CHAPTER 5

Social Forces and National, Regional and International Human Rights Processes

The pages which follow attempt to map the constellation of social forces engaged to challenge practices of coercive sterilisation of Roma during the early 2000s. These forces include local, national and international civil society organizations; donor organizations; regional and international intergovernmental organizations; the European Union; and certain segments of the government. In the interests of narrowing the focus, only the Czech case will be considered in detail. The primary aim of the chapter is to explore the extent to which the default weak agency of the women concerned could be augmented and amplified through the actions of a limited number of key players, and the extent to which this augmentation altered the playing field in justice terms. The chapter begins by summarizing a growing body of literature exploring linkages between human rights and social action, probing the sociology of human rights, and examining human rights as practiced. The chapter concludes with thoughts as to implications for social action in human rights, conclusions which are pursued further in the next, concluding chapter.

5.1 Theorizing Social Action in Human Rights

In recent years, a number of authors have posed questions about the role of social action in human rights. Heyns has for example proposed a ‘struggle theory’ of human rights, positing that human rights only exist in contexts in which they are ‘fought for’. The rhetorical question in this context is, for Heyns (who is from South Africa), ‘Do the Zimbabweans have rights?’; for which the answer is apparently, for Heyns, something approximating ‘at present, only in nascent form, if at all’.

Working on similar terrain, Bowring has recently attempted a wide-ranging exploration of the link between human rights and social action – and in

1 As noted in Chapter 2, the author has been extensively involved in civil society efforts to expose, challenge and ultimately end and remedy these practices, as part of his work at the European Roma Rights Centre (ERRC), 1996–2007, as well as informally in several capacities thereafter.

2 Christof Heyns, lectures, Oxford University, July 2008.
particular between the major liberation ideologies of the past two centuries, following the promise of the French Revolution and working themselves out in various Marxist forms. Bowring’s premise is that international law – and particularly the promise of human rights within international law – is currently in deep crisis as a result of repeated degradation via misuse for imperialist aims in places such as Iraq.

Bowring’s broad endeavour is to explore the link between social action – and in particular social action aiming at human liberation – and international human rights law. For Bowring, ‘the concept of the universality of human rights on a foundation of natural law has no moral content. …human rights are real, and provide a ground for judgment, to the extent that they are understood in their historical context, and as, and to the extent to which, they embody and define the content of real human struggles’. Similarly, according to Bowring’s account, struggle gives the concept of social justice content, enabling human rights to ‘come to life’. For Bowring, ‘…human rights are not mere rhetoric, a form of words hypocritically deployed by the powerful, and undermining the struggles of the oppressed. International law contains within its principles and concepts the content of world-shaking movements, a content that is capable, sometimes unpredictably, of reappearing with a terrible vengeance for injustice’.

Keck and Sikkink have provided a significant contribution to the study of social activism in human rights by applying network theory to international (or ‘transnational’) human rights activism. By examining ‘transnational advocacy networks in international politics’, Keck and Sikkink offered an important antidote to an over-emphasis on ‘level’ in the study of human rights, in which, in a capitulation to myths of national sovereignty, apparently hermetically sealed ‘local’ and ‘global’ elements act out a dialogical interplay. By viewing activism within the framework of networks, Keck and Sikkink observed that ‘advocacy networks’ were transforming ‘the practice of national sovereignty’ by ‘blurring the boundaries between a state’s relations with its own citizens and the recourse both citizens and states have to the international system’.

Among the first major efforts to conceptualize in a formal sense social action in human rights was the 1999 work of Risse, Ropp and Sikkink. Elaborating a