complete war zone. This view is not completely wrong, but it has to be mentioned that even considering the everyday dangers in a favela, there are people living in extreme poverty there, and they are in need of being reached by social programs. Essentially, the relation between people from normal, non-favela residential areas, and the people actually living in the favela is difficult to manage, as there is not much exchange of experiences between them and the speculation created with regards of the dangerousness level within the favela from an outside view is sometimes overrated.

Those social problems also posed a challenge to the summer programme in the manner that the programme tried to connect people from different worlds, striving to achieve a higher level of integration between the two realities. The social differences are so large that even their respective everyday language use is different. In the favelas, slang language is very common; the accent, the outfits, hairstyle and other social signals are vastly different when compared with other, non-favela residential neighbourhoods, creating an invisible division on a very subtle and implicit level, which makes the goal of integration much more involved and complex, if we want to strive for reducing the social segregation in the city.

Orientation and the direct dialogue between the volunteers and the children was a tool used by the programme to empower children for the future, a place where they can have access to quality education. The safe social setting provided by the volunteer workers in the context of the programme gave them freedom to talk about their plans for the future, their doubts, and to safely interact with the other classmates. Meanwhile, the volunteer workers, in their supervising function, were able to observe and to address behavioural issues to the children's parents.

Most of the children exhibited overactive behaviour patterns, and a huge difficulty to obey the monitors, to cooperatively share food with the classmates. These characteristics were common to the group, and during the class they were introduced to concepts like asking for permission, respect for their peers, the monitors and the classmates. These are simple concepts, but nevertheless important on their way to a successful socialization.

Apart from those tools and strategies, another way to increase the level of effectiveness in terms behavioural counselling could be a setting involving a professional child psychologist interacting with the children. They could try to address psychological issues using the full toolkit of developmental psychology, and help to assess whether the children exhibit the behavioural development stage appropriate for their age (sense of responsibility, personality issues, etc.).

In many aspects, children from favelas help their parents with the activities at home, such as babysitting the younger siblings, cooking and household activities in general. That being said, it is clearly common to notice a high level of independence at an early age, the reason why a professional should follow up the children's development during the program, addressing positive points and results.

At a local level perspective, the favela community should be informed about the project's aims and successes using events or information events to help the locals to understand the necessity of outside aid, considering the fact that they tend to be close-minded with regards to foreign intervention, and are much more open to Brazilians than to foreigners.

The project might also aspire to develop a method to talk with the parents regarding parenting issues, since some of the parents are too young, yet they are already responsible for a large family without any government contribution or social care.

With regards to developing effective implementation of HR ideas in those communities, local volunteers should be the primary way of approaching the community, they should be the ones delivering the message of what the goals and strategies of the project are. The locals could be a fundamental link, bringing together the identity of both sides. On one side, the project could communicate more easily with the community, and on the other side, the locals would have a voice to express their needs. Furthermore, we also can address another local strategy that should be adopted by projects, which is to collect feedback from the community before starting a project, and to then design a tailor-made plan of action, based on the real needs in those particular circumstances. As a practical example, during the summer program, the children were included in simple decision making processes, like deciding the location for the daily outside lunch. Consensus was reached

through a simple vote. This decidedly simple example shows how including the local stakeholders in such a project is a tool to foster local responsibility and achieve a higher level of local acceptance.

4. The Importance of External Influence Protection to Guarantee Human Rights Implementation

Human Rights policies were created to bring equality to people, but even today some of them do not have access to basic rights such as sanitation, water, housing and food. In order to establish equality, policies, treaties and agreements were created as a guide to achieve this goal. What we can address as a common characteristic between different groups of people is exactly the diversity prevailing between them. Each community and local area have different aspirations in life, a different cultural setting and different mind-sets which make them a versatile target and this variable, transform the target in a hard challenge. The intention to help is not enough when it comes to achieving these goals, which is the reason why we have to focus not only on theoretical frameworks, but also practical strategies, adapted to the different local circumstances and objectives.

When initiating a project, the preconceived notions and ideas about certain subjects have to be overcome, in order to completely embrace the local cultural, social and behavioural idiosyncrasies in the area of implementation. After that, a thorough understanding of the culture has to be curated trough studies, interviews, research. This is sometimes not possible, due to the difficulty of territorial access. Those are important aspects to create a successful Human Rights implementation and have to be taken into consideration from the very start of a project. If these first barriers can be overcome, we need to get our hands dirty and initiate contact with the locals and listen to their expectations and hopes. As we know, assessments cannot be provided without the local perspective, just as a good entrepreneur should be able to know his potential client's needs before offering his services. When entering a new local context as the provider of a practical Human Rights implementation, we have to understand that the citizens of the community (city/tribe/neighbourhood) already have a background in their life story. However, more than a theoretical approach, a social view is clearly most important in this case. A social view can be the understanding of how the community works, which is the key to provide the correct policy implementation.

