The travel, translation and transformation of human rights norms

Abstract - Human rights norms are not static. They *travel* within and between groups, localities, institutions and contexts. As they do so, they have to be *translated*, in a literal sense, but also in a substantive and cultural sense, in order to become meaningful. During this process of translation, human rights norms are often - consciously or unconsciously - *transformed*.

These transformations have the capacity to shape the meaning and potential impact of human rights. If human rights norms are too formalized and professionalized, they are probably too remote from those who need their protection. At the same time, the transformations that happen during the translation process are often not neutral, and may reflect global asymmetries between 'centres' and 'peripheries'.

But there is a difference between the processes of translation that takes place within the largely bureaucratic, and sometimes stodgy, international human rights *institutions* and the translations and transformations of human rights *norms* happening on an everyday basis in localities far away from these 'centres'. Therefore, it is important to understand the many ways in which various kinds of rights users in various places are actively shaping - and sometimes initiating - these translation and transformation processes as agents.

This chapter presents the travel, translation and transformation of human rights as a multi-directional, multi-faceted and complex process in which various meanings coexist, intersect and become mutually constitutive. It gives an overview of the existing literature on this topic and supplements this overview with empirical insights from various recent case studies.

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The travel, translation and transformation of human rights norms

Introduction

Human rights have become a dominant paradigm for framing issues of social justice. The language of human rights is one adopted by a multitude of actors across the globe in their struggle for more equality, justice and accountability. This, as Sally Merry (2018) argued recently, is because framing social struggles in human rights terms offers several important benefits to social justice activists engaged in 'local' struggles. For one, it can add legitimacy to a moral claim made by local actors: using the human rights language suggests that these claims are not just the demands of a local community or even country, but that they refer to norms that have been created and agreed upon by virtually all the countries of the world. In addition, describing a particular issue as a human rights one renders this issue understandable to a wider audience. using the shared language of human rights allows activists to frame issues in ways that other justice activists can understand even if they might not have encountered this particular problem

themselves (also see White 2015). Furthermore, and related to this, calling a social justice claim a human rights claim produces allies: it allows activists from across the globe engage in a shared struggle using the common language of human rights.

Because of these advantages of using human rights language as a mobilizing discourse, the group of actors invoking human rights language has been steadily growing and diversifying (Vandenhole and Van Genugten 2015; Moyn 2014). Governments in the South, grassroots activists in remote communities, members of transnational networks, and country officers of international organizations all refer to human rights in their attempts to create a sense of legitimacy and recognition, remedy structural inequalities, or seek redress for rights violations.

However, human rights norms are - necessarily - interpreted in different ways in different localities and by different kinds of actors. Indeed, norms emerging in New York or Geneva need to be translated to specific contexts in order to make sense there. However, like all forms of translation, also the translation of human rights involves complex and normative decisions about what to include and what to exclude, and in which ways (Choudhury 2018). It is therefore crucial to pay specific attention to the dynamics through which this process of translation takes place, since often this process of translation also entails some kind of – envisioned or accidental – transformation of the human rights norm that is traveling between these various localities.

I will argue below that this translation – and the ensuing transformation - of norms is not a neutral process. It is deeply embedded in the global power asymmetries that characterize the ways in which localities across the globe are interconnected. As such, translation can both be a factor reproducing the dominant discourses that shape our lives, or one challenging these discourses by mediating between different localities and between the (allegedly peripheral) local and the (allegedly central) global scales. Because of this, human rights can no longer be considered merely as a matter of international law - if ever this was possible – and increasingly have to be studied as norms and standards in need of contextualization (Casla 2014).

Thus, the *translation* of human rights norms – both in a linguistic, and especially in a substantive and cultural sense – is crucial in a world where these norms are becoming a social justice lingua franca. On the one hand, it makes the *travel* and movement of norms within and between local and global sites possible. On the other, it plays a crucial role in the *transformation* of these norms when they travel between scales and localities.

