

## Revisiting Human Rights in Latin America

By Christina Cerna

This Topical Research Digest on revisiting human rights in Latin America covers a wide range of subjects, both country specific and thematic, but has as its underlying theme the necessary protection of the human rights of vulnerable groups, whether they are women, children, lesbians, gay men, indigenous peoples, landless peasants, etc. This survey of literature on *revisiting* human rights in Latin America includes a rich selection of documents from international organizations, international human rights non-governmental organizations (NGOs) and a plethora of American and foreign journals.

Unlike the topics that dominated the attention of human rights institutions and NGOs that worked on Latin America some thirty or forty years ago, during the years of the military dictatorships in many countries in the region, the current human rights discourse is not about forced disappearances, or on extrajudicial executions and torture, although on some reduced level isolated instances of such violations continue to occur. Rachel Oster, in her piece on confronting the past, notes that the key UN members, who supported the creation of the International Criminal Court (ICC), later withdrew for fear of being held accountable for the abuses committed by members of their previous governments. States, instead of looking to international tribunals, she concludes, have confronted the atrocities of the past by gradually peeling away amnesty laws and prosecuting and punishing human rights offenders. This is evidenced by the Inter-American Court of Human Rights (IACtHR), which in recent years has considered a number of cases involving victims of past atrocities and the denial of justice. The *Barrios Altos* judgment of the IACtHR was the basis for the Argentine Supreme Court's rendering without effect its own amnesty laws.

Human rights concerns today are centered on the persistence of extreme poverty in the region, a curse that the hemisphere has been unable to eradicate, unlike the astonishing progress made in China and some parts of South-East Asia over the past thirty years.

The persistence of poverty in Latin America and its intrinsic link to human rights violations is sharply highlighted in Kyra Moon's piece on police violence in Brazil, which contains perhaps the most disturbing sentence in the Digest: "In 1992, the Sao Paulo police killed more people than the last military dictatorship did in all of Brazil during its many years of rule." This succinct and graphic description of what is known as "*inseguridad ciudadana*" (citizen insecurity) describes the prevalent fear in many Latin American countries of the deepening social inequalities, the increasing criminality, and the excessive use of State violence against the marginalized people of society who tend to fit the criminal stereotype. As is the case with many ghettoized African-Americans in the United States, in Brazil, the marginalized see the police as allies with the upper class in a chronic state of class warfare against them. As a result, many victims of police violence do not report crimes because they do not consider that the police are protecting them and because the police are not held accountable for their actions when they use excessive violence.

The Digest devotes three of its ten sections to Brazil, in recognition of the fact that Brazil alone physically comprises half of South America and has a population of approximately 200 million people (the Americas as a whole comprises approximately 900 million). Sarah Mogab

discusses the need for agrarian reform in Brazil, a country where 4 percent of the landowners own 79 percent of the land. Interestingly, the World Bank's 2006 World Development Report notes that although some economies, such as Brazil, have experienced enormous growth, "trickle down" benefits have failed to occur as the poorest in such economies remain fixed in poverty. Mogab advocates for land reform as a means to contribute to the alleviation of extreme poverty.

Adrienne Rosenberg discusses in her piece the Brazilian "paradox," the tension in Brazilian society regarding lesbian, gay, bisexual and transgender (LGBT) rights. The paradox consists of Brazil's traditional religious history of Catholicism juxtaposed with a sexually liberal public, making Brazil both a world leader for LGBT rights while simultaneously a leader in the commission of hate crimes and discrimination. Reportedly societal discrimination against transvestites is only against those who possess female or effeminate "attributes" whereas the "males" in the homosexual relationship are never discriminated against as gays. This point is also made by Stephanie Bell in her piece on violence against sex workers in Latin America. Given the alarming number of women killed in Ciudad Juarez, Mexico, it is interesting to learn that when a woman or girl disappears or is brutally murdered in Mexico, her family must prove that she did not live a "*doble vida*" (double life) for the police to investigate the crime. The presumption of innocence was designed, was it not, to stop people from having to prove that they did not commit the crime for which they stand accused? A principle apparently not yet internalized by the Mexican investigative police.

Eradicating poverty is not sufficient for eradicating child labor, concludes Michaelle Tauson. Huge economic growth in China, she notes, resulted in remarkable decreases in child labor, while in Brazil, the same increase in growth resulted in almost no change in the child labor rate, leading to the conclusion that cultural factors, other than simply poverty, influence the prevalence and persistence of child labor. A World Bank study has shown that indigenous children are more likely to work than non-indigenous children; parents with low education levels who worked as children are more likely to expect their children to work. Mexico's PROGRESSA, an education, health and nutrition program that supplements a child's would-be earnings by paying the family for sending the child to school has been extremely successful because it rewards the family for sending the child to school and is not considered a "hand out." Such creative solutions must be invented to defeat the cultural barriers that perpetuate child labor at the cost of education.

Two sections deal with the rights of indigenous peoples in the Americas. Dan Ruge discusses the failure of states to enforce the 2007 UN Declaration on the Rights of Indigenous People (with the unfortunate acronym "DRIP"). States generally adopt declarations rather than treaties when they are reluctant to give legally binding force to the principles that they agree to establish. Regrettably, seeking compliance with a ratified treaty is difficult enough, let alone seeking compliance with a mere declaration. Alexander Karklins' piece discusses the situation of the Zapatista movement within the larger panorama of indigenous rights in the hemisphere. Despite having forced political concessions from the Mexican Government with the San Andres Accords of 1996, which granted previously unrepresented indigenous groups a political voice in local governments, subsequent legislation has led to a watering down of the implementation of these accords due to the pressure of Mexico's business community and multinational corporations, two important

sectors that are reluctant to grant autonomy to indigenous communities because of fear that such autonomy would disrupt trade and negatively affect the economy.

The lack of political participation is also dealt with in Ursula Miniszewski's piece on Latin American women in politics, but the picture here is not as bleak as it is for indigenous peoples. Since 1991, eleven Latin American countries have adopted quota laws establishing minimum levels for women's political participation, and the proportion of women in the lower house of parliament has increased from approximately 12 percent to 22 percent in the period from 1990 to the present, a respectable increase. The fact that the presidencies of Argentina and Chile are currently held by women, and that the hemisphere has seen four earlier women presidents (in Argentina, Panama, Guyana and Nicaragua) is downplayed as an inaccurate position with which to measure women's political power and her piece focuses on the slow rate of such progress.

Lastly, the piece by Calla Cloud on human rights abuses along the Dominican-Haitian border addresses the problems confronted by Haitians who migrate from the poorest country in the hemisphere to the Dominican Republic in search of a better life. Approximately one million Haitian migrants now comprise at least 12 percent of the population of the Dominican Republic, and only a tiny fraction of them are there legally. Although the Dominican Republic now has the largest influx of migrants in the Caribbean, it would be interesting to do further research into the migration of Dominicans to Puerto Rico and the US mainland, a situation that makes an interesting parallel to that of the Haitians in the Dominican Republic. There are approximately 1.2 million Dominicans currently in the US, also in search of a better life, and many suffer the same abuses that the Haitians suffer in the Dominican Republic.

The human rights research being conducted by the graduate students of the Josef Korbel School of International Studies for *Human Rights & Human Welfare* tackles some of the most pressing human rights issues in the hemisphere today. Their contribution enriches the debate on these issues.

## The Continuing Struggle for Agrarian Reform in Brazil

By Sarah Mogab

“Agrarian Reform, above all, should be recognized as an obligation of national governments...within the framework of human rights and as an efficient public policy to combat poverty.” (World Forum on Food Sovereignty, 2001)

Brazil is infamous for its enormously skewed distribution of income, wealth, and land. In a country where 4 percent of landowners own 79 percent of the land, an ongoing movement for land reform continues to be a source of conflict and violence in the countryside (Kay 2001: 755). Extreme poverty is highly concentrated in rural areas. Although rural workers comprise only 18 percent of the total population (Filho 2007), it is estimated that as many as 6 million families are in need of land (Thomas: 9). This struggle for land, in Brazil and elsewhere, is framed by its supporters as a fight for social justice. The landless poor are socially excluded and often denied full civil rights as citizens of Brazil. Implementing a comprehensive land reform program would alleviate poverty, empower rural workers, and help ensure all Brazilians full and equal access to the civil, economic, and social rights envisioned by the Universal Declaration of Human Rights.

Why does inequality matter? Severe inequality concerns much more than just assets and income. The poorest have unequal access to essential services such as education, healthcare, sanitation, and clean water. Furthermore, they lack access to information systems and political power. States with high levels of inequality waste human capital and potential as huge portions of society are denied the opportunity to reach their full capabilities. Inequitable societies are further characterized by elite capture of government and power. This is readily apparent in Brazil where even today the landed elite have prevented any real reform of rural relations. Inequitable societies are often more unstable with less social cohesion than equitable ones. This is especially true when there are horizontal inequalities, or inequalities between groups of people comprised on ethnic or religious divisions in society. Finally, high inequality, in land distribution specifically, predicts lower overall growth rates and increased social instability.

Development scholars and practitioners have begun to challenge the previous certainty that economic growth alone will eliminate poverty. The United Nation’s “Report on the World Social Situation” and the World Bank’s “2006 World Development Report” both point out that although some developing economies have recently recorded enormous growth, the poorest in such economies remained fixed in poverty. Further, the gap between rich and poor often seems to widen with growth. These trends are most pronounced in inequitable societies. Such observations have prompted a reconsideration of the connection between poverty and inequality.

Implementing land reform can reduce inequities in Brazilian society and alleviate extreme poverty. Large disparities in land distribution continue to be a significant cause of entrenched poverty. Land “provides a means of livelihood to many, facilitates access to credit markets, has an insurance value, determines influence in local politics, permits participation in social networks, and influences intrahousehold dynamics” (World Development Report 2006). Land ownership leads to higher investments in education, potentially breaking the intergenerational cycle of poverty.

In sum, comprehensive agrarian reform can help ensure the civil, social, and economic rights articulated by the Universal Declaration of Human Rights, and thus is a human rights concern. Article 25 of that document states that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food.” In Brazil, a continuation of current rural policies prevents millions from enjoying this basic human right. Agrarian reform is essentially a vehicle for redressing centuries of exploitative relations between a powerful landed elite and a disempowered landless majority.

### **The Struggle for Land in Brazil**

Colonial Brazil was divided by the Portuguese Crown into just fifteen large land tracts. Since the colonial era, land ownership has continued to be highly skewed and strongly associated with great wealth. Throughout the 20<sup>th</sup> century the unequal distribution of land has been a source of conflict.

After World War II, Brazil implemented a development plan based on import substitution industrialization (ISI). This development strategy inherently focused on urban centers and ignored rural regions. ISI quickly turned into an economic disaster for Brazilians as the government financed its development schemes by simply printing more money. The result was rampant inflation which was most acutely felt in the impoverished countryside where food costs and land rents escalated quickly. Wealthy plantation owners quickly bought up the land, now untenable for the peasantry. Throughout the 1970s, modernization of agriculture, hydroelectric dam building, and the foreclosing on a large number of small landholdings further increased the number of landless peasants and further skewed land distribution patterns. These problems were most intensely realized in the three southern temperate states of Rio Grande do Sul, Santa Catarina, and Parana.

Although there were isolated incidents of protest throughout the 1950s and 1960s, the landed elite feared more widespread peasant rebellions. They were convinced that such a rebellion might—to their detriment—spark a communist revolution. These factors contributed to the military coup of 1964. Later, in response to the growing demand for land and in an effort to placate the countryside, the military regime initiated a settlement program in the Amazon basin. The idea was to ease land pressures in the south and bring vast new areas of the frontier into productive cultivation.

Some landless families, sensing that this was their only opportunity out of poverty, made the journey three thousand miles north to the heart of the rainforest. There, the land produced little and the settlers soon became ill with various tropical diseases. After the land was cleared, large corporations and private landholders, supported by the government security services and enticed with tax incentives, forced out the settlers and indigenous peoples. Many of the settlers returned to the South disillusioned, impoverished, and still landless.

In response to the growing injustices and poverty in the countryside, the Movimento dos Trabalhadores Rurais Sem Terra (Landless Worker’s Movement, or MST), emerged in the state of Rio Grande do Sul in 1979. The original members of the MST were heavily influenced by the Pastoral Land Commission (CPT), established in 1975 by Catholic Bishops documenting ongoing violence, often perpetrated by the state, over land in the Amazon region. On September 7, 1979, the fledgling movement occupied an estate known as Macali. After just one year, the state governor, hoping the problem would go away, granted the settlers the right to stay at Macali. This early success

inspired hundreds of more families to join the movement. Even more importantly though, the win at Macali fixed land occupations as the main method of protest utilized by the MST.

Today, the MST has 1.5 million members and is broadly considered to be one of the most influential social movements in Latin America. They have been at the center of the ongoing occupations with 180,000 landless families currently living in MST encampments (Filho 2007: 77). At each encampment leaders try to ensure full participation by all members of the new communities, including women and children, and community decisions are democratically reached. The encampments typically provide healthcare, technical training, and education, services the government has long failed to deliver to rural areas.

The MST is controversial however. Although predominately seen as a peaceful movement, there have been reports of MST members utilizing violence; MST supporters however insist that it has been in self defense only. Property owners have become increasingly frustrated and dissatisfied with the police response to the invasions. Many have begun to create private militias which target rural activists. It is estimated that over 1,000 activists have been murdered; many of these victims were members of the MST.

Many critics of the movement equate the land occupations to the stealing of private property. The 1988 constitution calls for expropriating land that is not fulfilling a “social function.” However, the meaning of “social function” is left vague and as one might expect has been differently interpreted by dissimilar groups. For example, in 2005 a eucalyptus forest in Sao Paulo State, which supplies a working paper factory, was invaded three times. Many see the MST as a threat to foreign investments and the larger Brazilian economy.

Despite the varying opinions of the MST they are irrefutably successful at keeping agrarian reform on the government’s agenda. However, although agrarian reform now finds some support in Brasilia, there is still much division over how such reform should be implemented. In the past, Brazil has attempted to implement both state-led and market-led reforms. Neither of these methods were very successful, partly due to the fact that no past reform program has been broadly enacted nor accompanied with a comprehensive plan for developing the agricultural sector.

The state-led model of agrarian reform usually connotes large state intervention of asset redistribution. It is often criticized as an inefficient tactic resulting in the distortion of land markets. Proponents argue that the distortions are temporary and that market relations will inherently be re-established. There have been some successful cases of state-led reform notably in the Republic of Korea and Japan. In these cases, agrarian reforms tackled outmoded feudal systems prior to the industrialization of their economies. Others states, such as Bolivia and the Philippines enacted state-led reforms with disappointing results.

The second model of agrarian reform is often referred to as market-led reform or willing-buyer, willing-seller. One example of market-led reforms implemented in Brazil was the World Bank’s highly controversial pilot project, Cedula de Terra. This project involved land sales to groups of landless workers financed by twenty-year loans. Critics argue that the project inflated land prices and created economic non-viability as the impoverished participants became highly indebted and possessed no realistic way of generating enough wealth to maintain the debts. Participants had no agency in choosing the land or in negotiating land prices. Proponents of the project contest these

claims and argue that most participants are paying on time. However, there is widespread agreement that the project will not result in broad land redistribution nor will it narrow the rich poor gap.

The United Nations Development Program's International Poverty Center (IPC) has argued that a mixed model, taking the best elements of the previous models, can be used as the basis for land reform. The goal is to develop programs that address inequality and poverty, but also help create economically viable farms and landholdings. The new model calls for substantial public investment both by the state and through international donors. The IPC also affirms the need for agrarian reform to be part of a larger strategy aimed at pro-poor growth.

Simply redistributing land will not eliminate poverty. Most rural poor are in need of further technical training, for example, in improved agriculture methods and simple record keeping. Additionally, impoverished Brazilians need to access minimum social services such as healthcare and clean water. As one might guess, ill workers are inherently less productive than healthy ones. A successful land reform program must be comprehensive and designed with these considerations in mind.

Continued pro-poor growth depends upon improving agrarian systems for small landholders because growth within the agriculture sector is essential for reducing rural poverty. It is estimated that "a 33 percent increase in yields can reduce poverty by about 25 percent" (Thomas 2006: 87). Brazil must further invest in technological improvements such as irrigation schemes to help small-scale farmers improve yields, increase private savings, and successfully compete in the global market place.

A comprehensive land reform program must also address land tenure and land rights. Clear land tenure increases incentives for farmers to invest and develop their private landholdings. Additionally, secure land tenure is associated with better access to credit and greater productivity, all of which will ultimately further contribute to improving agricultural yields and alleviating poverty.

Any land reform program will result in winners and losers and therefore it is a conflict ridden process. Moreover, a comprehensive land reform program, if broadly implemented, will require huge economic sacrifices by the state. However, the benefits for Brazilian society far outweigh the costs associated with such programs. Reforming land distribution will alleviate poverty and ensure that millions of those now socially excluded will become full citizens able to compete in the marketplace and enjoy the rights and empowerment associated with land ownership.

## Annotations

"Commentary on Land and Rural Development Policies of the World Bank." 2004. In *Global Campaign for Agrarian Reform, Working Document*. FIAN and La Via Campesina.  
[http://viacampesina.org/main\\_en/images/stories/pdf/Global\\_Campaign\\_WB\\_policies\\_fact\\_sheet.en.pdf](http://viacampesina.org/main_en/images/stories/pdf/Global_Campaign_WB_policies_fact_sheet.en.pdf)

Annotation: This article critiques the World Bank's development strategy paper "Reaching the Poor," and its May 2003 policy paper, "Land Policy Research Report-Land Policies for

Growth and Poverty Reduction.” This critique was produced by two organizations that advocate for large scale agrarian reform in Latin America, FIAN and La Via Campesina. These organizations argue that market-led models of land reform have proved woefully inadequate in the region. Further, the organizations maintain that implementation of the strategies proposed in the two documents assessed here, would negatively affect the rural poor.

“Land & Conflict: Key Issues, Lessons Learned, Program Options, Rapid Appraisal Guide, Resources.” 2005. US Agency for International Development: Office of Conflict Management and Mitigation (April).

[http://www.usaid.gov/our\\_work/crosscutting\\_programs/conflict/publications/docs/CM\\_M\\_Land\\_and\\_Conflict\\_Toolkit\\_April\\_2005.pdf](http://www.usaid.gov/our_work/crosscutting_programs/conflict/publications/docs/CM_M_Land_and_Conflict_Toolkit_April_2005.pdf)

Annotation: This is a short policy paper that focuses on the connection between land and violence. A discussion of agrarian reform in inequitable societies is included. It is noted that the potential for violence is raised where there are large disparities in landholding patterns. The policy paper outlines programming options and includes a rapid appraisal guide for development practitioners.

“On the Front Line: Human Rights Defenders in Brazil 2002-2005.” 2005. Justica Global and Terra de Direitos.

<http://fdclberlin.de/fileadmin/fdcl/Publikationen/relatoriodefensores2005ingles.pdf>

Annotation: This report, published collaboratively by two prominent NGOs working in Brazil, includes discussion of the challenges facing human rights defenders in Brazil. The beginning of the report reviews international and regional treaties or legislation drafted with the intent of protecting human rights workers. The authors argue that such legislation has not been consistently implemented in Brazil. The authors go on to document 51 cases of threats, attacks, murders, and other abuses against human rights workers in Brazil all occurring within the timeframe of 2002-2005. A number of the documented cases involve the Movimento dos Trabalhadores Rurais Sem Terra (MST) members or advocates. Any reader interested in human rights in Brazil should find this report useful.

“Report on the World Social Situation.” 2005. Department of Economic and Social Affairs. New York: UN Publications.

Annotation: The United Nation’s Department of Economic and Social Affairs publishes the Report on the World Social Situation on a biennial basis. The 2005 report focused on the problems surrounding inequality within and between nation states. It is noted in the report that the world is becoming more unequal with large differences in opportunities, education, and healthcare within societies. Also discussed are the relationships between entrenched poverty and inequality, violence and inequality, and the role of the state and civil society in combating inequality. It is concluded that issues surrounding equity and inequality must be addressed in order for the development agenda to progress. This is a comprehensive look at



the consequences of the vast disparities readily apparent around the world. It would be a helpful resource for any reader interested in not only land reform, but development issues in general.

“A Thin Red Line.” 2005. *The Economist* (May 19).

Annotation: The authors of this article discuss the Movimento dos Trabalhadores Rurais Sem Terra (MST) backed occupation of private property in Brazil in comparison with the World Bank model for land reform. The discussion highlights the ongoing debate over which model works best, government led or market led land reforms. The market led model utilized by the World Bank assists farmers to buy land in groups. The sale is made possible through government grants and loans. Opponents of the model, including MST members, argue that farmers accrue unreasonable debts. This short article gives a quick overview of the two perspectives in this debate.

“This Land is Anti-Capitalist Land: Agrarian Reform in Brazil.” 2007. *The Economist*. (April 26).

Annotation: This short article gives a brief overview of the Movimento dos Trabalhadores Rurais Sem Terra (MST) and the need for land reform in Brazil. The authors argue that MST has changed focus from land reform to attacking agribusinesses. Further, they say that the MST risks losing the government’s focus on land redistribution by doing so.

“World Development Report 2006: Equity and Development.” 2006. Washington DC: World Bank.

Annotation: The World Bank publishes a World Development Report annually. Each report focuses on a different aspect of development. The 2006 Report centered on equity and its impact on development. Inequity between and within countries is addressed. The eighth chapter of the report discusses the benefits of, and the need for, greater equity in land distribution. This accessible report would be helpful for any reader interested in development, poverty alleviation, or land reform.

Aldrich, Stephen P., Eugenio Y. Arima, Marcellus M. Caldas, Cynthia S. Simmons, and Robert T. Walker. 2007. “The Amazon Land War in the South of Para.” *Annals of the Association of American Geographers* 97 (3): 567-592.

Annotation: In this article the author explains why the Para region of the Brazilian Amazon continues to see persistent and intense violence over land. The authors are particularly interested in the political ecology of the region, specifically how social and political processes are affecting Amazonian deforestation. The article, while providing useful information on Para, the area where tensions over land reform are frequently manifested, tends to focus on theoretical discussions of place and the impact of violence on the ecology of the Amazon forest.

Assuncao, Juliano. 2006. "Land Reform and Landholdings in Brazil." *UNU-WIDER* 2006 Research Paper No. 137. [http://www.wider.unu.edu/publications/working-papers/research-papers/2006/en\\_GB/rp2006-137/](http://www.wider.unu.edu/publications/working-papers/research-papers/2006/en_GB/rp2006-137/).

Annotation: This research paper evaluates the land reform programs initiated in the 1990s in Brazil. The author concludes that the programs did not improve access to land for the average rural Brazilian. Although an increase in land ownership is seen in the poorest rural households, all other rural classes actually saw a decrease in land ownership over the period of reforms. This paper provides a clear overview of the failed state-led attempts for broad land reform.

Barham, Brad, Steve Boucher, Michael R. Carter, and Juan Sebastian Chamorro. 2002. "'Market-friendly' Reforms and the Operation of Credit and Land Markets in Central America" in *Northeast Universities Development Consortium Conference*. Williams College. <http://www.williams.edu/Economics/neudc/papers/MarketFriendlyReforms.pdf>

Annotation: This paper, prepared for the Northeast Universities Development Consortium Conference at Williams College, assesses the recent "market-friendly" reforms in Honduras and Nicaragua, and the details of the schemes in both states are discussed. The authors conclude that the reforms did not raise rural farming incomes or reduce rural poverty. Although the article does not focus on Brazil, its discussion of other market-led land reforms in neighboring countries is helpful for understanding regional trends.

Beehner, Lionel. 2005. "Land Reform Revisited." Council on Foreign Relations. (December 24). [http://www.cfr.org/publication/9475/land\\_reform\\_revisited.html](http://www.cfr.org/publication/9475/land_reform_revisited.html)

Annotation: This is a short article focusing on the main debates surrounding land reform. The author touches on land reform in Brazil, but mainly provides a general overview of the topic. Land reform is defined and a brief historical overview of past land reform efforts around the world is given. Most interesting is the author's discussion of transformational versus populist land reforms. Transformational reform occurs when a government seeks to break down institutions and systems which initially created concentrated land holdings. Populist reforms are usually utilized by a state to undermine challenges from the rural left to its hold on power. They are usually superficial and short lived, and often after there is a re-concentration of landholdings which leads to more social movements fighting for another round of land distribution. This article would be helpful for any reader interested in the issue of land reform in any society.

Borras Jr., Saturnino M., and Terry McKinley. 2006. "The Unresolved Land Reform Debate: Beyond State-Led or Market-Led Models." *International Poverty Centre Research Brief* November (2). <http://www.undp-povertycentre.org/pub/IPCPolicyResearchBrief2.pdf>

Annotation: This short article focuses on the need to find a third model of land reform. The authors call for addressing legitimate demands of social justice, as well as finding a reform

system that creates economically viable agrarian sectors. The authors also include a brief overview of the state-led and market-led models of reform. For each model, they discuss the merits and the drawbacks of strictly following either approach. Finally, they suggest a third model which would have elements of both the state-led and the market-led approaches.

Branford, Sue and Jan Rocha. 2002. "The Founding of the MST" in Cutting the Wire: The Story of the Landless Movement in Brazil. London: Latin American Bureau.

Annotation: This book chapter provides an in depth look at the Movimento dos Trabalhadores Rurais Sem Terra (MST) The authors are empathetic towards the subject matter and frame the movement as "one of the most powerful popular movements in the world." The first chapter "The Founding of the MST" provides a detailed account of the early foundations of the movement, as well as explaining how and why the movement began. The decision to invade Macali, the first estate targeted by the movement, is discussed at length here.

Bryant, Coralie. 1998. "Property Rights for the Rural Poor: The Challenge of Landlessness." *Journal of International Affairs* 52 (1):181-205.

Annotation: Coralie Bryant is a professor at Columbia's School of International and Public Affairs. In this older article Bryant discusses the need to not only put land reform on the international community's agenda, but also to legitimate land tenure through property rights. Bryant argues that rural poverty must be addressed through agrarian reform. The article also includes an overview of past failed attempts at land reform in Brazil.

Caldeira, Rute. 2008. "Up-dating Its Strategies and Amplifying Its Frames: The Landless Rural Workers' Movement in Brazil and the Displacement of the Struggle for Land." *Perspectives on Global Development and Technology* 7:133-149.

Annotation: Caldeira is a researcher focusing on human rights, poverty, and forced migration at the University of Manchester, School of Law. This article provides an historical overview of the MST and their activities in Brazil. Caldeira also discusses the history of land occupations and their strategic use in the struggle for land rights. Additionally, the article includes discussion of how the MST recently changed tactics and now focuses on using the legal system to advocate for agrarian reform in Brazil.

Cintrao, Rosangela, Beatriz Heredia, Sergio Pereira Leite, Leonilde Medeiros, and Moacir Palmeira. 2006. "Regional Impacts of Land Reform in Brazil," in Michael Courville, Raj Patel, and Peter Rosset (eds.), Promised Land: Competing Visions of Agrarian Reform. Oakland: Food First Books.

Annotation: This chapter in Promised Land looks at a study, designed and implemented by the authors, which focused on changes caused by the introduction of land reform settlement projects in Brazil. The authors administered questionnaires in six regions with a high concentration of settlement projects. Their findings reveal that most settlements were

initiated by the MST or similar peasant movements, only 10 percent were established because of government actions. Settlements have led to greater stability in livelihoods and many settlers now have access to credit. Many settlers also stated that they now feel empowered and in control of their lives. However, analysis of the questionnaires also revealed that social services, such as healthcare, education, and infrastructure, remain inadequate in rural Brazil.

Cotula, Lorenzo, Julian Quan, and Camilla Toulmin. 2006. "Policies and Practices for Securing and Improving Access to Land." In *International Conference on Agrarian Reform and Rural Development*. Porto Alegre, Brazil: IIED.

Annotation: This issue paper was prepared for the International Conference on Agrarian Reform and Rural Development held in 2006 at Porto Alegre, Brazil. The paper includes analysis of the links between poverty reduction and land access. The authors also discuss women and land access, the role of markets in provision of land access, indigenous people's rights to land, and violent conflict over land. The conclusion offers policy recommendations.

Courville, Michael and Raj Patel. 2006. "The Resurgence of Agrarian Reform in the Twenty-first Century," in Michael Courville, Raj Patel, and Peter Rosset (eds.), Promised Land: Competing Visions of Agrarian Reform. Oakland: Food First Books.

Annotation: This is the introductory chapter of Promised Land and the authors are two of the book editors. In this introduction, they give a historical overview of past demands for agrarian reform. They argue that current social movements for land reform are developed and supported by the landless poor and small farmers who are entirely dependent on access to arable land for subsistence. Moreover, they point out that skewed land distribution patterns are found throughout the developing world not just in Latin America. The chapter ends with a brief look at the cases selected for discussion in the book.

De Janvry, Alain, Elisabeth Sadoulet, and Wendy Wolford. 2001. "The State in Latin American Land Reforms," in Gustavo Gordillo, Alain De Janvry, Jean-Philippe Platteau, and Elisabeth Sadoulet (eds.), Access to Land, Rural Poverty, and Public Action. Oxford: Oxford University Press.

Annotation: This chapter looks at the history of state-led reforms in Latin America. The authors suggest that the eighty year legacy of attempted agrarian reforms have not provided adequate access to landless peasants. Further, the authors suggest that past reforms have not helped small landholders become economically competitive. This is a useful chapter for any reader interested in past reform attempts in the region.

Deere, Carmen Diana and Magdalena Leon. 2001. "Institutional Reform of Agriculture: The Impact of the Women's and Indigenous Movements." *Latin American Research Review* 36 (2):31-63.

Annotation: This article provides an overview of agricultural reforms in the Latin American region. The authors are specifically concerned with evaluating how such reforms were impacted by the growing women's and indigenous movements. They conclude that while some reforms are still in progress, as in Brazil, overall women's movements have played an important role in triggering agrarian reforms. They find the impact of indigenous movements to be much more mixed in the region.

Fernandes, Bernardo Mancano. 2005. "The Occupation as a Form of Access to Land in Brazil: A Theoretical and Methodological Contribution," in Sam Moyo and Paris Yeros (eds.), Reclaiming the Land: The Resurgence of Rural Movements in Africa, Asia, and Latin America. New York: Zed Books.

Annotation: Reclaiming the Land gives an overview of recent peasant movements around the world. The authors argue that the emergence of these movements is in reaction to neo-liberal policies that have undermined rural labor forces. The book includes discussion of various cases in Africa, Asia and Latin America. This particular chapter assesses the use of land occupations in the struggle for Brazilian land reform. The author argues that there are various types of occupations currently utilized. The three most common to Brazil are: (a) recuperation, or the recuperating of contested land that was once worked by the peasantry; (b) forfeited lands, or occupying land belonging to the state in frontier areas; and (c) occupation of *latifundios*, or the traditional plantations. The author argues that land occupations are a form of negotiation and resistance for the peasantry. This detailed discussion of occupations will be helpful for any reader interested in the MST and land reform in Brazil.

Filho, Jose Juliano De Carvalho and Maria Luisa Mendonca. 2007. "Agrarian Policies and Violence in Brazil." *Peace Review* 19 (1):77-85.

Annotation: This article begins by addressing three official documents; the original National Agrarian Reform Plan Proposal, the second National Agrarian Reform Plan, and a letter written by the MST for President Lula. The authors compare what the Brazilian state promised regarding land reform and what was actually delivered to landless rural workers. This article does a good job of presenting the recent history and current status of land reform attempts in Brazil. It also documents the escalating violence in the countryside. The authors conclude that if current policies are continued, the human rights abuses and violence in the countryside will most likely also continue.

Green, Duncan. 2006. "Equality, Inequality, and Equity: Where Do These Fit in the Poverty Agenda?" in From Poverty to Power: How Active Citizens and Effective States Can Change the World: Oxfam.  
[http://www.oxfam.org.uk/resources/downloads/FP2P/FP2P\\_Equality\\_inequality\\_equity\\_BP\\_ENGLISH.pdf](http://www.oxfam.org.uk/resources/downloads/FP2P/FP2P_Equality_inequality_equity_BP_ENGLISH.pdf)

Annotation: This pithy article includes a clear and concise overview of why inequality matters. The author argues that inequality slows economic growth, and destabilizes societies.

Further, it is suggested that global trends are actually increasing the numbers of poor and marginalized within states and between states. The author argues for international action to reduce inequality. Throughout the article he uses a human rights framework to discuss the problems surrounding the inequitable distribution of wealth and power around the world.

Kay, Cristobal. 2001. "Reflections on rural Violence in Latin America." *Third World Quarterly* 22 (5):741-775

Annotation: Cristobal Kay, a professor of Development Studies and Rural Development with the Institute of Social Studies at The Hague, has published numerous books and articles looking at development in Latin America. In this article he attempts to look at the connections between rural violence, and agrarian structures and state policies. He does this through a comparative approach, focusing on the cases of Chile, Peru, Colombia, Brazil, Mexico, Nicaragua, Guatemala, and El Salvador. He argues persuasively that ongoing rural violence is due to unequal agrarian systems coupled with socially exclusionary models of development in the region.

\_\_\_\_\_. 2002. "Why East Asia overtook Latin America: Agrarian Reform, Industrialization, and Development." *Third World Quarterly* 23 (6):1073-1102.

Annotation: In this article the author compares the economic development of Latin America with that of South Korea and Taiwan. The author tries to understand why Latin America, which began industrializing decades before South Korea and Taiwan, has fallen so far behind. The author concludes that broad state-led interventions for land reform were initiated prior to industrialization in many Asian countries, whereas in Latin America state attempts at industrialization were attempted prior to any broad land reform. The clear discussion argues that small landholders are crucial in any development effort.

\_\_\_\_\_. 2005. "Reflection on Rural Poverty in Latin America." *The European Journal of Development Research* 17 (2):317-346.

Annotation: In this article, Cristobal Kay argues that neo-liberal measures to reduce poverty in Latin America could produce the opposite effect and actually increase the numbers living under the poverty line in the region. Kay suggests that poverty is a consequence of political, economic, social, and cultural structures particular to the area. These structures must be significantly altered through reform to produce any significant reduction in poverty. This article is helpful for any reader interested in trying to understand the patterns and causes of poverty in the region.

Leite, Sergio 2006. "Agrarian Reform, Social Justice, and Sustainable Development" in *International Conference of Agrarian Reform and Rural Development*. Porto Alegre, Brazil: FAO.  
[http://www.icarrd.org/icard\\_doc\\_down/Issue\\_Paper4.pdf](http://www.icarrd.org/icard_doc_down/Issue_Paper4.pdf)

Annotation: This issue paper was prepared for the International Conference on Agrarian Reform and Rural Development held in 2006 at Porto Alegre, Brazil. The author argues that agrarian reform should be reframed as a strategic vehicle for sustainable development and poverty alleviation. In addition to agrarian reform however, the author also calls for increased social services such as healthcare and education. Additionally, the author discusses the potential of land access to increase the political representation and social inclusion of the world's poorest. This is an accessible report with a comprehensive agenda for poverty reduction centered on land reform.

Meszaros, George. 2000. "Taking the Land into their Hands: The Landless Worker's Movement and the Brazilian State." *Journal of Law and Society* 27 (4):517-41.

Annotation: In this article Meszaros, a legal scholar, discusses the Movimento dos Trabalhadores Rurais Sem Terra (MST) and the Brazilian state. In particular, the author explores how the MST used the 1988 constitution, which called for agrarian reform, to legally legitimate their social movement. The author discusses the origins of the land problem in Brazil, as well as the development of the MST movement as a response. Further, he examines the state institutions tasked with carrying out agrarian reform. Overall this article provides a clear introduction to the problems of land reform in Brazil.

Ondetti, Gabriel. 2006. "Repression, Opportunity, and Protest: Explaining the Takeoff of Brazil's Landless Movement." *Latin American Politics and Society* 48 (2):61-94.

Annotation: Ondetti is an assistant professor of political science at Missouri State University and often focuses on the Movimento dos Trabalhadores Rurais Sem Terra (MST). In this article Ondetti discusses the development and sudden intensification of the MST. Ondetti argues that state repression against the movement resulted in broader public support for the movement. The article provides a clear historical account of the MST. It would be very useful for any reader interested in political theories of social movements and state repression.

Patel, Raj. 2007. "Glycine Rex," in Stuffed and Starved: The Hidden Battle for the World Food System. Brooklyn: Melville House.

Annotation: Stuffed and Starved is a popular, recently published book that examines the politics of modern food systems. Patel addresses the paradox of how half the planet is obese while the other half starves. In the chapter entitled "Glycine Rex," Patel discusses the introduction of Soy farming for export into Brazil. He argues that soy production has contributed to the condition of landlessness faced by millions in Brazil today. The end of the chapter also includes a discussion of the MST social movement. This is a clearly written and detailed account of how soy production has affected Brazil's rural poor.

Pereira, Anthony. 2003. "Brazil's Agrarian Reform: Democratic Innovation or Oligarchic Exclusion Redux?" *Latin American Politics and Society* 45 (2):41-65.

Annotation: Anthony Pereira is a Professor of Political Science focusing on Brazilian and Latin American Studies at Tulane University. In this article he discusses the government of Cardoso from 1995-2002. He argues that the Cardoso land reforms preserved the agrarian structure of recent decades and ultimately did not improve life for the socially excluded rural poor. This article gives a thorough overview of the Cardoso administration's attempts at land reform. It is a useful article for any reader interested in past land reform programs.

Quirk, Patrick W. 2007. "How to be a Good Friend (When you are 4,000 Miles Away)." *Foreign Policy in Focus* (September 24). <http://www.fpif.org/fpiftxt/4571>

Annotation: This short article focuses on the Friends of the MST (FMST) solidarity network. Various chapters of the FMST are located around the world and work to raise awareness and funds for the MST movement in Brazil. The author, a sympathetic founding member of one such FMST chapter, explains the importance of the FMST work for the MST movement in Brazil. This is a useful piece that looks at the international aspects of the Brazilian movement.

Rocha, Jan. 2003. "'Cutting the Wire': The Landless Movement in Brazil." *Current History* 102 (661): 86-90.

Annotation: This essay draws from the book Cutting the Wire co-written by Jan Rocha and Sue Branford (2002). Jan Rocha is British journalist who has lived in Brazil since 1969. This short article gives a concise historical summary of the movement for agrarian reform in Brazil. The effects of the modernization of agriculture are discussed, as well as, the government sponsored resettlement programs into the Amazon basin during the 1960s and 1970s.

Rosset, Peter. 2006. "Moving Forward: Agrarian Reform as a Part of Food Sovereignty," in Michael Courville, Raj Patel, and Peter Rosset (eds.), Promised Land: Competing Visions of Agrarian Reform. Oakland: Food First Books.

Annotation: In this concluding chapter of Promised Land, the author reiterates the human right to food sovereignty. The author then posits that the rural world is in a state of crisis and that the leading international financial institutions, such as the World Bank, the IMF, and the WTO, have supported policies which have led to this crisis situation. The case for redistributive land reform, discussed at length throughout the book, is also summarized. Finally, the author concludes with a list of guidelines for moving forward towards substantial reform. The author argues that reform must include secure tenure to land, land distributed to the landless must be of good quality, and that investment in rural areas to ensure basic services such as healthcare and education must accompany any land reform program.



Sadoulet, Elisabeth and Alain de Janvry. 2001. "Access to Land and Land Policy Reforms." *UNU-WIDER*. WIDER Policy Brief. [http://www.wider.unu.edu/publications/policy-briefs/en\\_GB/pb3/](http://www.wider.unu.edu/publications/policy-briefs/en_GB/pb3/)

Annotation: Through a discussion of the possible methods of land acquisition, the authors evaluate land reform in the developing world. This policy paper focuses on not only Latin America, but all developing regions. The authors are interested in understanding how different modes of access affect poverty and inequality differently. Discussed are intra-family transfers, access through community membership, land sales and rental markets, and state sponsored market-led land reform. They conclude with a policy agenda aimed at development practitioners which emphasizes the need for comprehensive reform programs. The authors state that a comprehensive land policy would include institutional reform and rural development interventions that create economically competitive landholdings.

Sauer, Sergio. 2006. "The World Bank's Market-Based Land Reform in Brazil," in Michael Courville, Raj Patel, and Peter Rosset (eds.), Promised Land: Competing Visions of Agrarian Reform. Oakland: Food First Books.

Annotation: In this chapter of Promised Land, Sergio Sauer discusses the Cedula da Terra pilot project of the World Bank in detail. The author bases this chapter on a 2002 study, sponsored by several Brazilian land reform organizations, which uncovered many of the problems now associated with the project. Cedula da Terra involved land sales to groups of landless workers financed by twenty-year loans. The study found that many participants perceived that they were economically worse off, because of the high debts associated with the program. Further, it was discovered that the participants had almost no choice in the land plots, nor were they able to negotiate prices with the landowners. The author concludes that severe poverty in Brazil will not be alleviated through market mechanisms.

Skidmore, Thomas E. 2004. "Brazil's Persistent Income Inequality: Lessons from History." *Latin American Politics and Society* 46 (2):133-150.

Annotation: Thomas E. Skidmore, a leading scholar of Brazilian politics, is affiliated with the Watson Institute for International Studies at Brown University. In this short article he analyzes the question of income inequality in Brazil from a historical perspective. He does this by looking at past economic policies in Brazil. The author concludes that Brazil's focus on primary product exports, tax and public benefits policies, and pension systems have consistently favored Brazilian elite.

Thomas, Vinod. 2006. From Inside Brazil: Development in a Land of Contrasts. Washington D.C.: Stanford University Press and the World Bank.

Annotation: This short book, written by a top World Bank official, gives a brief summary of development in Brazil today. The book includes sections which focus on institutions, welfare, sustainability, quality, productivity, and future development in Brazil. It provides an overview of the country in general, but it does not focus on, nor argue for, agrarian reform.

However, the author does discuss in detail the inequalities throughout Brazilian society and how and why they originated and what can be done from the World Bank's perspective to resolve the inequities.

## **The Brazilian Paradox: The Lesbian, Gay, Bisexual, and Transgender Battle for Human Rights**

**By Adrienne Rosenberg**

With a rich religious history of Catholicism juxtaposed with a sexually liberal public, Brazil interacts with its lesbian, gay, bisexual, transgender (LGBT) community in a very distinct and often conflicting manner. Although homosexuality has been legal in the state since 1823, save the armed forces, and civil unions are currently permitted in some areas, Brazil has functioned within this paradox as both worst transgressor, with a high record of hate crimes and discrimination, and as world leader, with a progressive domestic and global push for LGBT rights. In order to accurately assess these two opposing statuses, one must analyze the complexity of each position in order to grasp how in fact the palpable bigotry fosters the emerging activist state.

### **Language, Terminology, and Patriarchy Surrounding the Brazilian LGBT Community**

Throughout the world, there are several ways to express and distinguish categories of sexual orientation and gender identity, each being very culturally and historically specific. Language and terminology developed from the queer theory perspective have hotly contested the often-imposed Western-centric classification of a spectrum of identities. For the purpose of this paper, I will be implementing the vocabulary “lesbian,” “gay,” and “bisexual” as descriptor terms pertaining to individuals within variant sexual orientations, and “transgender” or “*transvesti*” for those of variant gender identities, since these terms are currently prevalent in contemporary international human rights discourse.

Patriarchy, as it exists in Brazilian society, places a strong emphasis on male dominated sexuality. According to Don Kulick, an anthropologist who studies Brazilian *transvestis* who possess female “attributes” such as hormone induced breasts and wide hips as well as female attire, gender divisions in Latin America should be seen as men and “not men.” This *machismo* frame of mind becomes especially evident within the sexual dynamics of hierarchy between two males, in which one is “gendered” as “male” or the “giver,” and the other as the “*bicha*,” the derogatory name for “female” as the “receiver.” Therefore, those who are the “male” are never discriminated against as gay while the “*bichas*,” or effeminate homosexuals, are persecuted as such. Thus sexual orientation in Brazil correlates strongly with the patriarchal prescription of gender roles within the context roles assumed within a relationship.

