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**Master's degree in
Human Rights and Multi-level Governance**

THE LANGUAGE OF HUMAN RIGHTS:
WHO GETS TO SPEAK IT?

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Abstract

This research examines the field of human rights through a decolonial lens, critically analyzing how the Eurocentric origins of human rights impact their relevance for the Global South. Initiated by Aníbal Quijano, decolonial studies have evolved to challenge traditional European narratives in international relations. While human rights are often portrayed as universal and apolitical, this research argues that such perceptions obscure their colonial underpinnings and the historical exclusions of non-Western voices. By establishing a theoretical foundation grounded in decolonial theory, this study explores whether marginalized groups can effectively reclaim human rights as tools for advocacy despite their role in upholding coloniality through cultural subjugation. It considers critical perspectives that argue human rights cannot accommodate decolonial demands, as well as counterarguments suggesting the potential for reform within the existing framework. Through a literature review and historical analysis, this research highlights the complexities of human rights rhetoric and its role in shaping social movements. Ultimately, it aims to propose pathways for decolonizing the human rights discourse, advocating for a multicultural dialogue that authentically represents the diverse experiences and understandings of human dignity in the Global South instead of disavowing the importance of human rights for subaltern groups.

Keywords: Human rights; Decolonization; Coloniality; Global South; Subaltern.

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Lastly, I dedicate this thesis to my grandfather; I strive every day to become the woman you have always known I could become.

"O my body, make of me always a man who questions!"

— *Franz Fanon in Black Skins, White Masks (1952)*

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Introduction

The field of decolonial studies is progressively expanding. Its inauguration in the 1990s by Peruvian sociologist Aníbal Quijano was initially centered around concepts such as coloniality and its position as a constitutive aspect of modernity and had a particular geographical focus in Latin America. However, its core principle of recontextualizing history in light of the modernity/coloniality paradigm and what Arturo Escobar later would expand on through the Modernity/Coloniality/Decoloniality group, has made it possible for the field's approach to be applied to virtually any other area of knowledge, especially within international relations, allowing for a critical re-thinking of events and concepts through a critical lens from a perspective outside of European traditional thought. Decolonial studies have surpassed its borders, both geographical and thematic (Quintero et al, 2019).

It is no wonder, then, that human rights would eventually also come under scrutiny. As arguably one of the most defining characteristics of international politics since its creation in the 20th century, human rights have shaped not only how states are perceived and expected to act in the global arena, but made possible the inclusion of a number of other actors that continue to grow in importance in international settings, such as NGOs and other civil society organizations. More than a legal instrument dedicated to ruling the relationship between state and individual, human rights have become an international moral code (Mutua, 2016).

Considering the restructuring effect that human rights have had on both how we perceive international relations and how we conduct them, it follows that it is worthy of reflection how this framework came to be understood as the benchmark for ethical politics worldwide. Since its inception, human rights have benefitted from a narrative that puts it as the result of an unprecedented international consensus, an almost mythological corpus of ideals that successfully translate the world's code of conduct, an apolitical project with no ideology behind it. Furthermore, because of this status of near unquestionability, to scrutinize and criticize human rights has been seen as nearly blasphemous, effectively closing the space to question its motives (Mutua, 2002).

It is therefore essential to create space for the critical analysis of human rights, to bring it down from the elevated standing that it has been put in. Decolonial studies allow us to remember that all knowledge, all politics, all structures are products of specific circumstances. No differently than the creation of organisms such as the United Nations itself, human rights originated in a specific geographical and historical context, prompted by a specific set of actors. Accordingly, it cannot help but reflect the circumstances surrounding its creation. To believe it to be above those circumstances is to feed into the epistemological invisibility of those who question its universality (Chakrabarty, 2000).

But despite these origins, it is clear that human rights have served as a way to voice and bring international relevance to a number of issues of equality, dignity, and justice. Claims made using human rights language garner media coverage, civil society engagement, and even global attention, all things necessary to the work of awareness-bringing and to the stimulation of new policies and solutions. Anti-racism movements, for example, have had a symbiotic relationship with human rights — where it influences the framework while simultaneously being influenced by it — even though struggles for racial equality predate the establishment of the corpus (Barreto, 2018).

However, while human rights address at length the relationship between state and individual — a fingerprint of the Enlightenment scholars that influenced the conception of human rights , it fails to consider the dynamics between states that may lead to the non-realization of rights and the violation of human dignity. The domination and subjugation of states is a major source of insecurity and violence for the Global South[1], and many of the struggles faced in this part of the world can only be truly understood through its colonial history and the lingering consequences that remain. For causes that have at its core decolonial demands, it begs the question: can

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[1] "The phrase "Global South" refers broadly to the regions of Latin America, Asia, Africa, and Oceania. It is one of a family of terms, including "Third World" and "Periphery," that denote regions outside Europe and North America, mostly (though not all) low-income and often politically or culturally marginalized" (Dados & Connell, 2012, p. 12). For this research, the term will be used interchangeably with Third World and Non-Western world/cultures to mean countries which share a history of colonization and exploration and are outside of the center of imperialist power.

human rights truly give voice to these struggles, even if that was not its originally intended use?

It is, without a doubt, a nuanced and complex issue. Critical scholars argue that the framework of human rights was never created to support these demands, and some might go as far as saying it aided history to go in the exact opposite. The expectancy to phrase all social and political demands within human rights is in and of itself a form of forced conformity, a step towards further invisibility of those whose demands go against the current international structure (Slaughter, 1998). Certainly, these criticisms are not unfounded; history shows us plenty of evidence of cases where human rights have been used to encover, support, or justify colonialist violence. Additionally, the very language of human rights reinforce certain stereotypes and reflect its biases, more often than not leading to a negative perception of the Third World as "primitive" or "barbaric," a sentiment not dissimilar to that of the narrative of colonizers about the people of the territories they were subjugating (Mutua, 2001).

Nevertheless, with a subject as multifaceted and complex as how to conceptualize human dignity, reality is not as black and white as scholars, both critical and supportive, may believe it to be. In truth, the relationship between human rights, the Global South and colonialism is less straightforward and more nuanced. Beyond its institutional framework, human rights principles have been claimed and championed by civil society since arguably before its introduction into international law canon, and that they have been a platform for injustices that would previously have gone unnoticed. The *ethos* of human rights surpasses its list of rights, and has been applied thus. Social movements for national emancipation have successfully used human rights language to articulate their demands, as well as indigenous advocates, Black liberation movements and many others. Institutional and political barriers put in place to mitigate the involvement of marginalized voices have not stopped subaltern groups from claiming human rights (Barreto, 2018).

This research aims to consider both perspectives, to analyze whether this reclaiming of spirit can be used for effective decoloniality advocacy. As previously mentioned, the demand for reflecting critically about the structures which govern our life, our production of knowledge and our perception grows, and human rights must

not remain above these reflections. In order to be the tool of equality and peace it aims to be, it must have space for the fight of decoloniality. But more than that, it must have space for a multicultural dialogue in order to gain the cross-cultural legitimacy it aims for. Critiquing human rights and considering which pitfalls must still be overcome in order to implement it successfully is essential for its survival not only as a framework, but as an effective platform to expose and address violations.

The primary goal of this research is to consider wether the language of human rights be decolonized and effectively reclaimed by the Global South. Evidently, this question carries a number of assumptions and implications within it that must first be explored in order for an answer, even if not definitive, to be possible. Firstly, the research is clearly positioned within the field of decolonial studies, and therefore it must start by expanding on the theoretical pillars of the theory. Decolonial theory posits that coloniality is an enduring system of power that permeates all spheres of life, including knowledge production, and therefore survives the structures put in place during colonialism even after any actual presence of a foreign, dominating actor is already gone (Quijano, 2020). The first chapter will delve further into these explorations, explaining the lens through which human rights will be critiqued, as well as clarifying concepts which will be applied throughout the analysis.