In this chapter, I thus conceptualize travel, translation and transformation as three parallel and interrelated, but analytically distinct, processes: travel refers to the movement of norms and ideas; translation to how this movement requires the literal and cultural interpretation of these norms and ideas; and transformation to the - envisioned or accidental - shifts in framing, substance and meaning that arise through this translation. I return to this in the next section. This conceptualization allows for an actor-centred, fine-grained and multi-directional reflection on how meaning and information flows are mediated in practice. As such, it offers new perspectives to think about what human rights are and how they work on the ground. It foregrounds the sets of ideas and practices generally labelled as human rights that travel and are translated and transformed as they are appropriated, adopted, and redefined to fit particular social issues and struggles.

The chapter, in that sense, adopts a more dynamical and interactional understanding of how human rights norms spread and considers how governmental, intergovernmental, and civil society actors invoke human rights norms, and how this so-called *vernacularization* of the human rights discourse affects the symbolic forms, content, and functionality of human rights at various levels. As such, it adopts an actor-centred approach focusing on the practices and priorities of rights users.[1] Through an explicit focus on processes of travel, translation, transformation, it seeks to bring power and

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[1] One can be identified as a human rights user from the moment there is an explicit interaction with human rights—or as a potential user if one could legitimately and logically invoke human rights but chooses not to do this. This means that the term encompasses, for example, rights-holders, human rights practitioners and activists and legal duty bearers (Desmet 2014).

politics back into the picture, so as better to understand issues of access, knowledge genesis, strategy formation, and exclusions (both of actors and of issues).

Centres, peripheries and multi-directionality

This threefold process of *travel, translation and transformation* – even if labelled differently – has been the subject of a growing body of scholarship that examines how meaning is negotiated by various kinds of rights users, from courts and legal practitioners to activists and rights-holders, and how this affects, for example, enforcement or implementation.

Whereas some of the early literature on this issue reflected a rather unidirectional understanding of how these human rights norms travel from the alleged centre of (cultural, economic or political) production to the alleged peripheries of (cultural, economic or political) consumption, this view is increasingly being challenged by scholars highlighting the agency of these so-called peripheries. These scholars highlight the agency of 'peripheral' rights users (a) in negotiating the meaning of human rights norms reaching them from, for example, New York and Geneva, and (b) in crafting new norms and sharing these at a *translocal* level, away from the alleged 'centres' of cultural production (Desai 2015). Both types of agency regarding human rights travel, translation and transformation are crucial if we want to understand how human rights norms affect the realities of rights users on the ground – which is where these norms can act as a line of defence against injustice (De Feyter 2007).

As several authors have previously demonstrated, rights users' dynamic and decentralized engagement with various aspects of human rights quickly proved that the assumption of a more or less monolithic human rights understanding was, in practice, an illusion, and the adoption of human rights discourses by a growing range of actors resulted in various partial, innovative, or biased articulations and translations of this discourse (see, for example, Goodale and Merry 2007; De Feyter et al. 2011).

As Halliday and Carruthers (2007) posit, in a globalized landscape it is not the authoritative transnational and global bodies that create norms that they can then impose more or less subtly upon a hapless world. The processes of norm setting, as well as that of norm implementation, always and everywhere involves negotiation between various actors with different interests and differential access to power, and therefore cannot be conceptualized as top-down universalizing undertakings. Also, the groundbreaking work of Simmons (2009) and Goodman and Jinks (2013) is crucial in this regard to understand the agency, both on the side of individual and collective rights users as well as on the side of states, in the process of disseminating human rights norms.

Notions like contextualization (Zeleza 2004), indigenization (Merry 2006a), plurality (Falk 2000), vernacularization (Merry 2006b), inclusive universality (Brems 2001), and alternative manifestations of rights (Gready and Ensor 2005) all point out the importance of considering the realities of local rights users and how they interact with global, regional, and national norms. Merry (2006b), for example, uses the notion of *vernacularization* to refer to the adaptation of existing international human rights norms to local contexts by norm entrepreneurs.[2] She examines how and when a human rights idea or norm is redefined and represented in a way that is more or less compatible with the existing social world. She argues that when specific struggles in non-Western societies utilize a Western liberal-legalist discourse, local understandings, practices, and symbolisms are applied to these global discourses and lead to a reinterpretation of its core concepts and ideas. Scholars in this tradition (e.g. Nyamu-Musembi 2005; Zeleza 2004) analyse how rights users (and in particular norm entrepreneurs) transform the meaning of rights when they translate the — otherwise often legalistic — human rights discourse into action, thereby shifting the parameters and symbolic forms of the discourse. New ideas of gender equality coming from other parts of the world might, for example, be presented through the

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[2] Sunstein (1996) uses the notion of norm entrepreneurs to refer to those societal actors interested in changing the substance of social norms through norm bandwagons or norm cascades.

conventional figures in a familiar genre of a street play (Merry 2018). Merry posits that in such a case, the new idea is dressed in the clothes of the old to render it more understandable, acceptable, and relevant.