The reason why external influence can be prejudicial, is that within this idea of local culture, of designing the project to that specific community

with that specific behaviour and communication. But what exactly is external influence? We might say that with today's setting of an abundance of advanced information technology, a high number of people have access to the internet or to a mobile phone, i.e. access to information in general. However, this is a way to bring false or disingenuous information, which can make the implementation of HR policies harder.

During the Human Rights implementation process, the researchers have to keep in mind that their experiences, expectations, background, cannot be a main concern; the main concern should be the understanding of this new culture, environment and the acceptance of local values and opinions where that is reasonable. We cannot forget that we are dealing with human beings, and that work for their well-being, so the barriers of language, opinions, political positions, should not lead to a judgmental position while implementing policies, but a deep understanding of the local culture has to guide and clarify the objectives in implementing policies. On the other side, the community also has a preconceived image of development aid programs and NGO work, constructed mostly by the media and this image is often negative, so we, as Human Rights experts, need to deal with this situation, approaching the community with the eyes of a local. The argument can be summarized by the imperative to leave aside our own cultural background, and start our research or project not only from a modern global/western cultural perspective, but also focus specifically on the local cultural perspective. This way, we can truthfully adapt the ideas carried within the codified legal HR treaty or agreement, to a specific local context, in an effective manner. This is the reason why the participation of local stakeholders and actors are quintessential, and that their voices and needs need to be heard. We can use the term humanization of the law; seeing Human Rights as also a law, made by the people, for the people.

The path to protect Human Rights policies implementation is hard, as was said before, information exchange nowadays is fast and constantly evolving, and the society adapts, changing the way law is practically applied and the way rules are practically enforced. If we just formally codify our Human Rights ideals in legal frameworks, but refuse to consider at the same time the issues of practical implementation, then we will fail to provide real help and to lift up those who do not yet enjoy a reasonable protection of their innate Human Rights.

We should also mention that, with regards to a Regionalist approach, the decentralization of governmental decision-making or planning has been shown to be effective in the mediation in communities and helping to better develop governance in the area.

Conclusions

Understanding the intricacies of any society, and establishing formal rules that lead to the desired results has been a great challenge for legal scholars, sociologists and governments, even before the concept of a society was established. Attempting to understand these societal dynamics is still one of the most important pillars for an equal and just civil society. Governance cannot be built without a fundamental understanding of the people.

With these ideas, Human Rights standards and policy implementation need to be designed with a focus on the diverse nature of humankind. Otherwise, rules will be ineffective and good results will be eternally out of reach. Before creating rules, treaties, agreements or any kind of legal framework, we need to respect cultural diversity, in order to avoid risking neo-colonialist intervention in the name of globalization or political control. If, however, we approach the community unconditionally and leave behind our cultural background and previous experience, then this cultural humility can be an important tool to overcome intercultural barriers. This can provide a basis for a trustful understanding of our policy implementation. In a sense that rules are made by people and for people, our mind-sets need also to advance, creating a balance between reality and theoretical field.

We have to carefully consider and assess any external influence, in order to avoid the marginalization of certain groups of people, prejudice has no place in Human Rights policy implementation. We cannot exclusively interpret the situation from our own cultural background, but we also need to find a compromise with the local values and beliefs, in order to effectively achieve our goals. That is the reason why a local, social viewpoint is also needed, precisely because we need to build relationships with the local population, in order to be effective in our endeavour to bring Human Rights to all people.

As a controversial point, the social media influence also can contribute negatively to the image of International Organization and their interventions, and we have no control over this flow of information. In this regard, working with the Local Perspective and thus creating local relationships and by extension a trust basis in the local community is a solution, building a bridge to connect the theoretical point of view and reality.

In other words, the Universal Human Rights Declaration was not written with the full and total diversity of values abroad in mind, and thus, any legal framework has to be enhanced by taking the Local Perspective. We suggest a dialogue-oriented approach, avoiding prejudice and forced interventions, and to use the Local Perspective as a main approach to strike this balance. Regionalism plays an important role in achieving several objectives, but given the complexity of the subject matter, this approach might fail to take

into consideration the interests of certain communities. Still, it should be regarded as a necessary tool to further advance political and economic progress, and help to include local social initiative to better achieve our goals.

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