The second implication lies in the very use of the term "decolonized", as it implies the human rights framework is in need of decolonization. Despite popular history claiming universal consensus, a critical historiography reveals how the Global South and its ideological contributions were sidelined during the process of creation of the instruments that define human rights, and the profound effect this exclusion has on how human rights are articulated. Rather than an abstract, universal origin, the structure of the corpus represents the ideology and politics of a specific group of people during a specific point in time (Liotta & Szpiga, 2022). The second chapter will expand on this notion through three phases: the relationship with coloniality in the creation process, the effect this has on the language and narrative of human rights, and the use of the framework to further imperialist projects.

Finally, the third chapter will be able to tackle the research question at hand. Two points of view will be considered, exploring the arguments used by those who

believe human rights cannot effectively be decolonized and utilized by the Third World and the counterpoints made by those who believe human rights can still be reformed instead of substituted and be an important tool for the Global South. To support the defense of the value of human rights, examples of subaltern movements that have successfully used it to advance their demands will be explored, as well as the overall relationship between non-Western conceptions and the current framework.

The central hypothesis of this research is that while the human rights corpus as we know it carries its Eurocentric roots heavily, it is still a valuable language for marginalized groups, including ones with decolonial demands such as emancipation from imperialism, to make their voices heard. The argument this research hopes to defend is that since human rights have expanded past its initial definition as a series of legal instruments of international law and have become a framework to understand the struggle for human dignity and international justice, the institutional obstacles put in place for the Global South are no more important than the use of these principles, articulated in the language of human rights, by the Third World. The application in real life situations gives meaning to human rights as much as international documents, and this practice of standard-setting *in loco* has a rich history of convergence with the South's struggles. The final section of the research will be dedicated to conclusion considering the core question and addressing whether the initial hypothesis has been validated.

With that taken into account, the main objectives of this research are: 1) to understand the Eurocentric origins of the human rights framework; 2) to explore how human rights rhetoric reflects and upholds colonial ideologies; 3) to reflect on whether that same human rights rhetoric that subjugates the Global South can be effectively used to empower it; 4) to delve into the relationship between the Third World and the Global South; and 5) to conceptualize possible avenues for the decolonization of the framework. The section of conclusion will also consider these objectives when reflecting on the research.

This research relies on establishing a solid theoretical and historical base in order for it to move on to a practical analysis and reflection. Therefore, it will employ a multifaceted approach in order to effectively tackle the proposed research question. In

the interest of building the aforementioned base, an extensive literature review will be undertaken in order to clarify essential concepts such as decoloniality. Through this review it will also be possible to shed light on what are the starting points of the reflection this research aims to do. After this initial theoretical contextualization, a historical analysis will be conducted to further understand the circumstances surrounding the birth of human rights and its role within colonialist structures.

Ultimately, the research will culminate in a reflection around the research question, informed and supported by the groundwork laid out beforehand. This reflection, which will attempt to answer the research question, will be aided by an examination of practical examples drawn from civil society movements with decolonial ambitions. This approach will allow the subject at hand to be approached with the necessary nuance and comprehensiveness it demands.

The field of decolonial studies, while relatively recent in academia, is extremely heterogeneous in its approaches. Such heterogeneity is magnified by the articulation of decolonial thinkers with other lines of study such as postcolonialism, subaltern studies, and the wider field critical theory itself, allowing decolonial studies to draw from a number of sources and fields. In a similar vein, what constitutes human rights is also a matter of fervent debate depending on the interpretation of the interlocutor. A politician, a scholar and a lawyer might very well all have different definitions of what human rights are, and therefore what can be claimed under its aegis. In acknowledgement of this breadth of definitions and therefore possibilities of analytical paths to take, the present research does not have the ambition to be exhaustive on the subject of decolonizing human rights, but rather a contribution to the ongoing reflections on the space the Third World occupies within human rights, and what space it can come to occupy in the future.

1. Decolonial Theory

The present chapter will present the conceptual framework within which the research will take place, which is the field of decolonial theory and decoloniality. This school of thought, which is nestled into the broader field of critical theories (Mignolo % Escobar, 2013) evolved from the South American movement which aimed to rethink history through a non-linear lens, delinking the production of knowledge from the Eurocentric perspective.

Decoloniality is the acknowledgment and application of an "other thinking", which instead of reproducing European paradigms seeks to think from the position of the subaltern. It is a core principle of decoloniality that, historically, knowledge frameworks from the Global North have been set as a universalized standard, to the detriment of diverse frames and knowledge produced by outsiders of this locus. Recognizing this pattern is the first step to decolonial thinking. (Walsh in Mignolo & Escobar, 2013)

In order for the field of human rights to be scrutinized under the decoloniality angle, the concepts that this theory develops and holds as pillars to its rationale of the world must be thoroughly explained and understood. This chapter will start by briefly exploring the works of Aimé Césaire and Franz Fanon, authors responsible for inspiring the work on coloniality. It will then proceed to examine the definitions and implications of basic concepts such as the concept of coloniality, the modernity/coloniality paradigm, and coloniality of power and knowledge. Lastly, borrowing briefly from postcolonial theory, the concept of the subaltern as proposed by Gayatri Spivak will be explained. These will serve as the base for the subsequent foray into human rights territory, which is the ultimate goal of this work.

1.1 Predecessors

As Walter Mignolo points out in the opening chapter of the book "Globalization and the Decolonial option," the decoloniality field has a long and far reaching genealogy of predecessors who inspired the development of the theory. The history of decolonial thinking counts on the seeds planted by many scholars across the globe, such

as Waman Puma de Ayala, Mahatma Gandhi, Aimé Césaire and Franz Fanon, among many others. The exploration of each of their individual works is a worthy pursuit, but outside of the scope of this particular research.

For the purposes of establishing a theoretical background, this section will narrow its focus and succinctly explore the canon of Aimé Césaire and Franz Fanon. The authors were chosen for two specific reasons: firstly, they are the ones most commonly cited by the authors which are explored in this chapter, proving their influence in the decolonial field; and secondly, their unique ideas and approaches will contribute greatly to understanding the upcoming research.

Franz Fanon was a French-Caribbean psychiatrist who contributed extensively to the field of decolonial thought. His major books, of which special mention can be given to the seminal texts "Black Skin, White Masks" and "The Wretched of the Earth," touch upon the lived experience of colonization and the project of decolonization. Fanon's work combines both his academic expertise and lived experiences as a Black man living in colonized land, lending a special depth to his perception.

The colonization of subjectivity is a defining pillar of Fanon's work. In classifying the Native populations, the colonizers ascribe characteristics and build identities around them, removing the colonized's agency at establishing their own cultural locus. This leads to internal dissonances in the subjugated people, where their own sense of self is based on an inherently negative outside perspective (Fanon, 1986).

Fanon explores the psychological dimension of coloniality, perhaps unsurprisingly due to his background as a psychiatrist. According to the author, the domination of Africa was not only through the appropriation of land and resources, but by the psychological devaluing of the African sense of self-esteem[2]. It is part of the colonizer's project to build the image of the Native society as not only amoral but immoral, an "absolute evil" to exist in contrast with the settler's self-proclaimed ultimate righteousness. Fanon (1963, p. 41) explains: "The native is declared insensible to ethics; he represents not only the absence of values, but also the negation of values."

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[2] Relatedly, Fanon writes extensively on the effects this has on the behavior of the colonized. Two relevant examples are how certain sects of the colonized population will attempt to emulate Western attitudes, including its sense of superiority (Fanon, 1963) and how some Black people carry within themselves profound anti-Black sentiments (Fanon, 1986).

