

RESEARCH BRIEF

THE POSSIBILITIES AND LIMITATIONS OF GRASSROOTS HUMAN RIGHTS PROTECTION

THIS BRIEF ARGUES FOR THE IMPORTANCE OF FOREGROUNDING THE GRASSROOTS PROTECTION STRATEGIES OF VICTIMS OF TORTURE AND THEIR COMMUNITIES IN THE WORK OF HUMAN RIGHTS GROUPS AND MECHANISMS.





INTRODUCTION

How can national and international human rights work, including normative frameworks, mechanisms and international interventions, better protect victims of torture? And how can they foreground the complex needs of victims when doing so? This research brief sets out the main findings from multi-country research on the protection practices of victims of torture and their communities and their relations to human rights protection mechanisms.

The research shows that formal human rights protection work can be too narrow and inflexible to provide responses to the needs of victims of torture, their families, and communities. Whereas human rights mechanisms widely focus on protection in the context of individual reprisals, victims of torture are often also deeply concerned with enduring forms of violence and maintaining social relationships, as well as questions of livelihood and wellbeing. This means that protection needs must be defined contextually in relation to how state violence folds into individual and communal survival in specific and changing contexts. Human rights approaches that fail to take these broader concerns into account will ultimately fail to provide meaningful protection.

While the protection needs of victims of torture have their own particularities, many of the issues are also shared with other human rights violations and speak to the more general inaccessibility and inadequacy of formal human rights protection mechanisms and interventions. Some international human rights organizations have begun connecting lives of victims, for instance, women, children, or torture victims, to human rights protection. This brief supports these attempts.

KEY MESSAGES

Findings

- The protection needs of victims of torture extend beyond a fear of specific reprisals and are linked to the ability to maintain social relationships, livelihoods and wellbeing.
- The majority of victims find national and international human rights mechanisms and groups unreachable or unable to fulfil their needs.
- Victims of torture and their communities find their own ways to meet some of their protection needs, sometimes in skillful and innovative ways, sometimes compromising their long-term livelihood and protection.

Recommendations

National and international human rights groups and mechanisms should support grassroots protection strategies by:

- Working alongside the protection strategies that people use on the ground and supporting the productive strategies.
- Working with a wider range of community-based actors that have developed the enduring relations of trust which enable a measure of protection.
- Working with the considerable potential within international human rights norms to take a more expansive approach to the protection of victims of torture that goes beyond a focus on reprisals.



METHODS

This brief is based on qualitative research (2019-2022) that initially focused on Kenya and Sri Lanka and later expanded to include Brazil, Tunisia and the Philippines. The research was a collaboration between Aalborg University and DIGNITY in Denmark, Law and Society Trust in Sri Lanka, Mathare Social Justice Centre in Kenya and the University of Edinburgh, the UK.

The case studies were chosen to represent contexts with long histories of human rights abuses parallel to vibrant and diverse grassroots responses to violence.

The research examined the threats faced by victims and those closest to them, before asking how they understand their own protection concerns, the steps they take to remain safe and secure, and the roles, if any, of human rights mechanisms and groups in these processes.

The research involved participatory workshops, interviews with human rights actors and victims, and ethnographic diaries. The case studies are all in the global South, but in no way should this be taken to imply that torture is somehow uniquely a problem of the South.

FINDINGS

Torture and Protection Needs from the Perspective of Victims and Survivors

- The protection needs of torture victims extend beyond specific incidents and are linked to maintaining social relationships, livelihoods, and wider forms of wellbeing.
- Torture is embedded in larger and endemic patterns of violence and for many victims and their communities torture and related forms of violence are 'everyday' rather than exceptional.
- Whilst torture is inflicted on individuals, not all people are equally vulnerable to torture. Some populations are far more likely to be tortured than others. Torture is therefore not simply a matter of specific individual perpetrators and victims, but is rooted in wider histories of domination, inequality and precarity.

Limitations of International and National Human Rights Protection Mechanisms

- Existing national and international human rights protection mechanisms are unreachable or inappropriate for the needs of most victims.
- Human rights protection strategies that focus on civil and political rights alone can be less effective, as they fail to grapple with the interacting and multi-dimensional concerns of victims.
- Protection mechanisms that focus on reprisals are often particularly unsuitable - too little too late - for vulnerable victims who already lack trust in the judicial system.
- Protection cannot be focused only on human rights defenders. It is too narrow a group of people and risks excluding many victims.

Possibilities and Limitations of Grassroots Protection Strategies

- Victims of torture and their communities often find creative ways to meet some of their protection needs in their day-to-day lives, such as providing sustenance and shelter, sharing knowledge of risky people and places, or forming local defense groups and other forms of organizing, locally and online.
- Protection strategies are embedded in intimate relationship. They are as much about the need to look after family members, loved ones, and others, as they are about protecting the rights of individuals.
- Victims and communities often call on a variety of community groups for protection, for example religious, political and community health groups. These groups are often known on the ground, trusted and can have a more holistic approach to protection needs.
- Grass roots protection strategies can themselves be discriminatory and unsustainable as when victims need to flee and abandon life-sustaining social relations, form violent sometimes criminal 'protection' structures like gangs, or integrating themselves in vertical relations of patronage, where protection is given in exchange for loyalty and even payment.



POLICY IMPLICATIONS

Seen from the perspective of victims and their communities, there are significant gaps within national and international human rights protection regimes, including both mechanisms and interventions. However, there remains considerable potential to improve the ways in which such support is provided to victims of torture within different treaty bodies, for instance around reparation or in relation to gender and the protection of children that may inspire the approach to protection. If human rights interventions are to respond effectively to the needs of victims, it is important that they work with and not against the grain of the ways in which vulnerable populations live.

Looking at protection from the perspective of victims does not inherently assume that all protection needs must be organized from the grassroots. It does not make vulnerable populations responsible for their own protection. It is also crucial not to let the state 'off the hook' from its primary responsibility to protect its citizens and residents.

Taking grassroots strategies into account means recognising the potential for these strategies to work independently of human rights mechanisms, following distinct and diverse agendas. Human rights mechanisms do not

need to take responsibility for all forms of protection and do not necessarily have the solution to all problems. At the same, human rights mechanisms can themselves work more effectively alongside grassroots protection strategies. However, the strategies of victims and their communities can sometimes sit awkwardly with the norms and objectives of formal human rights organisations, and the key challenge is to make them meet in a productive manner, supporting productive strategies that promote communal and individual survival and prevent the development of counter-productive strategies.

National and international human rights groups and mechanisms should therefore:

- Identify ways to support the practices of protection that people are engaged in on the ground.
- Work with a wider range of community based organisations which have developed the enduring relations of trust that enable a measure of protection.
- Work with the considerable potential within international human rights norms to take a more expansive approach to the protection of victims of torture that goes beyond a focus on reprisals.

FURTHER INFORMATION

For more information on the research upon which this briefing is based, please see the articles in Jensen, S. and T. Kelly (eds.) "Human Rights Protection and Torture", *Journal of the British Academy* 2022 10(3) (available Open Access).

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