### **Brazil as Worst Transgressor of Homophobic and Transphobic Discrimination**

Often perceived as a threat to composition society, those of variant sexual orientation and gender identities are victims of homophobic and transphobic crimes. In 2008, the president of São Paulo’s Gay Pride Association, Alexandre Peixe dos Santos, was hooded, gagged, and brutally beaten by an unknown number of assailants; this direct assault against the head organizer of the world’s largest Gay Pride Parade starkly demonstrates the ongoing homophobic violence occurring in the backdrop what is considered the world’s most sexually liberal country—for heterosexual behavior.

From 1980 until 2006, 2,680 gays and lesbians have been murdered for their sexual orientation (Staff Writer 2008: 2). Of those who commit crimes against lesbians, gays, bisexuals, and *transvestis*, only around 10 percent actually serve time in jail. Furthermore a study in 2004 found that 63 percent of LGBT persons have experienced some sort of discrimination (Fitch 2006: 104). Of the gay men interviewed by Arco Iris in 2005, 16.6 percent have suffered physical violence and within schools this figure was 40 percent (Phillips 2005: 2). Essentially, the rates of victimization against homosexuals in Brazil have been higher than in Europe or the United States (Phillips 2005: 2); thus making Brazil infamous for discrimination and violence against LGBT persons.

According to some historical sources and contested in others, the Spanish Inquisition, with its roots strongly wrapped in Catholic sentiments, was the beginning of tabooing homosexual behavior in Latin America. During this era, it was not uncommon for persons to believe that the presence of a sodomite in the community would usher in such events as disaster, plague, or famine. While Brazil boasts the largest Catholic population today, the religious rhetoric of “do not hate the sinner (the homosexual) but hate the sin (homosexual behavior)” prevails under Pope Ratzinger as the Church’s position on homosexuality. Although there are no laws in the Brazilian constitution that outlaw homosexuality and homoerotic activity, conservative groups have mobilized to attempt to criminalize “libidinous kisses in public between people of the same sex.”

On the eve of the Pope’s visit to Brazil in 2008, conservative Evangelical and Catholic religious groups used the medium of radio and television to campaign against the draft bill that would criminalize homophobia by calling the bill a “gay gag” and claiming it restricted religion, promoted a homophobia that does not exist, and was part of a gay “conspiracy” to gain visibility. However according to an opinion poll released by *Folha de São* a week before the Pope’s visit in 2007, 46 percent of Brazilian Catholics supported the idea of a civil union between same sex couples (Castilhos 2008: 5). Therefore the LGBT rights are often espoused by Brazilian Catholics, counter to what the Church advocates.

### **Brazil as World Leader in the Campaign for LGBT Rights**

In 2005, over 2 million people flooded the streets in São Paulo’s 9<sup>th</sup> annual “Parada do Orgulho GLBT,” or Gay Pride Parade demanding, “Equality now: not more or less rights!” in reference to the legal recognition of civil partnerships. Aside from such flamboyant festivals as the Pride Parade and Carnival, Brazil is a leading state in the international, domestic, and regional battle against LGBT discrimination through the Brazilian government and several active, civil society organizations, such as Sexual Policy Watch and Associação Brasileira de Gays Lésbicas, Bissexuais Transvestis e Transsexuais.

Starting in 2004 with the proposition of the “Brazilian Resolution,” which called for non-discrimination relating to sexual orientation and gender identity, Brazil has consistently been a catalyst for the international LGBT human rights discourse. Although Brazil withdrew the Resolution in 2005 due to strong opposition from the Organization of Islamic Conference and the Holy See, it was the first resolution dedicated to human rights concerning sexual orientation and further helped shape future strategies for confronting different United Nation political bodies.

The composition and release of the Yogyakarta Principles, which solidify LGBT universal civil liberties by underscoring the most basic principles of universality and non-discrimination, has been

one of the most remarkable advancements for international LGBT rights. As the co-chair of the Yogyakarta Principles, Sonia Onufer Corrêa, Research Associate of the Brazilian Interdisciplinary AIDS Association, remarked at a 2007 launching that the Principles validated the ongoing public policy fight in Brazil and that over 2,000 copies of the Principles have been distributed in Portuguese. At this same discussion, Ana Lucy Cabral, the Director of the Department for Human Rights and Social Issues of the Brazilian Ministry of External Relations, articulated the Brazilian government's commitment to the LGBT community by hosting a public policy conference to promote true democracy and by working with civil society groups to develop the "Brazil without Homophobia" program.

As a milestone for Brazilian domestic policy, the "Brazil without Homophobia Program: Program for Combating Violence and Discrimination against Gays, Lesbians, Transgenders and Bisexuals (GLTB) and the Promotion of Citizenship among Homosexuals" strives to change government administrator behavior as well as congeal LGBT persons as full rights bearing citizens. The Program is a revolutionary, pragmatic model for other nations aspiring to improve the lives of their LGBT population.

As head of state, President Luiz Inácio Lula da Silva has also been a patron of LGBT rights. In June of 2008, President Lula da Silva announced at Brazil's first "National Conference of Gays, Lesbians, Bisexuals, Transvestites, and Transsexuals in Brasilia" his support of free gender-reassignment surgery to all qualified citizens as a legitimate medical procedure and a constitutional basic right for all Brazilians. Due to such outward domestic policies that advocate LGBT civil rights, Brazil was recognized as a by Human Rights Watch in 2006 as a country which has made exemplary progress in struggling for equity of its LGBT population.

Furthermore in August of 2008, the Organization of American States approved the "Human Rights, Sexual Orientation and Gender Identity" resolution, which was presented by the Brazilian delegation. Approved by the 34 countries of Americas the words "sexual orientation" and "gender identity" appear in this unprecedented, official document. Thus, sexual orientation could be included in the text of the Inter-American Convention against Racism and All Forms of Discrimination and Intolerance. Both individually and united, civil society and the Brazilian government have made monumental strides in domestic, regional, and international spheres as advocates for LGBT human rights.

Unfortunately, most of the literature on LGBT rights speaks mainly to the gay male and occasionally to the *transvesti* with little mention or representation of the lesbian community, bisexual community, and the transgendered female to male community. This lack of representation can possibly be attributed to again the patriarchal system in place.

Indeed, Brazil has operated in a paradoxical situation, in which it has been both a homophobic entity as well as an emergent advocate for gay, lesbian, bisexual, and transgender persons. One can attribute this conundrum to its brutal history of discrimination against LGBT persons, and its current position as a non-Western and socially liberal state in the budding international movement of sexual orientation and gender identity rights. By focusing on the bridging of non-governmental organizations with governmental institutions, capacity building of LGBT movements, denouncement of violence, information proliferation on LGBT rights, vibrant festivals, and being a leading voice on the international scene, Brazil seeks to ensure a life of dignity ample with equal

rights and devoid of brutality and discrimination for lesbian, gay, bisexual, and transgendered persons around the state.

### **Annotations**

“4th Alteration to the Statutes.” 2004. Brazilian Gay, Lesbian and Transgender Association. Brazil.

Annotation: The Brazilian Gay, Lesbian and Transgender Association (ABGLT) is a democratic, autonomous, private legal non-profit, which claims no political parties, religious groups, and/or any other entity that does not embrace the LGBT struggles for human rights. In this “4th Alteration to the Statutes,” ABGLT specifies the aims, composition of membership, administration, and handling of money. According to other sources, ABGLT is a prominent organization dedicated to the evolution of LGBT rights through campaigns, political actions, educational sessions, and integration with several other LGBT and allied groups. This document provides insight to the inner structure of laws that compose this renowned organization.

“Brazil without Homophobia Program.” 2004. Brasilia: Center for Documentation and Information.

Annotation: In this forty four-page document, the “Brazil without Homophobia Program” poignantly copes with both the theoretical issues involving discrimination against the LGBT community and makes pragmatic recommendations for legal steps to alleviate inequity and intolerance. The core purpose of the Program is to change the behavior of government administration. President Lula da Silva, as a strong supporter of the Program, demonstrates a deep commitment to justice for the LGBT community. This piece reveals Brazil’s ongoing pioneering of the worldwide human rights campaign for LGBT persons everywhere.

“‘Hall of Shame’ Shows Reach of Homophobia.” 2006. *Human Rights Watch* (May 17)  
<http://www.hrw.org/english/docs/2006/05/17/global13393.htm>.

Annotation: Appropriately on the International Day Against Homophobia, May 7th 2006, Human Rights Watch presented the world with its “Hall of Shame,” which chastised five international public officials for their unjust actions against the LGBT community and recognized five countries that have made progress within the LGBT rights arena. In the latter list, HRW praised Brazil for its “Brazil without Homophobia” program that is strongly endorsed by the government. This day is particularly significant, since it is the official date that the World Health Organization removed homosexuality from its roster of disorders in 1990.

“IGLA Team in Geneva.” 2004. *ILGA Files*, [www.ilga.org](http://www.ilga.org).

Annotation: Beto de Jesus, one of the founders of the São Paulo Pride Parade, discusses in this short article the existing paradox in Brazil regarding LGBT rights. For instance, as of 2004, there were no laws that guaranteed basic rights for LGBT citizens. Secondly, the Parliamentary Front for Free Sexual Expression could not pass federal laws due to the

intolerance of religious representatives. However, Beto de Jesus cites the “Brazil without Homophobia” program as a source for hope due to its joint design with a few of the federal government’s Special Secretariats and several Ministries.

“Position Paper on the Language of ‘Sexual Minorities’ and the Politics of Identity.” 2008. *Sexuality Policy Watch*,  
[http://www.sxpolitics.org/mambo452/index.php?option=com\\_docman&task=cat\\_view&id=7](http://www.sxpolitics.org/mambo452/index.php?option=com_docman&task=cat_view&id=7).

Annotation: The author of this position paper begins by questioning what the message the phrase “sexual minority” implies to both the mass “majority” and the members of the “minority” themselves. Throughout the article, the author explains the dichotomies that develop through such language that produces the natural divisions of North/South, colonial/indigenous, and so on. Thus language and categorization, although they may be useful in contextualizing humans in their surroundings, can become exclusionary. The author thoughtfully admits that Sexuality Policy Watch proposes no solution but suggests that the movements must continue to be polyversal and polyvocal.

Amnesty International. 2008. “Love, Hate, and the Law: Decriminalizing Homosexuality.” London: Amnesty International Publications.

Annotation: Amnesty International explores the different approaches to decriminalizing homosexuality, either concerning same sex conduct, protection of children, or public health concerns. The paper offers a thorough analytical overview of the criminalization of homosexuality and the different justifications entailed by countries and their leaders. Although Brazil has never formally outlawed homosexual conduct, the paper is useful for its introductory material.

Amnesty International. 2006. “UN Human Rights Council: Third Regular Session: Compilation of Statements by Amnesty International.” In *UN Human Rights Council Third Regular Session*. United Kingdom.

Annotation: A series of statements were delivered during the third regular session of the Human Rights Council including a “joint statement on sexual orientation, gender identity and human rights” that was supported by Action Canada for Population and Development, Amnesty International, Association for the Prevention of Torture, Association for Women’s Rights in Development, Canadian HIV/AIDS, and many other organizations. John Fisher of the ARC International provided a statement regarding the achievements of a few states in LGBT issues as well as identifying key human rights violations directed at the LGBT community worldwide.

Babb, Florence E. 2006. “Queering Love and Globalization.” *GLQ: A Journal of Lesbian and Gay Studies* 13 (1): 111-123.

Annotation: Florence E. Babb critically examines from a queer studies perspective the interaction between globalization and love as written about in several books that, despite their conscientious writings, uphold heteronormative standards of intimacy and romance. Rather than simply admonish the short fallings of the reviewed works, she elaborates upon the concepts and uses the material as a reflection point of queer and feminist studies. Babb addresses how the neoliberal commercialization of love becomes a power struggle between the market, the actors, and heteronormative expectations. She ends by calling for greater self-reflection of gender and sexual identity through the queer perspective.

Böer, Alexandre, and Beto de Jesus. 2007. "Towards a Mercosur without Homophobia." *ILGA Files: Policy Making*.

Annotation: Alexander Böer of Comunicação, Saúde Sexualidade/Porto Alegre and Beto de Jesus, co-Secretary-General of the International Lesbian and Gay Association of Latin American and Caribbean region, wrote this article after representing their organizations at Mercosur Member States' meeting as spokespersons of LGBT issues. This article discusses what happened at the meeting as well as the presentation and explanation of the "Mercosur without Homophobia" Programme, which intends to promote and encourage the development of human rights specifically for the LGBT community.

Cabral, Mauro. 2007. "Considerations about the Principles." *Sexuality Policy Watch*, [http://www.sxpolitics.org/mambo452/index.php?option=com\\_content&task=view&id=127&Itemid=148](http://www.sxpolitics.org/mambo452/index.php?option=com_content&task=view&id=127&Itemid=148).

Annotation: Mauro Cabral, from the Universidad Nacional de Córdoba and Mulabi, points out the how the Principles extend the right to constitute a family and participate in cultural and political life. Furthermore, Cabral commends the Principles' vigilance in avoiding specific identities so that they are applicable regardless of personal identifications or imposed identifications.

Davis, Erin Calhoun. 2000. "Review of Travesti: Sex, Gender and Culture among Brazilian Transgendered Prostitutes by Don Kulick." *Contemporary Sociology* 29 (2): 384-385.

Annotation: Erin Calhoun Davis of the University of Virginia reviews Travesti: Sex, Gender, and Culture among Brazilian Transgendered Prostitutes by Don Kulick by giving a synopsis of Kulick's main arguments, methodologies, and theories as they pertain to the case study of the *travesti* community of Salvador, Brazil. Briefly, Davis critically analyzes Kulick's work by addressing the issues of Kulick's outdated reference to transsexuals; cultural, historical, and contextual vagueness; and his lack of recognition of the class, status, and power distinctions within Brazilian society. However, she claims that this study is an important contribution to gender, sexuality, and transgender studies.

Fitch, Melissa A. 2006. "Vida Antes da Morte: Homophobia in Two Works by Activist-Author Herbert Daniel." *Luso-Brazilian Review* 43 (2): 103-118.



Annotation: In this book review of Herbert Daniel's two works, Melissa Fitch presents the audience with the complexities of the Brazilian paradox due to its progressive nature and machista attitude. In the introduction of this article, Fitch directly sites such striking statistics as the more than 100 deaths of gay and lesbian persons per year between 1980 and 2001. In the actual body of this work, Fitch proceeds to analyze the eloquent writings of Herbert Daniel, a gay activist and author, and connect his work with Brazil's present homophobic and progressive positions.

González-López, Gloria. 2006. "Gender and Sexuality in Las Americas." *Latin American Research Review* 41 (2): 188-198.

Annotation: In this review article, González-López examines three books: Vivlet Barrios: Popular Culture and Chicana/o Sexualities, Hotel Ritz- Comparing Mexican and US Street Prostitutes Factors in HIV/AIDs Transmission, and Cuerpo Y Sexualidad and discusses the spectrum of sexual identities, sexual minorities, heteronormative practices, and gender identities. Although most of the review focuses on the heterosexual paradigm, there are a few sprinkles of conversations involving the homosexual, bisexual, and transgender issues in relation to family life, queer literature, and the struggle for human rights. Through this source, one can construct the present social realities in concurrence with sexual and gender realities.

Homem, Valentina. 2003. *The Brazilian Resolution: International Meeting on Human Rights and Sexual Orientation*. Brazil.

Annotation: In this short film, the coordinator, Sonia Corrêa, and director, Valentina Homem, conduct a series of interviews with international LGBT activists who clarify why the Brazilian Resolution of 2003 is so important for its time. Recorded before the actual event, the interviewees anticipate a landmark in the progression of international recognition of LGBT issues. Although the film fails to differentiate between sexual orientation and gender identity, it is a sufficient tool for exposing the need for awareness and respect of both groups.

Human Rights Watch. 2008. "OAS Adopts Resolution to Protect Sexual Rights." (June 5) <http://hrw.org/english/docs/2008/06/06/colomb19049.htm>.

Annotation: According to the Human Rights Watch website, the General Assembly of the Organization of American States has adopted a resolution condemning violence surrounding sexual orientation and gender identity as of June 2008. The Brazil-sponsored "Resolution on Human Rights, Sexual Orientation, and Gender Identity" accounts for the "Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity" as well as upholding non-discrimination in international law. This is an informative piece that relays updates to the current legal issues surrounding human rights as they pertain to sexual orientation and gender identity.

International Commission of Jurists and International Service for Human Rights. 2006. "The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity." (1), [www.yogyakartaprinciples.org/principles\\_en.pdf](http://www.yogyakartaprinciples.org/principles_en.pdf).

Annotation: The Yogyakarta Principles, released in 2007 by a group of 29 international human rights experts, are a landmark set of international, legally binding principles regarding sexual orientation and gender identity concerns. The Principles call for action from not only the United Nations but also national human rights institutions and non-governmental organizations. This body of principles provides substance to the international systems of law so that governments can account for specific expressions of human rights in the LGBT community and beyond. This document is widely known throughout the LGBT public and is a hallmark for international legal recognition of LGBT issues.

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. 2007. "Experts Release Groundbreaking Principles on Sexual Orientation, Gender Identity, and Human Rights." <http://www.yogyakartaprinciples.org/index.php?item=24>.

Annotation: This press release gives an insight into how the International Commission of Jurists and International Service for Human Rights publicly portrayed the Yogyakarta Principles. The Principles were designed for the United Nations and governments in order to guarantee human rights protections for those singled out across the globe for their sexual orientation and/or gender identity. The release is well written and comprehensive enough for any media source to utilize.

International Gay and Lesbian Human Rights Commission. 2006. "International Human Rights Commission (IGLHRC)'s Team for Latin America and the Caribbean 2005 Work." <http://www.iglhrc.org/site/iglhrc/>.

Annotation: The "International Human Rights Commission (IGLHRC)'s Team for Latin America and the Caribbean 2005 Work" on the International Gay and Lesbian Human Rights website lists the accomplishments for Latin American countries and GLBT rights. The summary contains a condensed list of events such as publications, United Nations work, conferences, human rights violation cases, Inter-American Human Rights system work, and so on. According to the website, the greatest accomplishment of the year was the Training Institute for Trans and Intersexed Activists. This site provides a good birds-eye view for what the organization has been involved in during the year of 2005 throughout Latin America.

International Service for Human Rights. 2007. "Launching Yogyakarta Principles in New York." *Sexuality Policy Watch*, [http://www.sxpolitics.org/mambo452/index.php?option=com\\_content&task=view&id=126](http://www.sxpolitics.org/mambo452/index.php?option=com_content&task=view&id=126).

Annotation: In 2007 the Yogyakarta Principles were released as a series of events, which helped promote and direct the scope of its audience. The Principles were presented parallel

to the session of the Third Committee of the United Nations General Assembly. Such important panel members included Ana Lucy Cabral, Director of the Department for Human Rights and Social Issues of the Brazilian Ministry of External Relations, and Sonia Correa from the Brazilian Interdisciplinary AIDs Association, making the Brazilian presence on the LGBT human rights scene both pronounced and significant.

Jackson, Peter A. 1998. "Reading Rio from Bangkok: An Asianist Perspective on Brazil's Male Homosexual Cultures." *American Ethnologist* 27 (4): 950-960.

Annotation: In Peter Jackson's review of the three works: Beneath the Equator: Cultures of Desire, Male Homosexuality, and Emerging Gay Communities in Brazil, Travesti: Sex, Gender and Culture Among Brazilian Transgendered Prostitutes, and Beyond Carnival: Male Homosexuality in Twentieth-Century Brazil, Jackson acknowledges the still maturing field of comparative studies of homoerotic cultures but finds that all too often authors who compose works about non-Western homoerotic cultures rely heavily on the existing literature of Western homoerotic cultures. Due to the neocolonial structuring of cultural knowledge within the Western academy, according to Jackson, scholars tend to ignore each other's work.

Jo Justo National Convenor GLAM (Gay and Lesbian ASU Members). 2004. EI/ PSI International Gay, Lesbian, Bisexual and Transgender Forum. Porto Alegre.

Annotation: This short overview of the Education International/Public Schools International Gay, Lesbian, Bisexual and Transgender Forum lists out the background information, forum program, participants, workshops attended, and future actions for the ASU. This forum is unique since recognizes that discrimination continues for unionists in regards to LGBT issues and addresses what both of these organizations can do to promote LGBT rights. Brazil has one of the strongest representations at this forum with seven organizations. The workshops at this forum expanded beyond solidarity and ventured into the practical areas of the care system, organizing, and tools for addressing conservative individuals.

Keene, John. 2004. "Brazil: Organizing for Gay Rights in Bahia." *The Gay and Lesbian Review Worldwide* 44 (2): 1-5.

Annotation: In this interview, John Keene speaks with a leading gay rights activist, Marcelo Cerqueira, from the city Salvador Da Bahia, known as the most "African" city in Brazil. The conversation touches on topics of homophobia, AIDS, the Grupo Gay da Bahia (the oldest GLBT human rights groups in Brazil), and exiting sexual dynamics. The intersections between culture, race, ethnicity, sexual orientation, and gender identity are evident in this short piece.

Kessler, Suzanne, and Wendy McKenna. 1997. "Who Put the 'Trans' in Transgender? Gender Theory and Everyday Life." *The International Journal of Transgenderism* (Special Issue on "What

is TransGender?"), <http://www.symposion.com/ijt/gilbert/kessler.htm>.

Annotation: In “Who Put the ‘Trans’ in Transgender? Gender Theory and Everyday Life,” authors Suzanne Kessler and Wendy McKenna explore three different definitions of the prefix “trans” in relation to how it has evolved over the last few decades, what meanings it holds, if the definitions fall into the common male-female dichotomy, and how gender is socially constructed. This article is written for the academic audience and those who are educated in gender orientation and published during the influx of the modern transgender movement.

Kulick, Don. 1996. “Causing a Commotion: Public Scandal as Resistance Among Brazilian Transgendered Prostitutes.” *Anthropology Today* 12 (6): 3-7.

Annotation: In this article, Don Kulick describes his personal field experience with Brazilian *transvestis* in regards to the violence experienced with in and perpetrated by the *transvesti* community. Like many other transgendered persons world wide, transvestis also suffer as the targets of violence by police forces and citizens. *Transvestis* have themselves perpetrated brutality through such acts as pick pocketing, scamming, and assaulting their clients. Kulick further explains the power play between the *transvesti* and the non-*transvesti* community members entailing resistance and oppression.

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. 1997. “The Gender of Brazilian Transgendered Prostitutes.” *American Anthropologist* 99 (3): 574-585.

Annotation: Don Kulick, an associate professor of Social Anthropology at Stockholm, Sweden, researches the *transvesti*, or transvestite, community in Salvador, Brazil. He draws upon the community’s definition of sexual categories, gender, and sexuality as each relates to the person’s sexual role in intimate actions. Unlike European- American conceptions of gender and sexual identity, these individuals base their gender in a binary gender identity based on their “non-maleness” in sexual acts. Kulick evaluates, deconstructs, and reconstructs various definitions, identity, and social interactions based on gender theory in order to bring a comprehensive understanding to his audience.

Long, Scott. 2008. “Two Novembers Movements, Rights and the Yogyakarta Principles.” *Human Rights Watch*, <http://hrw.org/wr2k8/yogyakarta/index.htm>.

Annotation: Scott Long, director of the Lesbian, Gay, Bisexual, and Transgender Rights Program at Human Rights Watch, writes a thoughtful work that both chronicles human rights based abuses across the world and cites applicable principles from the Yogyakarta Principles. After explaining the relevancy of international systems of law, Long details why the Principles are essential as a normative device rather than a utopian ideal; the Principles, as a legal system, embodies a solid response to specific, universal stories of certain individuals from different sexual minorities and gender identities. Long supplies ample information that bridges several atrocities to a set of unifying Principles.

McDonald, Katherine. 2008. "8th Session of UN Human Rights Council." *IGLA*, [www.ilga.org/news.asp](http://www.ilga.org/news.asp).

Annotation: This brief document congratulates the Organization of American States, member states, LGBTI activists, and the Brazilian delegation for the approval of the "Human Rights, Sexual Orientation and Gender Identity" resolution at the 38th General Assembly of the OAS. Just 15 years prior, the Vienna Declaration and Programme of Action reaffirmed the basic principles of universality and nondiscrimination. This Resolution seeks to include the LGBTI community across the Americas. According to McDonald this is the first time in this hemisphere that "sexual orientation" and "gender identity" appear in an official document approved by all the member countries.

Nesvig, Martin. 2001. "The Complicated Terrain of Latin American Homosexuality." *Hispanic America Historical Review* 81 (3-4): 689-729.

Annotation: In this detailed article, Martin Nesvig presents a historiographical review of male homosexuality in Latin America from the 16<sup>th</sup> century through the modern era. Nesvig reviews several historical writings that reflect the cultural, social, religious, and legal interpretation of homosexuality of the time period as well as contextualizing the era itself as to what types of writings were published. In this article, Nesvig is able to successfully navigate his audience through the complications of documentation, objective research, and the survival of homosexuality in Latin America.

Phillips, Tom. 2005. "Brazil in a Lather over Soap's Gay Kiss." *The Observer*, 1-3.

Annotation: Tom Phillips reports the ongoing controversy in Brazilian society concerning homosexual activity. Nightly soap operas are a huge hit in Brazil and have had gay characters before, but this was the first time that a kiss would be broadcasted between a same sex couple. The feedback from the anticipation of this episode was mixed. This particular incident demonstrates the ongoing tension in Brazilian society concerning sexuality and sexual taboos.

"The Pope's Visit to Brazil: Context and Effects." 2008. *Sexual Policy Watch*: 1- 60.

Annotation: Sexual Policy Watch has produced several small articles reflecting on the anticipation of the Pope Ratzinger's visit to Brazil in 2008. Several of these articles articulate the conflict between issues that the Catholic Church, under the conservative Pope, upholds such as abstinence, heterosexuality, and anti-abortion campaigns and the realities of the progressive, religious landscape of Brazil. In the article "Unshakable' Position," the author explores the Church's application of "strong" love through heterosexual relationships for procreation and homophobia. Each article points to the evolving sphere of religion and human rights in Brazil.

Rodriguez, Juan Carlos. 2008. "Transgender? You May Want to Move to Cuba or Brazil."

*Advocate.com* (July 31) [http://www.advocate.com/exclusive\\_detail\\_ektid58592.asp](http://www.advocate.com/exclusive_detail_ektid58592.asp).

Annotation: As of July 31, 2008, both the governments of Brazil and Cuba have declared that they would be performing gender-reassignment free of charge to transgendered citizens. A lawsuit in the state of Rio Grande do Sul challenged gender reassignment surgeries as covered by a constitutional clause that guarantees medical procedures as a basic right for all Brazilians. This triggered the president to approve the procedures based on “equality for all.” For Cuba, this is a radical change in policy due to historical prejudices against LGBT members. *Advocate.com* comments that these rulings are a large step for the LGBT community worldwide.

Sader, Emir. 2004. “UN-Brazilian Resolution.” *ILGA Files: Policy Making*, [http://www.ilga.org/news\\_results.asp?LanguageID=1&FileCategory=44&ZoneID=5&FileID=461](http://www.ilga.org/news_results.asp?LanguageID=1&FileCategory=44&ZoneID=5&FileID=461).

Annotation: Emir Sader best presents Brazil’s conundrum as number one in ranking for homophobic crimes, although it is not clear where this information comes from, and the leader in the world campaign to squelch any discrimination against members of the LGBT community. Sader shortly explains the Brazilian proposal with all its strong points and weakness. Yet he leaves the article with a note of hope that a few years later will develop more into a reality.

Saiz, Ignacio. 2005. “Bracketing Sexuality: Human Rights and Sexual Orientation- A Decade of Development and Denial at the UN.” *Sexuality Policy Watch Working Papers* 2: 4-22.

Annotation: Ignacio Saiz delivers a direct, ample article on what strides sexual orientation rights have made in various United Nations bodies, decisions, and human rights mechanisms starting with the *Toonen v. Australia* decision in 1994. However, Saiz also recognizes the opposition within the UN “political” forums from several states claiming to defend their “cultural” and “religious” integrity, such states include the Vatican and Islamic states. Finally, Saiz presents the audience with a few strategies in how to restructure tactics to confront ongoing obstacles to the LGBT community.

Sanders, Douglas. 2008. “The Role of the Yogyakarta Principles.” <http://www.iglhrc.org/site/iglhrc/section.php?id=5&detail=868>.

Annotation: Professor Douglas Sanders, Professor Emeritus and faculty member of Law at the University of British Columbia, Vancouver, provides a reflective and chronological piece that explains the relationship between the United Nations and the LGBT movement. Since 1960, LGBT activists have been striving for human rights recognition and progress within UN treaty bodies and the special procedures. The Yogyakarta Principles, in this respect, have made large strides for the short time they have existed in providing a complementary document that operates off of the basic principles of universality and non-discrimination as stated in UN treaties.

Sexual Policy Watch. 2006. "SPW Country Case Studies on Sexuality Politics: Summaries." *Sexual Policy Watch* 2:1-8; 50-57.

Annotation: Sexuality Policy Watch's 2006 "Country Case Studies on Sexuality Politics" gives the audience an overview of not only the demographic profile of Brazil, but also an outline of the critical points that affect the LGBT community. This summary notes that the point of contention within the current sexual rights debate is the naturalization of categories within the framework of laws, politics, and social movement demands. However, the article also exposes the inner conflict within LGBT organizations that are seeking public resources. The article then goes on to give an overview of sexual politics within the United Nations and the World Bank.

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. 2007. Launching Yogyakarta Principles in Brazil. *Sexual Policy Watch*, [http://www.sxpolitics.org/mambo452/index.php?option=com\\_content&task=view&id=116&Itemid=12](http://www.sxpolitics.org/mambo452/index.php?option=com_content&task=view&id=116&Itemid=12).

Annotation: Recently, the Yogyakarta Principles were released successively in four different Brazilian cities. The groups that organized these events included Sexuality Policy Watch; Brazilian Association of Gays, Lesbians, and Travestis; Grupo Arco Iris; Commission on Citizenship and Reproduction; and others. Partnering with these organizations were the institutions of the Federal Public Attorney's Office in São Paulo, Judges Association of Rio Grande do Sul, and others. This article, although informative in substance, exhibits the numbers of dedicated organizations and partnerships that make Brazil a viable arena for LGBT rights progression.

Singson, Susan. 2008. "Brazil Successfully Pushes Homosexual Rights at OAS Meeting." *Catholic Family and Human Rights Institute* 11 (34): 1-2.

Annotation: The passage of the "Human Rights, Sexual Orientation and Gender Identity" resolution, according to Singson, comes close to making sexual orientation a protected right. This non-binding resolution calls on countries to "repeal all criminalizing and discriminatory legislation, and promote cultural, social and institutional changes which are aimed at preventing and punishing discrimination and violence." However, critics fear that this resolution will make it hard for individual states to refuse to include sexual orientation in the Inter-American Convention against Racism and All Forms of Discrimination and Intolerance. The Convention is currently in the drafting process.

Subero, Gustavo. 2008. "Fear of the Trannies: On Filmic Phobia of Transvestism in the New Latin American Cinema." *Latin American Research Review* 43 (2): 159-179.

Annotation: Although Gustavo Subero thoroughly critiques the films: "El lugar sin límites," "Simón, el gran varón," and "Madame Satã," Subero does not clearly define the parameters involving his theoretical explanation of Latin American cultural conceptions of gender and sexual orientation. Subero's analysis of the transgendered characters portrayed by the films appeared to be recontorted into the gender binary model that many gender theorists attempt

to dispel. The criticism that these films are accommodating to the audiences' conceived notions of heterosexual normativity may be true, but the elucidations provided by Subero are confusing to a mainstream audience and are often invalid.

UC Riverside LGBT Resource Center. 2007. "Transgender 101."  
<http://out.ucr.edu/topics/transgender.htm>.

Annotation: The University of California Riverside LGBT Resource Center website provides constructive clarifications to the difference between sexual orientation, gender identity, and sexual identity by defining each comprehensively in a short guide. Although sexual identity isn't as thoroughly discussed as a separate entity in most transgender literature and resources, it is important to unpack. Nonetheless, this reference as a "hand-bill" exhibits the still evolving language and definitions surrounding LGBT issues.

United Nations- ECOSOC Campaign. 2008. *ILGA Files*, [www.ilga.or/news](http://www.ilga.or/news).

Annotation: As of July 2008, the United Nations Economic and Social Council (ECOSOC) granted both COC Netherlands and the State Federation for Lesbians, Gays, Transsexuals and Bisexuals of Spain consultative status. Thus two more NGO groups have a pronounced voice in the ongoing LGBT human rights debate process. They join 3,000 other NGOs that, as representatives of civil society, are able to deliver oral and written reports to the UN. As Boris Dittrich of Human Rights Watch declares, "This vote ensures that two more voices will be raised to defend basic human rights at the UN."

Writer, Staff. 2007. "Brazilian President Calls National LGBT Conference." *PinkNews*,  
<http://www.pinknews.co.uk/news/articles/2005-6213.html>.

Annotation: In 2007, Brazilian President Luiz Inácio Lula da Silva announced the first national conference focused on Brazil's LGBT community. 700 people were estimated to take part in the government organized conference (60 percent civil society and 40 percent government). The conference was expected to evaluate the Brazil Without Homophobia Programme, put forward guidelines for the execution of public policies and the national plan to encourage LGBT human rights and citizenship. Although homosexuality has been legal in Brazil since 1823, with the exception of the armed forces, homophobia and transphobia are still significant problems.

\_\_\_\_\_. 2008. "Gay Rights Leader Attacked in Brazil." *PinkNews*,  
<http://www.pinknews.co.uk/news/articles/2005-6830.html>.

Annotation: Alexandre Peixe dos Santos was beaten unconscious in February 2008 by an unknown number of assaulters almost making him another number in the rising count of murders of homosexual persons. Peixe dos Santos was the President of Sao Paulo's Gay Pride Association, which organizes one of the largest gay rights parades in the world. This attack was compounded with another brutal sexual assault and murder of Osvan Inacio dos



Santos, who was attacked near a bar where he had just won the “Miss Gay” competition. Activists estimate that over 2,680 gay people have been murdered in Brazil between 1980 and 2006.

## Child Labor in Latin America: Poverty as Cause and Effect

By Michaelle Tauson

Throughout much of the developing world, children make up an alarming portion of the workforce. These children are robbed of their childhood in order to provide economic supplementation to their families. According to the International Labor Organization (ILO), 5.7 million children in Latin America participate in the regional workforce (2006). It is a common misconception that children, who do not participate in the formal workforce, are not child laborers. However, the ILO defines child labor as any work that is detrimental to a child's well-being or interferes with a child's education. Due to the many categories and classifications of child labor, as well as its far-reaching causes, child labor in Latin America is difficult to combat. It is not only the direct result of poverty; its causes are societal and cultural as well. Child labor is a significant problem, not only because of its direct impact on the child, but because of the implications it has on society and culture as a whole.

Children in Latin America normally participate in one of three economic sectors: agriculture, industry, and the informal economy. Agricultural work is by far the most common (Tuttle 2006). Children in this industry hold unpaid positions on family farms or work on plantations. The work performed in the industrial sector can be factory work, mining, manufacturing, and other similar activities. The third sector, the informal economy, is a much broader sector. The ILO generally defines the informal sector as any good or service that is not taxed or regulated by the government, and which is comprised of unregistered employees. Work that falls into this category includes prostitution, domestic servitude, drug sales, or any other unregistered work. Regardless of sector, all child labor are detrimental to the education and development of the child.

A large portion of the children who participate in the agricultural sector work on family farms. In the highlands of Chiapas, Mexico, children under the age of fifteen make up 30 percent of agricultural day laborers (Carey 2006). In some Mayan communities, the reality of the situation is harsh. Children work from sun up to sun down, performing arduous labor in the fields and in the household. If they are lucky enough to attend school, they must take off harvesting and planting seasons to help the family.

Industry-based child labor in Latin America is also a significant problem. The conditions in industry-based labor are usually far worse than the conditions on family farms. In Honduras, up to 50 percent of total labor intensive jobs are performed by children. In *maquilas*, or factories, it is not uncommon for young girls to work 12-18 hour shifts, as they are not permitted to leave until they have reached their daily quota (Zelaya 2006). They are forced to take birth control and are often times sexually harassed by their employers. Their physical safety is, more often than not, completely overlooked.

The informal sector is extremely difficult to monitor. This sector encompasses most of the work that children do on the streets. It is difficult to walk through downtown Quito, Ecuador, where children make up 25 percent of the workforce, and not be asked by several children if you would like your shoes shined, or if you would like to purchase gum (Tuttle 2006). Often with their younger siblings tied to their backs, children flood the streets begging relentlessly for money or food.

The international community has enacted a multitude of international laws and accords in order to eliminate child labor, and the majority of states have adopted these laws in their own legislation. However, the eradication process has been painstakingly slow and the real concern is that policy makers are not addressing the roots of the problem. Most international organizations from the World Bank to the ILO, as well as independent states, consider poverty to be the most significant cause of child labor, and therefore focus their policies on poverty eradication. Poverty and child labor are in fact linked; increased aggregate Gross Domestic Product (GDP) commonly results in a decrease in the child labor rate (Basu 1999). However, the pace at which the decrease occurs varies across states despite the similar increase in GDP. For example, huge economic growth in China resulted in remarkable decreases in child labor, while in Brazil the same increase in aggregate income resulted in almost insignificant changes in the child labor rate. This leads to the conclusion that combined economic, societal, and cultural factors must contribute to the prevalence of child labor.

Family dynamics and poor public education systems are cited as major contributors to child labor (Brown 2006). Parents with low education levels, regardless of income, are more likely to put their children to work. They may not weigh the costs and benefits of forgone labor now to see higher rates of return in the future. If a parent worked as a child, his/her child is even more likely to work. Also, mothers who work outside of the house are more likely to have female children who work, as the children are forced to take over the absent mother's responsibilities, in lieu of attending school. Families in Peru cite school quality as the biggest factor for child work force participation (Brown 2001). Primary schools rarely have the resources to provide adequate education, which leads to the assumption that children are better off working than attending school.

Culture also has an impact on the prevalence of child labor. A World Bank study found that indigenous children are far more likely to work than non-indigenous children, regardless of income. Parents in indigenous societies in rural Guatemala prefer that their children work because they believe that manual labor is an important part of the education process, teaching children to become hard working adults (Safiq et. al 2008). In Latin American countries with large indigenous populations, such as Bolivia, Peru, Guatemala, and Ecuador, children make up a large percentage of the workforce (Tuttle 2006). These families are not only overlooking the detrimental effects of labor force participation on the child, they are also ignoring the severe societal implications of child labor. Child labor force participation has an impact on society, community, and culture, as well as the national economy of the state.

Society is impacted by child labor on many levels. For example, the more a child works, the less education he/she receives. Low national education levels are negatively correlated with infant mortality, poor health, high birthrate, and low life expectancy. If a child spends a significant amount of time outside of the community it can negatively impact culture solidarity, indigenous language, and family values. Labor outside of the community also encourages migration and a breakdown of the family, which can ultimately lead to increased levels of violence in the household.

In addition to negative social and cultural repercussions, child labor can actually perpetuate economic problems within the state. Interference of a child's right to education traps the state in poverty. The eradication of child labor would stimulate economic benefits within the state, increasing aggregate GDP by developing the state's human capital. The ILO projects that the elimination of child labor in South America would allow the state to save over \$235 billion due to increased access to education and health care for children. An uneducated child will become an

uneducated adult who will continue to earn at or below a subsistence level. Abundant child labor in any state limits human capital so that the economy will maintain low levels of productivity and technology, stagnating development in all areas. Due to high levels of child labor, Latin America is placing itself at a disadvantage in the global market.

According to the ILO, although major efforts to eradicate child labor have been made, the impact has been small. Some agencies believe that the number of child laborers has actually been increasing. Most states have laws to hold violators of domestic laws responsible, but due to political instability and discrimination, these laws are not enforced. It is also extremely difficult to monitor the informal market. Certain programs like Mexico's PROGRESSA, an education, health, and nutrition program, work to supplement a child's would-be earnings contingent upon the family sending the child to school. The program has been extremely successful because it is not a hand out, but a reward system. However, the program has less of an impact on young girls, who are seen as less valuable and therefore less important to educate (PROGRESSA 2002).

Other programs that have focused on poverty alleviation have seen very little success; this is due to the fact that child labor force participation is a social norm for a large portion of the population in Latin America. Child labor is not solely perpetuated by economic need; it is embedded in culture and society as well. Agencies need to address these problems at a local level through improved education programs and economic alternatives for families. Unless the causes of child labor are approached holistically, child labor will continue to adversely affect the economy and society of Latin America on a large scale.

### Annotations

“PROGRESA: Breaking the Cycle of Poverty.” 2002. International Food Policy Research Institute. <http://www.ifpri.org/pubs/ib/ib6.pdf>.

Annotation: This report researches the implications for the ProgresA project in Mexico and provides a decent overview of the progress made since the initiation of the program. This program is a cash transfer project initiated to keep children in school and out of the economic sector. This means that heads of households are provided with a cash incentive to send their children to school. The program has shown reduced incidence of child labor and work hours as well as better performance in school.

“Informe Nacional de los Resultados de la Encuesta de Trabajo Infantil y Adolescente en Costa Rica.” 2003. Costa Rica: International Labor Organization.

Annotation: This report, written in Spanish, was conducted in Costa Rica by the International Labor Organization. The report is filled with statistics and examines the various factors that might cause child labor in Costa Rica, as well as the effects of child labor on culture and the community. Researchers examine the legal system and children's rights granted by the Costa Rican government, the socioeconomic situation throughout the nation, demographics of children workers, and the specific work done by children in different

sectors. The report also focuses on the effects of child labor on the education and health of the children.

“The End of Child Labour: Within Reach.” 2006. Geneva: International Labour Organization.

Annotation: This global report on child labor is extremely comprehensive. The report defines what child labor is and describes its prevalence worldwide. It explains national and international actions that have been taken, as well as the current policies in place. The article outlines the progression of child labor: how it has decreased over time, the ILOs participation, and global challenges and solutions that will change child labor in the future.

Basu, Kaushik. 1999. “Child Labor: Cause, Consequence, and Cure, with Remarks on International Labor Standards.” *Journal of Economic Literature* 37 (3):1083-1119.

Annotation: Basu’s comprehensive article discusses the causes of child labor throughout the world, such as industrialization. He analyzes policy concerns for combating child labor and concludes with possible solutions to diminish the incidence of child labor and to finally eradicate the human rights violations brought on by the global economic system.

Brown, Drusilla K. 2001. “Child Labour in Latin America: Policy and Evidence.” *The World Economy* 24 (6):761-778.

Annotation: This article examines child labor in Latin America and current policies put in place by state governments in order to combat the issue. The author looks at standards included in international trade agreements before analyzing the determinants of child labor. She focuses mostly on economic reasons for the current child labor issue, including poverty, capital market failure, and school quality. She concludes by analyzing recent initiatives put in place to encourage school attendance and to discourage child labor, in addition to evaluating their effectiveness.

Bryson, B.J., and Tina Bryson. 2004. “The Dominican Republic.” In Child Labor, A Global View. Edited by C. L. Schmitz, E. K. Traver and D. Larson. Westport: Greenwood Press.

Annotation: The authors present an extremely concise economic history of the Dominican Republic, including the impact of Hurricane George on today’s economy. The authors provide an overview of child labor in the sex industry, the public and political view of child labor, and the perceived future of the child labor situation in the Dominican Republic.

Carey Jr., David. 2004. “Mexico.” In Child Labor, A Global View. Edited by C. L. Schmitz, E. K. Traver and D. Larson. Westport: Greenwood Press.

Annotation: David Carey, Jr. provides a brief history of Mexico, focusing on events that contribute greatly to Mexico’s economic status today. He describes the child labor situation

in the past and as it stands today. His main concerns in this chapter are the young females who work along the US/Mexico border and child labor in the agricultural sector.

Centro de Asesoría Laboral del Perú. 2005. Economía, Empleo y Derechos Humanos, Propuestas Desde La Juventud. Lima, Peru: Biblioteca Nacional.

Annotation: The report, written solely in Spanish, focuses on youth employment in Peru, the rights of workers and human rights violations that take place in the economic sector. The book outlines programs and organizations that are working to combat violations and to protect the rights of employed youth in Peru. The book also provides a brief history of the movements that have advanced workers rights in Peru and how they can be emulated.

Charmes, Jacques. 1998. "Skills Development for the Informal Economy."  
<http://www.ilo.org/public/english/employment/skills/informal/who.htm>.

