



Volume 2, No 2 (2019)
Date of publication: 04-11-2019

DOI: <http://doi.org/10.7577/hrer.3548>
ISSN 2535-5406

BOOK AND MEDIA REVIEWS

Lost in translation? On vernacularisation and localisation of human rights

Destrooper, T. and Merry, S.A. (Eds.) (2018). *Human Rights Transformation in Practice*. Philadelphia: University of Pennsylvania Press. 296 pp, ISBN 978-0-8122-5057-2, USD 69.95 (hardcover).

Reviewed by Frank Elbers
University of Bucharest, Romania.

Frank Elbers: frank.elbers@icub.unibuc.ro

BOOK AND MEDIA REVIEWS**Lost in translation? On vernacularisation and localisation of human rights**DOI: <http://doi.org/10.7577/hrer.3548>

ISSN 2535-5406

Destrooper, T. and Merry, S.A. (Eds.) (2018). *Human Rights Transformation in Practice*. Philadelphia: University of Pennsylvania Press. 296 pp., USD 69.95 (hardcover) ISBN 978-0-8122-5057-2.

Reviewed by

Frank Elbers

University of Bucharest, Romania.

frank.elbers@icub.unibuc.ro

How international human rights norms are ‘translated’ or ‘vernacularised’ into local practice has become a topic of serious academic debate and research in the past 15 years or so. Groundbreaking research by Merry, Gready & Vandenhole, and De Feyter et al, among others, has sparked further research into this field of study. This volume, edited by Tine Destrooper (Flemish Peace Institute) and Sally Engle Merry (New York University), is an important contribution to this debate. In the introductory chapter (‘On Travel, Translation and Transformation’), Tine Destrooper lays out the conceptual framework. The contributors define the process by which actors around the globe engage and interact with human rights norms at the transnational level and how, in turn, this affects the ‘travel, translation and transformation’ of human rights (p.3). This assumes an actor-centred approach, as applied by legal pluralism and critical legal studies.

The authors’ ambition is to go beyond the conceptualisation of ‘localisation’ in merely theoretical and analytical terms and to couple it with an empirical basis through detailed cases studies. By coupling theory with empirical studies of localisation, they focus on two analytically distinct processes: ‘on the one hand, the *movement* of ideas, and on the other hand, the way in which this movement triggers *changes* in the framing, substance, and meaning of the norm under consideration’ (p. 5). The ‘travel, translation and transformation’ framework assumes that norms do not only move uni-directionally or in a top-down direction, from the international to the national level. Anyone engaged in human rights work knows that international human rights norms are not created in a vacuum by human rights and legal experts and diplomats in Geneva or New York. They are mostly the result of domestic practices that address human rights violations in specific national or regional contexts. The desire to prevent such local abuse results in international standard-setting. In this respect, the international-national juxtaposition is a false one. The ‘travel, translation and transformation’ framework also emphasises the importance of power dynamics when human rights standards are developed and implemented in different contexts.

The volume includes interesting and well-documented chapters: transitional justice and the role of the International Criminal Court and its field offices in the Central African Republic and Congo DRC (‘The Escher-Human Rights Escalator: Technologies of the Local’ by Vasuki Nesiah); how local human rights claims reach

the UN Human Rights Council ('Accommodating Local Human Rights Practice at the Human Rights Council' by Arne Vandebogaerde); human rights-based approaches in development work ('Human Rights-Based Approaches to Development: The Local, Travel, and Transformation' by Wouter Vandenhoele); human rights, collective rights and extractive industries in Ecuador ('Lost Through Translation: Political Dialectics of Eco-Social and Collective Rights in Ecuador' by Johannes Waldmüller); social movement agendas and legal claims ('Upstreaming or Streamlining? Translating Social Movement Agendas into Legal Claims in Nepal and the Dominican Republic' by Samuel Martínez); torture and inhuman and degrading treatment in Vietnam ('New Visibilities: Challenging Torture and Impunity in Vietnam' by Ken MacLean).

The three most interesting chapters of *Human Rights Transformation in Practice* are the two case studies on China and the chapter by Tine Destrooper, 'Localization "Light": The Travel and Transformation of Non-empowering Human Rights Norms'. Unlike most of the other contributors, who only look for explicit references to human rights norms and treaties, Destrooper asks whether struggles that do not explicitly reference the human rights framework are still human rights struggles – this is an important question for human rights educators. In 'Rural-Urban Migration and Education in China: Unravelling Responses to Injurious Experiences', Ellen Desmet distinguishes between 'general, more implicit rights awareness', (e.g. recognising the discrimination of migrants) and 'the ability to give a description of specific legal concepts'. Her research shows that although parents in China, for a range of political and cultural reasons, do not explicitly refer to human rights, they still regularly make 'claims'. She applies useful criteria for such claims: 1) the use of human rights-related language; 2) the identification of a duty-holder; 3) an insistence on accountability from the duty-holder. Based on their experience with the international NGO, Asia Catalyst, activists Sara Davis and Charmain Mohamed ('Global Rights, Local Risk: Community Advocacy on Right to Health in China') describe how global right-to-health advocacy for people living with HIV has created space for human rights activism, even when national-level mobilisation is restricted, through deeply localised advocacy in which activists engage with domestic policies and mechanisms. Their chapter demonstrates most clearly how human rights travel and are translated and transformed. We are shown how activists mobilise rights-holders, form alliances, challenge authorities and accommodate them when necessary, transform their advocacy agenda, and realise change grounded in a local sense of justice and international human rights standards.

Human Rights Transformation in Practice is useful for both the academic and NGO communities. Instructors will find in it a valuable teaching tool for graduate students who are versed in (international) human rights standards and human rights debates and hence can critically engage with the analytical framework and wealth of information and case studies in this volume. Researchers interested in how international human rights standards 'translate' in national or local contexts will find the volume an inspiration and will be able to build on the various theoretical and empirical approaches applied by the authors. For NGOs the book is a call to be more critical when engaged in human rights advocacy or education. Although there is not a single reference to human rights education in this book, the case studies make clear that simply 'transferring' knowledge and norms about international human rights standards is frequently ineffective if local contexts, traditions and conceptions of justice are not taken into account.