In connection to this, which Fanon calls a Manicheistic colonial perspective, there is a desecration of the colonized's beliefs, culture, and ethos, as they are ultimately tarnished by their impurity. In this lies also the justification for the intervention of the colonizer, who must work to redeem them from their immoralities. The logical conclusion of this line of thought is the dehumanization of the subjugated, where they are more akin to animal than human.

This is another key point of Fanon; coloniality is not only a model of social organization, but a conception of what it means to be human. In this model, the colonized subject is ontologically separate from its colonizer, a nonhuman who does not benefit from the same capacities or characteristics of the dominators. Fanon establishes a connection between the hierarchization of knowledge and the ontological notion of the nonhuman. This puts into question the validity of the humanities field, shaped as it is by Eurocentric ideas (Maldonado-Torres, 2017).

The aspect of nonhumanity prevents issues of colonization from being raised as valid concerns, as it is an action committed against a lesser being. To ascertain coloniality as a problem is by itself a challenge, as "the fundamental problems are identified from the perspective of the colonizer. Recognizing the relevance of colonialism, which is typically posed as a problem by the colonized, would be to give the colonized too much credit" (Maldonado-Torres, 2017, p. 1369).

Moreover, Fanon has particular notions about the decolonization process. Specifically, he sees it as an ongoing project, which must take inspiration not from the past or from an utopic future, but from the decolonial struggle itself (Maldonado-Torres, 2017). Decolonization does not necessarily have a fixed goal, as it does not end with political emancipation, but rather it is a continuous collective exercise in conceiving new ideas outside of the framework of Eurocentrism.

A contemporary and conterranean of Fanon, Aimé Césaire was a poet, politician and intellectual who is lauded as one of the founders of the négritude movement in francophone literature. His main contributions to the field of decolonial thinking can be found in the book "Discourse on Colonialism," published in 1950. Much like Fanon,

Césaire writes his manifest from a specific geographical and temporal context, which can be seen in the personal approach of his writing.

Césaire is initially concerned with pointing out what he sees as a profound hypocrisy of Western civilization. With centuries of history of committing invasions, genocides, and enormous brutalities in the name of power, the author argues the positioning of Europe as some sort of moral, civilizing force. This is a central argument permeating Césaire's work: that colonization cannot be, under any circumstance, characterized as a civilizing mission. It is fundamentally and unquestionably a matter of domination and exploitation.

Césaire explores the deep impact of colonization on the colonized to further cement his point. Colonialism, rather than an act of salvation, was the abject destruction of cultures and peoples, further spreading barbarism instead of civilization:

> Colonization = 'thingification.' I hear the storm. They talk to me about progress, about 'achievements,' diseases cured, improved standards of living. I am talking about societies drained of their essence, cultures trampled underfoot, institutions undermined, lands confiscated, religions smashed, magnificent artistic creations destroyed, extraordinary possibilities wiped out. (Césaire, 2001, p. 42)

What is noteworthy of Césaire's line of thought is that he describes colonization as a mutually dehumanizing process. On the one hand, the colonized is reduced to an animal, a being of no rationality (not dissimilar to Fanon's exploration of the construction of nonhumanity). On the other hand, the process also imposes a moral degradation on the colonizer, who is reduced to a violent oppressor. This ultimately leads to the corruption of European society itself, with the normalization of violence and cruelty expanding within its own borders.

This corruption is linked to the rise of Nazism, in what is perhaps one of the most bold positions taken by the author. The barbarism displayed in that instance is compared to the violence of colonization, only now applied against its own people. Césaire (2001, p. 36) clearly states, "they tolerated that Nazism before it was inflicted on them, that they absolved it, shut their eyes to it, legitimized it, because, until then, it

had been applied only to non-European peoples." Through this analysis, the hypocrisy behind Western values is further emphasized.

Despite the condemnatory tone that permeates the essay which seems to denote that there is no return from the damage perpetrated by colonialism, Césaire does see a way for a decolonization process. To him, decolonization is not merely a political or geographical movement, but the total reconsideration of human dynamics, without the influence of colonial ideologies. This is, in his vision, a collective undertaking which will usher a new kind of humanism, built on the inclusivity of cultures and renouncement of Eurocentrism.

Aimé Césaire and Franz Fanon are merely two examples of the predecessors of decolonial thinking, but their unique perspectives on the lived realities of colonialism and its implications are essential to comprehend the origin of decoloniality. Moreover, their work will directly contribute to this research by painting a clearer picture of the intricacies of coloniality through history.

1.2 Coloniality and Decoloniality

In order to understand decoloniality, we must first differentiate the concept of coloniality from the concept of colonialism. Although related and often wrongly conflated, these terms differ in important ways which are not only central to the decoloniality framework, but to the work at hand.

Nelson Maldonado-Torres (2007) establishes that colonialism is a relation of domination which expresses itself through economic and political subjugation. That is to say, the sovereignty of a certain nation is dependent on the power of another. This metropolis-colony relationship is what permeates the popular conception of colonialism, relating it back to a model of direct control over concrete actions such as the one observed in the Americas in relation to their colonizers. Aníbal Quijano (2007), for example, cites examples of the spheres of control of colonialism, such as resources, work, and political authority.

Coloniality, on the other hand, surpasses colonialism both in terms of longevity and reach across different spheres. While coloniality surfaces as a result of colonialism,

it exerts influence over culture, labor and relations and the production of knowledge. This interconnected characteristic of coloniality permeates and is maintained by many social and cultural symbols, such as "[...] books, in the criteria for academic performance, in cultural patterns, in common sense, in the self-image of peoples, in aspirations of self, and so many other aspects of our modern experience." (Maldonado-Torres, 2007, p. 243).

It is through coloniality, then, that makes it possible for the power structures and effects of colonialism to not only survive, but further evolve, even past political and economic emancipatory struggles. Once the assumptions and frameworks of a dominant-subaltern dynamic are brought to a people or nation in a specific point in time by a foreign power through colonialism, they proceed to infiltrate and shape the very identity of the subaltern people through coloniality.

This is, of course, not an accident. As Maldonado-Torres (2007) argues, the double-edged form of domination was essential to ascertain control over the Americas during their colonization period. Not only did the colonizers take control over economic activities and impose their political models, but they established a differentiation between themselves, the superiors, and the subjugated people, the inferiors, through a narrative of biology and nature, as if this hierarchy was an objective and observable truth of the world (Quijano, 2000).

It is precisely because of the pervasive effect of coloniality that it is possible to argue that the hegemony of an Eurocentric perspective takes place not only through its physical presence in a space, but through its far reaching tendrils. By establishing European values, rationales and ways of producing knowledge as the model to be applied to the colonies, a notion of a universalized standard is created. This notion impacts culture and society to such an extent that Eurocentrism becomes the globally accepted norm. As Quijano (2024, p. 93) expounds, "Eurocentrism is therefore not the perspective of Europeans exclusively, or only those who dominate world capitalism, but rather of everyone educated under their hegemony."

Another important distinction to be made is the difference between decolonial and postcolonial. Much like coloniality and colonialism, these are wrongly considered

to be interchangeable, but the choice of which term carries a depth of meaning and implication that is in many ways central to the discussion of this research as well.

The origin of each of these schools is worthy of note: postcolonialism was developed by authors originating mainly from the Middle East and South Asia, while decolonial studies were pioneered by Latin American thinkers. This differentiation makes itself apparent not only in the locations the authors refer back to, but also in the timeframe that is considered by the analysis. In postcolonial studies, the colonization efforts in the nineteenth and twentieth centuries are at focus, while in decolonial studies they stretch back to the Great Navigations and the European presence in the Americas (Bhambra, 2014).