Annotation: This report, written by the International Labor Organization, provides statistics on the informal sector of child labor. It describes what the informal sector is, examples of jobs in the informal sector, and different indicators and dimensions of the informal sector. It is an extremely brief overview, but provides an excellent definition and examples.

Cigno, Alessandro, and Furio C. Rosati. 2005. The Economics of Child Labor. New York: Oxford Press.

Annotation: Furio Rosati, formerly the director of the UNICEF-ILO-World Bank Understanding Children's Work Project, and Alessandro Cigno provide extensive research in the causes and effects of child labor in many regions in the world. They present a significant amount of statistical information and raw data concerning child labor by region, gender, and type of work. They also provide statistical analysis correlating infrastructure and poverty to child labor. Studies on child poverty and health in Guatemala and access to resources as a cause for child labor in El Salvador are extremely useful case studies.

Committee of Experts on the Application of Conventions and Recommendations. 1973. "Recommendation concerning Minimum Age for Admission to Employment." International Labour Organization.

Annotation: The Minimum Age Recommendation is the ILO's attempt to set an international standard on the age of child laborers. It specifies the age requirement to work, the process, and recommendations for the enforcement of the law on the national and international level.

\_\_\_\_\_. 1999. "Elimination of Child Labor and Protection of Children and Young Persons." International Labor Organization.

Annotation: The Worst Forms of Child Labor denounces and describes the worst labor conditions and provides a guideline to member states in order to work toward abolishing the most egregious instances of child labor persistent today. Guidelines include data gathering, providing forms of child labor as criminal offenses, and ensuring penalties.

Cunningham, Hugh, and Shelton Stromquist. 2005. "Child Labor and the Rights of Children: Historical Patterns of Decline and Persistence." In Child Labor and Human Rights, Making Children Matter. Edited by B. H. Weston. London: Lynne Rienner Publishers.

Annotation: Cunningham and Stromquist present the history of child labor in a concise summary. They analyze child labor in underdeveloped nations and explain how their placement in a global system does not allow these nations to eradicate child labor. They focus on child labor as a human rights violation and conclude that over time, child labor will diminish greatly.

Dennis, Michael J. 1999. "The ILO Convention on the Worst Forms of Child Labor." *American Journal of International Law* 93 (4):943-948.

Annotation: This article addresses the International Labor Organization's Convention on the Worst Forms of Child Labor, which specify the four categories of child labor that should not be tolerated by any state or organization. The author discusses some of the major contentions of the conventions such as what is the definition of a child soldier and at what age is a person fit to participate in military activity. The author also addresses what kind of work should be considered hazardous and what level of education should be compulsory. The author raises very important questions about how to consider child labor.

Diller, Janelle M., and David A. Levy. 1997. "Child Labor, Trade and Investment: Toward the Harmonization of International Law." *The American Journal of International Law*, 91 (4):663-696.

Annotation: This article examines international law and its impact on trade treaties regarding human rights and labor rights. It addresses norms and standards of child labor and human rights within the international community. The article is extremely technical and examines a multitude of international laws on the issues of child labor, human rights and treaties.

Dos Santos, Benedito Rodrigues. 2005. "Combating Child Labor in Brazil: Social Movements in Action." In Child Labor and Human Rights, Making Children Matter. Edited by B. H. Weston. London: Lynne Rienner Publishers.

Annotation: The chapter provides a brief history of child labor and the combating of child labor in Brazil. The author analyzes eradication strategies put in place by the government and discusses the gains and pitfalls of the campaign as well. Throughout the article, he makes the argument that reductions in Brazil are substantial and trends will continue as such in the future, providing an optimistic look at child labor in Brazil.

Edmonds, Eric V., and Nina Pavcnik. 2005. "Child Labor in the Global Economy." *The Journal of Economic Perspectives* 19 (1):199-220.

Annotation: The authors of this article bring to light the important issue of defining child labor, which can be a difficult task due to the large range of work to which children are exposed. Edmonds and Pavcnik examine many forms of child labor and conclude that work performed by children inside the household is still child labor regardless if a wage is earned. The article concludes that cash transfer programs and improved school systems are the best methods to reduce child labor participation.

Elliott, Kimberly Ann, and Richard B. Freeman. 2003. Can Labor Standards Improve Under Globalization? Washington, DC: Institute for International Economics.

Annotation: Elliott, who is a researcher for the Institute for International Economics, and Freeman, who is an economics professor at Harvard, address the issue of inefficient labor standards in the global system from the perspective of globalization and development. They focus on universal problems such as why poor labor standards, i.e. child labor, can still exist in an informed society. They also discuss the possibility of states improving labor standards without losing their comparative advantage, which is one of the main arguments for the existence of child labor and poor labor conditions in less developed countries.

Forero, Juan. 2002. "In Ecuador's Banana Fields, Child Labor is Key to Profits." *The New York Times* (July 13): 1.

Annotation: Reporter Juan Forero outlines the child labor situation on the banana plantations in Ecuador. In order to get a first hand view of the situation, he interviews a local family whose children work on the plantations. He describes the current situation affecting Alvaro Noboa, a former presidential candidate and owner of many plantations in Ecuador. He lists the many human rights violations Alvaro Noboa commits on a daily basis.

Fraser, Barbara, and Paul Jeffrey. 2004. "Poverty Cuts Children's Chances for a Future." *National Catholic Reporter* 41 (2):13-17.

Annotation: Fraser and Jeffrey's article gives an overview of the economic situation and the issues that arise in response to the overwhelming problems in Latin America. The authors give many examples of the dilemma children under the age of fourteen face in countries such as Peru, Paraguay, Venezuela and Ecuador. Some of the major problems include child labor, lack of education, and gang participation.



Green, Eric. 2005. "UN Cites Benefits of Ending Child Labor in Latin America; New Study Estimates Net \$235 Billion in Savings over 20-year Period." Washington DC: US State Department.

Annotation: This press release from the US State Department is a summary of the United Nations findings on child labor in South America. Researchers from the United Nations International Labor Organization found that the eradication of child labor could produce a net savings of \$235 billion as a direct result of increased education and improved overall health. This is an extremely helpful overview of the research done in South America by the UN.

Gunnarsson, Victoria, Peter F. Orazem, and Mario A. Sanchez. 2006. "Child Labor and School Achievement in Latin America." *World Bank Economic Review* 20 (1):31-54.

Annotation: This report is summary of a World Bank conducted study, which includes nine Latin American countries, in order to find the correlation between school achievement and child labor. The study found a negative correlation between time spent at work and test scores in mathematics and language in all nine countries, suggesting causality between time spent working and school achievement.

Hartman, Laura P., Richard E. Wokutch, and J. Lawrence French. 2003. "Adidas-Salomon: Child Labor and Health and Safety Initiatives in Vietnam and Brazil." In Rising Above Sweatshops. Edited by Laura P. Hartman, Dennis G. Arnold and Richard E. Wokutch. Westport, CT: Praeger Publishing.

Annotation: In this chapter the authors give an extensive overview of the corporation Adidas-Salomon and the human rights violations that take place in their factories around the world. The authors describe the course of action the corporation has taken in order to combat these problems. They review the implementation of the Standards of Engagement program, a program to better the working conditions in their factories, and conclude with an analysis of how the program has improved working condition in the factories in Asia and Latin America.

Henne, Kurt, and David Mosely. 2005. "Combating the Worst Forms of Child Labor in Bolivia." *Human Rights: Journal of the Section of Individual Rights & Responsibilities* 32 (1):12-15.

Annotation: Henne and Mosely discuss the issue of child labor around the world today. They briefly describe Bolivia and the hazardous industries that see the highest hours of child labor. They also, very briefly, highlight steps taken to confront the problem of child labor in Bolivia.

Ilahi, Nadeem. 2001. "Children's Work and Schooling: Does Gender Matter? Evidence from the Peru LSMS Panel Data." *The Policy Research Report on Gender*, <http://siteresources.worldbank.org/INTGENDER/Resources/laborilahi.pdf>.

Annotation: This report discusses the correlation between household welfare and school work. The study finds that due to the fact that girls spend more time in the house, doing house work, they are more negatively affected by situations in the household, especially female headship and poor health of other household members.

Instituto Nacional de Estadística. 2004. "Trabajo Infantil en Bolivia." La Paz: HERMENCA.

Annotation: The report, written in Spanish, provides data about the current issues surrounding the child labor situation in Bolivia. The report offers a unique perspective into the family and community lives of children in Bolivia. It acknowledges how life at home and the inability to access basic resources and utilities have an effect on the prevalence of child labor. It also addresses how child labor has an impact on the breakdown of culture in society. It provides excellent information about child participation in the economic sector and the working conditions in Bolivia.

Keys, David, and Adam DeFayette. 2004. "Guatemala." In Child Labor, A Global View. Edited by C. L. Schmitz, E. K. Traver and D. Larson. Westport, CT: Greenwood Press.

Annotation: The authors briefly describe the current situation in Guatemala and the great disparity that exists between the rural, indigenous peoples and the urban, *mestizo* population. They discuss child labor in the agricultural sector, as well as in the informal economy. They site ethnic inequalities and racism as a huge impediment to the eradication of child labor.

Liebel, Manfred. 2004. A Will of Their Own, Cross-Cultural Perspectives on Working Children. New York: St. Martin's Press.

Annotation: Manfred Liebel provides a sociological outlook on child labor throughout the world. In his chapter on Latin America, he provides statements given by child workers in Brazil, Bolivia, and Uruguay, in an attempt to demonstrate the way of thinking in these states. His goal is to address how and why child labor is a part of the socio-culture and not just part of the economic sector.

Lieten, Georges Kristoffel. 2005. Child Labor, Burning Questions. Amsterdam: Aksant.

Annotation: Lieten is the director of the Institute for Research on Working Children and a professor of Child Labour Studies at the University of Amsterdam. In his lecture at the University of Amsterdam, Lieten addresses specific questions of child labor, including the definition of child labor, the definition of childhood, the detrimental forms of child labor, and the major causes of child labor.

Maffei, Alessandro, Nikolai Raabe, and Heinrich W. Ursprung. 2006. "Political Repression and Child Labour: Theory and Empirical Evidence." *World Economy* 29 (2):211-239.

Annotation: The authors of this article present an argument that child labor is perpetuated by the political elite due to their desire for power. The empirical evidence shows that there is a positive correlation between the rate of child labor and a government's degree of autocracy. According to the authors, autocratic governments and the political elite have much to lose if the child labor rate was reduced and more human capital was introduced into the economy.

Muck, Ronaldo. 2002. Globalisation and Labour, The New "Great Transformation." London: Zed Books.

Annotation: The author is a professor of political sociology at the University of Liverpool. The main purpose of the book is to provide a detailed overview of the major issues that workers around the world face today. Although his main focus is how the labor force deals with globalization, he lends support to the theory that victims of child labor are more likely to come from marginalized groups, citing race as the major proponent.

Myers, William E. 2001. "The Right Rights? Child Labor in a Globalized World." *Annals of the American Academy of Political and Social Science* 575:28-55.

Annotation: Myers, a former official of the ILO and UNICEF, examines children's rights and child labor in a global perspective and the major conventions concerning children's rights, including the ILO's Minimum Age Convention, the UN Convention on the Rights of a Child, and the Worst Forms of Labour Convention.

Nieuwenhuys, Olga. 1996. "The Paradox of Child Labor and Anthropology." *Annual Review of Anthropology* 25:237-251.

Annotation: Nieuwenhuys gives an anthropological view of child labor and how age and gender are directly correlated with exploitation. She explains why child labor is still so prevalent today in the Third World. The author takes a unique perspective by highlighting reasons for the eradication of child labor that do not include moral injustice, but economic advancements.

Perillo, Robert. 2006. "The Struggle for Worker Rights in Colombia." *Justice for All*, <http://www.solidaritycenter.org/files/ColombiaFinal.pdf>.

Annotation: The report, published by the Solidarity Center, contains 84 pages on the labor situation in Colombia. It explains workers rights and violations that take place in Colombia

today as well as gives an historical overview. It outlines the major issues of women and children in the workplace.

Pier, Carol. 2002. "Tainted Harvest Child Labor and Obstacles to Organizing on Ecuador's Banana Plantations." <http://www.hrw.org/reports/2002/ecuador>.

Annotation: The Human Rights Watch report gives an extensive look into the problem of child labor in the banana plantations in Ecuador. It explores the issue on many levels including physical hazards, health implications, lack of schooling and child labor under international law.

Priet-Carron, Marina. 2006. "Corporate Social Responsibility in Latin America." *Siyanda* (Spring) (21):1-10.

Annotation: While Priet-Carron's article solely addresses the rights and violations of women in the banana plantations, her article does address corporate responsibility and what should be expected of corporations in regards to human rights. She also makes feasible recommendations to improve conditions for all workers, although her emphasis is on the rights of women.

Ray, Ranjan. 2000. "Child Labor, Child Schooling, and their Interaction with Adult Labor: Empirical Evidence for Peru and Ecuador." *The World Bank Economic Review* 14 (2):347-367.

Annotation: Ranjan Ray, writing for the World Bank as an economist, tests two hypotheses in both Peru and Pakistan. The first hypothesis is that a positive correlation between hours of child labor and poverty exists, as well as a negative correlation between education of children and poverty. He does not find his hypothesis to be proven accurate in Peru, although trends in Pakistan confirm his theories.

Sauma, Pablo. 2005. "Construir Futuro, Invertir en la Infancia." San Jose, Costa Rica: International Labor Organization.

Annotation: This study, written in Spanish, examines the cost and benefits of eradicating child labor in South America. The study outlines the costs to families and state governments to eradicate child labor. These costs would come from income forgone, increased revenue placed into education, and direct intervention programs. The study also outlines the benefits to the eradication of child labor.

Scoville, James. 2002. "Segmentation in the Market for Child Labor: The Economics of Child Labor Revisited." *American Journal of Economics and Sociology* 61 (3):713-723.

Annotation: The purpose of this paper is to question whether or not there is validity in the argument that child labor is always negative, as asserted by Basu and Van. The author submits that child labor cannot be assumed to be good or bad. He concludes by saying that the eradication of child labor would leave the international community with a new problem of finding a place for children who would have no alternative to child labor.

Shafiq, Harry Anthony Patrinos and M. Najeeb. 2008. "A Positive Stigma for Child Labor." (4697), [http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2008/08/25/000158349\\_20080825113642/Rendered/PDF/WPS4697.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2008/08/25/000158349_20080825113642/Rendered/PDF/WPS4697.pdf).

Annotation: The report by the World Bank describes the situation of child labor when a positive connotation is associated with the human rights violation, especially in Guatemala, where the positive stigma is prevalent. They conclude that in these situations, child labor is the most difficult to eradicate and social welfare programs would be the best combatant.

Siaens, Corrine. 2004. Education and Child Labor in Latin America. College of Arts and Sciences, American University, Washington DC.

Annotation: The author looks at the link between child labor and education. Paraguay is used as a case study to examine the economic costs of child labor. The thesis also provides an analysis of public policy in Mexico in regards to combat child labor. The author concludes by discussing the effectiveness of public movements to end child labor.

The United Nations General Assembly. 1959. "Declaration on the Rights of the Child." The United Nations.

Annotation: The United Nations Declaration on the Rights of the Child is a proclamation written to grant specific rights to children so that they may enjoy happy and protected childhoods that will foster healthy growth into adulthood. These rights, according to the UN, are protected on the behalf of the child and of society in general.

Todaro, Michael P., and Stephen C. Smith. 2009. Economic Development, vol. 10. Boston: Addison Wesley.

Annotation: The section in the book about child labor gives an overview of child labor from a development perspective and not a human rights perspective. The view of the authors presents child labor as an economic issue. They address the issues that would be associated with sudden eradication, and also describe different policies in place to help combat child labor force participation rates.

Tokman, Victor E. 2004. Una Voz en el Camino. Mexico City: Fondo de Cultura Economica.

Annotation: Victor Tokman is a well known researcher in the field of development in Latin America. Una Voz en el Camino provides the reader with an overview of the entire employment sector in South America. In his chapter on vulnerable populations, the author analyzes the current problem of child labor and the effects of exploitation on child laborers.

Traver, Elizabeth KimJin. 2004. "Brazil." In Child Labor, A Global View Edited by C. L. Schmitz, E. K. Traver and D. Larson. Westport, CT: Greenwood Press.

Annotation: In the economic description of Brazil, Elizabeth Traver submits that the real reasons behind human rights violations in Brazil, specifically child labor, are attributed to the unequal income distribution. She gives an overview of child labor in Brazil from the streets to the agricultural sector. She proposes a number of feasible solutions such as offering monetary awards to parents who send their children to school. However, she concludes that more resources are needed to bring forth the proposed solutions and combat child labor in Brazil.

Tuttle, Carolyn. 2006. "History Repeats Itself: Child Labor in Latin America." *Employee Responsibilities and Rights Journal* 18 (2):143-154.

Annotation: The author outlines the history of child labor in the UK during the industrial revolution and how it translates to current child labor issues in Latin America today. The author also lists Latin American countries and the industries that use child labor in those countries. The article also addresses the physical dangers of child labor in the formal and informal market. The article demonstrates the similarities between the child labor market in Latin America today and child labor in the post-industrial Great Britain and what we can learn from history, concluding that child labor is a poverty trap and an impediment to international development that keeps less developed nations behind.

Zelaya, Raul, and Desi Larson. 2004. "Honduras." In Child Labor, A Global View. Edited by C. L. Schmitz, E. K. Traver and D. Larson. Westport, CT: Greenwood Press.

Annotation: Raul Zelaya and Desi Larson have a bleak outlook for the child labor situation in the state of Honduras. According to the authors children in Honduras work primarily in the garment industry, but become part of the informal economy as well. They conclude that some progress is being made; however, abject poverty is the biggest impediment to eradication of child labor in Honduras. The section provides an excellent overview of the situation in Honduras.

## Confronting the Past: Democratic Rhetoric or Socially Necessary?

By Rachel Oster

In the current globalized international system, politics, economics, and societal issues are the concern of not only the state but of the world as a whole. It is increasingly apparent that participation in the global community requires states to implement, at minimum, conventional democracy within which individual rights are recognized and protected. Yet for much of the developing world, democratic regimes are partially contested given that many states were historically controlled by non-democratic, often militant regimes that offered security to citizens during times of economic crises. In recent decades, Latin American states have begun transitioning to democracies in order to combat their authoritarian rulers, weak civil societies, and deplorable human rights conditions. The shift to democratic regimes is pressuring states to be more conscious of human rights and is empowering them to prosecute those who obstructed, past and present, the achievement of stability of the state and the human rights of its people. After failed attempts at relinquishing power to international courts, the most current trend is to give judicial authority back to the state where violators and victims can reconcile the past, which in turn will strengthen democracy, stabilize civil society, and enhance global credibility.

Following World War II, states realized the importance of addressing widespread human rights violations on the international level with the support of international organizations (IOs) and nongovernmental organizations (NGOs). For example, the International Criminal Court (ICC) centers its focus on providing unbiased judgment against those who are deemed as perpetrators against society after July 2002, as established by the Rome Statute. The members of the UN assert that any entity, state or individual, that violates human rights by means of genocide, crimes against humanity, and/or war crimes, will be subject to prosecution in the ICC unless involved in proceedings in their respective domestic judicial systems. Yet after the ICC was proposed, the key actors who participated in its creation withdrew due to their fear of being held accountable for abuses by their militaries, governments, and multinational corporations, thus the Court has been largely inactive.

As a result of the lack of support and accountability, limited jurisdiction, and the overarching fear of compromising sovereignty in a globalized world, many governments focus on state-centered judicial approaches toward dealing with human rights violators. Since the ICC is limited to recent violations, more creative approaches have been taken to confront the atrocities of the past in order to improve the future conditions of the state. These methods are used primarily by states with “transitional governments,” those moving from non-democratic regimes toward democracy, and come mainly in the form of truth commissions and human rights trials. The use of truth commissions and trials, what is termed “transitional justice,” grants the state the ability to structure a process of reconciliation in-line with its respective interests. The application and outcome of commissions and trials vary throughout regions because they are being applied to a “wide variety of sociopolitical settings with varying levels of support (international, governmental, and popular), resources and constraints” (Avruch and Vejarano 2002: 37-38). Empirically, Latin America has experienced more recognizable success in democratic transitions and transitional justice than any other region, yet the short-term and long-term effects remain an issue of contention. The inconsistent results are attributed to the incongruent goals of justice, truth, and reconciliation, which

are affected largely by the culture of the state, as well as the marginal efforts of the state at combining its search for justice and truth.

Transitional Latin American states that underwent trials almost always first engaged in truth commissions, and in the majority of cases the two forms of transitional justice together led to an improvement in human rights conditions since by definition “a functioning democracy will...be respectful of human rights” (Hillman, et. al 2002: 2). Truth commissions are a necessary step in the process of punishment since states are generally at odds about what happened in the past. The human rights abusers have created a tense civil environment in which the victims of the past are fearful of recounting their experiences, the “truth,” since many criminal officials either still retain official positions or remain closely connected with today’s governmental and military officials. It is not until a platform of free speech for investigative purpose is established that the victims feel protected and empowered to retell their stories. Once victims communicate the details, judicial action in the form of trials can prevail with a stronger, more detailed account of the violations, and thus charges and punishments can be better decided.

During the initial attempts at carrying out human rights trials, short run results were marginal and the outlook grim. Since in most cases there were threats of military coups, oppressive governmental and military officials remained protected by official amnesty laws, and the goals of justice were geared toward retribution not reconciliation. Most Latin American states have since removed their official amnesty protection laws and gained a societal consensus as to the importance of and the purpose for publishing truth commission reports and punishing past human rights violators. By pursuing the contentious, yet increasingly effective forms of transitional justice, it is proven that with the passage of time, both the perpetrators and the victims are brought together in reconciling the past and aiding in the transition of the state to democracy. Once deeply divided states begin to experience progress and gain strength within their civil societies, thereby directly enhancing their development and credible participation in the global community. Given the observation of an abundance of long run empirical success, especially in Latin America, the rest of the world must continue to work toward further improvements in the human rights justice discourse. Even with improved domestic accountability and enforcement through the use of transitional justice mechanisms, from what was originally observed in the trials of the ICC and other International Tribunals, it is necessary for all participants in the global system to continue with this success and create stronger standards for further protection and enforcement of human rights.

### Annotations

“Repressors Still Terrorizing.” 2008. *Latin America Press* (March 27)  
<http://latinamericapress.org/articles.asp?item=1&art=5555>.

Annotation: This article discusses the implications arising in the attempt to carry forth human rights trials. In many instances, the witnesses and the human rights violators themselves have been murdered or kidnapped just days before the commencement of their respective trials. This fact is supported with various examples across several South American



nations with the intent to show the ineffectiveness and obstacles occurring during the course of judicial action.

Andreopoulos, George, Zehra F. Kabasakal Arat, and Peter Juviler. 2006. "Introduction." In Non-State Actors in the Human Rights Universe. Edited by G. Andreopoulos, Z. F. Kabasakal Arat and P. Juviler. Bloomfield: Kumarian Press.

Annotation: The real application of the various human rights charters and declarations that have been formed to counter mass violations, prove, according to the authors, that there remains much to be desired concerning this discourse. Given the threat of losing sovereignty, states are afraid to take full action against those who commit violations unless they are deemed "interstate aggressive acts." The authors thus attempt to establish methods for addressing particular issues that arise in international criminal law and give much attention to the behavior of non-state actors (NGOs) in combating widespread abuse.

Autheman, Violaine and Sandra Elena. 2004. "Global Best Practices: Judicial Councils: Lessons Learned from Europe and Latin America." *International Foundation for Election Systems* (April) [http://www.ifes.org/publication/cae6b5d089d0b287174df2742875b515/WhitePaper\\_2\\_FI\\_NAL.pdf](http://www.ifes.org/publication/cae6b5d089d0b287174df2742875b515/WhitePaper_2_FI_NAL.pdf)

Annotation: This is a comprehensive piece regarding the requirements and guidelines for the international prosecution of human rights violations. The issue addresses many literary works concerning the pursuit of trying state officials for criminal charges. This paper terms this issue as "judicial integrity" and elaborates this concept by concentrating on the standards set for those individuals who preside over the trials.

Arat, Zehra F. K. 2006. "Looking Beyond the State but Not Ignoring It: A Framework of Analysis for Non-State Actors and Human Rights." In Non-State Actors in the Human Rights Universe. Edited by G. Andreopoulos, Z. F. Kabasakal Arat and P. Juviler. Bloomfield: Kumarian Press.

Annotation: In an effort to tackle the overarching concern of state sovereignty in the discourse of international criminal law, many recent charters are "statist"-putting the power back in the hands of the state. However, the author opines that the shift back to state-centered policies has caused the protection of human rights to be subjective and ineffective. Yet when the power is in the hands of non-state actors ("NGOs") there is significant consensus declaring that there is a divide in effectiveness in that some NGOs protect against violations, where others indirectly promote additional violations.

Avruch, Kevin and Beatriz Vejarano. 2002. "Truth and Reconciliation Commissions: A Review Essay and Annotated Bibliography." *The Online Journal of Peace and Conflict Resolution* 4 (2):37-76.

Annotation: Offering a background on truth commissions, this review essay and annotated bibliography provides an overview of how truth commissions came to be and how successfully they have been in terms of performance and statistical information. The majority of truth commissions are government-lead in transitional regimes, yet vary tremendously given diverse levels of support, resources, limitations, and results. With the inclusion of an annotated bibliography, this paper allows for easy pursuit of more complex information concerning the truth commissions beyond that of what is offered within this introductory piece.

Becker, John D. 2003. "International Crimes, Peace and Human Rights: The Role of the International Criminal Court." *Human Rights & Human Welfare* 3:356.

Annotation: In the years following World War II, there was a large push to create a standing International Criminal Court (ICC) to address the international war crimes that occurred during the course of the war. Becker suggests that the issue of strengthening the ICC is receiving increased attention, and discusses the publication of a series of essays by Dinah Shelton as being a "timely text" for the issue. The book by Shelton focuses on four areas: how past trials have shaped the ICC, concerns of divergent perspectives on how the ICC should be conducted, internal concerns of the ICC such as penalties, and lastly, how to successfully implement the ICC in the international arena.

Bickford, Louis N. 2002. "Preserving Memory: The Past and the Human Rights Movement in Chile." In *Democracy and Human Rights in Latin America*. Edited by R. S. Hillman, J. A. Peeler and E. Cardozo Da Silva. Westport, CT: Praeger.

Annotation: Bickford uses the Chilean experience to discuss the importance of addressing the past to improve society, in particular the human rights condition, both in the present and the future. The support of truth commissions sprouts from the concept that remembrance is both a healing and a strategic tool with which, the author suggests, will help archive the stories of the victims who historically were without a voice, which in turn promotes justice. However, the author is concerned that there may exist a form of "path-dependency" with this approach and questions why there has been a limited push toward improving social programs in conjunction with promoting truth.

Bigwood, Jeremy and Peter Kornbluh. 2007. "Fujimori On Trial: Declassified Documents." *North American Congress on Latin America* (December 11) [www.nacla.org/node/4439](http://www.nacla.org/node/4439).

Annotation: As Fujimori went on trial in Peru for his violation of human rights, the National Security Archive released many documents that linked Fujimori to additional international crimes. The document list includes publications from agencies including the Defense Intelligence Agency, the State Department, and the US Embassy. Some of the other crimes that Fujimori was linked to include the execution of unarmed rebels and the seizure of the home of the Japanese ambassador to Peru in 1997. The fact that Fujimori is linked to other

violations of human rights that he is not facing prosecution for brings the legitimacy and scope of the trials in question.

Black, Elizabeth C. 2004. "Litigation as a Tool for Development: The Environment, Human Rights, and the Case of Texaco in Ecuador." *Journal of Public and International Affairs* 15:142-164.

Annotation: This is a very compelling piece, which focuses on the case of the Texaco Corporation in Ecuador. This corporation is in question for violating environmental and human rights agreements. The important aspect of this piece is that the interest of international human rights groups and trials are expanding from individuals and groups to include transnational corporations. The trend has been that many actors slip through the cracks in the system and are able to avoid prosecution simply from their position in the domestic or international arenas; thus the standards are changing and no group is immune from facing judicial actions for human rights violations.

Chang, Jack. 2008. "Deaths, Kidnappings Plague Argentina's Human-Rights Trials." *McClatchy Washington Bureau* (February 27) [www.mcclatchydc.com/homepage/v-print/story/28879.html](http://www.mcclatchydc.com/homepage/v-print/story/28879.html).

Annotation: In 2005, the Supreme Court of Argentina revoked the right to amnesty for government officials who were historically immune from prosecution for charges of abuse of power, torture, and many violent acts during the repressive dictatorship between 1976 and 1983. This Court decision led to the scheduling of a series of human rights trials that were to take place in Argentina, an act that many thought would bring justice to the country. However, Chang laments that many of these trials have yet to be carried out due to the abundance of murders and kidnappings of key players in the legal actions.

Chauvin, Lucien. 2007. "Fujimori Outburst Sets Tone for Peru Human Rights Trials." *Christian Science Monitor* (December 12) <http://www.csmonitor.com/2007/1212/p07s02-woam.html>.

Annotation: At the beginning of a string of human rights trials that were set to occur against Alberto Fujimori, the former president of Peru, he attempted to discredit the charges being brought against him. He went on a tirade about his success as the head of state, which included the restoration of the nation's economy following a major economic crisis. However, these charades are said to have had little influence on the jurors, since he was being charged with many counts of human rights violations including murder, kidnapping, torture, and false imprisonment. The argument of this article, therefore, becomes that regardless of the stunts pulled by the defendant or others connected to the defendant, the trials remain fair and untainted—contrary to the beliefs of many critics.

Crocker, David A. 1999. "Reckoning with Past Wrongs: A Normative Framework." *Ethics & International Affairs* 13.

Annotation: The approach of this paper focuses on the implications of human rights trials and takes the stance that certain normative frameworks must be implemented in order to counter the imposition of negative consequences. The debate among many scholars remains that the trials of human rights violators in historical cases are hindering the governments from successfully transitioning into democratic regimes. The people of these nations continue to take a split stance on whether it is worth the time and energy to hold these international criminal trials because it is apparent that the success thus far has been marginal.

Equizabal, Cristina. 2000. "Latin America Foreign Policies and Human Rights." In Human Rights and Comparative Foreign Policy: Foundations of Peace. Edited by D. P. Forsythe. Tokyo: United Nations University.

Annotation: Historically in Latin America, human rights were considered rhetoric for the anti-communist movements and were only given weight by those who were fighting for social justice. Many scholars and politicians, however, continue to stand firmly against the fight to prosecute past human rights violators, especially governments, because of the fear of challenging the state's sovereignty. The International Criminal Court places pressure on the state to address violations through trials, yet the accountability of the violators remains an issue of the state and not of the international system. The issue thus remains that there is not enough domestic support for the trials for such judicial action is seen as being simply a Western influence of democracy.

Farbstein, Susan Hannah. 2001. "The Effectiveness of the Exercise of Jurisdiction by International Criminal Court: The Issue of Complementarity." In *European Centre for Minority Issues*. Flensburg, Germany: ECMI.

Annotation: Beginning with the foundations of the International Criminal Court, this paper describes the different historical atrocities that led to the need for prosecuting international criminals. From the perspective of the European Centre for Minority Issues, the author focuses on the protectionist aspect of establishing tribunals across the globe and how the initial standards have evolved over time. A result of the International Criminal Court is the issue of jurisdiction through the Rome Statute, which the author concludes can be addressed only through complementarity.

Feinberg, Ira. 1996. "Fairness to Defendants at the International Criminal Court: Proposals to Strengthen the Draft Statute and its Protection to Defendants' Rights." *Lawyers Committee for Human Rights* (August).

Annotation: After reviewing the draft Rome Statute prepared by the International Law Commission, which was written to outline the procedures and limitations of the International Criminal Court (ICC) should it be established, the Committee offers suggestions and observations concerning the Statute's strength and weakness. The article focuses on several Article provisions, in particular those relating to the rights of suspects and defendants brought before the ICC. The Statute focuses on rights of suspects and defendants in the following manner: procedures for a trial in absentia, indictment chambers,

provisional arrests, pre-trial discovery, public trial, and conviction by a majority vote, and appeals by the prosecutor. The committee remains a proponent for the ICC and supports the suggested changes in the outlined issues of the Statute in order to finally gain international support for a standing tribunal.

Friends of the Earth Europe. 2008. "EU and Business on Trial for Crimes in Latin America." [www.corporatejustice.org/spip.php?article236](http://www.corporatejustice.org/spip.php?article236).

Annotation: In addition to individuals and states, companies operating in the Latin American region are now also being prosecuted for human rights violations. The trials of European companies are the focus of this article, in that not only are the traditional players being subjected to judicial action, but multinational corporations (MNCs) are facing similar repercussions to counter a variety of violations that are occurring in the region. The crimes of the companies include the violation of indigenous rights, poor labor conditions, and in general a disregard of welfare of the citizen laborers. This article represents the movement toward establishing an international legal standard and enhancing the accountability of all actors, governments, and corporations.

Garrett, Stephen A. 2000. "Models of Transitional Justice: A Comparative Analysis." International Studies Association-Conference Paper. Los Angeles, CA.

Annotation: The topic of discussion in this conference paper is the varying models for bringing about "transitional justice." This very theoretical piece offers four models that are all said to bring about justice for human rights violations, but which vary in their application, since each model references a historical case. The models include a broad spectrum of approaches ranging from situations in which the government avoids prosecution of past violations, to the full prosecution of all violators.

Hafner-Burton, Emilie M., and James Ron. 2007. "Human Rights Institutions: Rhetoric and Efficacy." *Journal of Peace Research* 44 (4):379-383.

Annotation: Hafner-Burton and Ron talk about the problems surrounding the study of human rights in terms of policy and legal action. There exist diverging views regarding whether it is beneficial to continue the push toward putting human rights violators on trial in hope to deter future abuse. Although the authors express the various stances that change amongst states and researchers, they fail to offer conclusive remarks about whether the intended purpose is being achieved.

Healey, Sharon. 2000. "Searching for Justice in an Unjust War." *Human Rights & Human Welfare* 2 (2):23-20.

Annotation: The global support for introducing human rights trials and truth commissions spurns from the belief that by prosecuting past violations, future tortures, kidnappings, and

murders will be deterred in the time of war or civil unrest. Healey presents the question of “must there be justice in order to realize peace, or are there times when we must swallow injustice in the name of peace?” With consideration of two publications surrounding this issue, there is an attempt to conclude that trials alone will not suffice. In conjunction with political will, the platform will be created to air the truth and endorse accountability.

Hillman, Richard S., John A. Peeler, and Elsa Cardozo Da Silva. 2002. “Introduction.” In Democracy and Human Rights in Latin America. Edited by R. S. Hillman, J. A. Peeler and E. Cardozo Da Silva. Westport, CT: Praeger.

Annotation: In asserting that there exist missing principles that are hindering the institution of democracy in Latin America, the authors link the absence of these principles with the inconsistent human rights records that remain in the region. The authors state that “electoral procedure, for example, [does] not necessarily produce substantive protection of human rights when [it is] designed in practice to serve the interest of an elite,” suggesting that the form of democracy introduced in the region is not pure and is in fact a wavering mix of democratic and authoritarian ideals. Their opinion is further enforced by the argument that the promotion of democracy world-wide has been limited to protecting economic and security alliances, and that with the deteriorating public services and infrastructure, weak economies and corrupt politics, the full implementation of democratization will not ensue, thus leaving human rights violation undeterred.

Human Rights Watch. “Human Rights and Democracy in Latin America and the Caribbean.” 1999. Prepared for “Summit of the Heads of State and Government of the European Union, Latin America and the Caribbean.” Rio de Janeiro: Human Rights Watch.  
<http://www.hrw.org/backgrounder/americas/back0624.htm>

Annotation: In June 1999, Human Rights Watch held a conference for the Summit of the Heads of State and the Government of the European Union, Latin America and the Caribbean to discuss the current state of human rights in the region. This conference paper shows that there are still a variety of conflicts that need to be resolved ranging from leftist guerillas in Colombia to the attacks against freedom of expression in Chile. Beginning by outlining these issues, the paper then offers solutions for democratic institution building and the establishment of truth commissions to eradicate these problems.

Jochnik, Chris. 1999. “Confronting the Impunity of Non-State Actors: New Fields for the Promotion of Human Rights.” *Human Rights Quarterly* 21 (56):56-79.

Annotation: After World War II, human rights discourse was centralized around the promotion of democracy in all regions of the world in order to combat widespread violations. The author, however, describes the implications that arise if the scope is too narrowly focused on democratic regimes, and how several large issues thereby are overlooked. Many non-state actors are continuing to engage in human rights violations, and are immune from and disregarded in protection efforts of the state.

Kim, Hunjoon, and Kathryn Sikkink. "Do Human Rights Trials Make A Difference?" Chicago: Law School at the University of Chicago. <https://www.law.uchicago.edu/files/intlaw-sikkink.pdf>

Annotation: Much debate ensues over the effectiveness of hosting human rights trials to enhance accountability for state officials' abuse of power and criminal violations. A statistical study shows that the use of human rights trials in transitional states, those states moving toward democracy, is in fact deterring future human rights violations from occurring both domestically and internationally.

Knoops, Geert-Jan Alexander. 2003. An Introduction to the Law of International Criminal Tribunals: A Comparative Study. Ardsley, NY: Transnational Publishers.

Annotation: With a specialization in international criminal law, the author displays his knowledge of the subject to review the current push toward establishing both functioning International Criminal Court and International Criminal Tribunals. After World War II, the use of human rights trials was marginal. It was not until the conflicts and violations in Yugoslavia and Rwanda that the international system demonstrated its support for prosecuting the criminals in charge. The focus of this book is to look deeper into international criminal tribunals, namely in the case of Yugoslavia and Rwanda, and addresses the principles that govern the tribunals and further focuses on the wrongfully accused, a topic usually avoided by many experts in this field.

Lawyers Committee for Human Rights. 1998. "Establishing an International Criminal Court: Major Unresolved Issues in the Draft Statute." *International Criminal Court Briefing Series 1* (1).

Annotation: From the perspective of an organization that supports the establishment of a standing International Criminal Court (ICC), the Lawyers Committee for Human Rights believes that by imposing an international tribunal there will be a safety net for the failed national judicial processes. In order to enhance its success, the Committee proposes that the scope of the ICC's jurisdiction will be limited to those crimes of genocide, war crimes, and crimes against humanity. Further, the organization focuses on the need for the Court's independence in order to gain support, and so that it does not appear to be a Western process.

Linz, Juan Jose, and Alfred C. Stepan. 1996. "From an Impossible to a Possible Democratic Game: Argentina." In Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe. Edited by Juan Jose Linz and Alfred C. Stepan. Baltimore: John Hopkins University Press.

Annotation: The 1976-1983 presence of a military regime in Argentina is described as being an "anarchic reign of terror" in which "thirty-two times more people disappeared in Argentina than in Brazil" (Brazil also is plagued by a past full of human rights violations and

repression). The “collapse” of the military regime was the result of the defeat of the military in the Malvinas, which brings implication to the state when trying to embrace democracy today. Due to the regime’s hierarchical nature, Linz and Stepan suggest that the military rule did not in fact collapse, but remained in power after the war in which they “were in a position to gravely complicate the task of consolidating democracy.” Thus, the authors conclude that the use of trials to address human rights violations in Argentina almost led to the breakdown of democracy because of the lack of a stable political backing.

May, Rachel A. 2005. “The Social and Political Aftermath of Terror: A Consideration of Human Rights, the Judiciary, and Dealing with the Past.” In (Un)civil Societies: Human Rights and Democratic Transitions in Eastern Europe and Latin America. Edited by R. A. May and A. K. Milton. Lanham, MD: Lexington Books.

Annotation: Since the Argentine trials on human rights in the early 1980s, the application of these trials for reconciliation and democratization has been subject for debate. In transitioning democracies that are historically considered to be “post-terrorist” societies (i.e. Argentina), weak economic conditions have forced the citizens to become suspicious of the political and civil activities. Thus the process of reconciliation is in question for its conflicting nature with democratization. With the failures of human rights trials in the 80s, the fear of military retribution remains large, silencing many of the victims and prohibiting justice.

McCorquodale, Robert, and Richard Fairbrother. 1999. “Globalization and Human Rights.” *Human Rights Quarterly* 21 (3):735-766.

Annotation: As globalization becomes increasingly prevalent, many corporations have expanded their business efforts into states across the world as a way of taking advantage of the global system. McCorquodale and Fairbrother center their analysis on this concept and look deeper into those that are deemed to be the “losers” in this process. The losers, whom the authors focus on, are those whose rights are being violated in the pursuit of economic gains.

Mendez, Juan E. 1996. “Accountability for Past Abuses.” *Human Rights Quarterly* 19 (2).

Annotation: Mendez illustrates the debate that ensues of the issue of international judicial actions against past human rights violations. The question of whether the international system has a place in the process remains unforgiving as a result of the democratic belief that the government knows what is best for its state. However, in order to gain full success during this process, the international community needs to cooperate with the state to establish guidelines for accountability that formulate an international standard to which all global citizens should be required to adhere.

———. 2000. “International Human Rights Law, International Humanitarian Law, and International Criminal Law and Procedure: New Relationships.” In International Crimes,



Peace, and Human Rights: The Role of the International Criminal Court. Edited by D. Shelton. Ardsley, NY: Transnational Publishers, Inc.

Annotation: Focusing on the issue of impunity and the convergence of the International Humanitarian and Human Rights Laws, Mendez addresses the common obstacles of immunity and cooperation of state officials as being the limits to persecution. The Rome Statute that gave rise to the International Criminal Court (ICC) was approved *en bloc* by Latin American states, yet with the Pinochet case, Chile fought the ICC's jurisdiction. Thus the author concludes that by nature each law and entity of the court appears to be beneficial for repercussion for the past. He also persists that the use of official immunity must be stipulated by the provision that immunity be awarded unless the official partakes in genocide, war crimes, or crimes against humanity.

Navia, Patricio. 2003. "The Trials of Pinochet." *Foreign Policy* (May/June).

Annotation: The difficulties of trying state officials for past human rights violations is largely inefficient, leading both parties to feel defeated by the outcome. This particular paper focuses on the case of former General Augusto Pinochet of Chile and his release from his human rights trial for medical reasons. With Pinochet free from punishment, the Chilean people are divided as to whether they are satisfied with the steps toward justice that were taken against Pinochet in hope of correcting past wrongs and straightening out the future of Chilean human rights.

Norden, Deborah L. 1996. Evolution of Military Rebellion: Military Rebellion in Argentina: Between Coups and Consolidations. Lincoln: University of Nebraska.

Annotation: In order to understand the status of human rights trials in Argentina today, it is necessary to analyze the historical events that have directly and indirectly lead to the trials failures. Argentina has a divided civil society, some of which are embracing the introduction of democracy and others who remain proponents of the military regime that have held long-standing power through fear and complete state control. As a result of the split, there exists an instability and underground organization that imposed conflicts and unrest throughout the state and who are believed to forever hinder the processes of democracy and justice.

Pejic, Jelena. 1995. "What is a Fair Trial? A Basic Guide to Legal Standards and Practice." Edited by G. Black. New York: Lawyers Committee for Human Rights.  
[http://www.humanrightsfirst.org/pubs/descriptions/fair\\_trial.pdf](http://www.humanrightsfirst.org/pubs/descriptions/fair_trial.pdf)

Annotation: The Lawyers Committee for Human Rights compiles guidelines for determining the correct and justifiable process for international human rights trials. The paper provides background information of basic fair trial criteria from the rights of the individual at all stages of the trial: pre-trial, hearing, and post-trial. Outside of outlining the basic rights of the individual, the Lawyers Committee also discusses the manner in which to deal with the external observer and media rights surrounding the proceedings.

Roehrig, Terry. 1998. "Putting the Military on Trial: The Consolidation of Democracy in South Korea and Argentina." International Studies Association-Conference Paper.

Annotation: This paper focuses on two specific case studies where military officials were put on trial for war crimes ranging from murders to kidnappings. The nations that are the focus of this paper are South Korea and Argentina, with Argentina being the best example of the use of human rights trials to address the corruption and torturous situation following many decades of military regimes. Argentina has attempted to carry forth a series of trials after the release of official amnesty. However, it has been largely unsuccessful in prosecuting these criminals for a variety of reasons. Thus, the conclusion of this paper is that, with cases of transitional justice, there are many tradeoffs that must be considered, making these trials an issue of contention.