What several of these explorations of the interaction of human rights users with human rights norms have in common, is that they tend to take the pre-existing human rights system as a starting point, from where local variations, iterations and translations become possible. Even so-called 'upstream approaches (e.g. de Gaay Fortman 2011, Gledhill 2009) that examine how spontaneous bottom-up action by marginalized rights users might bring about changes at the international level, tend to still be deferential to formal human rights bodies – with their capacity for drafting new declarations and treaties – as the primary norm-setters.

Instead of these downstream or upstream conceptualizations, I am most interested in understanding how rights holders navigate and interact with – translocal and multidirectional – processes of travel, translation and transformation to make claims and organize in ways that allow them to take greater direct control over the production of their own identities and self-representation. Looking at this translocal levels allows for a focus on the social practices of translation and the involved networks of translation that compete for interpretive authority. This translocal translation can be distinguished from hegemonic practices of transnational translation (Canfield 2019). Also the abovementioned threefold understanding that distinguishes between the parallel processes of movement of human rights norms (*travel*) and the ensuing changes in substance (*translation* and *transformation*) allows for such a genuinely interactional and multidirectional understanding, which does not require giving a privileged status to international norm-setting bodies and which instead proposes a more explicit focus on practices of everyday rights users.

Travel, translation and transformation

Human rights *travel* refers to the proliferation of existing human rights norms within and between groups of rights holders (who can invoke them as remedies in their specific situation), transnational and translocal human rights communities (who can invoke the norms as indirect users of human rights), and formal human rights norm-setters (who often provide various kinds of mechanisms to ensure that 'voices from below' can reach them).

I use the notion of human rights *travel* because it is a term more accurate than, for example, the notion of human rights circulation, which connotes a level playing field and equality of the actors involved, which renders it difficult to account for power differences. At the same time, the notion of travel does not have the inherently hierarchical and verticalized connotation of notions like upstreaming or downstreaming. Moreover, this notion foregrounds the potential for agency more explicitly than notions like dispersal. This is important, because, beyond this neutral process of movement, the notion of travel of human rights norms inevitably also entails a risk of norms becoming alienated from their original context and their originators.

This is because when human rights norms travel, they need to be *translated*, not just in a linguistic sense but also in a substantive or cultural sense. This translation process is by no means a neutral or merely technical matter. While traveling through the dense human rights architecture of courts, councils, counsellors, and even communities of – international or professionalized – activists, there is a constant competition over interpretive authority, and specific and context-bound human rights claims are likely to become translated as more or less unidimensional or technical debates that fit the existing narrative of powerful institutions and groups (Canfield 2019, Baxi 2007, 69). Therefore, when international human rights practitioners adopt a certain strategy and language to defend rights holders' interests, their choice to use the frame of human rights entails the constant – and almost inevitable – danger of narrowing social movement agendas in ways that fit the existing legalist imaginary of human rights, sometimes at the cost of

becoming incomprehensible or irrelevant to the rights holders who were originally at the heart of the struggle.[3]

This brings us to the third dimension of this process, namely *transformation*. I see translations and transformations as two sides of the same coin, in the sense that both relate to the changes in substance, strategy, and language that occur when human rights norms move between – communities of – rights users at various scales and localities. However, whereas I use the notion of translation to refer to the act of rendering intelligible and acceptable for other constituencies and audiences a discourse and practice that has its roots in one site (be it local, global, or any of the intermediary or overlapping scales), I use the notion of transformation to refer to conscious or unconscious foregrounding of certain elements of the human rights discourse and the omission or adaptation of others, which leads to changes in the substance, strategy, or language of certain components of the human rights system.