The wider timeline with which the latter are concerned correlates directly to the development of the very concept of coloniality. By acknowledging and exploring how the act of colonization can continue to have deep implications that span over a variety of fields, decoloniality justifies its relevance as a lens of analysis. Alternatively, postcolonialism often revolves around the more immediate legacy of a colonial power imprinted onto a recently emancipated nation due to its focus on 19th and 20th centuries, as well as having a bigger emphasis on cultural factors rather than structural ones (Bhambra, 2014). With the benefit of a far reaching hindsight, decoloniality is able to trace parallels from beliefs held in the fifteenth century to academic biases in modern times, for example.

The influences which postcolonialists and decolonialists draw from also represents an important divergence. The first use as a starting point postmodern texts and discourses which are still colored by Eurocentrism and its tendencies in the social sciences. The second, on the other hand, not only criticize this but make a harsher epistemological break from hegemonic narratives. Decolonial authors build their work off of Latin American concepts in an attempt to further distance themselves from Eurocentrism and create something with a distinct Latin American voice (Soto, 2023).

Decoloniality, then, is at its theory and at its practice a delinking[3] of the production of knowledge from the institutionalized Eurocentric patterns, the unlearning of these structures in favor of uncovering a new narrative. It recognizes that Eurocentric views and methods have long since been established as the standard, to the point where it creates dichotomies such as what Grosfoguel (2013, p. 2) describes as "[...] Eurocentric critique of Eurocentrism." In order to think decolonially, one must make the effort to extricate these biases and take on a perspective which has historically been subjugated[4].

It is impossible to overlook the implications put forward by the very names of the fields, especially when we consider the importance given to the production of knowledge inside them. As Damián Pachón Soto (2023) explains, the prefix "post", chosen to reflect the wave of emancipations and independences in the 1960s, assumes times have moved past colonialism; it firmly places the phenomenon solely in the chapters of history and therefore tends to analyze it as such.

Conversely, the concept of coloniality attempts to showcase that frameworks and structures put in place during colonization survive long after its end, bringing the discussion back to the present and, more importantly, to the future. Some authors go even further and argue that coloniality is not only a consequence of colonialism, but a new shape for the same issue, now adapted to the era of global capitalism (Soto, 2023). In this sense, coloniality can be said to survive colonialism in two ways: as a preservation of its impacts, and as a continuity of its goals.

When moving to analyze human rights from a decolonial perspective, these distinctions are of utmost importance. We can only consider human rights, as well as the

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[3] The use of this specific term is not by accident. Quijano uses the term delinking (*desprenderse* in the original Spanish) to signify the epistemological break needed in order to think decolonially. Mignolo's explains: "Furthermore, de-linking presupposes to move toward a geo- and body politics of knowledge that on the one hand denounces the pretended universality of a particular ethnicity (body politics), located in a specific part of the planet (geo-politics), that is, Europe where capitalism accumulated as a consequence of colonialism. De-linking then shall be understood as a de-colonial epistemic shift leading to other-universality, that is, to pluri-versality as a universal project." (2013, p. 307)

[4] It is important to note that Aníbal Quijano, the initial proponent of the practice of delinking, does not advocate for the complete dismissal of European concepts and ideas developed thus far. On that, he clarifies: "It is not necessary, however, to reject the whole idea of totality in order to divest oneself of the ideas and images with which it was elaborated within European colonial/modernity. What is to be done is something very different: to liberate the production of knowledge, reflection, and communication from the pitfalls of European rationality/modernity" (2024, p. 83)

entire global order of rights-based international law, as a subject in need of decolonizing if we understand the prevalence and depth of coloniality. It is in light of this concept that we can talk about decolonization not only of land but of knowledge. And it is through coloniality that we can begin to understand how and why any idea that brands itself as universal is worthy of being scrutinized.

1.3 Modernity/Rationality and Modernity/Coloniality Paradigms

The modernity/rationality paradigm is one of the main novelties of decolonial studies in relation to their predecessors who dealt in the same matters. It was first introduced by Aníbal Quijano in 1992 and it proposed to reanalyze the impacts of colonization and its effects on the universalized notion of modernity[5], recontextualizing it in terms of Eurocentrism and its association with rationality.

The process through which European culture became considered a universal standard and the ultimate goal in terms of development was not accidental, and was in fact one of the pillars of its colonial endeavors. Quijano describes how, in the beginning of colonization of the Americas, there was a systematic repression of not only the culture and beliefs of the dominated peoples, but especially of their ways of producing knowledge[6]. This came paired with the top-down imposition of the colonizer's own frameworks, establishing them as the new norm. Without the opportunity to continue developing one's own culture, this method of repression and imposition proved to continue to be a successful mode of control even after the most aggressive repressive

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[5] For the purposes of this research, we will use the same definition of modernity as Walter Mignolo does in his article "DELINKING: The rhetoric of modernity, the logic of coloniality and the grammar of de-coloniality." The definition is provided by Giddens: "'Modernity' refers to modes of social life or organization which emerged in Europe from about the seventeenth century onwards and which subsequently became more or less worldwide in their influence."

[6] Quijano mentions that these knowledges were not only repressed by the colonizers, but also appropriated, which constitutes an important part of the process: "at the same time the colonizers were expropriating from the colonized their knowledge, especially in mining, agriculture, and engineering, as well as their products and work" (2024, p. 74)

measures had ceased, as the colonized had been effectively divested of their own ways to produce narratives[7]. (Quijano, 2024)

The next step was the elevation of European culture to myth, rendering it aspirational. This was done especially in their methods of producing knowledge, and kept outside the reach of the colonized people. Finally, the colonizers selected few and specific people from the dominated to learn their ways and enter their power institutions, further creating the sense of exclusivity and aspiration. In this manner, European culture became not only synonym to power, but synonym for development (Quijano, 2024) Through this process, Europeans established their culture as a finish line for the world to reach, while also making it clear it was a line they had already successfully crossed.

The principal mode of European rational knowledge production itself — which is manifested as the pinnacle of modernity — can be tied to coloniality. It is structured around two parties: the subject and the object. The subject is a self-contained individual, its existence justified and explained by itself. The object, on the other hand, is not only external to the subject, but its very characterization as an object is dependent on the properties assigned to it by the subject (Quijano, 2024)

The European sense of identity is established within this perspective: it is in relation to others and fundamentally different from it, which was justified in a hierarchical structure, putting itself as superior to others. The objects are put in the position where they can be studied and dominated, but have no agency of its own. Quijano (2024, p. 80) summarizes the effects of this paradigm: "It blocked, therefore, every relation of communication, of interchange of knowledge and of modes of producing knowledge between the cultures, since the paradigm implies that between "subject" and "object" there can be but a relation of externality." This relation of object-subject is a product of coloniality and Europe's practices of domination over

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[7] In the case of Latin America, the cultural repression was paired with a massive genocide of Native people. "The cultural repression and the massive genocide together turned the previous high cultures of America into illiterate peasant subcultures condemned to orality, that is, deprived of their own patterns of formalized, objectivized, intellectual, and artistic or visual expression. Henceforth, the survivors would have no other modes of intellectual and artistic or visual formalized and objectivized expressions except through the cultural patterns of the rulers, even if subverting them in certain cases to transmit other needs of expression." (2024, p.75) The destruction of legacy and of the past is one of the many ways in which colonialism attempts to rewrite history, as this can also be seen in Africa and Asia.

others. The paradigm of European rationality, therefore, developed as intrinsic to the power structure of colonialism.