Schiff, Ben. 1998. "War Crimes and Truth Commissions: Constructing International Morality and Constraining the State." International Studies Association-Conference Paper.

Annotation: This paper explores the use of truth commissions in response to human rights violations, both in the domestic and international sphere. As many states are beginning to use trials to address criminal charges of governmental officials throughout Latin America, they are most prominently being held in states with transitional governments. The argument suggests that the international norm consensus following World War II in combating war crimes cannot successfully be imposed internationally, and that many efforts would much rather be avoided by the government in order to better stabilize and introduce democracy in the state.

Sethi, Manpreet. 1999. "The Pinochet Case: Implications for Chile, Latin America and the World." *Strategic Analysis* XXII (11).

Annotation: A prominent figure in the discussion of human rights trials is Augusto Pinochet of Chile, who allegedly violated human rights of Chilean and foreign citizens. Although Pinochet is said by some to deserve prosecution for past offenses, others believe that all the judicial actions really accomplish is to reopen old wounds of a historical past that many prefer to forget. Despite the fact that torture, murder, and kidnapping in Chile characterized the military dictatorship that once controlled the nation, the perspective of this paper is that trials in fact hinder progression of transitional governments as many Latin American nations are moving toward the institution of democratic regimes.

Sikkink, Kathryn. 2008. "From State Responsibility to Individual Criminal Accountability: A New Regulatory Model for Core Human Rights Violations." Annual Meeting of the American Political Science Association-Conference Paper.

Annotation: Traditionally, as the authors suggest, dealing with human rights violations have been the responsibility of the state, which makes legal accountability and enforcement much more challenging. Today, however, this approach is changing and the criminal acts occurring within a state are finally becoming reprehensible under international law by prosecuting the individuals taking part in the violations. This trend presents a new regulatory model for human rights violations and describes different forms of trials and regulations that are being offered as a solution to address human rights.

Sikkink, Kathryn and Carrie Booth Walling. 2007. "The Impact of Human Rights Trials in Latin America." *Journal of Peace Research* 44 (4):427-445.

Annotation: The impacts of truth commissions and human rights trials until recently were scrutinized as creating obstacles to the institution of democracy. Sikkink and Walling successfully gather data to provide empirical support against these claims. In fact, they conclude that the introduction and rapid growth of truth commissions and trials in transitional societies are limiting the number of violations and are aiding the nations in their steps toward democracy.

Slaughter, Annie-Marie, Kenneth Roth, John Bolton, and Ruth Wedgwood. 1999. "Toward an International Criminal Court?" *The Council on Foreign Relations*.

Annotation: There exists a degree of consensus amongst scholars that the structure of the International Criminal Court needs improvement to be fully successful in the international arena. Although there are advocates for and against the Court for various reasons, the issue of enforcement remains overarching.

Smith, Charles Anthony. 1999. "The Primacy of Politics: Justice, Power, and War Crime Trials." *Online Journal for Peace and Conflict Resolution* (August).

Annotation: Smith focuses his discussion on the debate surrounding whether a standing international human rights tribunal should exist to aid in prosecuting human rights violators in a speedy and efficient manner, or whether ad hoc tribunals are a more fitting solution to the problem. Through the use of several case studies in different areas of the world, statistical analysis shows that a standing tribunal is a representation of cultural empiricism that is simply trying to promote democratic, Western ideals. By allowing states to setup ad hoc tribunals to suit their judicial needs, Smith concludes the effort will be more effective, but only if conducted combined with the implementation of a stable political regime.

Tepperman, Jonathon. 2002. "Truth and Consequences." *Foreign Affairs* (March/April).

Annotation: With many nations across the world trying to gain the support of the West, newly elected governments in historically communist or militaristic states begin by transitioning their regimes into democracies. One of the main ways in which the new leaders

are introducing democracy to the state is by establishing truth commissions or tribunals to face past human rights violations. Although this attempt appears to be what the state requires on the surface, the issue remains that there are fundamental issues when exposing the truth for which the author suggests can be countered through learning from past experiences, and by focusing on what the commissions are truly able to accomplish through its limited scope instead of forcing unrealistic expectations.

Zalaquett, Jose. 2002. "The Pinochet Case: International and Domestic Repercussions." *The Aspen Institute*.

Annotation: This working paper discusses the steps that have been made in the process of attaining international justice through the European prosecution against the Chilean dictator Augusto Pinochet. After World War II there was an enormous amount of fundamental progress being made through law-making and the establishment of the International Criminal Court. As time passed the international tribunals have made advancements, some of which are marginal, yet in terms of the jurisdiction and enforcement, violators of human rights are currently facing the repercussions of their actions both at the domestic and even at the international level when the effects of their actions overstretch domestic jurisdiction.

## **Human Rights Abuses along the Dominican-Haitian Border**

By Calla Cloud

### ***Introduction – Haiti and the Dominican Republic: Inextricably Linked***

A 122 mile-long border separates the Dominican Republic and Haiti on the Caribbean island of Hispaniola. Of the two countries, Haiti's human rights abuses are much more somber than the emerging developments of the Dominican Republic. Haiti's stagnant economic situation has contributed to perennial political instability and lack of infrastructure, having a particularly confounding affect on the rights and labor conditions of Haitian citizens. There are a myriad of reasons why Haiti is the poorest country in the Western Hemisphere. Two of the most prominent include its violent political history and the gradual deterioration of its economy. In the context of human rights and labor conditions, Haitians have taken on the burden of their country's collapse. Labor conditions in Haiti are almost non-existent with the majority of citizens resorting to slash and burn farming or emigration to the Dominican Republic. Furthermore, overcrowding is an issue in Haiti which is one of the most overpopulated countries in the world occupying only one-third of the island of Hispaniola but containing nearly two-thirds of the population.

An attractive outlet to Haiti's stark labor prospects is the Dominican Republic. In the Dominican Republic, the population density is much lower than it is in Haiti and the economy is growing very rapidly. The Dominican Republic's per capita income is five times higher than that of Haiti's (Marc 2008). Therefore, many Haitians are crossing the border onto the Dominican side, where they find better economic opportunities and greater availability of land. Due to these emigration trends, Haitians now constitute about 12 percent of the population in the Dominican Republic, a figure that in reality is probably an underestimate due to the number of migrants who have entered the country illegally (Skinner 2008). In fact, even recent figures have claimed that up to one million Haitians are actually living in the Dominican Republic (Human Rights Watch 2002). Of those who are born in Haiti, only a tiny fraction of them are in the Dominican Republic legally.

### **Haitian Migration to the Dominican Republic**

As Haitians continue to immigrate into the Dominican Republic illegally and constitute at least 12 percent of the population, the Dominican Republic now has the largest influx of migrants in the Caribbean, which constitute a significant minority. For decades they have been crossing the border, most of them illegally, to work in difficult manual labor positions on the sugar plantations and other agricultural positions. As the Dominican Republic develops its manufacturing and tourism sectors, Haitian or Dominico-Haitian laborers have been filling the lower-paying agricultural jobs as the Dominicans have taken on the newer, industrial jobs. The Haitian migrant laborers have created major tensions with the Dominican populace and their government, particularly because such labor is considered undocumented and therefore illicit. The situation is often paralleled to that of the undocumented Mexican nationals who seek employment, particularly in labor-intensive sectors, within the United States. In both cases, it is geographically advantageous for people to leave their weakened states for employment possibilities, resulting in similar tensions and stigmas.

The illegal movement of Haitians across the Haitian-Dominican border has created a faction of migrant workers who are un-unionized, impoverished, and overwhelmingly malnourished, thus making them exceedingly easy to exploit. In addition to being an economically vulnerable population, Haitians are also faced with a significant stigma within the Dominican population. Many Dominicans are fearful that they will take the brunt of the costs and problems as a result of Haitians fleeing the enormous poverty and economic collapse in their country. Dominican politicians and the media often depict the Haitians as a problem—as a drain on the limited resources of a country that was late in its own development. Despite labor issues and livelihood concerns stimulating greatest concern for most Dominicans, the issue has been manifested into a matter of racial divisions and discrimination.

### **Racial Discrimination**

There are several distinctions between Haitians and Dominicans that fuel problems of racism and discrimination on the island of Hispaniola. Linguistic, cultural and perceived racial differences between the two populations were ultimately crystallized during the colonial period, when the Dominican Republic was governed by the Spanish and Haiti by the French. Haitians are distinct culturally as they are descendants from African slaves, speaking a French-based Creole that is linguistically isolated from the Spanish or English speaking communities, who claim European ancestry that surround them. Haitians have also historically practiced voodoo, a form of polytheistic religion that is much different than the neighboring Dominican Roman-Catholics. Apart from these two distinctions, the most widely-used indicator of discrimination is the “Haitian appearance,” which alludes to the darker skin of Haitians versus the perceived-to-be-lighter, Dominicans. Haitians are widely considered to be less civilized or inferior to the Dominican population. Similar to the parallel of Mexican migrant laborers, Haitians are also cast into racial stereotypes as a group.

Racial prejudice in the Dominican Republic runs deep, stemming from years of steady anti-Haitian political propaganda and racial violence. Haitians are popular targets of resentment, as Dominicans frequently see them as a threat to national sovereignty. Haitians and Dominico-Haitians are considered unintelligent and indolent. Some of the “black Haitians” discriminated against are second and third generation Dominico-Haitians and even Dominicans without Haitian ancestry. Long withstanding resentment towards each group has cultural and political roots from violence perpetrated from both sides under former Dominican dictator Rafael Leonidas Trujillo and former Haitian president Jean-Bertrand Aristide. Victims of the violence were disproportionately Haitians living in the Dominican Republic.

### **Forced Deportation**

In the Dominican Republic, there are continuous massive deportations that have historically been based on visual assumptions of a person’s race. If the person in question is darker, they are deported notwithstanding any legal paperwork belonging to them, and without any other circumstances considered. The people in question are generally rounded up by the Dominican army, who make regular sweeps of “suspected Haitians”—a term used loosely to indicate the color of their skin. The suspects are forced onto trucks and are transported to the border with no other questions asked. There have been widespread reports of legally or illegally documented laborers being forced into

trucks and deported with no notification to their family members of their whereabouts. In many cases, these people are separated from their family members for extended lengths of time with no knowledge of their condition, location, the circumstances of their deportation, or even that they were deported at all. The Dominican army has been known to detain suspected Haitians with or without paperwork through major sweeps of tens of thousands of “suspected Haitians” found in public arenas—some figures estimate that the deportations have run about “20,000 a year over the last decade” (Human Rights Watch April 2002). The majority of Haitian emigrants do not have any form of documentation at all, such as birth certificates, identity cards, passports, or visas, which might indicate their nationality. Therefore, this presents a problem for those who are born in the Dominican Republic, but who are of darker Haitian descent. Such people are often deported, despite any legal paperwork they may (or may not) have in their possession.

### **Human Rights Abuses**

People living within the Dominican Republic, who are able to stay despite the large-scale deportations, are faced with significant problems concerning access to health care, education, shelter, etc. Human rights abuses are common in the Dominican Republic, ranging from underpayment and denial of medical attention to physical abuse and even to conditions akin to imprisonment or indentured servitude. Many of these laborers enter into contracts with Dominican employers to which they are made to work off their “debt” over weeks or even years. Informal sector workers are particularly liable to be robbed or to have their goods confiscated by military personnel as bribes particularly at the border.

Amongst these indentured servants, there are 300,000 Haitian children in bondage in Hispaniola (Skinner 2008). They are the *restaveks* or the “stay withs” who are forced into indentured, unpaid labor, and are held in captivity. These children are exploited for labor and for sexual services as well. Sexual exploitation is common amongst Haitian emigrants particularly due to their vulnerable circumstances. Many young Haitian emigrants are sold into the sex slave trade within the Dominican Republic and are transported either somewhere on the island of Hispaniola, or are sold into sexual slavery as an export. This is particularly common, because most Haitian emigrants living in the Dominican Republic are accompanied by a social stigma that dictates their worth; they are born into a socio-economic situation in which they have very little choice. Many of Haitian emigrants are extremely malnourished and perform labor-intensive jobs. Oftentimes, mothers need their young children to help provide for the family, which is a situation that puts the children in tremendously vulnerable positions and allows them to fall prey to predators.

### **Prescriptions: The Future for a “Bigger Picture”**

Violent racism and discrimination have been perpetuated through years of political and cultural human rights abuses on the island of Hispaniola. Labor conditions have highlighted tensions between the two governments, creating issues of nationalism and autonomy, which in turn contribute to the root of racial discrimination and human rights abuses in the region. Both the Dominican Republic and Haiti are faced with inadequate infrastructure to handle the fundamental structural issues—which ultimately exacerbates the mass deportations and violent human rights abuses. The root of the problem between the Dominican Republic and Haiti is more systemic and

structural than racial or cultural. All of the issues combined—politics, race, culture, linguistics, and labor—are a part of larger structural issues within both countries. The presence of international organizations is essential in dissipating the subsidiary issues such as race and culture; in order to focus on the primary structural issues of political and economic stability and rebuilding of infrastructure. The economic quandaries have played into the cultural tensions, touching on issues of race. These ideas need to be re-focused around the real problems plaguing the island: economy, politics, natural disasters, infrastructure, and education. Discussions (and perhaps even agreements) need to take place concerning immigration, refugees, trade and economic development in order to move towards prospects of stability or peace in Haiti. Structural change needs to be made an international priority and the political problems need to be figured out through the development process. It is essential that these systemic, procedural difficulties be at the forefront of change for the island of Hispaniola.

### Annotations

“Bare, Brown and Barren.” 1991. *Economist* 319 (7709): 37-37.

Annotation: This article details the contrast between Haiti and the Dominican Republic. The article discusses the fundamental differences of poverty and under-development in Haiti versus that of the Dominican Republic. Much of the article comments on the conservation programs in the Dominican Republic and the effort to improve agricultural production and soil conservation in Haiti. This resource does not contain that much matter on the social situation. It views the border problem from an economic standpoint.

“End the Dominican Charade.” 1994. *New York Times*. (August 6) 18.

Annotation: This is an impassioned article with a clear agenda in its discussion of race and human rights between Haiti and the Dominican Republic. Written in 1994 it refers to the campaign in which the US-installation, Joaquin Balaguer ran against Jose Francisco Pena Gomez in which he constantly referred to Mr. Gomez’s race (who is black and of afro-Haitian descent) and frequently accused him of practicing voodoo. In this report they discuss that it is “time to stop the charade” in reference to the election where Gomez lost by a margin of 22,000-odd votes and yet a reported 200,000 people were denied the right to vote. Due to the evident bias in the article, it is useful if only for the facts that were reported.

“Ex-Dictator of Haiti Tries to Return, Fleeing Lawsuit in US.” 1992. *New York Times* (November 27) 19.

Annotation: This is a *New York Times* article that discusses the political situation of the former dictator who fled to avoid prosecution. The article is limited in that it is antiquated, however it provides good insight into the emotional involvement of the Haitian people and their response to human rights abuses during the dictatorship. The article includes more detail about the entire political and legal process than most sources do in the present. However, because it is written for the *New York Times* the article is short and not as



comprehensive as many of the other sources concerning the issue of the border on Hispaniola. To this end, this source might be better used for a concise introductory piece.

Alfonso, Geraldo & Cedano, Sobeida. 2007. Frontera en Transición: Diagnóstico Multidisciplinario en la Frontera Dominicana/Haitiana. Santo Domingo, Dominican Republic: Yan Impresos.

Annotation: This reference is written solely in Spanish, making this resource not as easily accessible to a larger audience. However, the book itself provides an insight to the plight of those of Dominican descent, who bare the burden of the political and economic instability and the subsequent the humanitarian crisis of the Haitian population driven by hunger into the Dominican Republic. This author discusses human rights issues that are the result of the border conflict, particularly emphasizing how the conflict involves two peoples, who, speak two different languages, and have two different cultures, on one island. Furthermore, the author provides insight as to what the future of the border might look like considering the massive migratory trends of Haitians escaping the persistent poverty and instability in their own country. The book is representative of a Dominican perspective, yet discusses the need for change in the current policy in order to benefit both sides of the border conflict.

Alfonso, Haroldo Dilla, and Sobeida De Jesus Cedano. 2005. On Problems and Opportunities-- Urban Border Intermediation in Dominican Republic. . Edited by Y. Impresos. Vol. 67. Santo Domingo, Dominican Republic: Yan Impresos.

Annotation: This book, written completely in Spanish, provides an economic perspective on the situation of the border. The author of this book has also written on social and human rights issues along the border. This book addresses the border that is shared by the Dominican Republic and Haiti, and explains how border issues have transformed as a result of growing bi-national trade, migratory flows, and the installation of industrial free zones. The cities located along the border assume new functions in this process of bi-national commerce in one particular region which might result in the subordination of the Haitian borderlands to the processes of capitalist accumulation. As a result of this subordination, however, human rights violations still existence between the two nation-states.

Arthur, Charles. 2002. "Haiti's Not-So-Free Zones." *Multinational Monitor* 23 (6): 1-6.

Annotation: This book addresses the opposition of Haitian non-governmental organizations (NGOs) and small peasant labor groups to the "free-zone" industrial development along the Haiti-Dominican Republic border. It details complaints that have arisen pertaining to the secretive construction of the zone, as well as to the dire working conditions and lack of rights for laborers who are employed in the industrial zone. Equal pay and humane treatment for Haitian workers, who tend to be physically darker and less advantaged than the Dominican workers, are particularly emphasized. This book clearly represents the rights of the laborers, in opposition to the current conditions, thus making it a valuable source on human rights in Haiti and the Dominican Republic.

Blum, William. 2004. *Killing Hope: US Military and CIA Interventions since World War II*, 2<sup>nd</sup> ed. Monroe, ME: Common Courage Press.

Annotation: This book discusses the United States' involvement in Haiti's domestic politics within the country concerning the 1991-1994 Haitian refugee crisis. The crisis was a culmination of political tensions that had been building in Haiti for at least twenty years with a series of military dictatorships. The United States government became involved in the region when it became apparent to the international community that increases in poverty and human rights abuses were being intentionally overlooked by the Haitian government. This was apparent due to the thousands of political refugees that began fleeing the region for destinations such as the United States and the Dominican Republic. Torture, rape, and mutilation were reported in the conflict in Haiti and, upon hearing of these human rights abuses, United States legislation changed to grant Haitians asylum. The author points out poignantly the human rights abuses of the Haitian government, but also provides a political commentary of United States foreign policy decisions concerning the Haitian humanitarian crisis. The case could be made that this book focuses perhaps too much on the United States' involvement in Haiti's politics, and perhaps not enough on human rights abuses that are occurring in Haiti.

Concannon Jr., Brian. 2006. "Haitians File Petition for the Overthrow of Their Democracy." *Guild Notes* 31 (1): 8-9.

Annotation: This article reports on a petition filed by the Haitian citizens in relation to their democratic rights. Represented by four human rights organization, the petition was filed before the Inter-American Commission on Human Rights against the United States, the Dominican Republic and Haiti. The petition breaks new ground in establishing that international law guarantees certain democratic rights, including the right to vote and run in democratic elections. The petition asks citizens to declare that democratic rights that the author alleges are *guaranteed* to the petitioners and other Haitian citizens through international instruments, which are enforceable rights. Despite changes in the political atmosphere regarding this petition, it is nevertheless interesting because of its overall explanation of the issue of democratic change in Haiti.

Danticat, Edwidge, Myriam J. A. Chancy, Nelly Rosario, and Loida Maritza Perez. 2004. "Voices from Hispaniola." *Meridians: Feminism, Race, Transnationalism* 5 (1): 69-91.

Annotation: This article is a commentary on a compilation of work done by female Caribbean authors, which focuses on the conjoint identity and history of the island of Hispaniola. The article is creative and artistic in orientation although far more anecdotal than informative. However, it deals well with questions of identity, and with themes of racism and human rights. It serves as social commentary on the political crises of the region, as well as on the internal struggle for both Haitians and Dominicans.

Diamond, Jared. 2005. Collapse: How Societies Choose to Fail or Succeed. New York: Viking. 329-358.

Annotation: This source provides a comprehensive look at the intimate complexities of the history of the region. The title of the Chapter which addresses the conflict is called, "One Island, Two Peoples, Two Histories: The Dominican Republic and Haiti." It discusses with a critical, seemingly neutral eye—the histories, differences, causes of divergence, Dominican environmental impacts/ current status, the human rights issues, and the future of the island of Hispaniola. It provides a short, compact synopsis, the main sources of divergence and the problems that lay therein these other issues. Diamond argues from an ecological perspective with particular interest in the environmental implications with respect to labor conditions and conflicting interests.

Donais, Timothy. 2005. "Back to Square One: The Politics of Police Reform in Haiti." *Civil Wars* 7 (3): 270-287.

Annotation: This article discusses the new presence of the UN peacekeeping force to Haiti upon the departure of Jean-Bertrand Aristide in 2004. The cyclical problems of public insecurity continue to plague Haiti in the humanitarian crisis within the country; the human rights abuses on the border with the Dominican Republic; and the civil struggle within. One of the major reforms of the UN Mission to Haiti is that of the police reform within. The central argument within the article highlights the continuing failure of the Mission to associate police measures within the greater political context. Therefore, the author calls for a broader international effort to build a sustainable, democratic peace in the Western hemisphere's most troubled state. The article is critical of the UN Mission to Haiti which is supported with intriguing data and legal complexities which are tremendously relevant to the Haiti's future context.

Dupuy, Alec. 2007. The Prophet and Power: Jean-Bertrand Aristide, the International Community and Haiti. Lanham, MD: Rowman & Littlefield.

Annotation: This book offers a comprehensive analysis of the struggle for democracy in Haiti; from one leader to the next detailing the problems of power, dictatorship and the course of the people during these chains of events. The book chronicles each leader and the problems within each administration starting from the 20<sup>th</sup> century up until the current situation of Haiti. The book discusses Haiti's impoverished majority and their demand for a more just, equal, and participatory democratic society. This book comments to the situation on the border with the Dominican Republic as well as the human rights situation within Haiti under these political dictatorships. The author of this source is a prominent scholar of Haiti as well who is referenced in several of the other sources.

Farmer, Paul. 2003. The Uses of Haiti. Monroe, ME: Common Courage Press.

Annotation: This book is a survivor's account of the current state of violence and human rights abuses within Haiti. The author is a scholar living outside of the country but actively working with health organizations based within Haiti. The book itself begins with the very construct of the Haitian state beginning with its colonization up until its current state. Undoubtedly this book has a theme concerned with human rights injustices, violence, poverty and the future for Haiti. Even the title suggests a reference to its cynicism.

Ferguson, James. 2003. "Migration in the Caribbean: Haiti, the Dominican Republic and Beyond." In *Migration in the Caribbean*, edited by M. R. G. International. London: Minority Rights Group International.

Annotation: This source is a comprehensive look at the migratory patterns within the Caribbean, particularly from Haiti to the Dominican Republic. The author discusses the neo-colonization of Haitian sugar-cane workers within the Dominican Republic stuck into indentured servitude. The article explains the various classes within Haiti and the Dominican Republic and the role of Haitians within the Dominican economy. This article is tremendously informative including all aspects of the conflict.

Fletcher, Laurel, and Timothy Miller. 2004. "New Perspectives on Old Patterns: Forced Migration of Haitians in the Dominican Republic." *Journal of Ethnic & Migration Studies* 30 (4): 659-679.

Annotation: This source uses research conducted through demographic data and interviews in order to examine the patterns of migration and human rights patterns between Haitians and Dominicans. The research offers the first statistical analysis of migration flow through the data assessment which specifically deals with patterns of vulnerable groups in particular Haitian migrants crossing the Dominican border. The assessment details differences in characteristics of the vulnerable population within the Dominican Republic as well as the treatment they receive from the Dominican government. The dominant themes of the research include the denial of any rights to due process and frequent abuses to the Haitian immigrants from the Dominican government. The study was therefore conducted in order to reduce the vulnerability to human rights deprivations of Haitians in the Dominican Republic. Due to the agenda of the statisticians it is possible that the data of this source could be seeking a certain outcome however the research is solid and the argument is very convincing.

Hamilton, Mark D. 2006. "Local Actors, Transnational Networks: Negotiating Dominican Identity." *International Studies Association- Conference Papers*: 1-29.

Annotation: There are several dominant themes of this paper which are divided into sections so as to discuss them in depth. The book discusses social networks, cultural and racial identities within the island, which particular focus on the Dominican Republic. The book discusses the overlapping social networks and relational webs of power with Dominican culture in reference to Haitian culture. It discusses why race plays such a dominant part in identity discourse and why the transitional ties continue to be stagnant with Haiti. The

analysis plays with transnational societies and the cultural exchange as well as the inferiority complex that may contribute to the stagnation between Haiti and the Dominican Republic.

Howland, Todd. 2006. "Peacekeeping and Conformity with Human Rights Law: How MINUSTAH Falls Short in Haiti." *International Peacekeeping* 13 (4): 462-476.

Annotation: This article describes the gap between the United Nations understandings of the situation on the ground in Haiti versus the practice put forth in the region. The article uses the UN Mission to Haiti to uncover the real problems within the Mission as far as integrating human rights into their peace operations in Haiti. The author is very critical of the UN's practice on the ground and its theoretical content particularly with regards to human rights, migration and trafficking. The UN has acknowledged the need to address the root causes of conflict (including the humanitarian crisis and the social and cultural rights in question along the border with the Dominican Republic). The author also points out that the UN, in practice, seeks to build a sustainable peace and provide lasting development for the country. However, the article is a caveat for the misappropriation of funds and focus on the part of the UN. This article is evidently very critical of the UN Mission and its undertakings. This is both advantageous and distracting from the task of uncovering human rights abuses. However, this source is useful for determining the international response and the situation as it stands.

Human Rights Watch. 2002. "Illegal People: Haitians and Dominican-Haitians in the Dominican Republic." *Human Rights Watch Publications* 14 (1): 1-52.  
<http://www.hrw.org/reports/2002/domrep/domrep0402-02.htm>.

Annotation: In this article the human rights situation is critiqued by the Human Rights Watch organization. The Dominican government has deported hundreds of thousands of Haitians to Haiti, as well as an unknown number of Dominicans of Haitian descent who are generally much darker than those of Dominican descent. The author argues from a human rights standpoint that these mass deportations deny both Haitian and Dominican citizens of their rights and contribute to a major human rights/international law issue. This source is evidently biased as it is dominantly representative of the human rights perspective but it does include many valid sources within international and domestic law.

Internationalist, The. 2006. "Stop Persecution of Haitian Workers in the Dominican Republic." *League for the Fourth International* 1st (0601): 1-4.  
<http://www.internationalist.org/haitiandominicanpersecution0601.html>.

Annotation: The argument offered by the author is based on a socialist model of government and politics. The author describes the labor conditions and workers rights of Haitians working and living abroad in the Dominican Republic. This source implicates the Dominican government in the human rights abuses and xenophobic violence against Haitians seeking asylum from the dire conditions in Haiti. The article points out causes of death and any data connected to these deaths. The Internationalist Group urges a particular

audience to “protest the persecution of the Haitian poor, immigrants and refugees.” The article is quite aggressive in its exposition against both the Dominican and the American political system. This article is therefore quite biased however it discusses in detail the status of laborer rights on the ground which is valuable regarding information about human rights abuses in this sector.

Itzigsohn, Jose. 2000. “Immigration and the Boundaries of Citizenship: The Institutions of Immigrants’ Political Transnationalism.” *International Migration Review* 34 (4): 1126-1154.

Annotation: This article analyzes the cases of the Dominican Republic, Haiti as well as El Salvador in the democratic transition from the country of origin to the migrant organizations in the country of reception. The article discusses the organization of immigrants in the country of reception and their rights within these countries. Itzigsohn suggests the consolidation of competitive politics in democratic regimes. It also takes on a politico-economic theme in its dissertation while still discussing the human rights aspect of migratory populations.

Lynch, Maureen. 2007. “Dominican Republic, Haiti and the United States: Protect Rights, Reduce Statelessness.” *Refugee International*. (January 18).  
<http://www.interaction.org/newswire/detail.php?id=5609>.

Annotation: The article addresses the two to three million people living within the Dominican Republic who are not documented—the majority of them are of Haitian origin. There are therefore a large number of Haitian-Dominican children born in the Dominican Republic who are not granted access to their human right to a nationality which is addressed in the country’s constitution. Many of these children’s’ parents are asylum seekers who live in limbo because their legal claims are not validated in the Dominican Republic and neither are the rights of their children. This is a shorter source which does not rely as much on international legal documents as would be preferred. Much of the article is comprised of personal interviews. Therefore, the source is valuable for its narratives however it does not provide sufficient academic backing.

Lyons, Linda. 2007. “Island Divide: Haiti vs. the Dominican Republic.” In “Haitians are Far More Likely than Dominicans to Have Gone Hungry, Been Assaulted in the Past Year,” edited by T. G. Daily. Princeton: Gallup.

Annotation: This is a report in which a poll was conducted by Gallup concerning the situation of Haiti versus that of the Dominican Republic. The article points out the economic and cultural differences within the island of Hispaniola and the major disparities between them. The author points out the sharp contrasts between the current conditions of each state. The article contrasts Haiti to other countries of sub-Saharan Africa in terms of poverty, hunger, shelter and violence. In sharp contrast, Dominicans are described as having a “rapidly developing democracy” which is bringing “consistent GDP growth.”

The article is brief but it is quite helpful as it provides current data and visual graphs of the disproportionate development—the major gap between the two. This is a tremendously helpful source for a research paper.

Marc, Lacey. 2008. “Young and in Servitude, The Poorest of Haiti’s Poor.” *New York Times*: (September 14).16.

Annotation: This article shares a narrative of Haiti’s extreme poor amongst the poverty-stricken general populace. The article is a social commentary on the current situation in Haiti as the future of development and human rights does not seem to be improving. The article is not that informative with respect to data however it provides something of an alluring plight of Haitian citizens thus becoming something of an emotionally-driven resource.

Marsh, Molly. 2005. “The Road to Change.” *Sojourners Magazine* 34 (9): 8-9.

Annotation: This citation looks at the economic condition of Haiti. The article provides for a comparison of the country’s economy with that of the Dominican Republic including what factors may have affected Haiti’s economic history. The article is informative in that it provides the total amount of funds provided by the US to Haiti for civil conflict, flood and hurricane relief in 2004 as well as describing the impact of poverty on Haitians generally.

Martin, Philip, Elizabeth Midgley, and Michael S. Teitelbaum. 2002. “Migration and Development: Whither the Dominican Republic and Haiti?” *International Migration Review* 36 (2): 570-592.

Annotation: This article presents a documentation note of the 10<sup>th</sup> Migration Dialogue seminar held March 7-9, 2002 in Santo Domingo, Dominican Republic. Migration Dialogue seminars provide a setting for forty opinion leaders from Europe and North America to learn about and discuss the major migration management issues of the 21st century. The following are a few issues that are discussed in the article from the 2002 seminar. First, the Dominican Republic economy grew rapidly in the 1990s, 6-8 percent per year, as thousands of rural women especially found sewing jobs in free-trade zones. Therefore this issue begs the question of why this emigration pressure remains so high despite rapid job creation? Second, Hispaniola is a relatively small island shared by peoples with different origins, histories, and languages. The population of the Dominican Republic and Haiti are each 8-9 million. Some 500,000 to 800,000 Haitian nationals live in the Dominican Republic, equivalent to almost 10 percent of Haiti’s population.

Meeks, Phil. 2006. “Transnationalism, People, and Politics: The United States, the Dominican Republic and Haiti.” International Studies Association-Conference Paper.

Annotation: This article discusses the relationship between the United States and the island of Hispaniola with regard to migration issues as well as political and economic issues as the three are ultimately now interconnected. The article discusses that both Dominicans and

Haitians go north to the United States. The article even points out that the current president of the Dominican Republic once lived in New York City and still has the legal right to reside in the United States. But just as important for many on the island of Hispaniola is the fact that many Haitians reside and work in the Dominican Republic. Therefore the article points out that trans-border mobility and trans-nationalism are therefore a South-South matter and not merely a North-South matter in the triangle. This paper seeks to show how this complex interrelationship of individuals crossing borders has affected the people, their countries, and the politics of Haiti and the Dominican Republic.

Miller, Jake C. 2006. "International Concern for Haitians in the Diaspora." *Western Journal of Black Studies* 30 (1): 35-45.

Annotation: This article describes the fate of Haitians who sought refuge from the problematic economic and political conditions in Haiti during the last quarter of the 20<sup>th</sup> Century. The discussion of the article turns to how these refugees or migrants fled the country, some entered these countries legally, most entered or sought to enter by non-traditional means. Therefore the focus within the article is geared towards the danger they risked in attempting to reach a "better land," and their receptions upon arrival have been the concern of the international community. This article provides for an assessment of the international response to Haitians in the United States, Dominican Republic and Bahamas Islands, who have been the victims, or alleged victims of discrimination because of race or nationality.

Mora, Kathryn. 2006. "Haiti/Dominican Republic/El Salvador." *Multicultural Review* 15 (2): 19-20.

Annotation: This resource takes the three case studies of Haiti, the Dominican Republic and El Salvador and explains according the author, how large influxes of migration or loss of population has influenced each countries internal structure. The author compares and contrasts the three examples as they each lend themselves to one another. The article is short but informative providing concise histories and brief but effective theories to each country's history.

Perusek, Glenn. 1984. "Haitian Emigration in the Early Twentieth Century." *International Migration Review* 18 (1): 4-18.

Annotation: This article discusses the issue of emigration and immigration of Haitian citizens seeking out better human rights and labor conditions elsewhere due to the political situation in Haiti. This article is much more of a theoretical piece in that it discusses the standard migration theories which continuously see receiving-countries as the dynamic agent which pull migrants to them. These theories, while useful for explaining many cases, appear inadequate for the case of labor migration from Haiti to Cuba and the Dominican Republic in the early twentieth century. This article examines this history and offers an alternative theoretical framework for explaining this migration flow. It is argued that the prime cause of migration from Haiti is factors in the sending country.



Roebing, Elizabeth Eames. 2007. "Haiti-Dominican Republic: One Market, Two Separate Worlds." *Inter-Press Service News Agency* (November 20).

Annotation: Discussed in the article is the difficulty for Haitian citizens to move freely across the border in order to gain access to health care, access to markets for food and supplies or various services such as legal representation, etc. The Supreme Court of the Dominican Republic ruled that the children of Haitians who are born in the Dominican Republic are "in transit" and are not entitled to citizenship under the Dominican constitution. This journal source is intended for a human rights audience. It provides little to no insight as to the source of resources cited and therefore should be used as more of a narrative-type article.

Shamsie, Yasmine, and Andrew Thompson. 2006. Haiti: Hope for a Fragile State. Waterloo, ON: Wilfrid Laurier University Press.

Annotation: This book does not have as much of a political focus as do other resources, instead focusing on the sources of difference, the origins of human rights violations and violence as well as the possibility for change for Haiti. The book is written by a Haitian national and therefore is ultimately indicative of the Haitian perspective much more so than that of the Dominican point of view. It is helpful in that it has a perspective from inside the nation from a citizen who was affected by the human rights violations. Additionally, this resource is one of few references which offer prescriptions for the future of Haiti.

Skinner, E. Benjamin. 2008. "A World Enslaved." *Foreign Policy* (165): 62-67.

Annotation: The article reports on modern slavery and people being sold into areas such as sex trade, domestic work, and agricultural labor. Human trafficking in Haiti is discussed and the extent of indentured servitude within the country and those sold into the Dominican Republic. The author writes the article from the State Department's perspective on the situation and possible prescriptions for the future of slavery. The data within the article is beneficial and striking in the numbers provided as well as the anecdotal elements that the author presents.

Teitelbaum, Michael S. 1994. "International Migration: From Backwaters to High Politics." *Population and Environment* 15 (3): 167-71.

Annotation: This article comments on the mass-migration from the region in faced with the dictatorship, poverty, famine and violence that they face in Haiti. The article states that up to one in five Haitians have already escaped the Western Hemisphere's poorest country and now live in the U.S., Dominican Republic or Bahamas. Hundreds of thousands of the 6.5 million people left in Haiti would depart if they could find a country to admit them. Therefore the article combines elements of politics, migration, immigration and development within the region.

Wigginton, Sheridan. 2005. "Character or Caricature: Representations of Blackness in Dominican Social Science Textbooks." *Race, Ethnicity & Education* 8 (2): 191-211.

Annotation: This source examines the Dominican perspective of the humanitarian situation along the border with Haiti. The author begs the question of how Dominican public schools portray national identity and ethnicity as a part of their education? The author points out the racism that exists between the darker Haitian population and the lighter Dominicans. In particular, how this racial identity is discussed within the Dominican educational system. The argument made by the author is that the manner in which the issue of race is addressed within the educational system has shaped both countries' concept of race, culture and ethnic identity in very different ways. The theoretical paradigm of the project is guided by constructivism as well as three themes pertaining to racism and national identity. The first of the three themes is that blackness represents a less desirable social status as anyone regardless of national identity, depending on the darkness of their skin, is subject to deportation. The second theme argues that blackness is thought to be prevented through gradual *whitening* through generations. The third and final theme is that blackness is represented by negative stereotypes that are often exacerbated by the Dominican government. This source has a certain bias against the Dominican government and educational system. However, the paradigm through which the argument is written is from a different perspective that of the rest of the literature on the subject.

Wucker, Michelle. 1999. Why the Cocks Fight: Dominicans, Haitians, and the Struggle for Hispaniola. New York: Hill and Wang.

Annotation: Author Michele Wucker describes contemporary politics within the island of Hispaniola according to the deep political and social roots in history between the two. The author uses the favorite sport (in both countries) of gamecock fighting to illustrate the clash of nationalist, cultural and racial disputes as a way of pegging one group to the other. This book uses the historical fundamental differences between the two groups as a starting point in the tension on the island. The argument is made that the factors in Caribbean history still affect the island of Hispaniola in particular they contribute to the existing cultural and racial tension. This book is a complex, comprehensive outlook on the problems of the island of Hispaniola.

## **Indigenous Rights in Latin America: The Gap between Doctrine and Reality** By Dan Ruge

Indigenous people are prevalent across Latin America, with numbers reaching upwards of 70 percent of the general population in certain countries. Given their strong ancestral ties to the land and cultural practices, these groups have remained hidden and isolated from mainstream populations and the forces of globalization. For many groups, the limited interactions between indigenous people and the outside world have sadly been harmful to the survival of these communities. The discovery and exploitation of oil and other natural resources have led to the destruction of property, culture, and lives of indigenous groups. The uprooting and extinction in some cases of these groups led to an international outcry for the development of indigenous rights. Numerous countries have enacted laws and the most substantive piece thus far has been the creation of the United Nations Declaration on the Rights of Indigenous People (UN DRIP) in 2007. However, there is currently a gap between the doctrine set out in these legal instruments and the enforcement and reality facing indigenous groups across Latin America.

Established initially in 1948, the UN Declaration on Human Rights sets the minimum standard for human rights to be held by all individuals “without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (UN Declaration on Human Rights, 1948). However, as time passed it became apparent that the Declaration was insufficient to meet the needs of these groups. In 2007, the United Nations, in acknowledging the historic injustices suffered by indigenous groups, issued the UN Declaration on the Rights of Indigenous People (UN DRIP). The Declaration established the right for self-determination, where in indigenous groups may freely determine their own political status and pursue their own political, social, and cultural development. In addition to extending control over their own educational systems, use of traditional medicines, and the right to receive restitution for unlawful seizure, use or damage of their lands, it also established the right to self-government and autonomy in matters relating to internal and local affairs. In addition to these Declarations, indigenous rights have been furthered by the extension of additional international laws and treaties. Given the prevalence of indigenous communities across Latin America and successes proclaimed in the international media, it is commonplace for advances in one state to spread and develop into other states as well.

Indigenous communities’ interaction with multinational oil companies has received much attention as it has brought the plight of these groups to hold claim to their ancestral land and resources to the forefront of international media. Access to their land is essential to the health, sustainability, and preservation of these communities. Multinational corporations not only strip the land of its natural resources but also uproot communities and in many cases pollute and contaminate surrounding areas inflicting serious health problems for local communities. Additional research has examined not only multinational corporations’ efforts to gain access to these natural resources but in addition to reshape indigenous identities, interests, and rights (Sawyer 2004).

Ecuador has been on the forefront of what could be considered the struggle between multinational corporations and indigenous groups. Indigenous struggle after the discovery of oil reserves is probably best described by Allen Gerlach, who stated:

*The Indians battled for economic advancement, but above all they demanded respect for the dignity of their cultures and for their moral and historic rights to their lands and territories. They proudly reaffirmed their diverse coastal, highland, and Oriente origins and insisted upon equality as citizens of a plurinational and multicultural society. (Gerlach 2003: xv-xvi)*

Peru as well has a history of defeating multinational mining corporations including a 2007 victory by indigenous farmers over Chinese conglomerate Minera Majaz and prior success by the people of Tambogrande over Canadian company Manhattan Minerals Corporation, despite both corporations having the support of Peru's central government (Blanco 2008). Indigenous groups have been able to mobilize against multinational corporations and block or restrict their access to natural resources and indigenous lands.

Indigenous groups' ability to hold high profile protests, sit-ins, and votes against referendums in recent years not only has boosted the strength of these communities but also generated the support of the international community. In one instance, indigenous groups in Venezuela gained international attention by protesting the removal of American missionaries by publicly listing the names of indigenous men, women, and children who have died as a result from their lack of access to medical services that these missionaries were formerly providing. Further research has shown that the mere act of resistance to outside forces leads to a strengthening of indigenous purpose as it reasserts their goals, rearticulates their position, and keeps them active in a social movement (Fenelon 2008).

The development of new legislation and declarations, especially the UN DRIP, has heralded the progress and advancement of indigenous rights, however there is currently a gap between legal doctrine and the reality of the situation. Given that the current instruments of indigenous rights are solely declarations and not legally binding international laws, critics fault the inability of the United Nations and states to enforce these minimum standards. The United Nations must create a way to enforce or convince states to comply with these standards in order to ensure protection. This is exemplified, for instance, in that indigenous claims over land are now viewed legally in a number of Latin American countries, however "squatters, gold miners, ranchers, guerillas, local police forces, paramilitaries, oil companies, loggers, and other assorted claimants to space and resources currently occupied by indigenous people have not all gotten the message" (Stocks 2005: 86). All too often, guns speak louder than policies and indigenous groups are left defenseless. The situation is further exacerbated by state retreats from such policy as governments assess and account for the amount of land that is traditionally owned by these groups and which they now rightfully own according to the UN DRIP.

Research into the Ecuadorian legal system further highlights the fact that even though indigenous groups have gained more rights, these rights have been largely worthless in manifestation. In particular, the Quichua of Ecuador "have been struggling to preserve their linguistic and cultural patrimony, including the right to administer justice within their communities" (Berk 2008: 11). The situation is complicated for these individuals within the national court system because they lack access to a formal interpreter. Likewise in Colombia, researchers have found that in the face of armed conflict the desire for natural resources, the aerial fumigation of coca, and large scale development projects have all inhibited protective legislation, forcing indigenous people to continue to suffer and in some cases disappear (Zuluaga 2006). In some instances individual countries have been able to implement their own effective legislation for indigenous groups. Brazil, for example,

instituted a disclosure of origin requirement into its national laws which includes proposals on how to share with aboriginal people the benefits gained by multinational corporations seeking access to traditional natural resources and medicines (Armour and Harrison 2007). However, this origin requirement is only found in Brazil and lacks acceptance and enforcement across the rest of Latin America. Brazil's law highlights the lack of uniformity and sufficient clarity in international legal doctrine in dealing with indigenous land and natural resource issues.

The advances in national and international law have made great strides in acknowledging the rights of indigenous groups, however more needs to be done by individual countries and international institutions to ensure compliance with these new standards. The lack of international uniformity and individual state compliance and enforcement further ensures that indigenous rights will remain an idea instead of a reality. Much like in the creation of these doctrines, compliance will result through work by the entire international community. It is necessary for states and international institutions to enforce these doctrines and for the international community to bring non-compliant states into compliance. Indigenous rights will finally be secure when reality meets doctrine.

### Annotations

“Indian Influence.” 2004. *Economist* 373 (8401):42-44.