These transformations brought about through this process of translation and transformation have the potential to enrich our human rights understandings on the basis of rights holders' daily realities. For example, when rights users turn to human rights language and methodologies to frame their struggles for social justice, thereby appropriating the human rights discourse in a specific way that is relevant for their struggle, they may open up this discourse and propose new concepts and readings. However, when intermediaries in various localities advance human rights claims or norms and translate them in ways that are comprehensible—and acceptable—for other constituencies in the human rights edifice, this does not necessarily adequately reflect these claims' history and context of origin, and always carries the potential for transformations or distortions of various kinds.

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[3] Vázquez (2011) proposes the conceptualization of translation processes as processes of selection, classification and appropriation that erase all that does not fit into the proper place of the already established epistemic territory and its 'parameters of legibility'.

As Waldmüller (2018) argues, apparent translational paradoxes are often enrobed in hidden or open struggles for power, with more powerful actors being more likely to be able to capitalize on these translation paradoxes by promoting—or obscuring—certain agendas in the name of intelligibility and legibility (also see Vázquez 2011). Hence, while processes of translation inevitably involve reductions, erasures, or reinterpretations, it is crucial to acknowledge that the selective treatment of certain dimensions of a concept may be an intentional strategy by more powerful actors seeking to shape the eventual understanding that is likely to result from this translation. In this sense, transformations may be either intended or unintended effects of translations and may either be beneficial or disadvantageous to certain rights holders.

Thus, while none of these processes is inherently problematic, it is crucial for scholars, activists, and practitioners to improve their understanding of how this threefold process of travel, translation, and transformation relate to, and shape, one another. By unpacking the question of precisely which elements are erased and which are added and by whom, we can start to understand the dynamic and interactive dimensions of these processes of travel, translation, and transformation. This undertaking is pertinent both from an empirical and from a normative point of view in that it helps us to better understand power dynamics, imprecision, uncertainty, and instability that characterize the international legal realm and the translations of norms happening there. Rendering these more visible can, according to critical legal scholars, be a means to return agency to various groups of rights holders (Delmas-Marty 2006; Baumgaertel et al. 2014).

Translations and actors

To understand the outcome of travel, translation and transformation processes from an interactional and actor-oriented perspective, it is crucial to highlight the role and agency of various types of human rights users—as norm entrepreneurs and intermediaries. When are these actors most likely to play an active role in the processes of travel, translation and transformation, in which stages of the process and what determines whether and when grassroots actors are likely

to play this role? What happens to a social movement's formulations of injustice when these are reframed – sometimes by a small but influential section of that movement - as rights claims? How do movement leaders and external allies collaborate in identifying what claims are to be given first priority, in redefining these in terms of translocal or international legal norms, and in deciding the mix of methods through which these are to be pursued? Is juridification an inevitable consequence of travel and translation, and does it inevitably entail a narrowing of social movement claims? And, if so, does such narrowing signal a shift in movement agendas from socially transformative to reformist aims? How may the very content of social justice struggles change when community membership organizations translate liberation agendas into legal terms with the aim of upstreaming them or making them intelligible to other audiences, and does it sometimes make more sense to pursue translations in more translocal ways? What is the role of grassroots work, and how can we understand why some grassroots groups deliberately decide not to engage with the human rights discourse?

To start answering these questions, the complex role and position of norm entrepreneurs needs to be further unpacked. To understand who these norm entrepreneurs are, what their position in (civil) society is, and how they themselves often travel between various audiences and constituencies, we need to acknowledge that, because scientific, technical, and organizational knowledge is often required for long-term human rights activism, many grassroots activists eventually become embedded to some extent in the systems of power they seek to influence. This means that shifts in subjectivity may occur, which place these norm entrepreneurs at a crossroads between various realms of which they are part and between various subjectivities they can adopt interchangeably or sequentially. At the same time, those norm entrepreneurs for whom this kind of insider positioning is not available (for example, those working on controversial, under-explored or taboo-laden issues) may sometimes find it difficult to have their voices heard at all in certain forums. Equally, norm entrepreneurs who actually have insider positioning but wish to

work on issues deemed less relevant there, might find that their struggles fall in deaf ears. Hence, there may be pressures for activists to focus on a limited range of issues, to advocate within the bounds of the permissible, and to focus on building networks with the international human rights community rather than with local partners. This is so because influence on processes of travel, translation and transformation depends, to no small extent, on the access – grassroots – rights users in one locality have to – grassroots – rights users in other localities and to the formal human rights architecture.