Another central pillar of the modernity/rationality paradigm is the concept of totality. This notion, which developed alongside Europe's own effort at self-analysis, is not dissimilar to the object-subject logic. While internally the continent was experiencing the restructuring of society to fit a capitalist and urban model, externally it was colonizing the rest of the world. This context is what leads to the basic principle of totality, which is that society is a structure of relations which all operate under one logic. Akin to this view, the organic interpretation of society also present at the time positioned all parts as related and operating under the same system, but there is one part that rules the sum of these parts, and the rest cannot exist without being subordinated to the ruler. (Quijano, 2024)

This deceptively simplistic logic is directly reflective of the view of colonialism from the point of view of the Europeans: if the other cultures were inferior and Europe was bringing to them progress and modernity, they were thus subordinated to them and needed them to survive. This perspective builds history as a singular, linear process, in which an evolution is to be expected and to not be in the European standards is synonym to being primitive[8].

What Quijano notes as distinctive is the peculiar reductionism present in the European totality. All cultures produce knowledge under a similar prism, they nevertheless acknowledge the heterogeneous character of reality, and considers the "other" a necessary part of that heterogeneity. In Eurocentrism, however, the "other" is not considered a distinct presence, but a part of the same sum, due to the colonial relations that permeated the European power structure (Quijano, 2024).

It is clear that the European modernity/rationality paradigm was constructed by colonial logic and is maintained by coloniality. The idea that a specific people situated in a specific context is single-handedly capable of defining the universal framework of

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[8] "Not surprisingly then, history was conceived as an evolutionary continuum from the primitive to the civilized, from the traditional to the modern, from the savage to the rational, from precapitalism to capitalism, etc. And Europe thought of itself as the mirror of the future of all the other societies and cultures, as the advanced form of the history of the entire species." (Quijano, 2024, p. 82)

the world is directly related to a logic that operates on the duality of dominator and dominated.

The modernity/coloniality paradigm is not a completely separate concept from modernity/rationality, but rather a continuation of it. If the European rationality presupposes a need for domination which will henceforth bring modernity, and if we recognize this logic is inherently colonialist, then it follows modernity and coloniality are intrinsically connected.

Mignolo (2013) argues that the narrative behind modernity is that of "salvation," of the imposition of whatever mode of social organization is considered to be the ultimate development at the time. This imposition can only be achieved, of course, through coloniality. In that sense modernity and coloniality are "two sides of the same coin" (p. 318). Coloniality is therefore not simply a consequence of modernity, but an engenderer of it, where one cannot exist without the other.

Dussel (1995) develops the concept of "the myth of modernity." This fallacy includes a variety of methods, all of which are connected to the presence of coloniality as the underpinning of European modernity. The myth is simple: that the European particularity of modernity is synonymous with universality. Following the logic that Europe is the sole flagbearer of civilization, the modernization process is justification for enormous violence, as it sees this violence as ultimately an act of benevolence[9]. If Europe is the superior civilization, it is their duty to develop the others. The combination of this perspective of a necessary sacrifice with the notion that the "primitive" people are somehow guilty [10]for opposing modernity equals in a total logical acceptance of the most brutal acts as ultimately a good thing. This myth is further proof of how deeply entrenched modernity and coloniality are.

Considering that the rhetoric of modernity includes its conceptualization as an end point of evolution, it is relevant to talk about the temporal aspect of coloniality. If a group of people is advanced in time, logically the others who do not conform to their

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[9] Dussel (1995) calls the idea that Europe's development path is the standard which must be followed by every other culture the "fallacy of developmentalism"

[10] As Dussel (1995) explains it, the idea that a nation is guilty for not being "civilized" is related to Kant and his view that immaturity is culpable. When connected to the idea that "primitive" people are in the infancy of their development, it can be said that they are guilty of not being able to move forward.

particular notion of advanced must be lagging behind. Mignolo (2013) reflects on the transition from "barbarians" to "primitives", in which the outsiders become not only spatially distinct, but temporally distant from Europe and its modernity.

This process is not exclusive to either Europe or this specific time in history. After the reorganization of the international power structures in the aftermath of World War II and the definitive entry of the United States as an imperial major power, the concepts of "developed" and "underdeveloped" countries took the role of creating this division and maintaining a sense of other-ness (Mignolo, 2013). The term implies underdeveloped nations are lagging behind, and therefore are implicitly less capable of producing knowledge than their developed counterparts .[11]

In sum, what we know as modernity is propped up by coloniality and its modes of thinking, especially its inherent hierarchization that comes in the form of domination/dominated. Coloniality also reflects in the modern method of knowledge production which is considered rationality, established in contrast with an "other" that is less civilized and ultimately in need of salvation. This logic can be seen behind the actions of how the Global North relates to the rest of the world to this day, with an ever present wall of spatial and temporal separation from those they deem to be insufficient in their standards.

To recognize the modernity/coloniality paradigm is to look at other histories of the world. If European history would define its modernity by scientific advancements, secularism and rational thought, Latin American history would define it by exploitation, genocide and subjugation. The acknowledgement of this other history is the beginning of the process of delinking knowledge from the Eurocentric perspective.

The purpose of this research is precisely to practice the delinking process from the history and purported universality of human rights. It is important to recognize that International organizations and their achievements such as the Universal Declaration of Human Rights are historically positioned as a development of Global Northern

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[11] "The concepts of development and underdevelopment are new versions of the rhetoric of modernity insofar as both concepts were invented to re-organize the temporal and spatial colonial differences. By categorizing the underdeveloped world both as behind in time and far in space, the underdeveloped and the Third World became indistinguishable." (Mignolo, 2013, p. 326-327)

modernity, following many of the same principles we can observe in the foundational beliefs of rationality.

The modernity/rationality and modernity/coloniality paradigms serve not only to elucidate how a framework such as human rights can carry coloniality at its core but also to justify the very need to reexamine its promises, applications, and concepts. It is necessary to understand that human rights are not above the influences of hegemonic knowledge production modes nor above the possibility of its rhetoric (coming from a privileged place of origin) having overshadowed others on its road to universality.

1.4 Coloniality of Power and Coloniality of Knowledge

The concepts of coloniality of power and coloniality of knowledge are crucial to understanding the enduring impact of colonialism on contemporary global structures. Introduced by Aníbal Quijano, these ideas highlight how colonialism has left a lasting imprint on both the organization of power and the production of knowledge. Together, these concepts offer a framework for analyzing how colonial legacies continue to influence not just the geopolitical landscape but also the lens through which we understand and interpret the world.

When attempting to understand how colonialism and coloniality came to be what they are today — an enduring power dynamic that permeates the relations of the world hundreds of years later after it was first established — it is necessary to analyze the historical processes and circumstances through which the current matrix of power came to be. As Quijano (2024) argues, this model of power took root during the colonization of the Americas through two simultaneous historical processes.

The first is the creation of the idea of "race", codified by the Spanish conquerors. This new categorization was inherently hierarchical, with the conquerors being the superior race, and the conquered, inferior. What's more, Quijano (2024) notes how unlike in previous colonization experiences the relationship between "superiority of the dominant and inferiority of the dominated" (p. 76) were translated into a model that justified these differences both structurally and biologically, which allowed for the

creation of narratives such as the inherent inferiority of certain races[12]. Considering how these classifications were being constructed alongside a system of subjugation, these racial identities became symbols of not only one's geographical origin, but one's social role and hierarchy.

The second process, directly related to the first, was the division of labor along racial lines. To put simply, all manners of controlling labor (slavery, serfdom, small independent commodity production and reciprocity) were articulated and redistributed according to the new racial social hierarchy, and reproduced on a global scale. As Quijano (2024, p. 259) explains: "The new historical identities produced around the foundation of the idea of race in the new global structure of the control of labor were associated with social roles and geohistorical places." These roles, of course, put Europe as the central controller of the world market. This structure of worldwide labor and resource control was a first in history, creating the basis for what we now call world capitalism.