Annotation: The author argues that the indigenous party is still an important political force in Latin America. The article briefly discusses the success in Ecuador of the Pachakutik people however the article lacks depth and substance to really examine the strength of indigenous political parties across Latin America. The article is helpful in only giving a commentary and snapshot of a quite complex situation with many different actors and indigenous groups at hand.

Abu-Saad, Ismael, and Duane Champagne, eds. 2006. Indigenous Education and Empowerment: International Perspectives. Oxford: AltaMira Press.

Annotation: This collection of pieces results from a conference entitled “Education, Social Development and Empowerment among Indigenous Peoples and Minorities: An International Perspective,” held at Ben-Gurion University of the Negev, Beer-Sheva, Israel in 2004. The book discusses what the editors call the delivery of education by nation states to indigenous people and the inherent problems encountered resulting from the contrasting views held by national communities and indigenous groups. Education for indigenous people is “interrelated with family, religion, moral order, and political relations, and is often a collective responsibility within the group or community.” The motivation for the authors is to create a common ground between indigenous communities and mainstream cultures that sustains and enhances the “educational opportunities and access to knowledge” for both groups.

Anaya, S. James. 2004. Indigenous Peoples in International Law. Oxford: Oxford University Press.

Annotation: This book, written by S. James Anaya, the James J. Lenoir Professor of Human Rights Law and Policy at the University of Arizona and James E. Rogers College of Law, explores in depth the history of indigenous rights and the subsequent development of international law. Furthermore, the author explores the development of contemporary international norms and the implementation of these norms. The author shows that while historical trends in international law have helped colonize indigenous peoples and their lands, human rights programs have been “modestly responsive to indigenous peoples’ aspirations to survive as distinct communities in control of their own destinies.” This piece is important as it explores each piece of law that has passed and furthermore current norms.

Armour, Kenneth J., and Peter S. Harrison. 2007. “Poisons and Politics- Indigenous Rights and IP Protection.” *World Patent Information* 29: 255-261.

Annotation: The authors, both possessing PhDs in Pharmacology, law degrees, as well as other degrees, discuss the political issues involving the traditional knowledge held by indigenous groups in regard to natural medicine and their interaction with countries and companies that want to build on and use that knowledge in their development and advancement of medicine. Armour and Harrison discuss two types of possible interactions including prior informed consent and benefit sharing, the former urging contractual relationships while the latter stresses disclosure of findings. Using a case study, they highlight how Brazil has implemented a disclosure of origin requirement into its national laws which includes proposals on how to share benefits with aboriginal peoples. This article is informative as it illustrates a current way in which states are protecting the rights of indigenous people yet shows how international law is still lacking uniformity and clarity when dealing with land and natural resource issues.

Berk-Seligson, Susan. 2008. “Judicial Systems in contact: Access to justice and the right to interpreting/translating services among the Quichua of Ecuador.” *Interpreting: International Journal of Research & Practice in Interpreting* 42 (2): 9-33.

Annotation: This article examines the Ecuadorian legal system in regards to the rights held by the Quichua and other indigenous peoples and their rights to use their own language within these systems. The author discusses the Quichua’s struggle to preserve their culture and language as well as their own judicial system within their communities. The article also discusses the political mobilization of these groups to modify the Ecuadorian Constitution and create new rights for indigenous people. This piece is helpful as the author, through her research and interviews with those within the Ecuadorian legal system, shows that even though the Quichua have gained more rights, they have been largely worthless in manifestation.

Blanco, Hugo. 2008. “Indigenous Peoples and our Environment.” *Canadian Dimension* 42 (2): 30-32.

Annotation: The article is written by the central leader of an uprising of Peruvian indigenous peasants during the 1960s and examines the mobilization of new indigenous groups in regards to environmentally destructive projects in Peru that would have drastic negative effects on indigenous populations. This article is helpful as it highlights case studies where indigenous groups were able to mobilize and combat giant oil and mining companies however the article is more of a speech to motivate indigenous groups and less of a strong academic examination of indigenous groups and their struggles and successes in combating international companies.

Cockcroft, James D. 2006. "Imperialism, State and Social Movements in Latin America." *Critical Sociology* 32 (1): 67-81.

Annotation: The author focuses on the growth of the United States and examines in particular the threat that indigenous groups pose to US imperialism. The article discusses indigenous people's knowledge of the potential effects of US expansion and the impact it will cause on their communities and illustrates their strength in mobilizing and making their causes known internationally. This article is important as it shows the strength that indigenous communities have and how they can mobilize against giant foes like the United States.

Coghlan, Andy. 2004. "Gene Deal Boosts Indigenous Rights." *New Scientist*. (October 9): 8.

Annotation: The article discusses Samoa's success at being the first state to claim sovereignty over an undiscovered gene and its implications of splitting profit with their local indigenous community. Coghlan discusses ethnobiologists' discovery of Prostratin through the help of traditional Samoan healers. Prostratin is believed to have significant effects on HIV by flushing the virus from immune cells so that it may be killed with anti-viral drugs. This case study illustrates the legal concept of "prior art" and that indigenous knowledge prevents others from patenting their gene and furthermore illustrates the development and success of "prior art." This article is insightful as it provides a framework for cooperation between state officials, indigenous communities, and outside actors in a situation where all are set to benefit from the interaction.

Cott, Donna Lee Van. 2003. "Andean Indigenous Movements and Constitutional Transformation: Venezuela in Comparative Perspective." *Latin American Perspectives* 30 (1): 49-69.

Annotation: The author examines the social reforms occurring in Venezuela and the prior constitutional transformations that have occurred as a result in part from the actions of the Andean indigenous populations. The article is insightful as it highlights the control held by elite members of society and how reform can be difficult even despite the presence of human rights movements and the presence of other outside supporting actors including the Catholic Church.

\_\_\_\_\_. 2004. "Broadening Democracy: Latin America's Indigenous People's Movements." *Current History* 103 (670): 80-85.

Annotation: The author focuses on the shift in indigenous movements in Latin America away from influential outside forces to effective and domestic political parties and actors with a strong and lasting presence in local and national politics. The article is important as it highlights the strength of the movements in Ecuador and Bolivia that forced their respective presidents out of office and replaced them with indigenous individuals. This piece is helpful as it highlights the history and strength of indigenous parties and how they have transformed and developed on their own despite outside assistance and being simply a passing cause.

\_\_\_\_\_. 2007. "Latin America's Indigenous Peoples." *Journal of Democracy* 18 (4): 127-141.

Annotation: The author, an associate professor at the University of Connecticut, explores the strengthening of indigenous political parties while within political systems trying to exclude them. The author explores the history and prevalence of indigenous communities as well as their growth through a multicultural regional model of constitutionalism and their adherence to this model. This article is helpful as it explores the history of indigenous people as a whole in Latin America as well as providing direct insight into the future and hopes for indigenous people and democracy.

Dunbar-Ortiz, Roxanne. 2007. "Indigenous Peoples and the Left in Latin America." *Monthly Review: An Independent Socialist Magazine*: July-August: 85-94.

Annotation: The author, a professor and activist, explores the significance of the indigenous movement over the last three decades in the growth of the Left in Latin America. The author highlights the election of Bolivia's president and the fact that its roots are found in decades of grassroots organizations at the indigenous level. The article is helpful in its observation of the election of an indigenous party president, however the focus is mainly on political formalization and organization and less on the rights of indigenous peoples.

Fenelon, James V., and Salvador J. Murguía. 2008. "Indigenous Peoples: Globalization, Resistance, and Revitalization." *American Behavioral Scientist* 51 (12): 1656-1671.

Annotation: The authors, professors at California State University, explore the importance of indigenous perspectives through three forms of analysis; globalization, resistance, and revitalization. The authors explore social structures within indigenous groups as constituting one of four types: consensus-driven leadership and decision making, redistributive socially based economics, collective land tenure patterns, and inclusive communities with strong local focus. The research is informative as one of the key findings of the article highlights that indigenous resistance to globalization leads to a strengthening of indigenous purpose in that it reasserts their goals, rearticulates their position, and keeps them active in a social movement.



Fromherz, Christopher J. 2008. "Indigenous Peoples' Courts: Egalitarian Juridical Pluralism, Self-Determination, and the United Nations Declaration on the Rights of Indigenous Peoples." *University Of Pennsylvania Law Review*. 1341-1381.

Annotation: The author, a JD candidate from the University of Pennsylvania, highlights the international legal doctrine on indigenous rights thus far and in particular the United Nations Declaration on the Rights of Indigenous Peoples (UN DRIP) in 2007. The author discusses the UN DRIP's extension to cover the right to "self-determination," "autonomy or self government," and the creation and supervision of "juridical systems or customs" in that they are in accordance with human rights standards. The author discusses US opposition to the UN DRIP as well as the implications this will provide to international law as well as reiterating the necessity of the acceptance and implementation of UN member states to these standards to ensure compliance.

Genugten, Willem Van, and Camillo Perez-Bustillo. 2004. "The Emerging International Architecture of Indigenous Rights: The Interaction between Global, Regional, and National Dimensions." *International Journal on Minority and Group Rights* 11: 379-409.

Annotation: This article discusses the status of human rights and poverty through an examination of indigenous people's struggles. The authors discuss two broad frameworks that emerge which show the correlation between indigenous status and poverty, in addition to the finding that the extent that indigenous rights are recognized is dependent upon the interaction of legal processes at the international, regional, and national levels. Using a case study in Nicaragua, the article illustrates how the court's finding that the government infringed upon the rights of indigenous groups within Nicaragua but also helped develop and promote a new regional standard into the application of indigenous rights.

Gerlach, Allen. 2003. Indians, Oil, and Politics: A Recent History of Ecuador. Wilmington: Scholarly Resources Inc.

Annotation: The author, holding both a doctorate in history and a law degree in addition to having extensive in-country experience in Peru and Ecuador, discusses the history of Ecuador from the period of 16<sup>th</sup> century conquest to the present while also discussing the economic decline and political instability experienced during the last decade. Furthermore, the author discusses the transformation of Ecuador following the discovery of petroleum reserves and the irrevocable damage caused to the environment and the indigenous people of the Amazon. The piece is vital to the study of indigenous rights as it not only shows indigenous peoples' ability to battle for economic advancement but also their "demanded respect for the dignity of their cultures and for their moral and historic rights to their lands and territories."

Gilbert, Jeremie. 2007. "Indigenous Rights in the Making: The United Nations Declaration on the Rights of Indigenous Peoples." *International Journal on Minority and Group Rights* 14: 207-230.

Annotation: This article examines the emergence and development of the UN's focus and policy on indigenous rights. Discussing the period from 1994-2004, the author highlights the first decade's work towards improving and strengthening international cooperation for indigenous rights in regards to human rights, environment, education, and health. Gilbert focuses on the adoption of the UN's Declaration and its implications for international legal standards as well as the emergence of indigenous rights as a separate branch of international law. Despite the fact that the Declaration is not a legally-binding instrument, Gilbert argues for its significance in promoting the development of future international laws and treaties especially in light of the growth of human rights law following its initial emergence as only a declaration.

Gray, Clark L., Richard E. Bilsborrow, Jason L. Bremner, and Flora Lu. 2007. "Indigenous Land Use in the Ecuadorian Amazon: A Cross-cultural and Multilevel Analysis." *Human Ecology: An Interdisciplinary Journal* 36 (1): 97-109.

Annotation: The authors, researchers and professors from the University of North Carolina-Chapel Hill, gathered data from five ethnic groups in the Northern Ecuadorian Amazon to examine their agricultural land use and their dependence on the resources provided. The article provides insight into different practices and circumstances affecting each of the five groups in the area and the effects of their use of natural resources. Their research further supports restrictions on oil company's activities in the area in order for the preservation of the indigenous communities and their environment and indigenous dependence on uncontaminated natural resources.

Greene, Shane. 2006. "Getting Over the Andes: The Geo-Eco-Politics of Indigenous Movements in Peru's Twenty-First Century Inca Empire." *Journal of Latin American Studies* 38 (2): 327-354.

Annotation: The author explores how Alejandro Toledo's, Peru's president, self-professed indigenous identity establishes and furthers indigenous rights. The author argues that the emergence of indigenous issues in the media and the longevity of international debates help empower and promote indigeneity for other indigenous groups in Peru and across Latin America. This article is helpful as it highlights indigenous movements previously left out in the historical analysis of Peruvian development.

Haar, Gemma van der. 2004. "The Zapatista Uprising and the Struggle for Indigenous Autonomy." *European Review of Latin American & Caribbean Studies* 76: 98-108.

Annotation: The author focuses on the struggle by indigenous groups in Mexico for full citizenship and autonomy. The article focuses on two different ways indigenous people have struggled for rights, through legal reform and through establishing autonomous municipalities. The article is important for examination into the ways in which indigenous groups are fighting for their rights and equal citizenship while also discussing the downfalls and problems that have arisen from each method.

Holder, Cindy. 2008. "Culture as an Activity and Human Right: An Important Advance for Indigenous Peoples and International Law." *Alternatives* 33: 7-28.

Annotation: The author explores the recent extension of international law's interpretation of cultural rights for indigenous rights. The article explores the indigenous right to culture as a right to activity including the rituals, relationships, and institutions that reflect and allow the expression of the group which live and produce. The article is insightful as it shows how the pursuit of protecting indigenous groups has had an effect on the cultural rights of not just indigenous groups but the entire international community.

Jackson, Jean. 2005. "Indigenous Peoples and Indigenous Movements in Latin America and the World." *Reviews in Anthropology* 34: 157-176.

Annotation: The author provides a critical assessment of three current books on the state of indigenous people and rights in Latin America. The piece is not as helpful as it focuses mainly on the issue of ethnicity within these communities. However, the review is insightful in that it highlights the fact that the indigenous communities are not homogenous groups but rather made up of many divisions and it is important to remember that when studying and making observations of these communities.

Lightfoot, Sheryl R. 2008. "Indigenous Rights in International Politics: The Case of 'Overcompliant' Liberal States." *Alternatives* 33: 83-104.

Annotation: The author, a political science professor at the University of Minnesota, examines why some nation-states overcomply and go beyond indigenous rights spelled out in international human rights treaties. She argues that this overcompliance "contributes not only to a reconfiguration of the Westphalian state system and a reconstitution of how states define themselves, but also pushes the boundaries of human-rights discourse to better accept indigenous rights." Overcompliance occurs when there is a strong international human rights movement present, when the state places a high value on developing an international reputation for being a good citizen, and through changes as states move out of post colonial eras in the face of globalization. Lightfoot examines this phenomenon through three case studies in Australia, New Zealand, and Canada and the observance of these states' overcompliance. Finally, she critiques that although the UN Declaration on the Rights of Indigenous Peoples is important, indigenous rights are still not human rights within the international legal structure.

Miller, Michael J. 2006. "Biodiversity Policy Making in Costa Rica Pursuing Indigenous and Peasant Rights." *Journal of Environment & Development* 15 (4): 359-381.

Annotation: The article examines the effect of Costa Rica's biodiversity law of 1998 and its progressive policy which provides indigenous communities with numerous rights they previously lacked. The author's examination of the law is insightful as it highlights the

protection afforded by the law and the subsequent extension into indigenous communities and their daily interaction with their use of natural resources in the environment. The article focuses mainly on the law-making process although it highlights the efforts of multiple indigenous groups to work together in conjunction with outside actors to voice their causes and discuss their views.

Morgan, Rhiannon. 2004. "Advancing Indigenous Rights at the United Nations: Strategic Framing and its Impact on the Normative Development of International Law." *Social Legal Studies* 13: 481-500.

Annotation: The author researched the ways in which indigenous groups have used what the author calls strategic "frames" to encourage support in their fight for rights within the international legal system. Morgan examines the successful use of three main frames by indigenous groups including discrimination, peace and security, and environment and further argues that their use has played a central role in the development of international law. By discovering the values, fears, and concerns of elites and other authority figures, Morgan argues that indigenous movements may use this knowledge to pressure these influential actors to further their cause and purpose.

Parrish, Austen L. 2006. "Symposium: Lands, Liberties, and Legacies: Indigenous Peoples and International Law: Theoretical Approaches to International Indigenous Rights: Changing Territoriality, Fading Sovereignty, and the Development of Indigenous Rights." *American Indian Law Review* 31: 291-314.

Annotation: The author investigates the role and actions of nation states in international law and how they have been historically contrary to the rights of indigenous groups and furthermore how the growth of non-state actors is changing the way these states interact. The article discusses the growth of indigenous rights as a result of the indigenous populations' ability to mobilize and gain international attention and support. This piece is instrumental as it highlights gains made in international law in regards to indigenous rights that are now strengthening and protecting these communities.

Postero, Nancy Grey, and Leon Zamosc (eds.). 2004. The Struggle for Indigenous Rights in Latin America. Brighton: Sussex Academic Press.

Annotation: This volume results from two seminars and conferences aimed at discussing the variety of indigenous struggles in Latin America. The editors find that when "indigenous movements are able to gain social and political capital through their responses to neo-liberalism, they may be better able to bring their agendas to the national political table." The authors discuss indigenous struggles from the definition of the "Indian Question," which refers to the types of rights indigenous groups should receive as citizens of their states. Of importance here, the authors argue, is the right of indigenous people to have a voice in the "political, economic, and cultural processes that determine their lives as citizens," and this piece is insightful as the authors investigate demographics of more successful groups.

Rice, Roberta, and Donna Lee Van Cott. 2006. "The Emergence and Performance of Indigenous People's Parties in South America." *Comparative Political Studies* 39 (6): 709-732.

Annotation: The authors use sub-national data from six South American countries to examine factors responsible for the emergence of indigenous political parties. They found that a large indigenous population and a more permissive electoral process were found to encourage the development of these parties. This study is important as it illuminates the factors that bolster and encourage the power held within these political parties in response to actors outside their indigenous communities.

Romero, Simon. 2008. "Rain Forest Tribe's Charge of Neglect Is Shrouded by Religion and Politics." *New York Times* (October 7).

Annotation: This piece examines the current situation for indigenous groups in Venezuela following the expulsion of American missionaries by President Hugo Chavez who were providing medical services to these tribes. Since the expulsion in 2005, indigenous groups claim that more than fifty people have died as a result of the inability to access medical treatment facilities where before these services or transportation were provided by missionaries. The article additionally cites the indifferent response of government officials to a mysterious disease outbreak that killed over 38 Warao Indians. Although this piece is just a small article, it highlights indigenous groups' ability to mobilize as activists through creative measures by making public lists of those lives lost since the expulsion and by keeping their voices heard internationally.

Sarfaty, Galit A. 2005. "The World Bank and the Internalization of Indigenous Rights Norms." *The Yale Law Journal* 114: 1792-1818.

Annotation: By examining the practices and policies of the World Bank in regards to indigenous peoples, the author illustrates how the World Bank has emerged as an important force in how international law is interpreted and practiced. In addition, the author further shows how the World Bank's policies have been extended and adopted by numerous other significant financial institutions. The author argues that the Bank's effectiveness depends on internal as well as external factors, the former concerning power relations within the organization while the latter encompasses domestic legal and political barriers as well as the level of societal support. Using a case study of Morocco, the article discusses the Bank's definition of an indigenous group and frames how the Bank's policies have furthered indigenous rights in Morocco.

Sawyer, Suzana. 2004. "Crude Chronicles," in G. M. Joseph and E. S. Rosenberg (eds.), American Encounters/Global Interactions. Durham, NC: Duke University Press.

Annotation: Suzana Sawyer, an assistant professor in the Department of Anthropology at the University of California-Davis, discusses indigenous opposition to economic

globalization, encompassing the “ever increasing and uneven production and consumption of capital, commodities, technologies, and imaginaries around the globe.” The author further argues that transnational companies have done more than simply employ indigenous people as cheap labor and bystanders, but also intentionally aimed to reshape indigenous identities, interests, and rights. In particular, the author examines the initial discovery of oil by Texaco in 1967 in the Ecuadorian Amazon and the subsequent interactions with additional American and European oil companies. As apparent in the title, the author is politically intent on dealing with the conflict connected with the “imperial desires for subterranean riches and dripping with blood.”

Selin, Henrik, and Noelle Eckley Selin. 2008. “Indigenous Peoples in International Environmental Cooperation: Arctic Management of Hazardous Substances.” *Reciel* 17 (1): 72-83.

Annotation: The authors examine the case of Arctic Indigenous groups and their ability to mobilize and advocate against environmental issues, in particular the use of Persistent Organic Pollutants (POPs). The article establishes how indigenous communities can become active against environmental toxins that would negatively affect their people and animals. The authors’ examination of these indigenous groups and their increased activity in political process not only altered their situation but international environmental lawmaking and other indigenous communities. Although not occurring in Latin America, this case study points to the ability of individual groups to advocate and change policy for indigenous groups internationally.

Sieder, Rachel (ed.). 2002. Multiculturalism in Latin America: Indigenous Rights, Diversity and Democracy. New York: Palgrave Macmillan.

Annotation: The book is a compilation of numerous different pieces describing democracy in Latin America within the context of indigenous rights and diversity issues. Prior to the adoption of the UN Declaration on the Rights of Indigenous People (UN DRIP), this piece highlights ILO Convention 169 which directly impacted constitutional reform across a number of states recognizing the multi-ethnic and pluricultural nature of those states. The authors discuss the growing acceptance in the international community of collective (indigenous) rights as human rights. In addition, the authors point out the prevalence of indigenous people in different states: Bolivia and Guatemala each with indigenous populations over 50 percent, Ecuador and Peru at 30 percent and 40 percent respectively, and Mexico between 10 percent and 15 percent. The authors provide great insight into the state of indigenous rights in Latin America however the book was released before the adoption of the UN DRIP is therefore outdated in regards to the current doctrine for indigenous groups.

Smith, Keri E. Iyall. 2008. “Comparing State and International Protections of Indigenous People’s Human Rights.” *American Behavioral Scientist* 51 (12): 1817-8139.

Annotation: The author, an Assistant Professor at Suffolk University, explores the protections offered to indigenous groups by state and international doctrines. The author explores three types of relationships that form between outside actors and indigenous groups: indigenous to newcomers, internal colonies to the settler state, and indigenous to information. The author examines case studies involving Hawaiian Indians and the Zapatistas and finds that indigenous rights are better protected by international doctrine. This article is insightful as it provides an extensive look at the history of both domestic and international indigenous rights law.

\_\_\_\_\_. 2006. *The State and Indigenous Movements*. New York: Routledge.

Annotation: The author, as a Native American Indian, examines the issue of indigenous rights in the United States with a focus on the indigenous people of Hawaii. Specifically, she discusses “the rights to self-determination, self-government, the maintenance and development of culture, and the right hold land collectively.” The focus of this book is primarily on the United States but is insightful in her examination of the historical eras of human rights and the development of indigenous rights as human rights.

Sorkin, Michael. 2007. “Can an Indigenous Culture Survive in a Jungle Petropolis?” *Architectural Record* 195 (6): 41.

Annotation: The author examines a section of Ecuador known as Block 16 of Lago Agno (Bitter Lake) which is home to some of the most bio-diverse areas on the planet, huge oil resources, and also the land of the indigenous Haorani people. The extraction of oil by Texaco (now Exxon) has not only disrupted the lives of the Haorani people but has subsequently resulted in the disappearance of square miles of rainforest. Examining the practices of Texaco, the author highlights not only oil spills but also the dumping of billions of toxic waste water in addition to the health problems it has caused for the Haorani people. This article is helpful as it highlights lawsuits raised by indigenous groups against multinational oil companies yet the focus of the author is concentrated more on the effects on the environment and the development of a Petropolis surrounding these oil reserves.

Stocks, Anthony. 2005. “Too Much for Too Few: Problems of Indigenous Land Rights in Latin America.” *Annual Review of Anthropology* 34.

Annotation: The author discusses the growth and development of indigenous rights and laws from the United Nations to the efforts of the World Bank to ensure indigenous lands remain with their rightful owners. The article is important though as it discusses the current gap between what policy has stated and the reality of the situation illuminated by the presence of squatters, miners, local police, oil companies, and others who feel they have a claim to the land. The article is insightful as it examines the application of these policies in specific Latin American countries including Brazil, Columbia, Bolivia, and Peru.

Tzay, Jose Francisco Cali. 2007. "Discrimination against Indigenous Peoples- The Latin American Context." *UN Chronicle* 3: 1-4.

Annotation: The author has been a member of the Committee on the Elimination of Racial Discrimination and highlights the advancements and history of indigenous rights. The author states that the current challenges for advancement revolve around the United Nations creating a way to enforce its member states to comply with their provisions against discrimination as well as for indigenous people to make proposals that strengthen and support their rights.

Universal Declaration of Human Rights, 1948. <http://www.un.org/Overview/rights.html>

Annotation: The Declaration states the minimum level of human rights to be held and maintained for people of every nation "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." This piece is critical as it not only sets out the international standard held to in international courts as well as domestic courts but as it shows which countries have placed their support behind the declaration and those who have not.

United Nations Declaration on the Rights of Indigenous Peoples, 2007.  
<http://www.un.org/esa/socdev/unpfi/en/drip.html>

Annotation: The Declaration spells out the minimum standard of rights for indigenous peoples by acknowledging historic injustices placed on indigenous groups and the need for the United Nations and all states to promote and respect indigenous rights. Included within the rights are indigenous groups' right to self determination where in they may freely determine their own political status and pursue their own economic, social, and cultural development. In addition, the right to self-government and to remain autonomous in matters relating to their internal and local affairs. Among many other basic human rights, this declaration also ensures control over indigenous educational systems, access to traditional medicines, ownership of lands these groups have traditionally owned, and the right to restitution for unauthorized use, seizure, or damage to these lands.

Valdivia, Gabriela. 2008. "Governing Relations between People and Things: Citizenship, Territory, and the Political Economy of Petroleum in Ecuador." *Political Geography* 27 (4): 456-477.

Annotation: The author discusses petroleum rich Ecuador and the political mobilizations that have arisen from this booming industry. This article focuses mainly on the actions of Amazonian agricultural settlers and petroleum workers but also highlights the mobilizations of indigenous peoples. The article is also insightful as it discusses in general the effects of petroleum and its effects on all factors of Ecuadorian life.



Webber, Jeffery R. 2007. "Indigenous Struggle in Latin America: The Perilous Invisibility of Capital and Class." *Latin American Politics & Society* 49 (3): 191-205.

Annotation: The author reviews five current books on indigenous populations in Latin America. This piece is helpful as it critiques and highlights these works and calls for studying indigenous issues on a larger scale while also examining why the well-being of many indigenous groups is falling. The author's review of each book highlights factors that are positively and negatively affecting indigenous communities.

Yashar, Deborah J. 1998. "Contesting Citizenship: Indigenous Movements and Democracy in Latin America." *Comparative Politics* 31 (1): 23-42.

Annotation: The author uses a historically grounded comparative analysis to argue that indigenous movements have emerged in Latin America in opposition to the State and to the disadvantageous terms of indigenous citizenship. The article examines the emergence of indigenous political organizations and their success in Bolivia, Ecuador, Guatemala, and Mexico, yet not in Peru. The author explores the presence of peasant rights groups in Peru that have been successful in place of these indigenous political groups. The article is insightful as it highlights the reasons for the formation and the successes or failures of indigenous groups in each of these countries.

Zuluaga, Felipe, and Lindsey Michelle Jones. 2006. "Protecting Indigenous Rights in Colombia." *Peace Review: A Journal of Social Justice*, 18: 55-61.

Annotation: Since the emergence of Columbia's Decree 1396 in which the government of Columbia aimed to protect and promote the rights of their indigenous peoples the authors find a gap between the anticipated results and actual situation eight years later. Given the location of Columbia's indigenous population in biologically diverse areas, they have become susceptible to many outside actors including multinational corporations, landowners, as well as drug traffickers. Indigenous rights movements made great strides in the early 1990s to secure protection for indigenous peoples, but in the face of armed conflict, the desire for natural resources, the aerial fumigation of coca, and large scale development projects indigenous people continue to suffer and in some cases disappear. The authors stress the continued importance of efforts not just in Latin America but globally to promote indigenous rights that will help pressure Columbia to uphold and protect the rights of their own indigenous communities.

## Moving Beyond Divisive Discourse: Latin American Women in Politics

By Ursula Miniszewski

On June 25, 1993 the United Nations General Assembly held the World Conference on Human Rights, which adopted the Declaration and Programme of Action that states, “The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.” On September 18, 2008 *The New York Times* quoted Senator Cecilia López Montaña of Colombia, when speaking of women in positions of political power, “You have to be three times more intelligent, you have to be four times more transparent, you have to have everything more than men. We still have a male chauvinist society. It will continue this way until the ‘democratic deficit’ is closed,” meaning equal representation for men and women (MacFarquhar 2008).

Since the 1970s, women in Central and Latin America have made great strides in attaining political representation and advancing human rights platforms (within which women’s rights are included) and legislation. Despite this progress, Latin American women continue to face challenges in gaining gender parity within the political sphere. Ideological barriers and cultural assumptions about women and their traditional roles continue to be pervasive throughout Central and Latin America. These assumptions are exacerbated by a lingering and divisive feminine versus feminist discourse started in the women’s movements during the 1970s that continues to thwart women’s advances in gender parity within politics.

During the women’s movement in Latin America in the 1970s, self-labeling by movement activists resulted in the division of women’s movements into feminist movements (challenging women’s gender oppression) and grassroots or more “feminine” women’s movements (focus on helping women fulfill their traditional gender roles) (Stephen 1995). Some women in politics were viewed as pursuing a more “feminist” strategy, or the advancement of women’s rights and their position within the political sphere, and assuming more masculine characteristics to achieve parity with men. Alternately, there were the more “feminine” motivations for pursuing political positions, such as advancing human rights for children or improving healthcare. Both groups had a common goal of achieving more, if not equal, female representation within government. Yet this division between feminine and feminist damaged the strength of the women’s movement because opposing ideology and rhetoric began to trump achieving the goal that initially unified them. The dichotomy that originated within the women’s movements still exists today and is a significant yet subtle obstacle women face in pursuing a political career. I argue though, that this ongoing separation and categorization of motivations and platforms is actually exacerbating the deeper issue of a state not ready to see women as equally capable of exercising political power as men. In the following article I highlight three main areas in which women face significant challenges in achieving political representation due to the ongoing cultural assertion that women do not belong in the political sphere. The three areas include education, roles in political parties and participation, and the efficacy of quotas. The divisive discourse regarding feminine versus feminist only intensifies this deeper problem.

## Education

In many rural Central and Latin American regions, girls' access to education remains limited for several reasons. One reason is lack of time. If girls are brought up in an agricultural environment, they may not have time to attend school because of the kinds of chores and responsibilities assigned to them. In addition to lack of time, rural economics play a large role in girls' access to education. Oftentimes it is not a priority for rural families to send their daughters to school if they are needed in the home for domestic work that contributes to a household economy—such as producing a product to sell. A third obstacle is in regions of civil instability, such as in rural Colombia, where the FARC and the government are still at war. In these areas, teachers will sometimes not show up at school for months at a time depending on the level of danger to their person that is involved in traveling to rural schools to teach. Conflict in rural regions also poses a dilemma for girls who do not have access to safe transportation to and from school.

Girls from indigenous and afro-descent populations face the most significant obstacles to education, necessary in the pursuit of attaining any position of political power. Over half of the indigenous girls in Bolivia and Guatemala have dropped out of school by age fourteen. Indigenous women are most likely to work in low-paid, informal jobs in Bolivia, Guatemala and Peru, compared to non-indigenous women; the same holds for afrodescendent compared to white women in Brazil (Buvinic and Roza 2004:13).

At a recent Harvard-sponsored conference on education in Central America, the absence of a space to discuss gender issues was noteworthy, as were the informal comments of various conference members. A participant from Costa Rica confided that feminists made her uncomfortable with their insistence on putting gender into every conversation (Parker 1999). Exacerbating the problem of sexism that still exists within education is the assumption that addressing it in a gendered way is “feminist,” and in this case, a negative approach. Because of strongly held beliefs about women and their position within the Latin American social structure, emphasis on access to education for girls continues to not be a priority.

## Political Parties

Women began attaining the position of head of executive and legislative branches in Latin America as early as 1974 with Isabel Peron. The head of state is not, however, an accurate position with which to measure women's political power. With the help of quotas, women in Central and Latin America hold approximately 17 percent of political positions in the lower houses of Congress (Htun 2005). The percentage decreases 14 percent when looking at the number of women in ministerial positions, or more “leadership” positions. The most salient reason for this phenomenon can be traced to the way in which political parties are structured.

One of the most significant obstacles to women in Latin America attaining positions of political leadership is within political parties. In order to be elected into a prominent political position, women have to first gain status within the political parties and therein hold leadership positions. However, women have not had equal access to those roles within the parties as men, (even though they make up over half of most political parties). Instead, they have typically been accepted as members of the “women's bureaus” of political parties that mobilizes voters and supports male candidates by hosting meetings and fundraisers (Htun 2005). Because they are operating in these

“bureaus,” women do not have the same opportunities to advance their own platforms as men and instead end up advancing the campaigns of the men who are in more powerful positions within the party. Evidence of this phenomenon can be seen in the results of the Gallup Poll completed in 2000 that found that only about half of those polled had ever had an opportunity to vote for a woman, that is, have ever seen any woman’s name on a ballot (Gallup 2000), despite active participation in political parties.

Once women do reach positions of significant political status within their party, they often face criticism from within the party and from their constituents as well. Women’s political motivations are still categorized as either more “feminine” or “feminist,” which leaves women in a type of catch-22 in terms of parity within the political sphere. If women choose to promote a more gendered platform, they are exacerbating the assumptions and stereotypes that limited their access to the political sphere in the first place. Conversely, if women abandon a more gendered platform to prove they have an individual presence as a politician who can choose the basis of her platform, she risks alienating women and the issues for which she may have originally fought. No matter how you look at the debate, women stand to lose something and cannot exist, as men do, as simply a woman in politics.

### Quotas

Since 1991, eleven Latin American countries have adopted quota laws establishing minimum levels for women’s participation. According to the 2008 Report on the United Nations Millennium Development Goals (MDGs), the proportion of women in the lower house (or single chamber) of parliaments in countries of Latin America and the Caribbean has increased from 11.9 percent in 1990 to 22.2 percent. This is an improvement primarily due to quota laws stipulating minimum ratios of women to men as candidates in national elections and results (Valente 2008). Unfortunately, quota laws do not address the deeper cultural assumptions that women are not equal participants in the political sphere.

Political parties have worked hard to get by allowing the bare minimum of female representatives required by law, but no more. In fact, in some cases where quota laws are not enforced, the requirements are simply not met. Alternatively, as in Bolivia, men sometimes use women’s names in order to fill the required quota on paper. The men who win through this method proceed to fill the position and go unpunished for falsifying their name just to prevent a woman from filling a political position required by a quota law. In addition, there is a debate among women in politics about the inherent usefulness of quotas. Some argue that although they may work in the short term to help women penetrate historic barriers, quotas have the potential of being detrimental in the long term if they reinforce cultural assumptions that women do not really belong in the political sphere if they need quotas to help them achieve positions.

Because the deeper issue of historic and institutionalized sexism in Latin America will take years and willingness from all sectors of the current social structure to overcome, ending the divisive discourse that worsen the issue can be a place to start the process of equal access to political representation. In exploring the lack of representation of the female experience within western ethics, feminist philosophers Rosemarie Tong and Nancy Williams conclude that it is probably a mistake for feminist ethicists to leave the policy table without suggesting policies that are able to

serve the *most important* interests of the *widest* range of women (Tong and Williams 2008: 23). In order to achieve the goal of serving the most important interests of the widest range of women by eliminating the polarizing feminist vs. feminine debate, and without weakening the cause by an overemphasis on universalism, Latin American women and men must come to a consensus about their cause and present a united front. It is the strength of this unified front that will pose a legitimate threat to any ideological or historical resistance and may begin to shift a stubborn and harmful paradigm of inequality.

### Annotations

Abbassi, Jennifer, and Sheryl L. Lutjens (eds.). 2002. Rereading Women in Latin America and the Caribbean: the Political Economy of Gender. Lanham, MD: Rowman & Littlefield.

Annotation: This collection of texts/essays covers a broad range of topics and is divided into three parts: Women, Work, and Development; Politics, Policies, and the State; Culture, History, and Feminisms. The essays in each part usually include case studies from a particular state, and comprise a unique collection of relatively current themes. Each essay is written by a different author and provides a helpful historical context for the particular issue. The collection of essays provide a more comprehensive understanding of the issues at hand, but fail to address more forward-looking themes, such as how women's participation in different movements or spheres might shape the future of Latin America.

Asher, Kiran. 2004. "Texts in Context: Afro-Colombian Women's Activism in the Pacific Lowlands of Colombia." *Feminist Review* 78: 38-55.

Annotation: Trained as a wildlife biologist, but attempting to produce a "more enabling reading of postcolonial feminist theory," the author begins this article by examining the implications of feminist thought on women in development, and on developing nations, during the 1980s. The author then exemplifies these implications through a case study with the Afro-Colombian women in the Pacific Lowlands of Colombia. These women have always been politically "active" and involved, but only recently have their actions been recognized and politicized due to the burgeoning movement for the inclusion women in the public and political spheres. Although Asher presents an interesting case study, the original emphasis on postcolonial feminist theory is not maintained fully throughout the work.

Baldez, Lisa. 2003. "Women's Movements and Democratic Transition in Chile, Brazil, East Germany, and Poland." *Comparative Politics* 25 (3): 253-272.

Annotation: By comparing Chile, Brazil, East Germany, and Poland, Baldez offers a perspective on the nexus between women's movements and democratization. The author argues that women have tended to disregard individual differences within a movement in favor of unity based on their gender identity. Though general in theory, Baldez delves deeper into the argument by detailing each case study, which is helpful in defending the original thesis. The article is effective at providing a larger world-view of women and

democratization without diminishing the experience in the individual country. Unfortunately, the argument is proven right only temporarily, as Baldez finds. An honest analysis reveals that while gender can unify initially, most women's movements separate into disparate groups based on conflicting interests.

Bunch, Charlotte, and Samantha Frost. 2000. "Women's Human Rights," in Cheri Kramarae and Dale Spender (eds.), Routledge International Encyclopedia of Women: Global Women's Issues and Knowledge. New York City: Routledge.  
<http://www.cwgl.rutgers.edu/globalcenter/whr.html>.

Annotation: This is an introduction to the concept of women's rights as human rights. Historically, the authors argue, women's rights were not included in the generally accepted definition of human rights. This was because it was not until recently that it was recognized that women had specific needs and that a universal interpretation of human rights that barely mentioned women did not suffice. The overview is helpful and provides the historical context for the issue as well as a clearly cited progression that explains how women's rights are viewed today within the human rights discourse.

Buvinic, Mayra, and Vivian Roza. 2004. "Women, Politics and Democratic Prospects in Latin America." Sustainable Development Department Technical Papers Series. Washington, D.C.: Inter-American Development Bank.

Annotation: This is an informative overview of the current status of women in political leadership roles in Latin America, and of the factors that drove them to attain positions of political influence. Latin America is described in a much more favorable light than in many of the research articles and books in this particular field. The authors begin by recalling women's gains thus far, highlighting the generally non-gender biased education girls have access to in Latin America. Simple yet significant data are provided, which the authors use to analyze the kind of impact women have made in the political sphere. This is a unique perspective, as it examines the types of issues women in politics have chosen to promote such as childcare, health, and other more traditionally based women's issues. The authors then discuss the theories associated with women in politics, including women against other women, and whether women truly do bring something unique to democracy. The text concludes with an important examination of the potential challenges women face as they continue to build influence within the political sphere.

Chong, Natividad Gutiérrez (ed.). 2007. Women, Ethnicity and Nationalisms in Latin America. Burlington, VT: Ashgate Pub. Limited.

Annotation: This is a compilation of essays by Latin American scholars who explore the relationship between gender and nationalism in Latin America. The essays include topics that range from women and nation building to women's influence and impact on cultural identity. The essays tend to focus more on how culture affects nationalism rather than emphasizing the political perspective. The book offers an interesting cross-section of women

in Latin America, but with such specific case studies, it is difficult to gain a broader understanding of the issues listed in the title.

Christensen, Martin K.I. "Worldwide Guide to Women in Leadership."  
<http://www.guide2womenleaders.com/index.html>.

Annotation: This is an informative website created by a Danish academic who has a specific interest in women's roles throughout history. Included on the website are lists of women from around the world who hold powerful leadership positions within their country's governing body. The site is updated regularly and provides helpful information at a brief glance.

Craske, Nikki. 1999. Women and Politics in Latin America. New Brunswick, NJ: Rutgers University Press.

Annotation: In this incredibly comprehensive overview, Craske includes an in depth analysis of topics related to women's citizenship and influence in Latin America. The book begins with an essential introduction to the issues of women struggling for citizenship, leads us through women in the workplace, social movements, and feminism, and concludes with an eye to the future. It is an essential guide for anyone interested in the topic of women and how their contributions to society may be of great significance to the political sphere, but how such women have been historically "systematically excluded." Her argument is that it is women's traditional "maternal" concerns that have motivated their entrance into the more political/public sphere. She presents clear and convincing evidence thereof.

Craske, Nikki, and Maxine Molyneux (eds.). 2002. Gender and the Politics of Rights and Democracy in Latin America. New York: Palgrave.

Annotation: This book is a collection of texts written by Latin American experts who explore the impact of women's movements in the democratization of Latin America. The essays touch on issues surrounding women's growing political identities as more powerful citizens in these democracies, but are more effective at delving into the consequences of women's participation rather than the motivations behind it. In addition, some essays blur the distinction between analyzing the issues for which women traditionally fight, such as poverty and healthcare, with the specific topic of women in politics. This seems to be a theme in the literature about women and politics, so perhaps the success of the essays is in demonstrating that these two issues are not mutually exclusive.

Dahlerup, Drude. 2002. "Increasing Women's Political Representation: New Trends in Gender Quotas." In Women in Parliament: Beyond Numbers, a Revised Edition by Julie Ballington and Azza Karam (eds.). International IDEA: 141-153.

Annotation: This is an informative chapter in the book Women in Parliament: Beyond Numbers. It focuses on the definition of quotas and how they have been used to increase

the presence of women in the international political sphere. The author begins by defining different types of quotas, both enforced and voluntary, and then goes on to establish the perceived pros and cons to having quotas at all. After providing numbers that portray the impact certain types of quotas have in female representation, the author then boils the argument down to the enforcement of the quota. Ultimately, the argument is drilled down to quotas needing to be more effectively enforced. Overall, the chapter is an informative introduction to the complexities of the issues surrounding quotas.

Del Campo, Esther. 2005. "Women and Politics in Latin America: Perspectives and Limits of the Institutional Aspects of Women's Political Representation." *Social Forces* 83 (4): 1698-1725.

Annotation: This article is a sociological investigation (both empirical and theoretical) into the progress women have made in the political sphere in Latin America, mainly in terms of representation and holding office. Del Campo is not out to prove a theory or hypothesis, but instead to compile metrics with which one can measure factors involved in female representation in politics, and based on the data, form a conclusion. This article provides a non-biased, scientific perspective on women in the political sphere in Latin America.

Domínguez, Jorge I. 2000. "Women Political Leaders: Political Roles, Bases of Support, and Strategies." In *Politics Matter: A Dialogue of Women Political Leaders*. Washington, D.C.: Inter-American Dialogue and the International Center for Research on Women.

Annotation: Dominguez, the Director of the Weatherhead Center for International Affairs at Harvard University, outlines the most effective way for Latin American women to advance their position in the political arena: how they promote issues. Dominguez seems somewhat contradictory, at times calling for "women not forgetting their are women" while at the same time advising them to appeal to the broadest base possible, moving away from achieving popularity purely through the promotion of more gendered issues. The author argues that this strategy is not contradictory if the issues are framed in a broader context that could appeal to an audience regardless of gender or political affiliation. This is an informative article, in that it highlights the deep complexities women face when becoming involved in politics in Latin America.

El-Bushra, Judy and Cécile Mukarubuga. 1995. "Women, War and Transition." *Gender and Development* (3): 16-22.

Annotation: This article is a brief overview of the specific experience of women during war and post conflict reconstruction. The authors include short explanations of issues such as rape, women's identity, and psychological affects, all within the context of conflict in a developing nation. They then present the case study of Rwanda. While it touches on several aspects of this significant issue, the article was written at a time when gendered responses and roles in conflict within developing nations was still an uncharted territory. Thus, it is more helpful as an introduction and high level overview of the topic of women and post conflict rebuilding in developing nations.