As such, it is relevant to address the issue of norm entrepreneurs from two standpoints: a more institutional one which foregrounds the norm-setting power of formal human rights institutions, and a more interactional and multidirectional one foregrounding the agency of rights users.

If the instituional perspective is the starting point, then seeking, demanding and granting access to that international system becomes primordial, and the institutionalization of mobilization and local ownership inevitable. It is important to acknowledge then that, firstly, this may create tensions between grassroots organizations and national or international NGOs, but also among and within these grassroots organizations themselves. As Vandenbogaerde (2018) argued recently, the Human Rights Council, for example, has a strong bias toward Geneva-based professional NGOs, and despite its rhetoric about the participation of actors from the South, organizations working at the grassroots level outside of Europe or North America, especially, face multiple challenges in accessing the Human Rights Council. These challenges are exacerbated in the standard-setting phase (as compared to the agenda-setting phase), when the debates get more technical, political and structured, making it easy to sideline actors that do not specialize in interest representation at the United Nations. This, in combination with several institutional obstacles to free and open participation, means that international NGOs can function as gatekeepers to the Human Rights Council, and the influence of small grassroots

organizations over processes of norm setting, translation and transformation almost invariably becomes marginal.

Secondly, when further staying within this institutional perspective on process of travel, translation and transformation, the prevailing focus on legal claim-making has led to what Martínez (2018) calls a process of juridification. This means that conflicts travel from a local context to – (inter)national - legal forums where they encounter a specific set of pressures and are moulded into a specific shape. This process tends to coincide with a process of professionalisation (which can in turn lead to a tuning down of activism and a form of depoliticization) when rights are turned into a matter exclusively for legal experts and rights claimants become alienated from their own struggles (Madlingozi 2010). This juridification that occurs during travel can have positive outcomes, of course, in the sense that the travel, translation and transformation of social movement agendas into an internationally acknowledged legal language can open avenues for subalterns to have their grievances heard and it can transform international human rights professionals' understandings of particular human rights crises. At the same time, 'the pressure to conform to the needs of international NGOs can undermine the original goals of local movements. . . . Unfashionable, complex, or intractable conflicts fester in isolation, while those that . . . match international issues of the moment attract disproportionate support' (Bob 2002, 44). This raises the question of whether grassroots actors' attempts at legal reformism can ever take the form of an 'alter-insurgency' through which they can directly challenge power, or whether they are more likely to be co-opted by the powers they seek to challenge.

Thirdly, still staying within the institutionalized perspective on travel, translation and transformation requires us to ponder on the role formal human rights norm-setters can play in facilitating the exchange of ideas and the extent to which subaltern voices have access to the institutionalized human rights architecture. Arguably, these human rights bodies themselves also

benefit from the participation of civil society in the sense that this participation could facilitate a better understanding of local dynamics and that it enhances the democratic legitimacy of these bodies. The information and legitimacy arguments regarding civil society participation has led to an increased concern with participatory approaches, which can be observed, among others, in the emergence of organizations and procedures aimed at facilitating the participation of civil society through written and oral statements at the sessions of the Human Rights Council special procedures. These participatory approaches can in principle be conducive to travel. Yet, across the board, human rights institutions have often been charged with being deaf to rights holders' concerns and with advancing the interests of the state or the international community instead (e.g. Nesiah 2018). Moreover, authors like Nesiah ask how we should understand the role of formal human rights bodies in structuring processes of human rights travel, translation and transformation. For one, offering – grassroots - civil society organizations a platform for having their voices heard may foreclose these actors' willingness and ability to 'engage in confrontational contestation,' and instead opt for negotiation — either with a human right-violating government or with international institutions that have different priorities. How, one can then ask, do the allegedly inclusive strategies of global actors affect rights users' agency, their social structures, and their cost/risk-benefit analysis? While institutional provisions can certainly facilitate some forms of travel, translation and transformation of human rights norms across localities, we have to examine what happens to the 'local,' when certain laws, policies, or procedures to amplify local voices are adopted and institutionalized by international human rights bodies. More specifically, we need to examine how local concepts alter in response to this institutionalization. Can the local ever be accurately translated to be comprehensible in remote forums? As Nesiah (2018) warns the irony at the heart of this question is that, through these kinds of institutional provisions and the belief a technocratic and managerial approach towards the upstreaming of local concepts, human rights issues become politically intelligible and responses democratically legitimate

precisely because they are recast as technocratic issues and thus stripped of politics and contestation.