Both of these processes are essentially colonial, where the racial classification of the dominated justified and reinforced the assignment of types of labor worldwide, with the dominants being the only ones capable of salaried labor. By virtue of the establishment of what Quijano calls "the social geography of capitalism" (2024, p. 262) Europe was able to maintain its status as the center of the world economy once capital became the axis around which everything else revolved.

It is worthy of note how coloniality of power cannot be summarized by control over politics or economy, but rather what made it such an enduring dynamic was its domination of racial, cultural and epistemological hierarchies. Coloniality of power, therefore, is an heterogeneous process which structures systems around Eurocentric domination across various spheres.

As the de facto central piece of global capitalism, Europe had the ability to impose its particular model of power across the globe, including all populations into its

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[12] The production of knowledge regarding race through a naturalistic and biological perspective was nothing more than a way of legitimizing the superiority/inferiority relations through which Europe already operated. By converging the definitions of superior and inferior with certain races, Europe was able to naturally situate the dominated people (and their phenotypic traits) as naturally inferior. (Quijano, 2024)

totality. Throughout this process, the rest of the world was identified and judged based on Europe's own metrics of development. As Quijano (2024, pp. 263-264) puts it, "Europe's hegemony over the new model of global power concentrated all forms of the control of subjectivity, culture, and especially knowledge and the production of knowledge under its hegemony."

Similarly to the process of the concentration of labor control and capital that led to capitalism, the culture of other nations and peoples were incorporated into the system of totality which revolved around Europe, being redefined based on the similarity to its image. In this manner, the concept of "Orient" was established, for example, as Europeans did recognize their political, cultural and intellectual endeavors, but objectively did not consider it to be comparable to Europe's level (Quijano, 2024).

The reconfiguration of international dynamics around these newly established hierarchies did not take place in one fell swoop, but rather through an incremental process that seeks to truly permeate every layer of identity. As explored earlier on in this chapter, Europe systematically appropriated local knowledge in service of capitalism, repressed any expression of identity from the subjugated and imposed their own paradigms as a way to further cement domination (Quijano, 2024). This combined approach of subjugation done in large scale is what makes coloniality such a lasting configuration of the world, from which very few escaped.
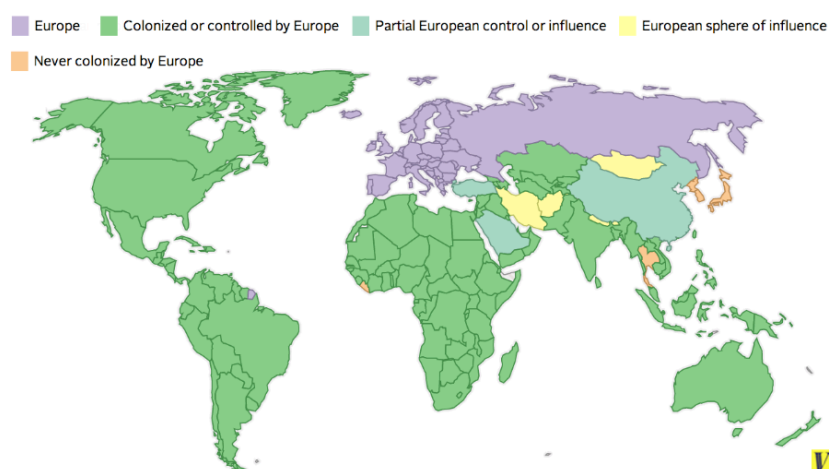

Figure 1: Map detailing European colonization. Source: Vox, 2015.

Quijano's epistemic break from predecessors such as Wallerstein's world-systems theory and Gramsci's writings on colonialism lies precisely in formulations such as the one described above. Quijano placed great importance in the sphere of knowledge, which he places on an even greater level of significance to coloniality than economy. As Mignolo et al (2024) explain, he proposed that the control of knowledge and relations was essential to the establishment of hegemony, defining the economy as the instrument to manifest colonial will[13].

It is in this sense that decolonial theory speaks of a coloniality of knowledge, articulated around and in service of Eurocentrism. Coloniality of power, and colonialism in a broader sense, were enabled by the destruction of expression in the name of advancing the hegemonic development project. By colonizing knowledge, the dominant powers aimed to fit the narrative of the world into the Eurocentric framework (De Sousa Santos, 2008).

Coloniality of knowledge does not simply subjugate some types of knowledge to others, but attempts to deny this plurality in the first place. The intellectual and cultural productions of the colonized people, as well as their beliefs and customs, were relegated to the sphere of superstition, judged by how well they could be subordinated to the structures of modernity. The redefinition of what it means to be a valid source of knowledge is still deeply entrenched in the current dynamics of the world. Boaventura de Sousa Santos (2008, p. 33) posits: "While the political dimension of colonial intervention has been widely criticized, the burden of the colonial epistemic monoculture is still accepted nowadays as a symbol of development and modernity."

Santiago Castro-Gómez (2008) traces the normalization of hegemonic colonial thinking back to the Enlightenment period. In its project of normalizing the ideal subject which would serve and advance modernity and capitalism, it required an "other" to build itself in opposition to. This other was necessarily outside of Europe, a sort of "savage" who represented the past and an inability to advance with the times.

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[13] This is an inversion of the classical superstructure/infrastructure theory, where economy is the infrastructure and the superstructure is the political, social, and cultural landscape which upholds it. (Mignolo et al, 2024)

The categorization of who and what belonged in the past or future was the result of the elimination of pluralistic thinking. Instead of the acknowledgement that two types of knowledge can exist at the same time, they are organized now in an evolutionary timeline, with Europe (and everything it entails) as the epitome. Castro-Gómez (2008) expands on this process:

> The coexistence of diverse ways of producing and transmitting knowledge is eliminated because now all forms of human knowledge are ordered on an epistemological scale from the traditional to the modern, from barbarism to civilization, from the community to the individual, from the orient to the occident. (p. 287)

By means of positioning plurality along a past-future dichotomy, colonizer actors of Europe was able to establish epistemic hegemony over the rest of the world, putting forward its brand of modern scientific thought as the sole acceptable form of knowledge production (Castro-Gómez, 2008). This construction reflects on present day assumptions; current pillars of civilization are asserted against the primitive past, and aspirational goals are set to mirror Eurocentric assumptions of progress[14].

The aforementioned process of condensing diversity of frameworks into a linear timeline allowed the colonizers not only to ascertain their comparative superiority, but their centrality. Santiago Castro-Gómez (2021) refers to this as the zero-point hubris, which denotes the assumption that knowledge in social sciences can start from an impartial locus of observation, removed from any specific locus and disembodied, and that this zero-point is accessed by Europe, presuming it as a neutral narrator.

What is implied, however, is that there is an implicit context to be found in the memory and history of society, and that this memory is geographically and ethnically European (Mignolo, 2008). Inferentially, the zero-point is in truth a geopolitical construction derived from the positioning of Europe as the neutral agent capable of

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[14] On this topic, Santiago Castro-Gómez (2021, p. 20) summarizes: "The background assumption is therefore the following: since human nature is singular, the history of all human societies can be reconstructed a posteriori as following the same evolutionary pattern throughout time. So while at present we experience a large number of societies existing simultaneously in space, not all of these societies exist simultaneously in time."

dictating what universality encompasses — and, perhaps more importantly for decolonial theory, capable of eliminating what lies outside it.