Feldmann, Linda et al., 1998. "Around the World, Women Find Very Different Roads to Wider Rights." *Christian Science Monitor*, <http://www.csmonitor.com/1998/0722/072298.us.us.2.html>.

Annotation: This article highlights a unique aspect of women's growing participation in the political sphere that is not often researched. That is, women's participation does not always have progressive or positive outcomes, but instead can incite radical reactions and attract movements in opposition to the intended goal. The article provides examples of this phenomenon, such as in Afghanistan and Eastern Europe, where the result of women's movements toward political participation has created religious, economic, and political backlash. The article also provides cases in different developing nations in which women are wielding political power through more neutral approaches, such as through active participation in the church. This is an important article for countering the assumption that political progress for women can only beget equality and positive change.

Fitzsimmons, Tracy. 2000. Beyond the Barricades: Women, Civil Society, and Participation After Democratization in Latin America. New York: Garland Publications.

Annotation: Trained as a political scientist, the author begins this book with an introduction to a more theoretical view of democratization and its political consequences in Latin America. Fitzsimmons effectively avoids constantly contextualizing her theories within a gendered approach, which can be helpful in creating a more objective base from which to view the topic. However, the absence of discussion regarding women becomes apparent; it turns out that she only spends one portion of the book focusing on women. This would normally not be problematic, but because the title of the book includes the word "women," the reader assumes, incorrectly, that it will be a pervasive topic throughout the text.

Franceschet, Susan. 2001. "Women in Politics in Post-Transitional Democracies: the Chilean Case." *International Feminist Journal of Politics* 3 (2): 207-236.

Annotation: This article is an in-depth look at how issues such as the lack of an institutional political system and a promotion of a "feminist" platform can prevent women from achieving legitimized roles within Chilean politics. Franceschet begins by providing a historical introduction into Chile's political framework, leads the reader through the male dominated political sphere of the 1990s, and offers strategies for women in politics, provides an exploratory analysis of "women's interests." The author concludes by clarifying that while Chile is a specific case, we can take from the challenges and think about them in terms of other Latin American nations as well.

Gallup Latin American Women Leadership Study, and Inter American Dialogue. 2000. "Latin American Women Leadership Study: A Look at the Changing Attitudes of Latin Americans toward Gender and Women's Leadership Capabilities" in Politics Matter: A Dialogue of Women Political Leaders. Washington, D.C.: Inter-American Dialogue and the International Center for Research on Women.

Annotation: This is an empirical look at assumptions and beliefs regarding women in positions of political leadership based on a survey that Gallup performed in Latin America in 2000. It must be read in its true form, assumptions a sample group, but the findings are a helpful supplement in the more theory based research in this field. The findings show a generally positive attitude toward women in politics, and even that women are trusted more, and are believed to handle larger issues better than men. The article is also helpful because it summarizes some of the more major findings in order to aid in the interpretation of the numbers. The reader can also view the questions and the style in which each question was asked that elicited the results that are summarized in the article.

Gonzalez, Victoria, and Karen Kampwirth (eds.). 2001. Radical Women in Latin America: Left and Right. University Park, PA: Pennsylvania State University Press.

Annotation: A compilation of case studies by experts on Latin America and Political Science, this is a helpful collection that aids in understanding the role of women in more “radical” (in this case meaning unconventional) politics in Latin America. What sets this collection apart from other Latin American anthologies is that it includes analysis of both right and left radicalism and political movements instead of the traditional left-leaning text that is often found in more revolutionary leaning literature.

Gould, Carol C. 2004. Globalizing Democracy and Human Rights. New York: Cambridge University Press.

Annotation: This book is a densely theoretical analysis of the manifestation of human rights and how they are realized in democracy. The author takes this analysis a step further and looks at how these rights can exist on a global level within democratic societies. The most helpful chapters in terms of women in political positions and the “public sphere,” are chapters three and six. These chapters address the idea of embodiment within democracy and conceptualizing women’s human rights.

Haas, Peter M. 1997. “Do Regimes Matter? Epistemic Communities and Mediterranean Pollution Control,” in G. T. Crane and A. Amawi (eds.), Theoretical Evolution of International Political Economy. New York: Oxford University Press.

Annotation: In this article, Haas argues that regimes, or groups of people that have collaborated on a certain idea, can directly impact the way in which a state, or group of states, forms their international economic policy, despite the policy not having a directly positive impact on the state economically or monetarily. It is an important argument in a field that has traditionally reflected the more realist argument that states will act only in their economic interest, or that unless the regime can prove to have a positive economic impact on the state, they will be obsolete.

Htun, Mala. 1998. “Case Study: Latin America Women, Political Parties and Electoral Systems in Latin America” In *Women in Parliament: Beyond Numbers* by J. Ballington and A. Karam (eds.).

Stockholm: The International Institute for Democracy and Electoral Assistance (International IDEA).

Annotation: In this article, Htun focuses on how the electoral system, political parties, and quotas impact the roles that Central and Latin American women attain in politics. Following the author's style of other articles on this topic, they include several helpful, quantitative tables and percentage breakdowns. The article is informative and provides useful information as an explanatory device for the situation of women in politics in Latin America.

Htun, Mala N. 2002. "Women in Political Power in Latin America" in *Women in Parliament: Beyond Numbers* by J. Ballington and A. Karam (eds.). Stockholm: The International Institute for Democracy and Electoral Assistance (International IDEA).

Annotation: Htun, a political scientist, explores the different issues involved with Latin American women in politics. These issues include obstacles in attaining political power, public perception, efficacy of electoral systems, and quotas. The author provides an informative and explanatory analysis of what women and politics looks like in Latin America. The analysis includes tables and quantitative information that supplements the article. Htun suggests an argument in the conclusion and calls for solutions by the end of the article but the content of the rest of the article does not strongly support this argument.

Inter-American Development Bank. 2006. "The Winning Voice of Women in Latin American Politics." (January 17).  
<http://www.iadb.org/news/articledetail.cfm?language=English&ARTID=2709>.

Annotation: This article relays the story of Michelle Bachelet's victory in 2006 as Chile's first female president. The article provides a brief overview of the trend in Latin America, which is seemingly favorable thus far toward electing women as political figureheads. Beginning in the 1990s, women in Latin America have begun to fill more legislative and politically influential positions than women in more "developed" states such as the United States. This trend can be attributed to several factors, including organized women's movements in 1980s pushing more political representation and rights, quotas the state is required to fill regarding female representation, and improved education for women. The article is a helpful glimpse of the current state of Latin American women in politics.

Kampwirth, Karen. 1998. "Feminism, Antifeminism, and Electoral Politics in Postwar Nicaragua and El Salvador." *Political Science Quarterly* 113 (2): 259-279.

Annotation: Kampwirth is a prominent scholar in the area of women, Latin America, and political movements. In this article, she juxtaposes the involvement of feminist movements in politics leading up to the elections in Nicaragua and El Salvador during the 1990s. The author chose these cases because in Nicaragua, the feminist movement failed to achieve an ideological shift in definitions of female identity. Conversely, in El Salvador, the feminist movement was actively involved in defining what gender meant within politics. Kampwirth's case studies are important, as they demonstrate that pre-election involvement of feminist

movements had a great impact on the post electoral framework of politics. Additionally, Kampwirth's examination of feminine vs. feminist definitions and discussion around 'women's interests' and antifeminism provides a useful context in which to understand the literature in this field.

Karam, Azza, and Joni Lovenduski. 2005. "Women in Parliament: Making a Difference." *Women in Parliament: Beyond Numbers* by J. Ballington and A. Karam (eds.). Stockholm: The International Institute for Democracy and Electoral Assistance (International IDEA): 187-212.

Annotation: The authors of this article offer a unique and refreshing addition to the literature on Latin American women in politics. Instead of overemphasizing the historical aspects of the issue, the authors offer a contemporary and forward looking perspective that asks many crucial questions, including "now what?" The article is a successful blend of criticism and pragmatic recommendations that can inform the future for Latin American women in politics.

Karl, Marilee, William I. Lindley, L. Van Crowder, and Nathaniel Doron. 1997. "Higher Agricultural Education and Opportunities in Rural Development for Women. An Overview and Summary of Five Case-Studies." Food and Agriculture Organization of the United Nations (FAO), [http://www.fao.org/docrep/w6038e/w6038e02.htm#P363\\_24359](http://www.fao.org/docrep/w6038e/w6038e02.htm#P363_24359).

Annotation: This is a helpful article about the challenges women face in accessing education when they live in an agricultural and/or rural environment. Although the case studies do not include Latin America, the general conclusions found are almost parallel to some of the issues that Latin American women face in rural environments. The article provides helpful statistics and tables to support the claims and is effective at highlighting significant findings and presenting the issues clearly, the causes, and potential solutions. This is a more empirical study rather than theoretical.

Kaufman, Michael, and Haroldo Dilla Alfonso (eds.). 1997. Community Power and Grassroots Democracy: the Transformation of Social Life. London: Zed Books.

Annotation: This collection of essays covers topics of community development, neighborhood organizations, housing committees Costa Rica, Cuba, Dominican Republic, Haiti and Chile. Although they do not bring anything particularly new to the discussion surrounding the success of local democracy influencing the larger political democratic domain, the authors still effectively highlight the challenges of micro versus macro politics.

MacFarquhar, Neil. 2008. "UN Study Finds More Women in Politics." *The New York Times*. (September 18). <http://www.nytimes.com/2008/09/19/world/19nations.html>.

Annotation: This is an informative and very recent article that reinforces the fact that even though women have made great strides internationally in gaining political power, there is still

much work to be done. The article includes recent numbers of women in political parties and percentages compared to that of men. The article also makes the important distinction between women in positions of political representation and political power. The distinction is important because the number of women in positions of political power decreases a considerable amount relative to the number of women represented within the parties. It is an informative article that gives a balanced and realistic glance of the state of women in politics around the world.

McDonagh, Eileen. 2002. "Political Citizenship and Democratization: The Gender Paradox." *The American Political Science Review* 96 (3): 535-552.

Annotation: In this article, McDonagh, a political scientist, presents an original perspective of the relationship between women and citizenship, and more specifically, in newly democratized states. The author provides a gender paradox in which it is beneficial for women to gain status as citizens within both the identity as an "other" as well as an equal. This is an original proposal, as most literature regarding women's roles in democratizing nations reflects the notion that women are fighting for "equal rights." And though this may be the case, McDonagh details why this may not always work to a woman's advantage as a political citizen and that the state must be made up of "women's dual, if not paradoxical, identities as productive laborers who are the 'same' as men and as reproductive laborers who are 'different' than men." The article, while original and thought-provoking is mostly theoretical and it is sometimes difficult to imagine how exactly one goes about achieving the aforementioned paradox.

Montaño, Sonia, and María Nieves Rico. 2007. "Women's Contribution to Equality in Latin America and the Caribbean." In Session of the Regional Conference on Women in Latin America and the Caribbean. Quito, Ecuador: United Nations.

Annotation: This is a study of gender parity in Latin America and the Caribbean that includes an updated picture of women in politics, labor equality, and recommendations for a policy agenda. The study provides a concise overview of the issues that surround women politics, such as movements, feminism, and the personal becoming the political. It also highlights significant occasions and specific progress such as the Convention on the Elimination of All Forms of Discrimination against Women, signed by all states in Latin America and the Caribbean by 2000 that shows clear progress for gender parity. The quantitative data included in the study is also helpful and clearly displayed.

Montecinos, Verónica. 2001. "Feminists and Technocrats in the Democratization of Latin America: A Prolegomenon." *International Journal of Politics, Culture and Society* 15 (1): 175-199.

Annotation: In this article, the author attempts to prove that one of the primary reasons there are not more Latin American women in government is because the movement toward a more democratic state has been dominated by male economists who, the author asserts, view women unfavorably. Montecinos, a sociologist, includes an ambitious range of topics in the article, including democratization, economics, technocratic ideology, and feminism. The

article concludes with a recommendation and call for more women to enter into economics in Latin America, which will result in more women in government. The article is too broad-reaching to present enough focused justification for the final conclusion.

Moser, Caroline O.N., and Fiona C. Clark. 2001. "Gender, Conflict and Building Sustainable Peace: Recent Lessons from Latin America." *Gender and Development* 9 (3): 29-39.

Annotation: This paper calls for a more gendered analysis of conflict resolution. This has not been the case in the past, thus ignoring the nuanced needs of men and women in post conflict reconstruction. Also ignored has been the type of impact that the conflict has had on men and women. The article covers a broad range of topics included in conflict and reconstruction, and the language is abrupt. However, the author is successful at providing a practical perspective and concrete methods for understanding the complexities in a gendered picture of conflict. The ideas would be applicable for humanitarian aid workers, human rights advocates, and others working in the field.

Okeke-Ihejirika, Philomina E., and Susan Franceschet. 2002. "Democratization and State Feminism: Gender Politics in Africa and Latin America." *Development and Change* 33 (3): 439-466.

Annotation: The authors of this article compare Chile and Nigeria in an attempt to answer the question of why the kind of political feminism that developed in Chile during its transition into a democracy did not happen in Nigeria, when they were experiencing a similar transition. The authors frame their study in three areas of transition: women's movements under democratization, patterns of women's access to political institutions, and gender ideologies. Although a comprehensive analysis of each of these areas is provided, the article does not provide unique insights into these countries by asking the questions regarding the success of feminist movements or the progress of women in the political arena. The outcome is that the political, economic, and social history of Nigeria seems to be too dissimilar to that of Chile to have engendered the feminist movement within politics.

Safa, Helen Icken. 1990. "Women's Social Movements in Latin America." *Gender and Society* 4 (No. 3, Special Issue: Women and Development in the Third World): 354-369.

Annotation: This article explores the participation of poor women in social movements in Latin America. Safa weaves case studies from different countries together effectively without relativizing their individual characteristics. We see the recurring theme that, initially, these movements are spurred by the women in defense of their more 'traditional' domestic role, but they soon find themselves gaining legitimacy within the political sphere. Safa's argument that women will continue to fight for the goals of the movements instead of being a fleeting political fad is well founded based on the findings in his article. Unfortunately, his findings are, at this point, outdated and written from a second wave feminism perspective.

Saint-Germain, Michelle A., and Cynthia Chavez Metoyer. 2008. Women Legislators in Central America: Politics, Democracy, and Policy. Austin: University of Texas Press.

Annotation: Written by two political scientists, this book is a comparative study of the factors that gave rise to a certain era of women legislators in five countries in Central America: Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. The authors present a convincing argument, asserting that factors such as the presence of women with political savvy, and the state of affairs at the time created an environment that was ripe for female political influence and impact. The book includes questions that are crucial in our understanding of women's participation and impact in the political sphere in all of Latin America. The authors include helpful tables, graphs, and other quantitative tools in the book to supplement the text.

Stephen, Lynn. 1995. "Women's Rights Are Human Rights: The Merging of Feminine and Feminist Interests among El Salvador's Mothers of the Disappeared (CO-MADRES)." *American Ethnologist* 22 (4): 807-827.

Annotation: This article is about the women who created the Committee of Mothers and Relatives of Political Prisoners, Disappeared and Assassinated of El Salvador "Monseior Romero" (CO-MADRES) in 1977 in El Salvador. Stephen tells the story behind the formation of the group and completes an in depth analysis of how the group's participants "blurred lines between resistance and accommodation." The author asserts that Latin American activists have created a division of women's movements between feminist movements and grassroots women's movements, which has led social scientists and others in the field to follow suit. However, Stephen argues, this is not an accurate division and that in dividing the movements, their depth and complexity is lost.

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. 2001. "Gender, Citizenship, and the Politics of Identity." *Latin American Perspectives* 28 (6): 54-69.

Annotation: Pursuing a more precise study of identity and women in Latin American social and political movements, Stephen presents two case studies to present the case. The author argues that the external image the movements convey to the public do not accurately reflect the complexity of the participants' individual intentions within the movement. Using the examples of the Committee of Mothers and Relatives of Political Prisoners, Disappeared and Assassinated of El Salvador "Monsignor Romero" (CO-MADRES) in El Salvador and the indigenous women's movement in Mexico as the case studies, Stephen successfully articulates the argument. The author effectively pushes the gendered perspective of political movements in Latin America to a more dynamic level than others in the field.

Stromquist, Nelly P. 1995. "Romancing the State: Gender and Power in Education." *Comparative Education Review* 39 (4): 423-454.

Annotation: A bit outdated, this article outlines important relationships between education and the state in both industrialized and more developing states. A significant argument that the author makes is that, despite the advancements in gender equality in education that traditional feminists made, it is not a sustainable way of affecting change. The author argues

that because general populations are not trained to understand gender nuances within education, the general public will not typically support such nuanced platforms. It is not until a more broad based understanding of gender inequality and what may have been more “feminist” ideals become more widely accepted that needed change will occur in a consistent and effective manner.

Tong, Rosemarie, and Nancy Williams. 2006. “Feminist Ethics.” *The Stanford Encyclopedia of Philosophy* <http://plato.stanford.edu/archives/fall2008/entries/feminism-ethics/>.

Annotation: In this discussion of feminist ethics, the authors attempt to “rethink aspects of traditional western ethics that devalue women’s moral experience.” The authors spend the majority of the article mapping out the different approaches to ethics that have been established in regards to the female experience. This is an introduction to the many ways one can approach feminist ethics. The ultimate conclusion the authors come to is that in order for women to advance any sort of parity in western ethics, the disparate types of approaches have to unify and present a strong and consolidated argument for a revision of traditional western ethics.

United Nations Children’s Fund (UNICEF). 2006. “Promoting Women’s Autonomy in Latin America and the Caribbean to Fulfill the Rights of Children.” Edited by Isabel Benlloch. [http://www.unicef.org/media/media\\_37510.html?q=printme#](http://www.unicef.org/media/media_37510.html?q=printme#).

Annotation: This is a brief news release on the United Nations Children’s Fund website that describes children’s rights as an extension of women’s rights. It is an interesting article because it exemplifies how crucial it is to establish women’s rights in order to advance other types of “human rights” like children’s rights. The article alludes to women in positions of power being more likely to promote issues such as the advancement of children’s rights. Thus, continued work on improving the accessibility of education to women and therein providing a non gender biased curriculum is essential many human rights causes including that of children. Though not comprehensive, the article is an important reminder that women still face challenges in attaining education and it is not until they attain the needed education that they can be considered eligible for influential positions within politics where they can further the children’s rights campaign, for example.

United Nations General Assembly. 1993. “Vienna Declaration and Programme of Action.” Paper Read at *World Conference on Human Rights at Vienna, Austria*. [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En)

Annotation: This document is a result of the World Conference on Human Rights held in Vienna in 1993. It is a seminal document in the international community in terms of a formalized acknowledgement of specific human rights. Particularly significant is #18 that formally acknowledges that women’s rights are human rights. “The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural



life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.”

United Nations Security Council. 2000. “Resolution 1325.” [www.un.org/events/res\\_1325e.pdf](http://www.un.org/events/res_1325e.pdf).

Annotation: Passed unanimously in October of 2000 by the United Nations, Resolution 1325 is the first resolution passed by the United Nations Security Council that addresses women and the role they play not only as a group that has different needs in time of war and rebuilding but also as a group that is integral to peace building and post conflict reconstruction. “Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution.”

Waylen, Georgina. 1998. “Policy Arena Gender and Governance: Democratic Consolidation and Economic Reform.” *Journal of International Development* (10): 957-967.

Annotation: The author begins this article by highlighting the significance of including a gendered analysis when analyzing the democratization of three Latin American countries: Argentina, Chile, and Peru. The author chose these three countries because of their varying circumstances under which they participated in the process of democratization. One of Waylen’s stated reasons for the study is the lack of literature that includes a gendered analysis, so this portion of the argument seems outdated. Despite this, the reasons the author gives for the importance of gendered perspective are still pertinent to a contemporary study of the countries in relation to democratization. Democratic consolidation and economic reform are the two main themes for which Waylen provides this gendered analysis and offers objective accounts of women’s roles, for example in a political movement and whether their involvement helped realize intended outcomes. The weakness of the article is that, in attempting to cover a lot of ground in a short article, Waylen spends more time on emphasizing the lack of research in the different areas where instead, she could take a deeper look at the issue.

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\_\_\_\_\_. 2000. “Gender and Democratic Politics: A Comparative Analysis of Consolidation in Argentina and Chile.” *Journal of Latin American Studies* 32 (3).

Annotation: In this article, Waylen analyzes the impact that gender has on the recently ‘consolidated democracies’ in Chile and Argentina. The author argues that in order for women to play a significant role in a newly democratized nation, preconditions must exist, such as women outside the political arena supporting women in leadership roles and an institutionalized party system. Waylen is successful in justifying her argument but the recurring theme throughout the article of gender parity takes away from the strength of political argument at times.

\_\_\_\_\_. 2008. "Enhancing the Substantive Representation of Women: Lessons from Transitions to Democracy." *Parliamentary Affairs* 61 (No. 3): 518-534.

Annotation: This article explores whether third wave democratization has enhanced the role of women in the political sphere. Using a comparative approach and integrating case studies from Africa, Eastern Europe and Latin America, Waylen tries to find correlations between several movements from different eras, which tends to weaken her argument rather than substantiate it. However, Waylen brings to light an argument not often found in the literature on this topic. She argues that it takes more than just a female in a leadership position to affect gender policy, and, in fact sometimes requires entire conceptual shift in the country's politics in general.

Women Waging Peace. 2004. "In the Midst of War: Women's Contributions to Peace in Colombia." Policy Commission (April).  
[www.peacewomen.org/resources/Colombia/WWPColombiaExecSummary.pdf](http://www.peacewomen.org/resources/Colombia/WWPColombiaExecSummary.pdf)

Annotation: This is a brief report on the contribution of women pursuing peace after decades of civil war in Colombia. While it is not a deep analysis, this report is an excellent tool as case study of women's civic participation in the "rebuilding" of a nation. With a short timeline, key findings, recommendations, and discussion of the issue, the report provides a hopeful perspective on the change that women are affecting in Latin America, and more specifically Colombia.

## The Colonial Legacy and Human Rights in Mexico: Indigenous Rights and the Zapatista Movement

By Alexander Karklins

The current status of human rights in Latin America has been profoundly affected by the legacy of colonial institutions. Since the time of conquest, through colonialism, and after independence, the growth of the Latin American state has been challenged by the alternative discourse of indigenous rights. In Mexico, the dominance of *mestizaje* (or the quest for a single Mexican ethnic identity) in the formation of its modern state apparatus has left indigenous cultures out of the realm of political participation and exposed to human rights violations. With the *Zapatista* uprising of 1994-1996, the contradictions inherent in Mexico's constitution were brought to the forefront and placed the discourse of indigenous rights squarely on the global human rights agenda. Mexico provides an interesting case in the evolution of indigenous rights discourse, considering the large number of indigenous groups within its borders, especially in Oaxaca and Chiapas. The *Zapatista* rebellion illustrates the ways in which indigenous claims have sought to challenge the state, as well as claims of universality in global human rights policies. It has, in many ways, forced the leaders of the Mexican State to take a hard look at its colonial past.

From the period of conquest through Spain and Portugal's colonial endeavors, there has been a constant struggle between indigenous groups and the state. Since independence, many Latin American governments have been dominated by remnants of the colonial project who modeled their new states distinctly after the states of their former colonial masters. After independence, governments dominated by *mestizos* or *criollos* sought to deemphasize the distinct ethnic identities within their borders. Furthermore, the penetration of the Catholic Church into almost every level of Latin American society has permanently altered the ways in which indigenous peoples conduct themselves (Clendinnen 2003; Moksnes 2005).

In Chiapas, Mexico the *Ejercito Zapatista de Liberacion Nacional*, or EZLN, launched its campaign from the Lacandon jungle in 1994, bringing worldwide attention to the struggles of Mexico's indigenous population. Characterized by small-scale acts of guerilla violence and the oftentimes poetic communiqués by its leaders, the Zapatistas self-consciously have been engaging in a new form of discourse with the developed world and other indigenous groups in Latin America. The Zapatistas are motivated by their desire to preserve their own traditional forms of organization, as well as local governance of the economy, a desire that became more urgent with the increasing encroachment of the global economy into the far corners of Chiapas and with the passage of the North American Free Trade Agreement (NAFTA).

To situate their struggle only in the immediate aftermath of NAFTA, however, is an inaccurate portrayal of the situation. *Zapatismo* has its roots in the long history of colonialism in Latin America, and is one of several indigenous rights movements in the region. The Mexican state, like many in Latin America, is a colonial construction, with rigid borders that oftentimes cut across ethnic and tribal lines. Furthermore, the prevalence of *mestizos* in the central government since Mexico's independence has privileged policies of assimilation over those privileging indigenous identity (De La Pena 2006). This has resulted in significant conflict in areas where the concentration of indigenous populations is high, such as Oaxaca and Chiapas, where the local residents have sought to maintain their indigenous identities.

The issue of indigenous rights is closely tied to universal notions of human rights as articulated by the United Nations and organizations such as Human Rights Watch and Amnesty International, and the EZLN has attempted to frame their struggle within the parameters of the established human rights discourse. Yet the Zapatistas are mainly concerned with results at the local level and the particular problems facing the

ethnically Mayan population of Southern Mexico and Guatemala. In many ways, the framing of indigenous rights discourse is an important area of contestation as universal norms might often conflict with the religious, communitarian, and economic values and interests of indigenous populations.

Since the uprising of 1994-1996, the Mexican state has made several political concessions to indigenous groups, starting with the San Andres Accords of 1996, which granted previously unrepresented indigenous groups a political voice in local governments. These reforms were largely a response to pressures brought about by the international community, due to the EZLN's successful communication of its struggle to a worldwide audience. Subsequent legislation has, however, watered down the implementation of the accords due to the influence of leaders of Mexico's business community and multinational corporations concerned that granting autonomy to indigenous communities could greatly disrupt trade and negatively affect their economic interests. In some cases, the Mexican government has used "human rights" arguments to justify police intervention in indigenous communities in order to arrest political opponents, under the pretext of protecting individual liberties. The Mexican government has also stressed individual rights over community rights as a way to privilege private property over community organization, which has long been a distinct feature of Maya society (Farris 1984). In this sense, some observers have interpreted human rights as a neocolonial tool by the state to reassert its authority over indigenous populations (Stephen 1999). The contested ground of indigenous rights discourse has led to much academic debate on whether human rights reforms are more effective on a local, state, or international level.

The modest success of the Zapatista movement has served as an inspiration to other indigenous movements in the Americas that have sought to reform government policy to protect their community rights. The transnational character of the indigenous movement has made it a more powerful voice in the general discourse of human rights, but there are still many challenges ahead. A major issue raised by anthropologists is the way in which global human rights discourse is influencing and sometimes changing the indigenous communities it is trying to help. This is illustrated by the emergence of feminism within indigenous societies, often encouraged by activist researchers. While this can be seen as a positive development, it may also hinder the articulation of a cohesive ethnic local identity in favor of what are perceived to be "global" norms (Castillo 1997). The Zapatista movement also introduced methods of modern mass communication to the indigenous struggle, yet the adoption of new technologies by autonomously indigenous communities may lead, ironically, to their undoing. In the global era, the opportunity for cultural cross-pollination has never been greater.

The future of *Zapatismo* and, to a larger extent, the indigenous rights movement throughout Latin America, may hinge on the careful balance between reforms at the state and international levels, as well as measures to ensure the sustainability of each movement. Political freedom is often an insufficient guarantee of human rights; there must also be a concern for the economic survival of indigenous groups in order to guarantee their autonomy (Corntassel 2008). The current situation in Mexico necessitates a strong commitment toward constitutional reforms, but there is also a great need for the reforms by the Mexican government to be overseen by international organizations such as the United Nations, in order to guarantee the sustainability of indigenous rights. By addressing the contradictions associated with the project of state formation during the colonial and post-colonial periods, Mexico can resolve its issues with indigenous rights and human rights in a just and equitable fashion.

### Annotations

Beer, Caroline, and Neil J. Mitchell. 2004. "Democracy and Human Rights in the Mexican States: Elections

or Social Capital?” *International Studies Quarterly* 48: 293-312.

Annotation: This is a “large N” statistical study that details levels of democratization versus human rights in Mexico. Taking sample data from each Mexican state, the authors determine that the quality of electoral components have a more profound influence over human rights than social capital. The authors’ study differs from previous cross-national comparative cases due to the inclusion of ethnic variation in their analyses. An interesting finding in the study is the relative lack of democratic components in states where there is a large indigenous population, versus those whose populations are relatively assimilated.

Brass, Tom. 2005. “Neoliberalism and the Rise of (Peasant) Nations within the Nation: Chiapas in Comparative and Theoretical Perspective.” *The Journal of Peasant Studies* 32 (3 & 4): 651-691.

Annotation: This article discusses the role of the EZLN with regard to other agrarian movements in Latin America. He locates the Chiapas uprising within the context of three late 20<sup>th</sup> century epistemological moments: the rise of laissez-faire global capitalism, postmodern theory, and the renewed study of social movements. Brass uses a comparative framework to assess the EZLN’s gains relative to other agrarian reform movements, concluding that the Mexican government has undermined the Zapatistas’ goals of larger agrarian reform by granting modest political concessions to the movement.

Carozza, Paolo G. 2003. “From Conquest to Constitutions: Retrieving a Latin American Tradition of the Idea of Human Rights.” *Human Rights Quarterly* 25: 281-313.

Annotation: This article discusses the historical roots of Latin America’s commitment to the idea of universal human rights, focusing on four major movements. Working backward from the Universal Declaration of Human Rights, Carozza discusses the ethical response to the Spanish conquest; the rights ideology of Latin America’s republican revolutions; the articulation of social and economic rights in Mexico’s 1917 constitution; and finally the Latin American contributions to the drafting of the Universal Declaration. The main argument in the article suggests that a concern with human rights had existed in Latin America since the colonial period, informing the four major ideas discussed in the text. The article answers the questions of how and why Latin America developed a unique voice in the discourse of international human rights and what the future holds for this narrative.

Castillo, Rosalva Aída Hernández. 1997. “Between Hope and Adversity: The Struggle of Organized Women in Chiapas since the Zapatista Uprising.” *Journal of Latin American Anthropology* 3 (1): 102-120.

Annotation: Castillo’s article gives a historical account of the advances and setbacks of indigenous women in the wake of the Chiapas uprising. She surveys the literature of feminist anthropologists, whose work has focused on the ways in which women have traditionally been subordinated by men and the state, contrasting these findings with current studies on women in Chiapas, Mexico. Her conclusions highlight the need for increased attention to women’s rights within the indigenous movement, citing increased levels of violence toward women since that start of armed conflict.

Clendinnen, Inga. 2003. Ambivalent Conquests: Maya and Spaniard in Yucatan, 1517-1570. 2nd ed., *Cambridge Latin American Studies*. Cambridge, UK; New York: Cambridge University Press.

Annotation: Clendinnen's book discusses the mission of religious conversion on the Yucatan Peninsula during the early colonial period. Making use of archival evidence, most notably the records of Bishops Toral and De Landa, the author takes a methodological leap in explaining the reactions of the native population to the Spanish colonial project. In many cases, the result was the creation of hybrid colonial identities. A major instance of this is the appropriation of Catholic saints as surrogates for native gods, a form of passive resistance to colonization. This methodological approach is typical of the "Australian school" of historiography, which focuses on the ways in which disparate cultures absorb and reflect each other's ways of life.

Collier, George A., and Jane F. Collier. 2005. "The Zapatista Rebellion in the Context of Globalization." *The Journal of Peasant Studies* 32 (3 & 4): 450-460.

Annotation: This article provides an interesting capsule history of the Zapatista movement, locating it in its proper historical context. More importantly, it describes the current political and military stalemate between the Zapatistas and the federal government of Mexico. With the weakening of the PRI (Institutional Revolutionary Party) as the dominant political party in Mexico, combined with the international support of the Zapatistas, the government has had its hands tied. The Zapatistas, on the other hand, do not have the resources to affect anything but symbolic change. The authors see alignment with other indigenous blocs as a potential solution for the Zapatistas.

Collier, George Allen, and Elizabeth Lowery Quaratiello. 2005. Basta! Land and the Zapatista Rebellion in Chiapas, 3rd ed. Oakland, CA: Food First Books.

Annotation: This book examines the impact of the colonial project on the economy of the Chiapas region in Mexico and how this prompted the rise of the Zapatista movement. With the passing of the North American Free Trade Agreement (NAFTA), the indigenous population of Chiapas was faced with another "neocolonial" challenge. While relatively brief, the book is rich in economic analysis and its discussion of ideology formation among the local peasantry in the region. The book locates the Zapatista rebellion within the larger macroeconomic context of globalization, which is often viewed as a form of neocolonialism.

Corntassel, Jeff. 2008. "Toward Sustainable Self-Determination: Rethinking the Contemporary Indigenous-Rights Discourse." *Alternatives* 33: 105-132.

Annotation: In this article, Jeff Corntassel examines the evolution of indigenous rights discourse since the 1920s, highlighting the limitations inherent in contemporary practice of protecting indigenous communities. The author argues that the current policies in place do not account for the important roles played by families and the environment and that these policies are not "sustainable" over the long term. For Corntassel, concerns over territorial integrity in the modern state have undermined indigenous claims. In order for indigenous self-determination to be sustainable, the rights discourse must account for territorial and environmental concerns.

De La Pena, Guillermo. 2006. "A New Mexican Nationalism? Indigenous Rights, Constitutional Reform and the Conflicting Meanings of Multiculturalism." *Nations and Nationalism* 12 (2): 279-302.

Annotation: This article examines the origins of Mexican nationalism and *mestizaje* (the cultivation of a single ethnic identity for Mexicans based on mixed heritage). De La Pena discusses the constitutional reforms put forward by the Mexican government to protect indigenous rights and the surrounding controversy. The contested meanings of multiculturalism and the practical matters of implementing indigenous rights are analyzed at length in the article. The author concludes that just as *mestizaje* is a myth, so is the concept of multiculturalism and it is unproductive to try to create a master narrative for Mexican nationality. De La Pena argues that in the globalized environment, the role of the state is to constantly mediate between the ever-evolving forms of indigenous identity.

Eisenstadt, Todd A. 2006. "Indigenous Attitudes and Ethnic Identity Construction in Mexico." *Mexican Studies/Estudios Mexicanos* 22 (1): 107-129.

Annotation: In this largely theoretical piece, the author makes the argument that indigenous identity is discursively formed. Taking an instrumentalist approach, Eisenstadt tries to account for the political leanings among indigenous groups in Mexico, noting that the successes and failures of state-led assimilation policies have produced different results among different ethnic groups. By taking the position that ethnic identities are largely flexible and are constantly reinvented, the author's argument introduces a new way to look at the historical formation of indigenous cultures and their various rights-based claims.

Farriss, Nancy M. 1984. Maya Society Under Colonial Rule: The Collective Enterprise of Survival. Princeton, NJ: Princeton University Press.

Annotation: Nancy Farriss' detailed examination of social and economic life in the Yucatan during the colonial period reveals the ways in which the indigenous population adapted to the Spanish colonial project. The author's study shows how notions of collective action and community helped the Maya maintain their distinct identity in the face of traumatic changes to their way of life. This has several important implications for the contemporary relations between the Maya of the Yucatan and the central government in Mexico, a dynamic that came to the forefront in the 1990s during the EZLN uprising. Farriss' study is useful for understanding the roots of the Zapatistas' communal concerns in light of globalization.

Fox, Jonathan, Lynn Stephen, and Gaspar Rivera. 1999. "Indigenous Rights and Self-Determination in Mexico." *Cultural Survival Quarterly* 23 (1).

Annotation: The authors of this article discuss the issue of political autonomy and self-determination of Mexico's indigenous population. They briefly discuss the histories of previous indigenous congresses and compare them to the contemporary San Andres Peace Accords, prompted by the Zapatista uprising of the early 1990s. The authors also stress the need to move away from traditional forms of "indigenism," whose goal has traditionally been assimilation, and toward a multi-ethnic national identity for Mexico.

Galeano, Eduardo H. 1997. Open Veins of Latin America: Five Centuries of the Pillage of a Continent. 25<sup>th</sup> anniversary ed. New York: Monthly Review Press.

Annotation: This book takes a broad historical perspective on the extractive nature of the colonial project in Latin America as a whole. The author demonstrates how the European powers wrested control over natural resources from the indigenous populations and set the stage for continued domination by external actors in the centuries to come. Written from a neo-Marxist perspective, Galeano's tone is often polemical, but his study provides valuable insights into the mentalities of resistance among indigenous groups.

Gall, Olivia. 2002. "Racism, Interethnic War, and Peace in Chiapas." *Peace and Change* 23 (4): 14.

Annotation: This article discusses the trend affecting war and peace in the political-military conflict within the Mexican province of Chiapas from 1994 to 1998. It provides a history of interethnic relations in the region and the resulting economic and political consequences of lingering ethnic and racial tensions that have existed since colonial times. The political agendas of Ejercito Zapatista de Liberacion Nacional (EZLN) and the federal government of Mexico are discussed in detail.

Genugten, Willem Van, and Camilo Perez-Bustillo. 2004. "The Emerging International Architecture of Indigenous Rights: The Interaction between Global, Regional, and National Dimensions." *International Journal on Minority and Group Rights* 11: 379-409.

Annotation: This article provides an overview of the current status of human rights and poverty issues as they overlap and interact in the context of the contemporary struggles of indigenous peoples around the world. The authors take case studies from Nicaragua, Colombia, Guatemala, Mexico, Ecuador, and Venezuela to illustrate the progress of indigenous groups in Latin America, contrasting these cases with similar case studies in other parts of the world, such as Rwanda, Botswana, Uganda, Congo, Kenya and Algeria in Africa. Genugten and Perez-Bustillo analyze the role indigenous rights issues play in the formation of policy by international organizations and non-governmental organizations (NGOs).

Hale, Charles R. 2006. "Activist Research v. Cultural Critique: Indigenous Land Rights and the Contradictions of Politically Engaged Anthropology." *Cultural Anthropology* 21 (1): 96-120.

Annotation: Hale's article addresses the issues facing anthropologists who engage in research regarding indigenous land claims. Based largely on his own experience as an expert in the field, the author fleshes out the benefits and pitfalls of "activist research" and "cultural critique," the two main methodological approaches taken by anthropologists in his field. Activist research is borne out of a pre-existing affiliation with an indigenous community, where the researcher conducts their work as an advocate, whereas cultural critique takes the results of scholarly research and applies them toward the end of advocacy for a group. This article is useful for understanding the approaches taken by the anthropologists in many of the articles within this annotated bibliography and deciphering their respective biases.



Harvey, Neil. 1998. The Chiapas Rebellion: The Struggle for Land and Democracy. Durham, NC: Duke University Press.

Annotation: Neil Harvey's history of the Chiapas Rebellion provides a detailed appraisal of the movement, based upon several years of field research. It also reviews the literature on the political nature of popular rebellions, social movement theory, and previous scholarship on the Zapatista rebellion. He argues that the key to interpreting Mexican citizenship and democracy is to understand how they are culturally constructed. To this end, he explains the ways in which the Zapatistas defined themselves in their particular moment in history through political and military struggle.

Katzenberger, Elaine. 1995. First World, Ha Ha Ha!: The Zapatista Challenge. San Francisco: City Lights Books.

Annotation: This book examines the rise of the Zapatista (Ejercito Zapatista de Liberacion Nacional, or EZLN) movement by making use of several interviews and essays, many of them from primary participants in the movement's formation. Medea Benjamin's interview with Subcomandante Marcos, the EZLN's leader and Paulina Hermilloso's interview with Bishop Samuel Ruiz Garcia are particularly useful in understanding the ways in which Mexico's government has repeatedly abused the human rights of the indigenous population. While far from an impartial account, the essays in this work provide valuable insight into the formation of a coherent ideology of the EZLN and its supporters, both within and outside Mexico.

Lopez, Linda. 2005. "Advancing Human Rights Policy: Does Grassroots Mobilization and Community Dispute Resolution Matter? Insights from Chiapas, Mexico." *Review of Policy Research* 22 (1): 77-92.

Annotation: Lopez examines the Mexican government's inadequate implementation of human rights reforms in Chiapas, Mexico. She describes the ways in which grassroots organization at the local level among the indigenous cultures has sought to address this problem. She describes the process of "collective mobilization" among these groups and how the 1994 EZLN uprising inspired a new form of indigenous autonomy and organization. This new dynamic has been instrumental in affecting change at the local level in concert with international NGOs, filling the gap left by governmental inaction on human rights policy.

Marcos, Frank Bardacke, Leslie López, and John Ross. 1995. Shadows of Tender Fury: The Letters and Communiqués of Subcomandante Marcos and the Zapatista Army of National Liberation. New York: Monthly Review Press.

Annotation: This collection of primary documents includes the letters and other forms of communication by Subcomandante Marcos, the Spokesperson of the EZLN, including his speech to the Zapatista National Convention of 1994. John Ross and Frank Bardacke Marcos provide commentary in the Introduction and Afterword, placing the EZLN Struggle in the proper historical context and describing their political aims. The writings in this volume are useful for explaining the ways in which the Zapatista movement has attracted the attention of valuable allies in the First World and among other indigenous movements.

Mattiace, Shannon I. 1997. "Zapata Vive!" *Journal of Latin American Anthropology* 3 (1): 32-71.

Annotation: In this article, Mattiace describes the ways in which the Zapatista movement has invigorated the Indian movement in Latin America. The author highlights the principal challenges the Zapatista movement has presented to the current political system, focuses on the impact *Zapatismo* has had on the national Indian movement, and analyzes the San Andres Accords that were reached in February of 1996 between the government and the Zapatista delegations concerning Indian rights and culture. She argues that the Zapatistas have opened up political space for the indigenous movement throughout Latin America as a whole.

Moksnes, Heidi. 2005. "Suffering for Justice in Chiapas: Religion and the Globalization of Ethnic Identity." *The Journal of Peasant Studies* 32 (3 & 4): 584-607.

Annotation: This article discusses the role of liberation theology in the struggle for human rights among the indigenous peasant population of Chiapas, Mexico. The author details the ways in which the discourse of liberation has changed from socialist or Marxist rhetoric, to one of indigenous identity fused with Catholic theology. The Catholic understanding of suffering and martyrdom has factored heavily in the development of indigenous ideology in Chiapas, but without the overtones of colonial domination. As the article points out, this development is almost entirely local and divorced from the meta-narrative of rights discourse in the international arena.

Newdick, Vivian. 2005. "The Indigenous Woman as Victim of Her Culture in Neoliberal Mexico." *Cultural Dynamics* 17 (1): 73-92.

Annotation: Vivian Newdick's article discusses the role that victimization of women plays in the construction of indigenous identities by the global North on the South. The author states that it is a commonly held belief that women are sold in Mexico's indigenous cultures. Statements like this have led to the casting of these cultures as "backward" or "barbaric" by world financial institutions. This, in turn, signals the reemergence of colonial mentalities by the wealthy North vis-à-vis the poorer South. Based on extensive fieldwork, Newdick's essay seeks to correct the discourse of female victimization that has dominated North-South relations.

Niezen, Ronald. 2003. *The Origins of Indigenism: Human Rights and the Politics of Identity*. Berkeley: University of California Press.

Annotation: This book discusses the ways in which the concept of "indigenous cultures" has had a profound impact on the formulation of international human rights discourse. Niezen demonstrates how the rise of indigenous movements and the real manifestations of acts of resistance since the 1950s have informed and affected the actions of non-governmental organizations and international legislative bodies, such as the United Nations. This assertion of "indigenous identities" closely mirrors the struggles of native cultures in the colonial and post-colonial eras. This study highlights continuity from these early eras through the modern realm of human rights policymaking.

Poggiali, Lisa. 2005. "Reimagining the Possible: Zapatista Discourse and the Problematics of Rights." *University of Sussex Journal of Contemporary History* 8.

Annotation: In this essay, the author shows how the Zapatista uprising of the 1990s fundamentally altered the discourse and practice of global human rights by its innovative methods of communication within and outside Mexico. Through a combination of violence and measured, poetic communication, the Zapatistas were able to redefine notions of indigenism and resituate the role of indigenous cultures within human rights discourse.