This brings us to the second relevant perspective on the role of norm-entrepreneurs. Whereas the three arguments above zoom in on formal human rights institutions as norm entrepreneurs in the process of travel, translation and transformation, one of the main benefits of this threefold conceptualization is that it also allows for a translocal actor-centred analysis of these processes that goes beyond the formal international human rights architecture, i.e. one that allows for a focus on the practices of rights holders that does not consider New York or Geneva as a necessary stopover.

This perspective sheds light on the agency of a broader range of norm-entrepreneurs. When human rights norms and claims chart a complex landscape within the human rights field and travel in several directions simultaneously, more actors can be acknowledged to play a role in this. These actors occupy a variety of positions and roles in the complex, multi-layered, and juxtaposed networks of rights users at what could be called the translocal level, and beyond, in ways that defeat horizontal or vertical metaphors (e.g. Destrooper and Merry 2018). These are not characterized by the same vertical power relations that characterize the oft-invoked local-global or top-down bottom-up continuum.

If we refrain from adopting the kind of perspective that puts the formal human rights architecture on a pedestal, then both the ways in which power manifests itself across, between, and within various localities, as well as the notion of 'the local' per se require further problematization (see, for example, Hacking 1999). Various conceptions of 'the local' animate discussions of human rights transformations, and often what is at stake is a debate over what constitutes 'the most relevant local' for human rights decision-making and who has access to 'the people' to better represent their voices (e.g. Nesiah 2018).

No definition of the local can ever be considered a silver bullet, and one has to always define and make explicit whether one uses the term to refer to grassroots place-based processes that stand in contrast to the national and the international realm to which local actors may have no easy access or of which they might have no direct experience; to national processes that stand in contrast to the international processes and institutions of global governance; or to yet other – potentially subaltern – dynamics and actors. While a sovereignty-based definition of local would be most closely in line with mainstream human rights language of states as duty bearers, and with the language of international law more generally, several authors have suggested that, in order to understand the multi-layered and multiple ways in which human rights norms travel, the local interests at stake should not merely be the nation-state register *vis-à-vis* the global, but should also include the grassroots community register *vis-à-vis* other grassroots, provincial, national, regional, and international actors. Therefore, rather than taking as a point of reference the doctrinal recognition of the nation-state as the local level, elsewhere I have acknowledged that different notions of local circulate alongside different understandings of human rights norms and different norm-setters (e.g. Destrooper 2018).

Moreover, if it is true that 'human rights claims originate from a local site' (De Feyter et al. 2011: 14) and that the local is the primary site of struggle, more research is needed that sheds light on the multiple power dynamics both at the local level and between the local, global, and any intermediate or translocal levels. Hence, if we acknowledge the complexity of human rights travel and the extent to which actors at various levels have agency (within and especially beyond the formal human rights system), it is crucial to account for the many ways in which actors at various places within the – formal and informal – human rights architecture do or do not have certain kinds of power at their disposition to steer this travel, translation and transformation in one way or another.

Both perspectives on norm entrepreneurs are needed for a comprehensive analysis. As Martinez (2018) puts it, human rights may travel through networked relations, but historical, economic, and ideological power relations structure these relations and determine rights users' relative access and influence. For example, how does unequal access shape local understandings that can then feed back into the discourse existing at the international level? Is the travel of local understandings of human rights to formal human rights norm-setters beneficial per se, or has the human rights field configured translations and transformations in such a way that the upstreaming of local concerns and the participation of local communities in the norm-setting process has become internal to global governance rather than a locus for challenging transnational processes or global institutions? The focus on power dynamics means that any analysis of the travel, translation and transformation of human rights norms necessarily contemplates local, international, and intermediate politics of rights, which involve the establishment of hierarchies and the prioritization of values, actors, methods, and claims. These processes cannot be understood without the broader contexts and constellations within which they take place (such as political interests and cycles, opportunity structures, strategic alliances, media attention, or donor agendas). As such, the political context co-determines the outcomes of these processes in which a variety of norm-entrepreneurs is involved.