The zero-point hubris is the presumption that European scholars during the Enlightenment period were the sole impartial observers of reality[15], but it has consequences that go deeper than that. The ability to define what the zero-point is means the ability to not only control epistemology, but to impose social and political control. As Castro-Gómez (2021, p. 13) puts it, "To situate oneself at the zero-point is to have the power to institute, to represent, to construct a vision of the social and natural world that is recognized as legitimate and underwritten by the state." The zero-point is born from the need to control the Atlantic circuit, from the necessity to eliminate the coexistence of diverse points of view. And what is that if not the coloniality of knowledge itself?

As Aníbal Quijano reminds us, despite the brutality associated with colonization, domination often started with the "colonization of the imagination of the dominated" (Quijamo, 2007, p. 169 as cited by Castro-Gómez, 2021). The process of coloniality of power cannot exist without the colonization of knowledge, through which the colonizers go beyond the repression of local frameworks and attempt a complete rewriting of their narratives, in which the European mode of relating to the world is not only the correct one, but the only one worthy of consideration at all.

Comprehending coloniality of power and coloniality of knowledge is essential when aiming to analyze the current state of knowledge production worldwide and how it perpetuates unequal power dynamics. These concepts allow us to move past superficial misconceptions that coloniality ended decades ago and that current events are simply the consequences of actions far in the past. Contrarily, by understanding the coloniality of power and knowledge it is possible to identify how these dynamics continue to permeate our global hierarchy and even the very definition of what is standard; these effects are not merely logical reverberations, but purposefully designed outcomes which can also be observed in ubiquitous frameworks such as human rights.

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[15] The zero-point hubris is directly connected to Dussel's myth of modernity, with both concepts touching on the Eurocentrism of assuming Europe's specific circumstances can be indiscriminately applied worldwide. This is no coincidence; Santiago Castro-Gómez builds his concept off of the work of Dussel, Quijano, Mignolo, among others who are also present in this chapter.

1.5 The Subaltern

In her formative essay from 1988 titled "Can the subaltern speak?", the postcolonial Indian scholar Gayatri Spivak develops the concept of the subaltern, referring to the marginalized and oppressed groups who are excluded from society's power structures. The paper moves to critique the representation of third-world subjects within Western narratives, unambiguously pointing out the role that Western academia and intellectual endeavors have in further subjugating the subaltern by being in line with Western economic interests.

Despite the main guiding theory of this research being decoloniality and not postcolonialism, which is the theoretical realm in which Spivak is situated, her work about the subaltern as a subject has much to contribute for the analysis that is to come. If we hope to speak about a decolonization effort, we must have in mind *who* is the subject of that process, both in the sense of who is the victim of epistemic violence and who can be an alternative source of knowledge at the end of the process.

Spivak opens her work by criticizing contemporary Western intellectuals, specifically Foucault and Deleuze in their exploration of power, desire and interest. She deftly argues how, by attempting to criticize the sovereign subject, they eventually reinforce the same power structures that neglect colonial contexts. Despite their efforts to situate their theories on the concrete, these scholars not only build a subject who is an abstract representation of reality but fail to recognize their own position as agents who have a Western starting point which ultimately shapes and molds their representation of the subject[16] (Spivak, 1988).

In their effort to represent the Other, Western intellectuals do not take into account that they cannot possibly imagine the internal realities of the Other. Their starting point of constructing that subject will always feed from sources that have already divested the Other from their inherent characteristics in its process of building that identity as a counterpart to Europe. Spivak (1988, p. 280) further clarifies this

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[16] Spivak (1988, p. 275) elucidates this point: "Indeed, the concrete experience that is the guarantor of the political appeal of prisoners, soldiers, and schoolchildren is disclosed through the concrete experience of the intellectual, the one who diagnoses the episteme. Neither Deleuze nor Foucault seems aware that the intellectual within socialized capital, brandishing concrete experience, can help consolidate the international division of labor"

hidden bias: "It is also that, in the constitution of that Other of Europe, great care was taken to obliterate the textual ingredients with which such a subject could cathect, could occupy (invest?) its itinerary — not only by ideological and scientific production, but also by the institution of the law." Exhibiting the hubris of presuming neutrality, Western scholars overlook how their observation of the Other is filtered through a contextual lens which muddles reality.

Spivak recognizes that the construction of the Other is a colonial project, and that the subjugation of certain types of knowledge is an instance of epistemic violence which thinkers such as Foucault and Deleuze fail to notice. The author, however, does not place blame solely on these thinkers; she recognizes that a nonspecialist would only have access to sources that pass as objective, but in reality are reproducing a view of the Other already tinged by the colonial narrative. The Other as subject is, therefore, virtually inaccessible. It is at this point that Spivak poses the question: can the Other make itself visible? Can the subaltern speak?

Subaltern is a military term borrowed from Gramsci's vocabulary, which means "of lower rank." In Spivak's work, however, the subaltern is the marginalized populations who lie outside of the hegemonic power matrix. This can encompass a heterogeneous variety of groups, such as women, the Indian "untouchables", tribal people, among others, all of which have in common their Otherness. In the case of postcolonialism, the subaltern is the colonized.

Within this context, the subaltern have their voice systematically silenced, forced to adapt the dominant narratives which are then perpetuated by Western intellectuals. According to Spivak, the subaltern cannot speak. The inability to speak, however, is not for a lack of inherent capacity, but due to a systemic power structure that was designed with the goal of removing that ability in favor of giving the colonizers the right to define them (Gundala, n. d.).

To allow the subaltern to speak is not merely a matter of shifting a spotlight. As explored in her work, Western intellectuals have attempted to do so before, yet they fail in accessing that space due to their own positioning in the narrative. The subaltern cannot speak because its manner of speaking has been pushed out of the definition of

what is considered acceptable, of what is considered valid. The subaltern's concerns and motifs cannot easily be articulated in terms of what Western intellectualism defines as knowledge.

Conclusively, allowing the subaltern to speak involves a profound challenge of power structures and knowledge systems which suppress Other voices that do not fall in line with the colonial project of the West. The silence of the subaltern is the consequence of epistemic violence, an essential pillar of coloniality and Eurocentric thought, and to continue to ignore the subaltern is, according to Spivak (1988, p. 298), "to continue the imperialist project."

1.6 Conclusion

This initial chapter has introduced the decoloniality framework through the concepts which articulate this field of study. We started by building a background to the theory by exploring the works of two known predecessors of it, namely Aimé Césaire and Franz Fanon. These French-Caribbean authors wrote from the perspective of their lived experiences with the negative impacts of colonialism and paved the way for decoloniality theory with their discussions on the path to decolonization through historical recontextualization and collective action.

Following that, the chapter clarified a number of concepts that are essential to analyzing human rights through a decolonial lens, using the foundational works of authors such as Aníbal Quijano, Walter Mignolo, and Nelson Maldonado-Torres, primarily. It was established that coloniality, as opposed to colonialism, survives the process of political emancipation through its influence on power structures and knowledge production. Coloniality establishes a hierarchy of peoples and cultures which ultimately shapes our world to this day, as it dictates the very notion of what is standard.

What this chapter elucidates, however, is that these notions are not an objective expression of universality, but rather the imposition onto colonized people of European particularities. The result of this process is the categorization of subjugated knowledges as more primitive than European ones, which are considered to be the finishing line of an evolutionary historical timeline.

Lastly, the concept of the subaltern as proposed by Gayatri Spivak was explained. The position of the subaltern is a particular one, as its lack of access to cultural hegemony renders their voice silent in face of imperialism. The silencing is not an accident of history nor a reflection of a certain incapacity on the subaltern's part, but a calculated move by Western colonization to bring about the subaltern's relegation to the periphery of the power matrix.