Reyes, Alvaro, and Shannon Speed. 2005. "Rights, Resistance, and Radical Alternatives: The Red De Defensores Comunitarios and Zapatismo in Chiapas." *Humboldt Journal of Social Relations* 29 (1): 47-82.

Annotation: In this article, the authors describe three conceptual trajectories of human rights in Mexico. The first is the religion-oriented concept of rights as articulated by the Catholic Church. The second is the legal/positivist approach taken by the state. Finally, there is an indigenous form of rights discourse articulated by the EZLN, or Zapatista movement. The authors show how all three conceptions of human rights have intersected in Chiapas throughout the course of history, beginning as early as the colonial period.

Rizo, Pablo Enrique Yanes. 1999. "Indigenous Rights and the Democratic Reform of the State." *Cultural Survival* 23 (1).

Annotation: This article discusses the San Andres Accords and the first joint government-EZLN proposal to recognize indigenous rights as integral to government policy. The accords would afford indigenous peoples the autonomy to participate in decision-making processes at all levels of government. Rizo discusses the resistance to such reforms by political elites and big business, due to the profound structural and institutional changes that such reforms would require. The author stresses that nothing less than the transformation of the state is necessary in order to secure these reforms.

Seed, Patricia. 1988. To Love, Honor, and Obey in Colonial Mexico: Conflicts Over Marriage Choice, 1574-1821. Stanford, CA: Stanford University Press.

Annotation: Patricia Seed's study on marriage choice in colonial Mexico provides a valuable insight into the dynamics that would eventually form the country's ruling elite. With the entrenchment of the Catholic Church into all aspects of Mexican life, along with the economic considerations of colonial society, the formation of the colonial elite was a carefully constructed affair. Seed's study provides a valuable framework for understanding the rationale and motivations of Mexico's ruling class into the modern age.

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. 1995. Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640. Cambridge, UK; New York: Cambridge University Press.

Annotation: This study uses a comparative approach to explore the ceremonies that the English, the Spanish, the French, the Portuguese and the Dutch performed during the conquest of Latin America. Seed develops the historic cultural contexts of these ceremonies, and tackles the implications of these acts for contemporary nation-states of the post-colonial era. The author makes the argument that these performances, far from being purely ceremonial, exerted a profound influence upon the development of each nation's colonial possessions, including their political, military, and cultural attributes.

Sierra, María Teresa. 2005. "The Revival of Indigenous Justice in Mexico: Challenges for Human Rights and the State." *PoLAR: Political and Legal Anthropology Review* 28 (1): 52-72.

Annotation: In this article, Sierra describes the ways in which indigenous cultures in Mexico have responded to the government's reforms, most notably the constitutional reform regarding indigenous rights, approved by the Mexican Federal Congress in August 2001. For many in the indigenous community, these reforms have not gone far enough and have prompted the formation of alternate forms of local governance in the face of abuses by the Mexican military. The experience of indigenous rights legislation in Mexico, Sierra argues, is a preview for what might happen in other Latin American states.

Smith, Keri E. Iyall. 2008. "Comparing State and International Protections of Indigenous Peoples' Human Rights." *American Behavioral Scientist* 51 (12): 1817-1835.

Annotation: This article demonstrates the various ways in which indigenous rights are protected at the state and international level. Smith compares the fortunes of the Zapatista movement to the Hawaiian indigenous independence movement in order to assess the relative strength of state-level constitutional reforms to declarations on rights articulated by the United Nations. She finds that in each case, state constitutions offer less protection of indigenous rights than those of the UN and other international bodies, in many cases reasserting neocolonial claims over territory at the expense of individual indigenous communities. Smith demonstrates how the Mexican state has successfully watered down the gains made by the Zapatistas in the San Andres Accords of 1996 and calls for indigenous groups to actively seek help from the UN in asserting their claims.

Speed, Shannon. 2002. "Global Discourses on the Local Terrain: Human Rights and Indigenous Identity in Chiapas." *Cultural Dynamics* 14 (2): 23.

Annotation: This article discusses the ways in which cultural rights are being asserted in Chiapas, Mexico within the context of global human rights discourse. The author uses a case study of the community of Nicolas Ruiz to demonstrate how notions "global" human rights have led to a reassertion of local indigenous rights that have existed since the pre-colonial era. The article opens up the questions of what defines "indigeness" and who is qualified to do the defining when reconstructing the historical narrative of the region.

Speed, Shannon, and Jane F. Collier. 2000. "Limiting Indigenous Autonomy in Chiapas, Mexico: The State Government's Use of Human Rights." *Human Rights Quarterly* 22:29.

Annotation: This article describes the Mexican government's use of "universal" human rights to limit the aspirations of indigenous people in Chiapas, Mexico. This is problematic mainly because the enforcement of universal norms can easily be seen as a form of cultural imperialism, conflicting with indigenous notions of human rights and cultural relativism. The authors point to the ways in which the state government of Chiapas has used "human rights" as a pretext to interfere with the indigenous populations of the region, targeting groups and individuals for arrest under false pretenses.

Stahler-Sholk, Richard. 2007. "Resisting Neoliberal Homogenization: The Zapatista Autonomy Movement." *Latin American Perspectives* 34 (2): 48-63.

Annotation: Stahler-Sholk places the Zapatista movement within the context of global neoliberalism and highlights several important dilemmas facing the movement as well as its reaction to globalizing forces. The author demonstrates that there are several pitfalls inherent in indigenous autonomy movements in that they will not exert enough structural change on the state to alter existing political hierarchies and that they risk becoming "atomized" and will leave themselves vulnerable to the forces of global capital. The move by the Zapatistas toward flexible, regional modes of governance in 2003 through their *Juntas de Buen Gobierno* has been effective in countering these dilemmas and serve as a model for other indigenous movements.

Stephen, Lynn. 1999. "The Construction of Indigenous Suspects: Militarization and the Gendered and Ethnic Dynamics of Human Rights Abuses in Southern Mexico." *American Ethnologist* 26 (4): 21.

Annotation: Lynn Stephen describes the ways in which militarization and torture in southern Mexico have a strikingly "gendered and ethnic pattern." The author explores the use of political violence and the ethnic and sexual elements of these acts, which are a holdover from colonialism. The author is informed by similar ethnically-based conflicts around the world, but uses case studies from southern Mexico to illustrate her thesis. Stephen also discusses national stereotypes of indigenous peoples and how these have informed the policies of the national government. The article is highly theoretical and rich in gender theory, but also buttressed by real case studies and anthropological investigation.

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\_\_\_\_\_. 2002. *Zapata Lives!: Histories and Cultural Politics in Southern Mexico*. Berkeley: University of California Press.

Annotation: This study, based upon years of field research and extensive review of other work on the Zapatista movement, provides a useful introduction to the subject of the EZLN. Stephen is one of the more prominent anthropologists to deal with the subject and has been actively involved in indigenous struggles since the uprising of 1994. She deals with the problems of being an anthropologist while being an active advocate for reform. Her book takes the long historical view of the Chiapas uprising and situates it within the context of postcolonialism.

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\_\_\_\_\_. 2005. "Negotiating Global, National, and Local "Rights" in a Zapotec Community." *PoLAR: Political and Legal Anthropology Review* 28 (1): 133-150.

Annotation: Lynn Stephen's article discusses the problems arising from the "absolute" nature of human rights in indigenous communities in Mexico. The author takes the individual case of a Zapotec community in Oaxaca, Mexico to illustrate how competing rights discourses have manifested themselves. With the establishment of Mexico's National Commission for Human Rights in 1991, rights discourse has focused on the individual level, as opposed to community and religious rights. The ascendance of the National Commission has coincided with the rise of neoliberal economic reforms in Mexico, which has taken the focus away from community organization in favor of individual rights related to privatization, leaving many in the Zapotec community lacking the institutional capability to articulate their grievances.

Washbrook, Sarah. 2005. "The Chiapas Uprising of 1994: Historical Antecedents and Political Consequences." *The Journal of Peasant Studies* 32 (3 & 4): 417-449.

Annotation: Washbrook's article gives a historical overview of the Zapatista movement and highlights the hybrid nature of the EZLN organization. The author's analysis of competing ideologies within the movement shows that, while providing a unified front, the Zapatistas were unable to reconcile the differences between being a peasant movement, an indigenous movement, or their affiliation with the liberation theology doctrine of the Catholic Church. Washbrook looks at the legacy of the 1994 uprising and notes that the movement did much to point out the contradictions and pre-existing conflicts of the Mexican state, but little of consequence has been achieved by the Zapatistas since 2000.

Yashar, Deborah J. 1999. "Democracy, Indigenous Movements, and the Postliberal Challenge in Latin America." *World Politics* 51 (1): 76-104.

Annotation: Yashar places the indigenous rights struggle in the context of debates over the consolidation of democracy in Latin America. She argues that the failure of Latin American democracies to adequately address indigenous movements has led to a crisis of legitimacy and a failure to consolidate democratic rule.

## Police Violence in Brazil

By Kyra Moon

### Incidences of Police Violence in Brazil

“This was just the beginning. They want war, and they’ll get war. The problem of trafficking will only be resolved with blood. It is the only language they understand.” This was the response of Mario Azevedo, chief delegate of the 21<sup>st</sup> police precinct in the Bonsucso neighborhood in Rio de Janeiro, after drug traffickers killed three police officers. Three days after that assault, one hundred and twenty heavily armed police officers stormed into the Nova Brasilia *favela* (the Brazilian term for slum or shantytown) and killed thirteen residents, four of which were minors. Press reports initially described this incident in the *favela* as one between the police and drug traffickers. However, further investigation found that it was a massacre characterized by cruelty and that the police were not even specifically targeting suspected drug traffickers. Fighting violence with violence is not the correct way to decrease instances of crime. Police reform is desperately needed in Brazil to ensure that the crime problem does not continue to increase.

In 1992, the Sao Paulo police killed more people than the last military dictatorship did in all of Brazil during its many years of rule (Brinks 2003: 1). In the last twenty years, the police in Sao Paulo have killed at least 11,692 people (Caldeira 2002: 236). In Rio de Janeiro, police killings have increased substantially since 1999. In 2006, police killings made up fourteen percent of all 7,594 killings in Rio de Janeiro. Since 2000, thousands of people in Brazil have been killed annually by police in situations reported as “resistance followed by death.” This term provides a way for the police to hide the fact that their aggression may be unwarranted. Most of these cases have not been investigated and, thus, it is hard to adequately distinguish which instances were unjustifiable (Amnesty International 2008: 4).

### Factors Contributing to the High Occurrence of Police Violence

The question of why there is such a high incidence of police violence in Brazil is an often-asked, complex question that requires a multifaceted answer. The high occurrence of police violence seems contrary to the fact that Brazil is a democratic state and is seen as having progressive human rights laws. For example, Brazil was one of the first countries to draw up a National Human Rights Plan, has cooperated with international human rights organizations, and extends open invitations to Special Rapporteurs. However, there is a large gap between what the human rights laws represent and their implementation. Although Brazil is a democracy, there are numerous factors that may contribute to increased police violence.

#### I. Brazil’s Transition from an Authoritarian to a Democratic State

The problems affecting the police and institutions of police governance in Brazil are a result of the country’s history, in which both the civilian and military regimes have relied upon the police as a means of social and political oppression. The democratic constitution of 1988 left police institutions unchanged. The economic stagnation that accompanied the transition to democracy led to deepening social inequalities and increasing criminality, which, in turn, created a social climate that promoted the excessive use of police force.

Human rights violations such as police violence have increased in Brazil, not in spite of the transition but partly because of it. First, opportunities available to the marginalized class under democratic rule may provide incentives to the middle and upper classes to repress the lower class, and to try to prevent certain opportunities from becoming available to them. Secondly, increasing rates of crime and violence may encourage citizens to vote for leaders who would reestablish order through any means possible, even by the use of repression. Additionally, civil society in newer democracies may not be well established and, thus, has less power to promote governmental accountability.

## **II. Inequality and Discrimination**

Police violence continues to reinforce the high prevalence of inequality in Brazil. The victims of police violence are usually poor, black, or mixed-race youth, most of whom have no criminal record. In part, the police target this group of marginalized people because its members fit the criminal stereotype. Police can usually get away with oppression, as the victims are afraid of the police and, therefore, do not report them. In fact, many people who live in the *favelas* do not report crimes because they believe that the criminals and police work together.

An underlying theme in much of the literature on police violence in Brazil is that the police work for the good of the upper class. By taking action against the marginalized, the upper class may feel like the police are doing their duty and protecting them. This idea perpetuates the crime problem and class conflict, as the upper class wants to feel protected and the lower class notices that its members are being unfairly discriminated against. As a result, people that live in *favelas* may actually commit crimes against upper class citizens, contributing further to the fear of the marginalized. This, in turn, empowers the police to continue to stereotype the marginalized as criminals and to use any means possible to protect the upper class from them.

## **III. High Incidence of Crime**

In recent years, there has been a sharp rise in violent crime, due in large part to frustration with the state of Brazilian society, and to the inability of the government to improve living conditions. At the root of this violence is the lack of a functioning justice system and law enforcement structure. Bribery and corruption also plague the system and delegitimize the police; people believe that government officials accept money as an exchange for silence.

The high levels of crime in many parts of Brazil promote police violence because the police are not held accountable for their violent actions, if the actions are deemed appropriate in order to control crime. Many citizens, including those in the marginalized groups, believe that police officers should not have to obey the law in order to uphold it. Police violence continues because of the ambivalent attitudes of citizens who live in constant fear of both criminals and the police, and who do not have an adequate outlet for reporting crimes.

## **IV. Lack of Accountability and Reporting Mechanisms**



The lack of accountability and sizeable discretion given to police officers encourage police violence, as do low levels of training and professionalism, weak internal and external control mechanisms, and low police salaries. An Amnesty International report identifies the flaws in the criminal justice system that contribute to police violence. The report identifies the lack of independent bodies to receive complaints. It also points out the limited protection for victims or witnesses of human rights violations, as well as limited access to justice. Since the majority of victims come from the marginalized class, they have difficulty accessing the justice system; even if they succeed, the process is very slow and the victims are highly unlikely to win their cases.

### **Attempts at Reform**

The increased awareness of human rights among Brazilian citizens, along with the international pressure that has been put on Brazil to prevent police violence, has resulted in some ideas for reform. Unfortunately, none of these ideas have resulted in decreasing occurrences of police violence and it is becoming increasingly apparent that policies that have worked effectively in other regions have not worked in the same manner in Brazil. One of the main reasons that tested models have not worked in Brazil is the lack of accurate information available regarding police violence and the workings of state institutions in relation to the criminal justice system.

Even though people are aware of the problem of police violence and there is a large amount of literature on the subject, there has not been much—if any—progress made relating to the criminal justice system during the last twenty years. The greatest challenge for police reformers is to make sure that all people are treated equally. Another problem is the quick-fix policies that are often recommended; policy makers must set their sights on the long term so that the policy itself is not dependent on the administration at the time that it is implemented.

### **Conclusion: How to Decrease Instances of Police Violence**

There is a need for a second transition to democracy in Brazil in order to restructure state institutions and civil society and, thus, close the gap between the stated democratic laws and what has actually been implemented. The initial transition had dilemmas because of the country's history, institutions, and culture—all of which are complex issues that need to be addressed more thoroughly than they have been. State institutions need to assume responsibility for monitoring the police forces and implementing appropriate oversight mechanisms. It is the responsibility of the citizens and communities to mobilize their energy to make sure that the crime problem is controlled and to insist that government programs that assist them in doing this work appropriately.

### **Annotations**

“Getting Away with Murder.” 2003. *Economist* 366 (8312): 14-15.

Annotation: The article first introduces the idea of community policing as a possible way to reduce police corruption and violence in Brazil, and then explains the idea's inherent weaknesses and why it has not worked. It is noted that although poverty has declined in parts of Brazil, crime has continued to rise. While there is a lack of leadership and cooperation

among government associations, crime gangs are becoming highly organized and professional. Critics of community policing believe that, even though the programs may cut violence, they do not prevent crimes such as drug dealing; drug dealers have realized that if there is no violence in an area, they will not be highly sought after by the police.

“Urban Police Violence in Brazil: Torture and Police Killings in Sao Paulo and Rio de Janeiro after Five Years.” 1993. *Human Rights Watch / Americas* 5 (5): 1-26.

Annotation: This article is an update to a similar report that was completed in 1987. The update states that Brazilians have become more aware of human rights violations since the time of the first report. Human Rights Watch compares and contrasts police violence in Sao Paulo to that found in Rio de Janeiro. One of the recommendations made is to have the two police forces (civil and military) “check” each other. This article uses case studies and then lays out some general recommendations/conclusions. The article concludes strongly by stating that if state governments will not take action on this issue, then the national government should.

Ahnen, Ronald E. 2007. “The Politics of Police Violence in Democratic Brazil.” *Latin American Politics and Society* 49 (1): 141-164.

Annotation: In this article, Ahnen examines police killings in nineteen Brazilian states from 1994-2001. Ahnen discusses why human rights violations, in particular police violence, have increased since re-democratization in Brazil. The author hypothesizes that the partisanship of government leaders is a key determinant of the rate of police violence. Ahnen focuses on the thought that democracy may lead to or increase human rights violations. Overall, the author concludes that police violence can be decreased if politicians can find political support for the policies needed to implement change.

Ames, Barry. 1999. “Approaches to the Study of Institutions in Latin American Politics.” *Latin American Research Review* 34 (1): 221-236.

Annotation: This is a review article of the following seven sources: “Building Democracy in Brazil: The Politics of Constitutional Change” by Javier Martinez-Lara; “Electoral Laws and the Survival of Presidential Democracies” by Marc P. Jones; “Federalismos Latino Americanos: Mexico, Brasil, Argentina” edited by Marcello Carmagnani; “The Global Resurgence of Democracy” edited by Larry Diamond and Marc F. Plattner; “Local Government in Latin America” by Andrew Nickson; “Presidencialismo Ou Parlamentarismo” edited by Bolivar Lamounier and Dieter Nohlen; and “Term Limits and Legislative Representation” by John Carey. The main issue underlying much of the institutional literature is the consolidation of democracies. Overall, Ames believes that the literature on institutions in Latin America is pretty thorough, yet still explores possible directions that future research on state institutions can take and suggests that it needs to address institutions in both horizontal and vertical terms.

Amnesty International. 2005. “Brazil: ‘They Came in Shooting’: Policing Socially Excluded

Communities: Facts and Figures and Case Studies.” (December 2)  
<http://www.amnesty.org/en/library/asset/AMR19/033/2005/en/dom-AMR190332005en.html>.

Annotation: In this press release, Amnesty International discusses the facts and figures relating to violence and crime in Brazil. The social disparities in Brazil are noted. For example, in 1998 the richest 20 percent of the population received over 64 percent of the income, and the poorest 20 percent only received 2 percent. Between 1998 and 2004, police forces in Rio de Janeiro and San Paulo killed 9,889 people; the deaths were registered as “resistance followed by death.” The end of the report is comprised of a couple of case studies, but does not make any recommendations.

Amnesty International. 2008. “Brazil: Submission to the UN Universal Periodic Review: First Session of the UPR Working Group, 7-11 April 2008,”  
<http://www.amnesty.org/en/library/asset/AMR19/023/2007/en/dom-AMR190232007en.html>.

Annotation: In this report, Amnesty International discusses human rights legislation in Brazil and the impacts—or lack thereof—it has had on police violence. Amnesty International lays out the following flaws in the criminal justice system: lack of independent bodies; lack of independent and properly resourced forensic investigation units; limited protection for victims or witnesses of human rights violations; limited access to justice. State and federal governments have ignored the area of public security policy due to short-term political interests, corrupt practices, and a lack of civic duty. The report concludes that the government must take part in reducing police killings by making sure that investigations take place for every allegation, by making the findings public, and by making sure fair trials are conducted.

Arias, Enrique Desmond. 2006. Drugs & Democracy in Rio de Janeiro: Trafficking, Social Networks & Public Security. Chapel Hill, NC: University of North Carolina Press.

Annotation: Enrique Desmond Arias, assistant professor of government at the John Jay College of Criminal Justice at the City University of New York, interviewed and observed people in three *favelas* in Rio de Janeiro over a period of nine years. In this book, the author discusses how the rise in crime, in particular that related to drugs, leads to oppressive policing and institutional corruption. The author points out that the breakup of class structure—divisions between the rich and poor—contributes largely to this repression. Overall, Arias concludes that to stop (or at least minimize) the crime and corruption, change must be made at the local level, as well as at the national level.

Bailey, John, and Lucia Dammert (eds.). 2006. Public Security and Police Reform in the Americas. Pittsburgh: University of Pittsburgh Press.

Annotation: The authors in this collection argue that generic models of police reform, applied to emerging democracies in Latin America, will not necessarily work in the same manner as they have in other regions. One of the main challenges in Brazil is the lack of accurate

information, which, in turn, has a negative effect on policy making. The contributors in this book believe that to truly understand the issue of police violence, political corruption, and possible resolutions, more research needs to be done on the composition of state institutions, and interviews of public officials need to be conducted. Also, it is important for research and suggested programs to set measurable, concrete goals.

Bayley, David H., and Clifford D. Shearing. 1996. "The Future of Policing." *Law & Society Review* 30 (3): 585-606.

Annotation: The authors examine the restructuring of policing currently taking place in developed democratic societies. Police in democratic states have increasingly been questioning their role, and whether or not they are actually reducing crime. Community policing, which suggests that police cannot prevent crime without public participation, is one possible way to restructure. However, many police officers still believe that traditional, crime-fighting policing is more effective than community policing. The authors pose the following question: Can modern democratic, individualistic societies provide humane policing equitably for their members? The authors believe that the answer to this question is yes, if the following two policies are adopted: first, they believe it is necessary to enable poor people to participate in markets for security; second, they think that community policing should become the organizing model for public policing.

Brinks, Daniel M. 2003. "Informal Institutions and the Rule of Law: The Judicial Response to State Killings in Buenos Aires and Sao Paulo in the 1990s." *Comparative Politics* 36 (1): 1-19.

Annotation: Brinks' main point is that informal institutions impact the operation of formal institutions. State killings and corruption in Brazil are not related to an absence of rules, but rather to the presence of unofficial rules, which are often labeled "informal institutions." In relation to policing, it is noted that police continue to follow informal rules, but there is little evidence that the informal rules penetrate the formal structure of the judiciary institution; therefore, the informal rules are said to work only if it is not detected that they have been used. Overall, Brinks concludes that it is essential for specialized organizations and procedures to be created in order to extract information from the police, as well as citizens.

Burke, Roger Hopkins (ed.). 2004. Hard Cop, Soft Cop: Dilemmas and Debates in Contemporary Policing. Portland: Willan Publishing.

Annotation: This book is divided into three sections: policing contemporary communities; policing contemporary offenses; and democracy, accountability, and human rights. The book does not focus on any region in particular in relation to these topics, but rather discusses policing strategies broadly. One of the main themes of this compilation is the conflicting need for security versus the need for human rights. It is helpful to use this book to gather ideas about why Brazil may have problems with police violence, as well as how those problems may be resolved.

Caldeira, Teresa P.R. 2002. "The Paradox of Police Violence in Democratic Brazil." *Ethnography* 3 (3): 235-263.

Annotation: The paradox that Caldeira refers to in this article is that the support of police violence coexists with negative thoughts about the police force and their victimization of the working-class. Caldeira bases this article on fieldwork completed in San Paulo, Brazil between 2001 and 2002. The author points out that public security and policing are two of the most problematic issues in Brazil today. Although some parts of the Brazilian society have been effectively democratized, other parts—such as civil rights, the justice system, and public security—continue to be evaluated based on privilege and police violence, therefore, continues to be considered an acceptable way to deal with crime.

Cavallaro, James. 1996. "Brazil: Fighting Violence with Violence: Human Rights Abuse and Criminality in Rio de Janeiro." *Human Rights Watch/Americas* 8 (2): 1-29.

Annotation: Cavallaro's main points are that human rights abuses undermine the legitimacy of crime control efforts and that police in Brazil weaken the very rule of law that they set out to uphold. Overall, the author believes that to effectively combat crime in Brazil, the crimes committed by the police must be dealt with first and foremost. In this article, Cavallaro not only discusses case studies, but also includes a series of in-depth recommendations to supplement them.

Chevigny, Paul G. 1991. "Police Deadly Force as Social Control: Jamaica, Brazil, and Argentina." In *Vigilantism and the State in Modern Latin America*. Edited by M. K. Huggins. New York: Praeger Publishers.

Annotation: Paul G. Chevigny is a professor of law at New York University School of Law. The portion of this article that focuses on Brazil predominantly discusses Sao Paulo and Rio de Janeiro. The large amount of vigilante violence in both cities can be found in the form of lynching and death squads. Chevigny cites an interesting study done in the early 1970s by Janice Perlman to help explain why these forms of violence may be considered acceptable. Perlman interviewed people living in the *favelas* regarding what they thought of as their rights. Their answers included "the right to respect the authorities" and "the right to obey the laws."

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. 1995. *Edge of the Knife: Police Violence in the Americas*. New York: The New Press.

Annotation: The author reports on police violence in six urban areas throughout the Americas: Los Angeles, New York, Sao Paulo, Buenos Aires, Jamaica, and Mexico City. The author points out that if similar cities display different levels of police violence, there may be hope for improving upon the problem. Another point for hope is seen in the impact that international norms have on police reform. Relatively new democracies, such as Brazil and many other Latin American countries, are pressured to adhere to these norms, in part because of the fear that press reports on human rights abuses and have a negative impact on their legitimacy.

Clark, Timothy W. 2008. "Structural Predictors of Brazilian Police Violence." *Deviant Behavior* 29 (2): 85-110.

Annotation: Timothy Clark reviews the following three structural theories of police violence, specifically in relation to the Sao Paulo area during the last two decades of the 20th century: the reaction-to-crime, the reaction-to-violence, and the threat models. The article begins by discussing the view of the elites that dark-skinned, poor, ill-educated, and rural immigrants are social threats, referring to them as "dangerous classes"; yet, even though elites tend to put pressure on the police, the author finds that police violence in Sao Paulo is a reaction to crimes such as robbery and assault, regardless of the levels of "dangerous classes." The idea is put forth that police violence is linked to short-term changes in social conditions rather than long-term ones. Overall, this article is well thought out and balanced.

Das, Dilip K., and Peter C. Kratcoski (eds.). 2007. Police Education and Training in a Global Society. Lanham: Lexington Books.

Annotation: The authors in this edited book explore the similarities and differences in police officer training around the world. In chapter thirteen, entitled "Police Training for Democracy," Otwin Marenin argues that while the idea of democratic policing is agreed upon and taught to police forces in democratic societies, actually converting international values into local police forces is much more complex. Marenin focuses the article on which principles and characteristics should be concentrated on when trying to create a truly democratic police force. In chapter fourteen, "Police Education and Training in a Global Society: A Brazilian Overview," Paulo Rogerio Lino states that international cooperation is needed to fight the criminals in Brazil, but, in order to do this, cultural, linguistic, legal, and bureaucratic barriers must be addressed and overcome.

Dos Santos, Jose Vicente Tavares. 2004. "The World Police Crisis and the Construction of Democratic Policing." *International Review of Sociology* 14 (1): 89-106.

Annotation: This article provides a general framework regarding reform of policing worldwide. It suggests that when policing is reduced to repressive social control, police start using violence, which, in turn, has led to gross violations of human rights. Even though this article is not about police violence in Brazil specifically, it is very interesting, as it lays out specific problems of policing and presents possible solutions.

Edelman, Lauren B., and Mark C. Suchman. 1999. "When the 'Haves' Hold Court: Speculations on the Organizational Internalization of Law." *Law & Society Review* 33 (4): 941-991.

Annotation: This article builds on Marc Galanter's 1974 essay "Why the 'Haves' Come Out Ahead," which portrays large, bureaucratic organizations as the typical players in the legal system. The authors hypothesize that the relationship between law and organizations has undergone the following four shifts in recent years: the legalization of organizational

governance; the expansion of private dispute resolution; the rise of in-house counsel; the reemergence of private policing. The authors state that while “have not” groups may gain some advantages from the introduction of citizenship norms into the workplace, the power of the elites may increase with the organizational takeover of law, which subtly distorts the balance between democratic and bureaucratic tendencies in society as a whole.

Foweraker, Joe, and Roman Krznaric. 2002. “The Uneven Performance of Third Wave Democracies: Electoral Politics and the Imperfect Rule of Law in Latin America.” *Latin American Politics and Society* 44 (3): 29-60.

Annotation: Foweraker and Krznaric investigate the uneven quality of third-wave (1970-1998) democracies, specifically Brazil, Guatemala, and Colombia. The study shows that uneven quality and an imperfect rule of law are mostly a result of the nature of oligarchic power, as well as a failure to hold the military accountable. Although these countries are considered democracies because they have freely held elections, they are not truly democratic, as the citizens do not have adequate means to defend the rule of law or protect their rights. It is argued that this may just be part of the transition process and that eventually these governments will come to fit the more traditional definition of a democracy, but this is yet to be seen.

Goldsmith, Andrew. 2005. “Police Reform and the Problem of Trust.” *Theoretical Criminology* 9 (4): 443-470.

Annotation: Goldsmith’s main argument in this article is that public trust in police is essential to police effectiveness and legitimacy. Trust in police tends to be low in regions with social disorganization and high amounts of socio-economic inequality. Goldsmith has two goals in the article: to provide a better understanding of the factors that undermine public trust in police, and to ask how trust in police can be established and maintained. It is a complicated process to get people to trust police when they have historically been abused or neglected. To establish trust, it is essential that accountability mechanisms, both internal and external, be implemented.

Guyot, Dorothy. 1991. Policing as though People Matter. Philadelphia: Temple University Press.

Annotation: Guyot maintains that when police officers are treated as professionals, they will treat citizens in a professional manner as well. Although the author writes about a particular police department in Troy, New York, the focus is on general problems of policing and their possible solutions. The ideas discussed in this book can easily be applied to Brazil. The author lays out standards by which to judge police officers, as well as changes that can be made by setting specific goals for police departments. Guyot uses the Troy case study to display that changes can in fact be made with reorganization.

Hinton, Mercedes S. 2005. “A Distant Reality: Democratic Policing in Argentina and Brazil.” *Criminal Justice: International Journal of Policy and Practice* 5 (1): 75-100.

Annotation: In this article, Mercedes Hinton discusses the similarities of policing in Argentina and Brazil. Both countries share common problems that have prevented them from establishing police institutions that benefit democracy; this is due, in large part, to the historical roots of militaristic dictatorships. Attempts at reform have not worked in the past due to the politicization of the police, which is effected by low levels of training and professionalism, weak controls, and low salaries. While policymakers try to enforce “quick-fix” reforms, they fail to address the existing problems and, therefore, the reforms do not work. Overall, Hinton believes that the federal government needs to take a bigger role in leading policy reform and sees police simply as the universal scapegoat for larger, institutional deficits.

Huggins, Martha K. 1998. Political Policing: The United States and Latin America. Durham, NC: Duke University Press.

Annotation: The author examines how the spread of U.S. security through such means as foreign police training affects Latin America, in particular Brazil. Huggins discusses once-classified records to help explain the impact of U.S. policy on police infringements on international human rights in Brazil. In many cases, the national state no longer has full control, as the police unit promotes the interest of the other state (i.e. the United States). The United States does this for selfish reasons, in order to protect and strengthen its position in the world, and to maintain a sense of control. Huggins does not give any definitive answers in this book, but uses it more as an outlet to discuss findings and to posit questions to the reader.

\_\_\_\_\_. 2000. “Modernity and Devolution: The Making of Police Death Squads in Modern Brazil.” In Death Squads in Global Perspective. Edited by B. B. Campbell and A. D. Brenner. New York: St. Martin’s Press.

Annotation: Huggins discusses the strong connection between death squads and the state/criminal justice system. Each new death squad that is created has an increasingly distant relationship to the justice system, which creates a problem for the state, as the state loses the control it once had. One insight that is very important in this article is how the institutions under Brazilian democracy are not acting in democratic manners, thus de-legitimizing the state.

\_\_\_\_\_. 2000. “Urban Violence and Police Privatization in Brazil: Blended Invisibility.” *Social Justice* 27 (2): 113-135.

Annotation: In this article, Huggins discusses the invisibility of many murders in Brazil due to the lower-class victims who are considered intrinsically deviant and socially evil. Other problems that are pointed out include the mixed status of police agents, as well as the distance that the state must maintain from police violence so that it is not apparent that it is partial to certain classes; this distance is important for the legitimacy of the state, but can also lead to a lack of control of its agents.

Huggins, Martha Knisely, Mika Haritos-Fatouros, and Philip G. Zimbardo. 2002. Violence Workers:



Police Torturers and Murderers Reconstruct Brazilian Atrocities. Berkeley: University of California Press.

Annotation: The authors interviewed twenty-three Brazilian policemen, fourteen of which either tortured or murdered people during the military regime (1964-1985). These interviews were conducted in order to get a feel for how men can be transformed when in the role of “police officer,” how they justify their actions, and how these actions impact their lives. While this is an interesting sociological study, it may not accurately represent the police officer mindset and the information presented must be taken with a grain of salt.

Kaplan, David E. 2002. “The Law of the Jungle.” *US News & World Report* 133 (14): 35.

Annotation: What the author depicts as “the law of the jungle” refers to the lack of government presence in *favelas* in Rio de Janeiro, which, in turn, are ruled by drug traffickers. There are 764 *favelas* in Rio de Janeiro, housing 1.2 million people (20 percent of the city’s population). Recently, the media has been promoting awareness of the issues in the *favelas*. Unfortunately, to date, increased awareness has had little impact on the will of people to stop the violence. Overall, the author depicts how criminals and police rely on and protect each other, leading to increased violence in these areas. Although this article includes some useful facts and ideas, not much detail provided, and it lacks a clear conclusion.

Leeds, Elizabeth. 2007. “Serving States and Serving Citizens: Halting Steps Towards Police Reform in Brazil and Implications for Donor Intervention.” *Policing & Society* 17 (1): 21-37.

Annotation: Elizabeth Leeds addresses the lack of progress made during the last 20 years regarding the criminal justice system in Brazil, and details what donors need to be aware of if they want to assist in decreasing the corruption. Leeds lays out the following three strategies for change, specifically for donors to follow: stimulate police-society relations that promote human rights and police effectiveness; promote police organization that could easily respond to community needs and crime-reduction in a proactive, rather than reactive, way; create a trusting relationship between the police and the community by creating police oversight mechanisms that foster public safety.

Loader, Ian. 2000. “Plural Policing and Democratic Governance.” *Social & Legal Studies* 9 (3): 323-345.

Annotation: In this article, Ian Loader asks how people may best come to terms with the multiplicity of institutional forms that are now involved in the delivery of policing. Loader asks many questions such as, for example, how the public interest can be heard and taken into account when shaping the diverse network of policing that is emerging. Rather than answering these questions, Loader asks them in order to open up discussion about the problems of coordination and accountability in policing. The author does present a couple of ideas regarding how democracy might proceed in this type of environment.

\_\_\_\_\_. 2006. “Policing, Recognition, and Belonging.” *The Annals of the American Academy of Political*

*and Social Science* 605 (1): 201-221.

Annotation: In this article, Loader develops the idea that policing is a social institution and, therefore, communicates authoritative meanings to citizens and groups regarding who they are, whether their voices are heard, and whether they belong to the community. Loader argues that it is essential to make security a clear ingredient in democracy. In order to do this, conditions must first exist so that individuals feel an attachment to the political community. The question that Loader poses in this article is how the cycles (or spirals, as he refers to them) that promote practices of pervasive security can be broken.

Loader, Ian, and Neil Walker. 2001. "Policing as a Public Good: Reconstituting the Connections between Policing and the State." *Theoretical Criminology* 5 (1): 9-35.

Annotation: The authors begin this article by pointing out that while the state is still important in the delivery and regulation of policing, it is no longer the only institutional actor involved in policing. Loader and Walker go on to discuss four means by which the state-policing nexus might be established: the monopoly of legitimate coercion, the delivery of civic governance, the guarantee of collective provision, and the symbolism of state and nation. The conclusion attempts to find a communal conception of policing as a public good by using the four means above to reconfigure the relationship of policing with the state.

Macaulay, Fiona. 2007. "Knowledge Production, Framing and Criminal Justice in Latin America." *Journal of Latin American Studies* 39 (3): 627-652.

Annotation: One of the main questions asked by the author is why, despite the crime problem in Brazil, policy to control crime has not been discussed by state institutions or external agencies. Macaulay ends the article with a hopeful note, observing that during the last few years more reliable data about violence and crime has become available. The Ministry of Justice is now backing increased research about the "best practice" in criminal justice, displaying that the government is, in fact, aware of the importance of empirical data. Overall, the lack of research in the past meant that policymakers made uninformed (or misinformed) decisions.

Maguire, Edward M. 2003. Organizational Structure in American Police Agencies: Context, Complexity, and Control. Albany: State University of New York Press.

Annotation: The author recognizes that there is a problem with the idea that reorganizing police units will reduce their problems. It is important to define certain characteristics of police organizations that are unique to that organization in particular. It is noted that the structure of the organization is shaped by factors beyond human means. Even though this study focuses on police forces in the United States, it is still helpful, as it is presented in a broad manner to be able to think about the issue in an international context.

Marenin, Otwin (ed.). 1996. Policing Change, Changing Police: International Perspectives. New York:

Garland Publishing.

Annotation: This collection of twelve essays focuses on the changing patterns of policing in changing societies. An analysis of policing in Brazil displays how the political and cultural traditions have led to the legitimation of police violence. The Brazilian case emphasizes the difficulties, as well as the possibilities, of reducing police violence by changing the relationships between the police, the state, and the community. The other essays investigate the legal and police systems of three Arab countries, Hong Kong, Italy, and Great Britain in its use of security forces in Northern Ireland, South Africa, the former USSR, the newly independent countries of the former USSR, and the European Union.

Mitchell, Michael J., and Charles H. Wood. 1999. "Ironies of Citizenship: Skin Color, Police Brutality, and the Challenge to Democracy in Brazil." *Social Forces* 77 (3): 1001-1020.

Annotation: The authors discuss the process and problems that would be associated with a second transition to democracy in Brazil. The authors point out that police behavior is influenced by an institutional framework and culture that is prone to exercising power in a prejudiced manner. Overall, the authors suggest that an elected government alone is not enough for a country to be considered a true democracy. They propose that in Brazil the state institutions and civil society need to be reconstructed, as well as the overall culture, in order to move away from oppression of certain groups.

Paes-Machado, Eduardo, and Ceci Vilar Noronha. 2002. "Policing the Brazilian Poor: Resistance to and Acceptance of Police Brutality in Urban Popular Classes (Salvador, Brazil)." *International Criminal Justice Review* 12 (1): 53-76.

Annotation: Paes-Machado and Noronha observed and interviewed people in Novos Alagados, a suburb of Salvador, Brazil. The thesis of this article is that police violence in Brazil is justified, in large part, by the ambivalent attitudes of the citizens. The authors note that there have been cases of successful resistance when residents have come together to take action against police. Unfortunately, to date, these initiatives have been small and localized and have yet to spread to the entire city. The authors focus on the idea that communities must take responsibility; that they must mobilize their energy to control the violence and reformulate existing governmental programs.

Pereira, Anthony W. 2001. "Virtual Legality: Authoritarian Legacies and the Reform of Military Justice in Brazil, the Southern Cone, and Mexico." *Comparative Political Studies* 34 (5): 555-574.

Annotation: Anthony Pereira starts this article by stating that courts are very important to new democracies because they are the means by which citizens can defend their rights that are at the basis of democracy. Unfortunately, in much of Latin America, the courts do not embody the new democracies of the countries, but rather remain embedded in aspects of their previous authoritarian regimes. The author takes this idea and applies it to the following case studies: Brazil & Chile, Argentina, and Mexico. Overall, the author concludes that the process of transition is a part of larger historical processes that differ based on the issues and institutions.

Pinheiro, Paulo Sergio. 1991. "Police and Political Crisis: The Case of the Military Police." In Vigilantism and the State in Modern Latin America. Edited by M. K. Huggins. New York: Praeger Publishers.

Annotation: In this article, Pinheiro notes that authoritarian police practices have continued to exist in Brazil, even when the focus of the police unit shifts. The author discusses the development of police in a historical context, in particular, noting that political crises have been used by those in power to create a sense of fear in citizens and, thus, to increase the power of the police. Pinheiro concludes that to have a truly democratic state, Brazil cannot allow its military police to survive. The problem is that many people in Brazil view the crime problem as a war and believe that the military form of police is needed to fight it.

\_\_\_\_\_. 1996. "Democracies without Citizenship." *NACLA Report on the Americas* 30 (2): 17-23.

Annotation: In this article, Pinheiro focuses on the large gap between the democratic constitution and law enforcement in Brazil and how this compromises the legitimacy of the government. Even though Brazil is officially a democracy, the change of their political system has done little to eliminate the authoritarian practices of the society, police, and judicial units. The large class gap and lack of law enforcement make crime appealing to those that hope to climb the social ladder and have no other viable way of doing so. Additionally, police view the law as an obstacle, as they believe that they have the moral responsibility to protect society from its marginal elements.

Power, Timothy Joseph. 2000. The Political Right in Postauthoritarian Brazil: Elites, Institutions, and Democratization. University Park, PA: Penn State Press.

Annotation: This book explores Brazil's conservative transition from an authoritarian state to a democratic one and the harmful consequences this has had on institution building. The term "conservative transition" refers to an old regime that still assumes a large role in the new one. The book is broken into the following eight sections: continuities in political democratization: politicians and institutions in postauthoritarian regimes; definitions and concepts: consolidation, institutions, and the right; ARENA and its ancestors: the Brazilian political right, 1946-1985; ARENA in the afterlife: a portrait of the political right in the new republic; the right in the party system: politicians against institutions; the right in congress: implications for legislative institutionalization; class reunions: collective action with the ARENA/PDS cohort, 1987-1999; and the impact of conservative democratization: legacies and lessons in the Brazilian case.

Silva, Jorge Da. 2000. "The Favelados in Rio de Janeiro, Brazil." *Policing & Society* 10 (1): 121-130.

Annotation: Jorge Da Silva discusses the economic and racial divides in Brazil and how it is essential to take these divisions into account when proposing police reform. Silva notes that most proposals for reform are not well thought out and, therefore, lays out the following four

major problems that should be thought about before proposing reform: Brazil's myth of racial democracy; Rio's economic and racial division; the centralization of the police force; militarization. The article ends on a hopeful note, as the author states that more and more people are realizing that fighting violence with violence is not the answer and will simply create more violence.

Stenning, Philip C., and Clifford D. Shearing. 2005. "Reforming Police: Opportunities, Drivers and Challenges." *Australian and New Zealand Journal of Criminology* 38 (2): 167-180.

Annotation: This article serves as an introduction to an entire journal issue on police reform, namely the opportunities and challenges facing police reform worldwide in the 21<sup>st</sup> century. The focus on policing has been shifting from an emphasis on crime control and law enforcement to an emphasis on broader goals of security, safety, and harm reduction/prevention. The authors lay out the challenges for police reform, such as the enduring culture and history of corruption and dominance of partisan interests. To adequately reform policing, there must be ongoing political will and commitment. The authors see the beginning of the 21<sup>st</sup> century as a time with unprecedented opportunities for reform.

Stewart, Jay. 1991. "Portrait of Brazil: A Society Out of Control." *Harvard International Review* 14 (1): 47-49.

Annotation: The author suggests that frustration with the Brazilian government, in particular the poor police infrastructure and justice system, has led to increased violence; when the police do not enforce the law, many people seek to enforce it themselves. Most citizens are either too scared or too detached to do anything about changing their current situation. Stewart also discusses how difficult it will be for the government to implement changes due to the citizens' lack of faith in state institutions. A few suggestions are made as to how this problem can be resolved, although the suggestions lack details.

Vincent, Isabel. 2008. "Where Even the Good are Bad." *Maclean's* 121 (4/5): 33-35.

Annotation: The focus of this article is the problem of crime and violence in Rio de Janeiro. A UNESCO report mentioned in the article states that the death rate from gunshots in Brazil over the last decade is higher than the death rate in most war zones. The film *Elite Squad*, which is about a Brazilian police officer that tortures and kills drug dealers in an attempt to stem violence, is the main point of discussion in this article. The author relates how the film is associated with reality in Brazil. All in all, the article is filled with useful facts and observations, but does not go beyond that.