Translations in practice

Limited political space as well as the differential – political and other kinds of – power of human rights users and norm-entrepreneurs shape processes of travel, translation and transformation (e.g. see Rottenburg 2009). This is clearly illustrated in a recent study by Johannes Waldmüller (2018), which examines how the government of Ecuador invokes human rights (translated, selectively reinterpreted and thus transformed) to push internationally for the regulation of transnational corporations by invoking notions of ecosocial and collective rights as a matter of adapting the human rights language to the Ecuadorian context. Waldmüller critically analyses the

ways in which the Ecuadorian government translates international human rights norms to the national context on the basis of local frames of reference, and then seeks to communicate these translations back to the international level, in order to promote a new international standard that serves the State's interests. The study shows that upstreaming a so-called localized understanding of resistance-related human rights to the international level does not necessarily further the interests of those most in need of the protection that human rights can offer, and that, instead, it might actually have oft-overlooked potential disadvantages: some genuinely local understandings may become reinterpreted or even erased when powerful norm setters co-opt local understandings. The Ecuadorian case neatly illustrates Vazquez' (2011) argument that these kinds of erasures are seldom accidental, and that they tend to play into existing balances of power. Indeed, as Randeria (2007) argues on a different case, erasures could be considered strategic choices of a 'cunning state'. The Ecuadorian case raises the question whether it is ever possible to avoid these erasures completely? If not, we should ask why power-contesting actors in different localities continue to adopt human rights discourses despite the risk of 'erasures' that may fundamentally harm their cause?

This question is partly answered in a recent study on anti-torture activism in Vietnam. In this study, Ken MacLean (2018) examines the pivotal moment in social movement activism when activists decide—consciously or more organically—whether or not to adopt a translated and transformed version of the human rights discourse. The study shows how activists weigh the impact of several contextual factors (such as fear of retaliation, lack of material resources, low level of human rights awareness, institutional obstacles, and censorship) when shaping their strategies in this regard. The study shows that there is a growing number of references to the international human rights framework, as well as a growing number of campaigns that deliberately draw upon human rights treaties and mechanisms, such as the Universal Periodic Review, to challenge the structures that perpetuate impunity nationally and to urge policy reforms

to increase police accountability. MacLean argues that this is indicative of a growing awareness among activists of these frameworks and of their relevance to human rights activism, and that the frameworks are considered as a protection against the rights-violating state.

Other recent case studies, on the contrary, are indicative of rights holders' and rights users' reluctance to engage with the existing human rights framework, and of their choice for a strategy of nonengagement or of profound transformations of this framework. Activists working in the context of a sweeping crackdown on civil society in China, for example, must be skilled at managing political risks of many kinds. This can influence their strategic choices with regard to the translation of human rights. A recent case study on the right to education in China by Desmet (2018), for example, demonstrates that low perceptions of agency, risk aversion, and group pressure played an important role in keeping rights holders from engaging in translations of the human rights discourse. Another case study on the right to health in China, similarly demonstrates that Chinese activists working on the right to health, for example, showed pragmatism, sophistication, and reasonable caution in the selection of their advocacy tactics and discourse, and prioritized the opportunity to deliver real and measurable gains for their communities. *In concreto,* this meant that many HIV/AIDS NGOs retreat to service delivery programs, rather than engaging in critical human rights activism. Davis and Mohamed ponder the question of whether this type of engagement with service delivery and with rights holders' immediate and practical needs – under the banner of human rights activism – allows for a critical stance on government policy and, if not, what it means when these organizations coin their strategy as a human rights-based approach, while condoning the actions of, and collaborating with, a human rights-violating government (Davis and Mohamed 2018).