Wacquant, Loic. 2003. "Toward a Dictatorship Over the Poor." *Punishment & Society* 5 (2): 197-205.

Annotation: This article is very short and to the point. The author brings up a good question and something to start thinking about in regards to the violence problem in Brazil: Why will the US "zero-tolerance" system and policy control not work in Brazil? The answers to this

question refer to the many differences between the two countries that cannot be oversimplified, including: the depths and scale of poverty; the amount of violent crime; the history and economy of the country; and the make-up of the police force, court system, and prisons.

Wampler, Brian, and Leonardo Avritzer. 2004. "Participatory Publics: Civil Society and New Institutions in Democratic Brazil." *Comparative Politics* 36 (3): 291-312.

Annotation: In this article, Wampler and Avritzer address the impact of civil society on institutional redesign in Brazil. The authors define participatory publics as "organized citizens who seek to overcome social and political exclusion through public deliberation, the promotion of accountability, and the implementation of their policy preferences." Overall, this concept of participatory publics has displayed how changes in civil society can lead to institutional rejuvenation. Although this article does not directly address the problem of police violence in Brazil, it allows the reader to understand that civil society does affect the state and could possibly help bring about reform in policing.

Zaluar, Alba. 2001. "Violence, Easy Money, and Justice in Brazil: 1980-1995." *International Social Science Journal* 53 (169): 435-441.

Annotation: In this article, Alba Zaluar presents and interprets the findings of field research done in Rio de Janeiro between 1998 and 2000. Zaluar concludes that crime is part of all social classes and cannot survive without the corruption of the state institutions that are supposed to be combating crime. The author also discusses how the justice system endorses this corruption. No solutions are suggested and, overall, the article has an apathetic tone.

## **Violence against Sex Workers in Latin America: Pervasiveness, Impunity, and Implications**

**By Stephanie A. Bell**

On December 17, 2005, two transgendered sex workers in Guatemala City were shot in the head, one fatally. Witnesses—including the survivor—alleged that police forces shot the victims. Human rights advocates have argued that the attack was part of a broader social cleansing campaign that has targeted all sex workers.

Sex workers in Latin America are subjected to violence regularly. This violence varies greatly, but its pervasiveness and the impunity for perpetrators are two common themes. Violence against sex workers comes from many different sources: police, pimps, johns, serial killers, gang members and others. The violence also takes many forms, including arbitrary confinement, physical and sexual assault, torture, and murder. The police often do not consider violence against sex workers to be a crime, and therefore do not try to investigate or prosecute known perpetrators. Other times, the police are the perpetrators of the violence.

In some Latin American states, including Mexico, Guatemala, and El Salvador, there are widespread murders, most unsolved, of sex workers that have been occurring since at least 2003. In other states, including Argentina, Chile, and Peru, sex workers are assassinated by police when they start organizing to demand that their human rights are met. Police forces have arbitrarily detained sex workers in states where prostitution is legal and then sexually assaulted the sex workers. Sex workers in brothels or who are controlled by pimps often suffer confinement and assault. Clients also physically and sexually assault and murder sex workers.

Violence, police abuse, and the denial that this violence against sex workers is a real crime violates their basic human rights, including the right to security, and the right to being treated equally without discrimination and as a person before the law. The restriction on movement that is imposed on many sex workers (often in the name of combating human trafficking or preserving public health) is a further human rights violation. Finally, sex workers are clearly being subjected to torture, cruel and inhuman punishment and treatment.

Violence against women and lesbian, gay, bisexual, and transgender (LGBT) people is commonplace in many states in Latin America. The widespread and incredibly brutal murders of women in Mexico, Guatemala, and El Salvador have received international attention and condemnation. Many of these women are sexually assaulted and tortured before actually being killed. Domestic violence, sexual assault, and child sexual abuse are all common occurrences in many states and are often not treated as legitimate crimes. Hate crimes against LGBT persons also occur frequently, with Jamaica, Brazil and Guatemala being infamous for hate crimes and homophobia.

When a girl or woman disappears or is brutally murdered in states such as Mexico and Guatemala, her family must prove that she did not live a “doble vida” [double life] for the police to investigate the crime. Even in cases where there is no doubt of the girl or woman’s

“purity,” there have been few perpetrators brought to justice. Moreover, the need to prove that a woman was not sexually active in order for her to be treated as a full human being demonstrates the position of sex workers in these states. As sex workers are by definition sexually active, they are clearly not seen as full human beings or worthy of police time for either protection or justice.

The widespread violence against women and LGBT people falls in the greater context of machismo culture. Like many cultures, the region of Latin America is a traditional hetero-normative patriarchy, in which men’s wants and needs are given greater value and priority than women’s and children’s. Furthermore, sexual orientation is not determined by the gender of one’s partner, but rather the role taken in sexual acts. Men who have sex with men, but take an “active” role in sexual acts do not consider themselves to be gay or bisexual and are often actively homo- and trans-phobic against those who take a “passive” role.

In reaction to the dangers and oppression that sex workers face, a growing number of sex workers are organizing to demand that their human and labor rights are protected. Many states in Latin America have at least one sex worker organizing project. While some of the organizations were formed with the assistance of non-governmental organizations (NGOs) to work on HIV/AIDS prevention, many have since split from NGOs, at times to organize around what they find to be more pressing issues, such as violence. Police violence is a particular concern for these organizations, and they often take direct action and try to work with the police to end the violence. Despite this, leaders of these organizations have been murdered with impunity.

There is a dearth of literature regarding sex workers’ human rights in Latin America. The available academic literature focuses mostly on HIV/AIDS. In addition, there is little documentation or analysis of the prostitution policies of many states, making comparative policy analysis difficult.

Although many different policy prescriptions are advocated by groups with varying agendas regarding sex trade, most policies can be divided into three general stances: prohibition, abolition, and regulation. Prohibitionist policies stem from a concern for common decency and moral societies. These policies punish sex workers and their clients, as is the case of Mexico. Those who advocate abolition, the most common stance in Latin American states, generally can be divided into two well-known ideologies: radical feminism and moral Puritanism. The abolitionists either see prostitution as rape by economic coercion or as corrupting to those involved. Regulation also often takes two forms, with a division between concern for the community and concern for the sex workers. Concerns on both sides include public health concerns, safety concerns, and “decency” concerns.

Each stance has positive and negative implications for preventing violence against sex workers. The prohibitionist view seeks to eliminate sex work and, thus violence against them. However, by stigmatizing and criminalizing both the sex workers and the clients, violence against the sex workers and by the clients increases. Similarly, the radical feminist abolitionist view hopes to prevent violence by eliminating sex work—which they view as inherently violent—altogether. Nonetheless, opponents argue that abolition will never happen and by criminalizing sex work these policies make sex workers far more vulnerable to violence. Although abolitionist policies do not officially punish the sex worker or the



client, but do punish pimping, in practice sex work is driven further underground, making sex workers more vulnerable. Some forms of regulation specifically address violence against sex workers by regulating the environments in which they work. However, other forms of regulation, such as mandatory testing for sexually transmitted infections (STI) and imprisonment for positive tests, increase the stigmatization of sex workers and violate their human rights.

Complete decriminalization is a policy stance as well, but it is currently not an enacted policy in many states. Decriminalization would force policy makers and enforcers in the state to regard sex work as legitimate work with whatever protections that entails. While many sex workers see decriminalization as the ultimate protection against individual and state-sponsored violence, opponents contend that decriminalization leads to more damaging incarnations of sex work, including child prostitution and sex trafficking.

Decriminalization would benefit sex workers' rights by increasing police accountability and by increasing the ability of sex workers to organize. Sex workers are expected to be sexually available to any person, at any time, and in any way, without regard to what has been agreed upon or what the sex worker wants. If prostitution is decriminalized, police would have to give crimes against sex workers the same consideration and investigation as crimes against other persons. Decriminalization would also—importantly—criminalize police abuse against sex workers. Finally, in many states, it is illegal for sex workers to organize to ensure their human and labor rights. If sex work is decriminalized, organizing would also be decriminalized, allowing sex workers greater power in demanding that their rights are met.

International policies are a complicating factor within state policy development. In particular, the USAID policy that prohibits aid to states that work with sex worker organizing projects has proved harmful to some states, including Brazil who rejected the funding. In addition, many of the international anti-human trafficking doctrines have imposed an abolitionist agenda on states that had previously decriminalized or authorized regulatory policies. Finally, the intersection of sex work and transnational migration makes the legal status of many sex workers even more ambiguous.

As is often the case, the most egregious human rights violations occur against the most vulnerable people. In Latin America, sex workers are vulnerable not only because of their stigmatization, but also because of their lack of legal protection or recourse. Therefore, human rights advocacy needs to occur on the individual level, in order to prevent acts of violence and end impunity for perpetrators, as well as on the community level, to reduce stigma and oppression, and finally on state and region-wide levels, to develop policies that will protect the rights of sex workers. Ultimately, economic development policies that focus on women and girls are needed to give those who would like to escape the sex trade other opportunities to support themselves and their families.

### **Annotations**

Allen, Jafari Sinclair. 2007. "Means of Desire's Production: Male Sex Labor in Cuba." *Identities: Global Studies in Culture and Power* 14:183-202.

Annotation: In this ethnographic study, Allen immerses himself in the culture and circumstances of male sex laborers in Cuba. The author focuses on how disparities caused by racist, sexist, and heterosexist assumptions inform the men's experiences. Although most of the male sex laborers in Cuba are from poorer Black families, they still enjoy greater freedom and benefits than female sex workers. In addition, the common Latin American construction of gay men being only those in the more passive sexual role protects the male sex laborers from homophobia. Allen gives a very clear picture of what life is like for these men, and how the Cuban economy and culture inform their experiences.

Amnesty International. 2005. "Guatemala: Fear for Safety: Sulma, Other Transvestite Sex Workers in Guatemala City and members of Integral Sexuality AIDS Support Organisation (OASIS)." (AMR 34/044/2005)  
<http://www.amnesty.org/en/library/asset/AMR34/044/2005/en/dom-AMR340442005en.pdf>.

Annotation: This news release details the violence that sex workers and LGBT individuals face in Guatemala. It focuses in particular on the shooting by police forces of two transgendered sex workers (one of whom was fatally wounded, the other seriously wounded). Both of these sex workers were involved with OASIS, an organization that works on HIV prevention and supports the LGBT community. Amnesty International documents the widespread murders of transgendered sex workers and the violent attacks on OASIS members and workers that have been used to silence the organization.

\_\_\_\_\_. 2006. "No Protections, No Justice: Killings of Women (an Update)."  
<http://www.amnesty.org/en/library/asset/AMR34/019/2006/en/dom-AMR340192006en.pdf>.

Annotation: This report details the extensive problem of kidnappings, rapes, and brutal murders of women in Guatemala. Almost all perpetrators of this violence face no consequences for their actions. Amnesty International found indifference on the part of police and government officials to these murdered women. They also examine the discriminatory laws that facilitate perpetrators' impunity. Families must prove that the victim was an "honest" woman in order for police to even investigate the case. If the victim is believed to be a sex worker or involved in gangs and drugs, the police excuse her torture and murder as her own fault. This is a very compelling and informative report that details the depth of violence that women and their families face in Guatemala. The report also sets forth a list of recommendations that Guatemala should take to prevent this violence in the future and to help families find the justice that they seek.

\_\_\_\_\_. 2006. "Sexual Violence against Women and Girls in Jamaica: 'Just a Little Sex.'"  
<http://www.amnesty.org/en/library/asset/AMR38/002/2006/en/dom-AMR380022006en.pdf>.

Annotation: This report details the pervasive sexual violence against women and girls in Jamaica. Cultural attitudes and lax laws regarding sexual assault and incest perpetuate the violence against women. Lesbians are also particularly targeted for sexual violence, in an effort to teach them a lesson. Girls and women are often blamed for their assaults, being accused of dressing provocatively or working in the sex trade. This report is very comprehensive, detailing the problem at every level: individual girls and women, communities, cultural attitudes, and policy. It also addresses what is being done to prevent and address the violence, as well as giving extensive recommendations on what Jamaica can do to remedy the problem.

Brennan, Denise. 2004. "Women Work, Men Sponge, and Everyone Gossips: Macho Men and Stigmatized/ing Women in a Sex Tourist Town." *Anthropological Quarterly* 77 (4):705-733.

Annotation: In this ethnographic study, Brennan uses gossip as a tool to understanding female sex workers and their male partners in the tourist town of Sosúa, Dominican Republic. In this town, sex tourism has transformed women into the breadwinners of the family, causing an abrupt shift in gender roles. While the women have created a consistent narrative of familial duty to legitimize their work, the men of the town are celebrating their roles as dependents, spending their partners' money on clothes and jewelry, and taking mistresses out to clubs. Many of these men physically abuse or coerce their partners into giving them all of the money that they make as sex workers. Brennan's study gives a vivid account of life in Sosúa with many women recounting their experiences. Nonetheless, it is unknown if this study could be generalized to other sex tourist towns or other parts of the Dominican Republic.

Cabezas, Amalia Lucia. 1998. "Discourses of Prostitution: The Case of Cuba." In Global Sex Workers: Rights, Resistance, and Redefinition. Edited by K. Kempadoo, & Doezema, Jo. New York: Routledge.

Annotation: Cabezas focuses in this chapter on female sex workers in Cuba. The author looks at who profits from these women's work, focusing on global capitalism as fuel for the trade. Cabezas critically analyzes past descriptions of female sex workers, both in mainstream media and academic studies, looking at how racism, classism, and sexism inform their depictions. Cabezas also criticizes the pathological model of studying sex workers in favor of looking at the root causes of sex work and why these women's work in the sex industry is given such greater value than other means of supporting themselves. Cabezas' critical look at sex workers in Cuba is helpful in not only examining structural support of the sex industry, but also prescriptive in that the author's aim is to improve the working conditions of sex workers.

\_\_\_\_\_. 2002. "Tourism, Sex Work, and Women's Rights in the Dominican Republic." In *Globalization and Human Rights*. Edited by A. Brysk. Berkeley: University of California Press.

Annotation: In this very comprehensive piece, Cabezas illustrates how sex worker organizing projects have used human rights discourse to defend themselves from abuses by both the state and the larger political economy. As in other Latin American states, women are punished for having "public lives." While male sex workers and economically privileged female sex workers face few barriers, any working class female who is out in public can be arrested (often including physical and sexual assaults) for "bothering tourists." The author also includes an insightful and thorough analysis of the disparities caused by the globalized tourist economies and how this affects individuals (particularly women). Although Cabezas focuses on the Dominican Republic and its position as a tourist destination, the author's excellent analysis is easily translatable to many other states in Latin America.

Carrington, Carmen, and Claude Betts. 2001. "Risk and Violence in Different Scenarios of Commercial Sex Work in Panama City." *Research for Sex Work* (June).  
<http://www.nswp.org/pdf/R4SW-04.PDF>.

Annotation: Using a combined ethnographic and survey based study, Carrington and Betts focus on risk for HIV/AIDS and violence among sex workers in Panama City. One in eight sex workers reported being raped while on the job in Panama City. Although sex workers have an almost 100 percent rate of condom use with clients, they do not have the power to negotiate condom use with their intimate partners. This is often due to domestic violence, economic dependence, and stigma. The condom use amongst sex workers in Panama City is significantly higher than other parts of Panama and other parts of Latin America. The authors effectively analyze the complex position of sex workers' empowerment to protect themselves in some instances, while still lacking the power to do that in others.

Chacham, Allesandra S., Simone G. Diniz, Monica B. Maia, Ana F. Galati, and Liz A. Mirim. 2007. "Sexual and Reproductive Health Needs of Sex Workers: Two Feminist Projects in Brazil." *Reproductive Health Matters* 15 (29):108-118.

Annotation: In this research study, Chacham et al. surveyed and interviewed female sex workers in two different parts of Brazil who were participating in a feminist health project. These projects sought to address all the health needs of sex workers (not just STI/HIV prevention) in an empowering manner. The stigma and discrimination that sex workers face when attempting to access services at public clinics often keeps them from disclosing their work; however, without this knowledge, many practitioners do not offer them services and exams specific to sex work, such as contraception and protection, ways to protect themselves from physical and sexual violence, mental health services, and self-care techniques. The two projects that the authors analyze are powerful examples of how sex workers can

improve their living and working conditions when they are empowered to organize themselves.

Chant, Sylvia, and Carolyn Pedwell. 2008. "Women, Gender and the Informal Economy: An Assessment of ILO Research and Suggested Ways Forward." Geneva: ILO.  
[http://www.ilo.org/gender/Informationresources/lang--en/docName--WCMS\\_091605/index.htm](http://www.ilo.org/gender/Informationresources/lang--en/docName--WCMS_091605/index.htm).

Annotation: In this comprehensive review of the International Labor Organization's (ILO) research on women in the informal economy, Chant and Pedwell give an extensive summary of the findings of research performed to date and a comprehensive list of recommendations for future research. The authors particularly emphasize the need for research to be accessible and helpful to those whom they are trying to empower, low-income women in the informal economy. Through their research, the ILO is trying to promote "decent work," as defined by four components: employment opportunities, rights, protection, and voice. Decent work as defined by the ILO very much reflects most sex worker organization's goals. ILO uses their research capabilities to give credence to the efforts of sex workers to formalize their work, thereby improving their working conditions.

Chew, Lin. 2005. "Reflections by an Anti-Trafficking Activist." In Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights. Edited by K. Kempadoo, J. Sanghera and B. Pattanaki. Boulder: Paradigm Publishers.

Annotation: In this book chapter, Chew analyzes the intersections of trafficking, sex work, and migration from the perspective of an anti-trafficking activist. The author argues that policies need to reflect a rights-based framework to protect people from becoming victims of trafficking and to improve the lives of all people involved with migration and sex work. Chew finds the punitive laws surrounding both migration and sex work as contributors to human trafficking. If human rights, especially labor rights and freedom of movement, were being met, people would be less vulnerable to violence and oppression from traffickers, pimps, and law enforcement.

Dennis, Jeffery P. 2008. "Women are Victims, Men Make Choices: The Invisibility of Men and Boys in the Global Sex Trade." *Gender Issues* 25:11-15.

Annotation: Dennis critically surveys the literature on global sex workers to examine the disparities between depictions of male and female sex workers. The author finds that the risks of sex work are often minimized for males, and that sexual orientation is only examined with male sex workers. Dennis concludes that heterosexist assumptions cause the disparities in the research. This article is a good survey of existing literature on sex workers and raises consciousness about what sexist and heterosexist assumptions inform the research on the global sex trade.

Disogra, Carlos E., Rodrigo Mariño, and Victor Minichiello. 2005. "Self-Reported Use of Health Services, Contact with Police and Views about Sex Work Organizations among Male Sex Workers in Cordoba, Argentina." *Journal of Psychology & Human Sexuality* 17 (1/2):181-195.

Annotation: Disogra et al. surveyed male sex workers (MSWs) in Cordoba, Argentina, to assess their use of health services, the frequency and quality of interactions with police, and their desire for a sex worker organization in Cordoba. Most respondents had trouble accessing public services due to long waits and limited hours of operations. Although MSWs generally reported few interactions with police, many of those that had interactions reported police telling them to leave, with fewer reporting physical violence from the police and none reporting sexual assault. The respondents strongly wanted a sex worker organization in Cordoba. Most respondents wanted such an organization to address complete decriminalization, health services, job alternatives, and discrimination against sex workers. The authors provide an important description of the experiences and needs of male sex workers in Cordoba although it is unclear whether these findings could be generalized to other parts of Latin America.

Doezema, Jo. 2002. "Who Gets to Choose? Coercion, Consent, and the UN Trafficking Protocol." *Gender and Development* 10 (1):20-27.

Annotation: Doezema uses a historical perspective to analyze the effects that the 2000 UN Trafficking Protocol will have on sex workers, particularly migrant sex workers from poorer countries. The author looks at how historically anti-trafficking legislation has been used to repress sex workers and female immigrants. Although the protocol leaves governments free to recognize sex work as a legitimate profession, it also allows governments to discourage sex workers from organizing, restrict their freedom of movement and migration, and persecute sex workers in the name of fighting trafficking. Doezema surmises that a new framework is needed, one that is developed by sex workers themselves and one that both recognizes women's ability to consent to sex work and recognizes the false dichotomy between innocent trafficking victims and guilty prostitutes.

Ertürk, Yakin. 2005. "Integration of the Human Rights of Women and the Gender Perspective: Violence against Women, Mission to Guatemala." United Nations, Commission on Human Rights.  
<http://daccessdds.un.org/doc/UNDOC/GEN/G05/108/17/PDF/G0510817.pdf?OpenElement>.

Annotation: This report documents Ertürk's findings from a visit to Guatemala after receiving reports of widespread brutal murders of women and girls in the state. The author was impressed with the newly elected president's commitment to ending violence against women, but found that the long history of brutal crimes during the civil war and the culture of impunity contribute to the continued violence. Over 1400 women were brutally murdered in a four-year period in Guatemala. The author

provides a comprehensive account, not only of the crimes against women, but also cultural, historical and economic factors that contribute to the violence. Ertürk also provides an extensive list of recommendations to protect women and bring the perpetrators to justice.

- \_\_\_\_\_. 2006. *Integration of the Human Rights of Women and a Gender Perspective: Violence against Women, Mission to Mexico*. New York: United Nations, Commission on Human Rights.

Annotation: Ertürk documents her findings in Mexico on violence against women, focusing in particular on the brutal murders that have been taking place in the border regions and the *machista* culture that enables violence against women. The author provides a comprehensive background on the federalized government structure of Mexico and the widespread gender inequality and discrimination, both contributing factors to the impunity of those who commit violence against women. Ertürk also documents the steps that Mexico has taken to rectify the situation, and recommends further actions to be taken on a local, state, and federal level.

- \_\_\_\_\_. 2007. "Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Yakin Ertürk: Intersections between Culture and Violence against Women." United Nations General Assembly, Human Rights Council, <http://daccessdds.un.org/doc/UNDOC/GEN/G07/103/04/PDF/G0710304.pdf?OpenElement>.

Annotation: In this comprehensive report, Ertürk, the Special Rapporteur on Violence against Women, examines how culture contributes to and often excuses violence against women. The author argues that oppressive cultural practices need to be changed and that culture is not an excuse for violence. The author further argues that identity politics are contributing to women's oppression, particularly when indigenous rights to practice customs are violent towards women. The author uses numerous examples from many different states, including examples from Latin America, and ends with a comprehensive list of recommendations for international bodies, regions, and states.

- Facio, Alda. 2003. "Trafficking in Women and Children for the Sex Trade: Reflections from a Latin American Human Rights Feminist." *Canadian Woman Studies* 22 (3/4):136-142.

Annotation: Facio, the Director of the Women, Gender and Justice Program at United Nations Latin American Institute for Crime Prevention (ILANUD), uses a feminist human rights framework to examine the problem of trafficking of women and children in Latin America and the Caribbean. Facio gathers much of her information on the situation from conventions of the UN, non-governmental organizations, and various governments, giving this article a unique perspective. Although Facio mostly focuses on the overall situation of widespread trafficking and

the vast sex industry in Latin America, the author also explores characteristics of the individuals involved, including the childhood sexual abuse of many sex workers and the pathos of men who want to have sex with women and children who do not want to have sex with them. Furthermore, the author advances a controversial argument that the legalized and widely accepted prostitution industry in many Latin American countries contributes to the widespread sex trafficking in the region.

Fregoso, Rosa Linda. 2006. "We Want Them Alive': The Politics and Culture of Human Rights." *Social Identities* 12 (2):109-138.

Annotation: In this article, Fregoso uses a highly theoretical approach to examine the murders and disappearances of women in Ciudad Juarez, Mexico. The author also examines how family members and advocates for the victims have been using feminist and human rights discourses to advocate for women's rights. The author examines how calling the victims "señoritas" separates them from less worthy victims such as sex workers. Fregoso argues that a feminist human rights framework needs to penetrate both the cultural and the political spheres to truly make a difference in the lives of women.

Hinchberger, Bill. 2005. "Support for Sex Workers Leaves Brazil without US Cash." *The Lancet* 366:883-884.

Annotation: Hinchberger relays the successful sex workers' organizing campaign against police brutality and HIV/AIDS in Brazil. New regulations from USAID forcing recipients of monetary aid to condemn prostitution have caused the Brazilian government to reject the \$40 million aid package unless USAID backs down on that position. Brazil argues that the sex worker organizations founded the movement to fight HIV/AIDS and are what keeps it effective. This brief article is a powerful example of the dilemmas that US regulations against prostitution cause states like Brazil. Hinchberger also shows how immensely effective organized sex workers can be in addressing both their own problems and those of their communities.

Holloway, Pippa. 2003. "Regulation and the Nation: Comparative Perspectives on Prostitution and Public Policy." *Journal of Women's History* 15 (1):202-211.

Annotation: In this review of five books on prostitution policy in different states and regions of the world, Holloway not only reviews the books themselves but also the different policies documented in each book. Most of the reviewed books take a historical perspective, and two of the books focus on Latin American states, Argentina and Mexico. Holloway focuses in particular on the historical precedence of separating public women's sexuality and private women's sexuality in the name of public health and how this has led to abuse of sex workers. Holloway also draws distinction between socialist and capitalist states on how they address policies regarding prostitution. The author uses the books to develop a broad overview of prostitution policy in different states.



Human Rights Watch. 2004. "Hated to Death: Homophobia, Violence, and Jamaica's HIV/AIDS Epidemic." Human Rights Watch 16(6)  
<http://www.hrw.org/en/node/11894/section/1>.

Annotation: In this comprehensive report, Human Rights Watch details the instances and culture of homophobia in Jamaica. The brutal murder of prominent Jamaican gay rights activist, Brian Williamson, brought international attention to the rampant homophobia that pervades Jamaican culture. The author also documents the violence that men who have sex with men, and male and female sex workers, face at the hands of police, who often extort money and sex from the workers. Human Rights Watch also looks at how pervasive homophobia has hampered the efforts to combat HIV/AIDS in Jamaica, a growing epidemic. Finally, the report details a list of recommendations to combat homophobia and prevent HIV/AIDS.

\_\_\_\_\_. 2008. "Right Abuses Fueling Global HIV Epidemic: Government, Police Actions Blocking Access to HIV Prevention." *Human Rights News*  
<http://hrw.org/english/docs/2008/07/14/mexico19353.htm>.

Annotation: In this brief article, Human Rights Watch documents the violence and discrimination that sex workers and men who have sex with men face in many countries, but particularly focusing on Mexico. Although Mexico effectively addresses HIV/AIDS in certain policies, the punitive laws and abuse of sex workers, men who have sex with men, and the workers that try to help them greatly undermine these policies. This leaves everyone less safe. The authors applaud the International AIDS Society for focusing on human rights. This article gives a good general overview the far-reaching effects of abuse and discrimination against sex workers in Mexico.

Kempadoo, Kamala. 2004. Sexing the Caribbean: Gender, Race and Sexual Labor. New York: Routledge.

Annotation: In this book, Kempadoo argues for an openness of female Caribbean sexuality in an attempt to dismantle the capitalist, racist heteropatriarchy of Caribbean culture. The author sees sex work as liberating for women because it defies the concept of the monogamous female and promiscuous male, and more importantly because it makes explicit the economic relations of sexual labor. Kempadoo examines sexual labor by most women (not just professional sex workers) as a fundamental part of both the culture and the economy of the Caribbean, a place where men's racialized needs and wants and capitalism drive the agenda, thereby causing exploitation, oppression, violation, and discrimination of women. Finally, Kempadoo asserts how women can help themselves, not by giving up sex work, but rather by demanding a fundamental change in the structure of their worlds and resisting their systems of oppression.

\_\_\_\_\_. 2005. "Globalizing Sex Workers' Rights." In The Global Resistance Reader. Edited by L. Amoore. New York: Routledge.

Annotation: In this chapter, Kempadoo examines sex workers' rights in the era of globalization. The author focuses on how globalizing forces have impacted the sex industry and its workers. Kempadoo dissects the interactions of the developed and the developing world as seen in sex tourism, international mandates, the global HIV/AIDS pandemic, and sex worker organizing. The author's thorough account of sex worker organizing is particularly well-documented. Kempadoo argues that the organizing of poorer states' sex workers has gone virtually unnoticed, which further marginalizes them.

\_\_\_\_\_. 2007. "The War on Human Trafficking in the Caribbean." *Race & Class* 49:79-85.

Annotation: In this article, Kempadoo documents the problems that the United States Trafficking Victims Protection Act (TVPA) presents for states in the Caribbean. In particular, Kempadoo focuses on the aspect in which US trafficking mandates differ from the UN mandates. The TVPA links all forms of prostitution to trafficking and punishes states with legalized prostitution or otherwise supported prostitution with possible economic sanctions. Kempadoo opposes this linkage because of both policy and theoretical implications. The author believes that by equating all sex work with trafficking, the US is denying women their sexual agency and ignoring the root causes (poverty, oppression, etc.) of why women work in the sex industry. Kempadoo's view of trafficking is interesting in that the author frames it as a moral panic rather than a human rights issue.

Khan, Irene. 2005. "El Salvador: End Impunity for Violence against Women." London, (13 October). <http://www.amnesty.org/en/library/asset/AMR29/002/2005/en/dom-AMR290022005en.pdf>.

Annotation: In this letter, Khan, the Secretary General of Amnesty International, pressures El Salvador's president, Elías Antonio Saca, to address the brutal violence against women that occurred in El Salvador. From 2002 to 2004, at least twenty women were brutally tortured, sexually assaulted, murdered, and dismembered in El Salvador. Very few of the cases have been investigated. Family members and women's advocates have been ignored or harassed by the police. The gruesomeness of the crimes, with women's body parts floating in nearby rivers, has caused general terror for women in the country. Khan uses El Salvador's ratification of various human and women's rights agreements to pressure President Saca into action.

Langberg, Laura. 2005. "A Review of Recent OAS Research on Human Trafficking in the Latin American and Caribbean Region." *International Migration* 43 (1/2):129-139.

Annotation: In this research study, Langberg documents the situation of human trafficking for sexual exploitation in Latin America and the Caribbean after the UN Protocol of 2000 was put into place. The author found that poverty, sexism, and violence fuel the sexual trafficking of women. In addition, many states equate sexual

trafficking with both smuggling of migrants and prostitution, and persecute trafficking victims as law-breakers. Furthermore, many law enforcement units do not have the resources to address the multi-faceted issue of trafficking. Finally, the author concludes that many states in Latin America and the Caribbean are making slow but steady progress in fighting human trafficking.

Longo, Paulo, and Paulo Telles. 2001. "Violence against Female Sex Workers in Brazil: Preliminary Findings from a Horizons Study." *Research for Sex Work* (June)  
<http://www.nswp.org/pdf/R4SW-04.PDF>.

Annotation: In this brief article, Longos and Tellos give a good overview of violence against sex workers in Brazil and the recourse for rights violations. Violence from clients is normalized as being part of the work in Brazil, but police violence is seen as an actual abuse. Sex workers do not seek help when they become the victims of violence because most of the documented violence comes from the police and sex workers often do not know whom to go to for help. Most do not know of any recourse they can take if their human rights are being violated. This article gives a good overview of both violence against sex workers and common conceptions of human rights enforcement in Brazil.

Middleburg, Maurice I. 2006. "The Anti-Prostitution Policy in the US HIV/AIDS Program." *Health and Human Rights* 9 (1):3-15.

Annotation: In this article, Middleburg explains the practical implications of the US regulation to restrict HIV/AIDS funding to organizations that denounce prostitution in developing countries. The author also reflects on the situation from an ethical and rights-based framework. Middleburg concludes that the policy is not only ineffective in reducing prostitution, it also endangers sex workers' rights and public health. Middleburg's analysis of the US policy shows not only its far-reaching implications, but also what these implications look like for the most vulnerable members of society.

Munro, Vanessa E. 2008. "Of Rights and Rhetoric: Discourses of Degradation and Exploitation in the Context of Sex Trafficking." *Journal of Law and Society* 35 (2):240-264.

Annotation: Munro questions the categorization of sex trafficking as necessarily a human rights abuse. The author examines the charges that come with trafficking (exploitation, coercion, etc.) to determine their congruence with human rights abuses. If exploitation and coercion are seen as human rights abuses, they could be incited in many situations that would not be commonly considered as trafficking. Munro concludes that the complexity of the situation should preclude any sweeping decisions or generalizations. Munro thoroughly explains the legal precedents and implications of classifying trafficking as a human rights abuse.

Oliveira, Maria Waldenez de, Joyce Moreno, and Luciana Furlanetto Pereira. 2001. "Taking a Look at Sex Work, Risks, and Violence in Brazil." *Research for Sex Work* (June) <http://www.nswp.org/pdf/R4SW-04.PDF>.

Annotation: In this brief article, the authors document the self-reporting of violence against sex workers in Brazil and their reactions to it. Sex workers do not have legal worker's rights in Brazil as in many parts of the world. They see violence as an everyday risk of working in the sex trade. Female sex workers have no power or recourse to defend themselves against violence, so they use the skills that they do have—negotiation, speaking softly and being obedient—in attempts to defend themselves. Nonetheless, in doing so, they often end up giving the client sexual services without payment. This article is useful in that the information comes directly from sex workers themselves and could feasibly be generalized to other Latin American states.

Padilla, Mark B. 2008. "The Embodiment of Tourism among Bisexually-Behaving Dominican Male Sex Workers." *Archives of Sexual Behavior* 37:783-793.

Annotation: In this ethnographic study, Padilla examines the notions of sexuality and gender identity among male sex workers in the Dominican Republic. As in many Latin American states, sexual orientation in the Dominican Republic is determined by the role a man takes in sexual acts, not the gender of his partner. The sex workers who Padilla interviewed fiercely maintained their masculinity and heterosexuality by taking only active roles in sexual acts. Although they sought gay men as clients, they simultaneously stigmatized gay men and fought hard to avoid public association with them. Padilla provides insight into the practices and reasoning of male sex workers in the Dominican Republic. The distinction between active and passive (men's and women's) roles that many Latin Americans use to determine sexual orientation reveals the stigmatization and oppression that both gay men and all women face in Latin America.

Phillips, Joan. 2008. "Female Sex Tourism in Barbados: A Postcolonial Perspective." *Brown Journal of World Affairs* 14 (2):201-212.

Annotation: Phillips uses a postcolonial perspective to study male sex workers in Barbados who financially benefit from having sex with female tourists. The mostly Black sex workers come from an enslaved past while the White tourists are the descendants of their oppressors. Phillips further analyzes how the men, despite escaping from the violence that besieges most sex workers, are nonetheless stereotyped through their racial identity as dependents who are exploited for their sexual labor. Phillips also touches on the negative consequences that the male sex work has on local women and the local community. Phillips' description of the phenomena of postcolonial female sex tourism critically analyzes how postcolonial racialized identities inform the interactions.

Pizarro, Gabriela Rodriguez 2008. "Human Trafficking in Latin America in the context of international migration." In Trafficking in Humans: Social, Cultural and Political Dimensions. Edited by S. Cameron and E. Newman. New York: United Nations University Press.

Annotation: Pizarro, the United Nations Commission on Human Rights Special Rapporteur on the Human Rights of Migrants, discusses in this chapter how international migration intersects with human trafficking in Latin America. Pizarro details both the UN mandates on human trafficking and international migration, and also the trends in migration and human trafficking in different states in Latin America. The author briefly discusses the particularly vulnerable position of women and children in being trafficked into coercive sex work and differentiates coercive and voluntary sex work for adults. This chapter serves as an excellent overview of the UN's position on human trafficking and its intersection with international migration as well as trends within individual Latin American states.

REDTRASEX. 2007. "The Network in Countries." In 10 Years of Action (1997-2007): The Experience of Organizing the Network Sex Workers from Latin America and the Caribbean. Edited by REDTRASEX. Buenos Aires, Argentina: REDTRASEX. [http://www.redtrasex.org.ar/10-en-accion\\_ENG.pdf](http://www.redtrasex.org.ar/10-en-accion_ENG.pdf).

Annotation: In this chapter of REDTRASEX's extremely comprehensive report, the regional sex workers' network details the activities of all of its member organizations in fourteen different states. This is an excellent primer on what sex worker organizations exist in Latin America, as well as these organizations achievements and goals. Although the organizations differ, some common issues persist, including police abuses, violence, lack of education and other work opportunities, HIV/AIDS prevention, detrimental policies, stigmatization and discrimination. A few of the organizations also document the unsolved murders of their leaders.

\_\_\_\_\_. 2007. "The Sex Work in Americas, America and the Caribbean." In 10 Years of Action (1997-2007): The Experience of Organizing the Network Sex Workers from Latin America and the Caribbean. Edited by REDTRASEX. Buenos Aires, Argentina: REDTRASEX. [http://www.redtrasex.org.ar/10-en-accion\\_ENG.pdf](http://www.redtrasex.org.ar/10-en-accion_ENG.pdf).

Annotation: In this section, REDTRASEX provides a brief but comprehensive overview of sex work in Latin America. The network details the stances that governments in some states have taken regarding sex work and the impact this has on sex workers themselves. REDTRASEX finds all three common stances (prohibitionist, regulatory, and abolitionist) as they are currently practiced to be harmful to sex workers. The network also looks at the structural causes of sex work, including poverty, machismo culture, migration, and lack of education and other work opportunities.

\_\_\_\_\_. 2007. "United in One Voice." In *10 Years of Action (1997-2007): The Experience of Organizing the Network Sex Workers from Latin America and the Caribbean*. Edited by REDTRASEX. Buenos Aires, Argentina: REDTRASEX. [http://www.redtrasex.org.ar/10-en-accion\\_ENG.pdf](http://www.redtrasex.org.ar/10-en-accion_ENG.pdf).

Annotation: This chapter lays out the foundation of the REDTRASEX organization, including the mission, vision, principles, and year-by-year history. The organization exists to give sex workers lives free of violence, stigma and discrimination, with comprehensive healthcare available to them. The network was founded with the common vision of female sex workers organizing themselves. The history of the network shows not only their growth as an organization, but also the developing issues in sex work. The original focus was mostly on ending violence and police repression against sex workers, but has come to include other issues as they have arisen, including HIV/AIDS.

Reynaga, Elena. 2008. "Sex Work and Human Rights." Paper read at International AIDS Conference (August 6) <http://www.redtrasex.org.ar/principal.htm>.

Annotation: In this address, Reynaga, the founder of the Argentinean sex worker organization, AMMAR, executive secretary of AMMAR and the Latin American sex worker network REDTRASEX, discusses the human rights abuses against sex workers, focusing in particular on HIV/AIDS prevention. Reynaga also details the violence that many sex workers face, including sexual assaults from the police. Reynaga argues that organizations and governments need to work with sex workers on the policies that affect them. Although a full list of recommendations is included, Reynaga sees the most important need for sex workers is the recognition of their work as an actual work and the abolishment of all legislations that criminalize sex work.

Ribeiro, Manuela, and Octávio Sacramento. 2005. "Violence against Prostitutes: Findings of Research in the Spanish—Portuguese Frontier Region." *European Journal of Women's Studies* 12 (1):61-81.

Annotation: Ribeiro and Sacramento distributed questionnaires and interviewed an extensive number of Latin American immigrant women who were working in brothels along the Spanish-Portuguese border. The authors document the extremely claustrophobic nature of these women's lives, as they often live in the same room where they see clients. Furthermore, the two-fold stigmatization and discrimination they face as both undocumented immigrants and as sex workers (despite the decriminalization of prostitution in both countries) isolates them in the greater community. The authors show how violence (physical, sexual, and emotional) impacts these women's lives, even though they are in a theoretically less dangerous situation as "indoor" sex workers. Finally, the authors document where these women have come from and why. Most come from the poorest groups in the poorest countries of Latin America. Although this study did not take place in Latin America,

Ribeiro and Sacramento give a thorough account of what happens after women leave to do sex work abroad.

Sanders, Teela, and Rosie Campbell. 2007. "Designing out Vulnerability, Building in Respect: Violence, Safety, and Sex Work Policy." *The British Journal of Sociology* 58 (1):1-19.

Annotation: Sanders and Campbell advocate for an overhaul of British (and global) policy towards sex work. The authors argue that the criminalization and stigmatization of both sex workers and their clients allow rampant violence against sex workers to continue. The authors use qualitative data from two studies of mostly indoor sex workers to elucidate how violence against sex workers (and street sex workers in particular) can be prevented. The authors argue against the victim-centered crime prevention approach wherein victims are given the burden of preventing crimes. Rather, the authors argue that prevention campaigns must target the potential perpetrators of violence. The authors also argue that governments must decriminalize sex work and institute crime prevention measures to protect sex workers while they work. However, the authors also contend that no policy measures will be fully effective until cultural attitudes shift from viewing sex workers as disposable non-citizens to full citizens whose human and labor rights need to be respected.

Saunders, Penelope. 2005. "Traffic Violations: Determining the Meaning of Violence in Sexual Trafficking Versus Sex Work." *Journal of Interpersonal Violence* 20 (3):343-360.

Annotation: Saunders uses the history of White slavery and feminist abolitionism to examine the current discourse on violence in sexual trafficking and sex work. The author shows how patriarchal notions of female sexuality have caused feminists who wish to abolish prostitution to side with conservative forces that often criminalize the sex worker. The author argues that sex worker organizations that see the harm that some anti-trafficking regulations cause need to reclaim the agenda by focusing on their own human rights to a life free of violence. Saunders shows how both sides couch their arguments in a feminist human rights framework, yet Saunders finds that the policy implications of the trafficking legislation increase the violence and oppression that sex workers face.

United Nations. 1948. The Universal Declaration of Human Rights: The United Nations. <http://www.un.org/Overview/rights.html>.

Annotation: This formative international doctrine on human rights provides precedent for examining the abuses against the human rights of sex workers. Many of the articles apply to the documented abuses that sex workers face, often at the hands of governments and government agents. Advocates for sex workers as well as sex workers themselves have used the language and mandates of the Declaration to demand adherence when it comes to their rights.

Wolffers, Ivan, and Nel van Beelen. 2003. "Public Health and the Human Rights of Sex Workers." *The Lancet* 361:1981.

Annotation: In this short article, Wolffers and van Beelen advocate for a shift in the public health focus on sex work, from looking at sex workers as a source of contagion for HIV and other STIs to looking at the holistic health needs of sex workers themselves. The authors examine the stigmatizing effects of most public health approaches to sex workers. The authors also note how many sex workers are far more concerned with the immediate violence of which they are often victims than the risks of HIV and other STIs. Nonetheless, many public health workers focus strictly on preventing the spread of disease and not on protecting sex workers from violence. Finally, the authors advocate for the decriminalization of sex work as a means to promote the holistic health and safety of sex workers and the greater community.

Wright, Melissa W. 2004. "From Protests to Politics: Sex Work, Women's Worth, and Ciudad Juárez Modernity." *Annals of the Association of American Geographers* 94 (2):369-386.

Annotation: Wright again uses a Marxist-feminist framework to analyze the disappearance of women from public space in Ciudad Juárez, Mexico. The author focuses on three facets of these disappearances: the publicity machine that triumphs new high-tech masculine industries that are replacing the older feminine *maquiladora* industries, the widespread kidnapping and brutal murders of women and girls in the city, and the effort to clean up the downtown area by removing sex workers from public spaces (often including robberies and sexual assaults by police officers). Wright details how women are blamed for their victimization. Murder victims are accused of living double lives as prostitutes, and many think that there is no such thing as victimization of a sex worker. The author extensively interviewed the sex workers and activists as well as utilized local news and official statements to great effect. Although Wright's article is very specific to Ciudad Juárez, it also gives an extremely in depth account of women's value in this infamous Mexican city.

Wright, Melissa W. 2006. "Public Women, Profit, and Femicide in Northern Mexico." *South Atlantic Quarterly* 105 (4):681-698.

Annotation: Wright uses a Marxist-feminist framework to analyze feminist groups that are organizing around the disappearances and brutal murders of women in Ciudad Juárez and the state of Chihuahua in Mexico. Wright focuses in particular on the group, Ni una Mas, meaning not one more. Officials refuse to investigate many of the disappearances and murders because they believe that the victims were "public women." This term often denotes a sex worker, but it can also describe any woman who lives publicly, meaning any woman who ventures out of the domestic sphere. The women who make up Ni una Mas are trying to eliminate the stigma of the public woman by living their lives publicly in advocating for other women. Wright



also includes a critical analysis of the intersection of globalized capitalism as a funding source for this group.