Concluding remarks

Human rights are often described as in crisis. But, as Merry (2018) asks, are human rights really on the verge of disappearing? She argues that it is certainly the case that many formal human

rights institutions and organizations in many parts of the world are under threat, but that the heart of human rights does not necessarily lie in these institutions, but precisely in the ideal of justice, fairness, and equality that they represent. Recognizing this means that we can acknowledge different interpretations and translations of existing human rights norms, and that we can look for them in different places – not just the Human Rights Council or the regular committee meetings, but also the offices of small NGOs, social media accounts of activists, and the day-to-day conversations of people in the streets of poor cities. Looking for human rights in these places, requires attention to the multi-directional multi-actor processes of travel, translation and transformation.

In this chapter I argue that consciously conceptualizing and analysing the threefold process of travel, translation and transformation can contribute to more progressive and locally relevant human rights norms and allows us to acknowledge the extent to which the ideals they promote have become part of everyday life for many people around the world. Thus, as Merry (2018) argues, the focus on how human rights travel and how they are translated and transformed offers an invaluable corrective to those perspectives locating human rights only in formal institutions and laws. It foregrounds the so-called peripheries, acknowledges these as dynamic spaces and sites of agency, sheds light on the constant competition over interpretive authority, and shows how human rights are embedded in everyday social practice and activism. By studying the travel of human rights in this way, we can acknowledge it as a social justice ideology flexible enough to be translated to and transformed within a variety of contexts and for a broad range of problems. This makes it possible to develop a more comprehensive and useful understanding of the way human rights work in the world today.

Yet, we should also acknowledge the challenges and complexities thereof. Some of the core challenges are how to define core concepts underlying and shaping our discussion, how to foreground the contested nature of current discourses, and how to bring power dynamics back

into the analysis of how human rights norms travel, become translated, and transform in practice. If human rights are to realize the socially transformative potential they are often claimed to have (Haglund and Stryker 2015; Gready and Vandenhole 2014), power dynamics and their impact need to be better understood (Vázquez 2011). My aim in this chapter has precisely been to propose at a more textured and multidimensional understanding of how human rights norms travel and become translated and transformed and how power dynamics play a role in this.

For this reason, this chapter has conceptualized translation as struggle, as a transformation at the borders of human rights discourse and practice. This allows for a focus on erasure (of issues that do not fit the 'parameters of legibility' and can therefore not be named or are actively omitted) as well as on processes of selection, classification and appropriation that are the outcomes of what is inherently a struggle in which relative access, influence, and power play an important role (Vázquez 2011). By conceptualizing translation this way, both institutional power and actors' agency can be accounted for and a more contextualized and emancipatory analysis of these complex processes becomes possible.

Further reading

Destrooper, T., & Merry, S. (Eds.). (2018). *Human Rights Transformation in Practice.* **Pennsylvania: Pennsylvania University Press.**

This volume is extensively cited in this chapter as it provides the empirical work on which this chapter is built. Case studies from various localities shed light on what dynamics of travel, translation and transformation look like in practice.

Goodale, M., & Merry, S. E. (2007). *The Practice of Human Rights: Tracking Law Between the Global and the Local.* **Cambridge: Cambridge University Press.**

Drawing on anthropological studies of human rights work from around the world, this book examines human rights in practice. It shows how actors mobilize human rights language in a variety of local settings, often differently from those imagined by human rights law itself.

Gready, P., & Ensor, J. (2005). *Reinventing Development? Translating Rights-Based Approaches from Theory Into Practice.* **London and New York: Zed Books.**

Well-researched volume that shows how the proliferation of human rights language has been translated in the context of development, and how it transformed this sector, as well as how it is being transformed by it.

Meckled-García, S., & Çali, B. (2006). Lost in Translation: The Human Rights Ideal and International Human Rights Law. In S. Meckled-García & B. Çali (Eds.), *The Legalization of Human Rights: Multidisciplinary Perspectives on Human Rights and Human Rights Law.* **London and New York: Routledge.**

Whereas the present chapter offers a view on how human rights principles travel and are translated and transformed in practice, Meckled-Garcia and Çali explore how the translation and transformations between theoretical normative rights models and international law happen.

Vazquez, R. (2011). Translation as Erasure: Thoughts on Modernity's Epistemic Violence. *Journal of Historical Sociology***, 24(1), 27-44.**

This article maps how translation renders invisible everything that does not fit in the "parameters of legibility" of modernity's epistemic territory and draws the attention to the politics of epistemic translation.

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