Together, the concepts and ideas explored demonstrate how conversations surrounding coloniality are still current. Contrary to colonization as a process of land and resource acquisition, coloniality purposefully reshaped the idea of what civilization should look like, with deep implications to the construction of modern institutions and systems of intellectual production. In this manner, decoloniality can be said to be a complex, multifaceted process that must encompass a variety of areas in order to be meaningful.

2. Human Rights and Colonialism

The second chapter will delve into the exploration of the human rights field through the lens of decolonial theory, which we have developed in the previous section in order to clarify the subsequent arguments. Specifically, this chapter will analyze the connections of the human rights regime with the perpetuation of coloniality and epistemic violence, in the aspects of its origin, application, and language. The purpose of this chapter is to focus on the Eurocentric nature of human rights and its associated institutions, clarifying this connection in order to later be able to proceed to scrutinizing the consequences and implications of this.

Although the human rights framework aspires to be universal, multiple critical scholars argue that both its conception and enforcement have at times fallen short of fully achieving this ideal. Regarding the former, the context in which the Universal Declaration of Human Rights (UDHR) was still one of colonial domination, despite the Declaration's lofty principles of self-determination, highlighting one of many controversies about its nature. Regarding the latter, the narrative of human rights have been unequally applied throughout history, using its ideals to justify interventions while simultaneously not holding Global North countries accountable for violations like Global South countries are (Saghaye-Biria, 2018).

So as to promote the discussion of the potential to decolonize (or possibly lack thereof) human rights, it is critical to establish why they need to be decolonized in the first place. This will be done through the exploration of this relationship between human rights and coloniality, from its history to its contemporary uses and what structures does this framework reinforce, whether it is by design or by the consequences of the circumstances of its creation. This endeavor proves to be especially crucial when one considers how human rights have been considered in the post World War II period to be a nearly unquestionable standard, which creates the need for a thorough justification as to why critical scholars characterize it as part of a colonial apparatus.

Firstly, we will recount the history of the creation of human rights as we know them, through the establishment of the UDHR and within which conditions this took place. This will also include a necessary recapitulation of the contents of this

Declaration, as well as the prevailing ethos that guided its formulation. Secondly, the narrative aspect of human rights will be explored, as well as how its framework reinforces colonial narratives. For this analysis, the work of Makau Mutua will serve as guidance. Lastly, the enforcement of the UDHR and human rights principles will be critically assessed, with a particular focus on identifying pervasive double standards and how they have shaped concrete policies.

2.1 History of Human Rights

The adoption of the Universal Declaration of Human Rights in 1948 is a defining feature of international politics in the aftermath of the Second World War. What started as a non-binding commitment to uphold human dignity quickly became a global standard against which the actions of nations are measured against. Its ideals and promises are nothing short of era-defining, a decisive shift from the previous sentiment of survival of the fittest that ruled the relations between countries. In order for us to be able to examine human rights critically, the logical starting point is its inception.

The concept that humans have inherent rights due to their humanity did not emerge in a vacuum in the 1940s. Different historians will point at different predecessors, from religious notions of human dignity to the rights of prisoners established millennia ago during religious wars, and it is not the scope of this research to attempt to find a definitive answer. What is generally agreed, and more in line with our ultimate goal, is that human dignity put in terms of rights has two widely recognized historical ancestors: the Magna Carta and the Declaration of the Rights of Man and Citizen (Sutto, 2019).

The Magna Carta was promulgated in 1215 in England, and it is responsible for promoting the concept of the rule of law as sovereign in democratic society. It outlined a rudimentary idea of rights and liberties pertaining to people, as well as the shift in the notion that these rights must be divinely assigned by a monarch. The Magna Carta evolved centuries later into English Bill of Rights, which further detailed certain civil and political rights in tandem with famously broadening the Parliament's powers over the monarchy (Sutto, 2019).

The Declaration of the Rights of Man and Citizen was the fuse which ignited the French Revolution with its ideas of equality and liberty. It stated that all humans are free and equal, a sentiment directly reflected in the current UDHR. The rights present are also predecessors of the basic tenets of civil and political rights, including freedom of speech, right to private property and a series of legal safeguards against an oppressive regime (Sutto, 2019). These sentiments are reflected in the American Bill of Rights and Declaration of Independence as well, creating a framework to understand rights that was inextricably linked to the rise of liberal democracies and its related principles.

Supranationally, there are other instruments that can be placed on the timeline of events that culminates into the UDHR. The Geneva and Hague Conventions, despite its subject matter being wartime specifically, posit the idea that there is a need to respect basic dignity even in times of conflict. This is a precedent to the aspect of inalienability of rights, as it establishes that the sovereign interest of nations at war cannot justify the violation of certain standards. The creation of the International Labor Organization in 1919 is similarly present in the logical continuum of rights, although it had a limited subject matter (in this case, workers specifically) in comparison to the successors we are accustomed to today. (Sutto, 2019)

The horrific events of the Second World War and the Holocaust were the final push to solidify the idea that people had inherent rights that were both inalienable and indiscussible, regardless of context or circumstance. The international community reacted to these violations with a newfound commitment to prevent the sort of mindset that allowed such a thing to take place. In the founding document of the United Nations, the UN Charter, the signatories pledged to promote human rights (Sutto, 2019).

In the following years, a commission led by Eleanor Roosevelt, American First Lady, was set up to define what exactly these human rights were. The result was thirty articles that cement the condition of people as a matter worthy of international attention, regardless of their nationality or any other status (Sutto, 2019). The Preamble states clearly: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood" (Universal Declaration of Human Rights, 1948).

These emblematic words would proceed to set the tone of much of the policy making and standard setting of the international community in the immediate post-war period. While the Declaration was a non-binding document, it reflected the cultural shift taking place and thus resulted in a series of concrete actions. Most important when speaking of rights, the UDHR led to the creation of two covenants: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant of Economic, Social and Cultural Rights (ICESCR) which are, in fact, binding and non-derogable (Sutto, 2019).

The creation of human rights as we know them is lauded as the triumph of humanity over unspeakable cruelty, a collective accomplishment often phrased in moral dichotomies, the good winning over the evil. The agenda and activism of international justice spread globally, championed both by institutions and Non-Governmental Organizations (NGOs). All sorts of minority groups shifted their attention to the discourse of human rights, narratively unifying claims that were once separate under it (Cmiel, 2004), a feat made easier by the indivisibility aspect of human rights. These developments further entrenched the notion that the universality of the emerging framework was not only regarding its applicability but also its origin. Debates on the legitimacy of this new system were rendered pointless; human rights were the inevitable consequence of human evolution[17].

This, however, is one history. The elevation of human rights to this common destiny of humankind prevents it from being analyzed within a context, influenced by its circumstances. As theories of decoloniality remind us, History is not a neat, evolutive line from point A to point B, and the point of view of its narrator will fundamentally affect how events are told — or even if they are told at all. It is necessary to bring the debate of human rights down from its untouchable position in order to be able to analyze it for what it is: a product of a specific time, from a specific location, reflecting a specific set of conditions.

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[17] On this, Samuel Moyn expands: "Historians of human rights approach their subject, in spite of its novelty, the way church historians once approached theirs. They regard the basic cause—much as the church historian treated the Christian religion—as a saving truth, discovered rather than made in history" (2010, pp. 5-6)

Before diving into a more critical recollection of the history of human rights, it is necessary to make a brief disclaimer regarding this analysis. The purpose of geographically and historically situating the creation of human rights and acknowledging all that this positioning entails is not to diminish its importance. Regardless of any criticism the framework might face, its historical significance cannot be overstated and examples of its impact — whether positive or negative — are plenty. Rather, to look at human rights taking into account all surrounding factors is the key to truly understanding it, and the only possible avenue through which we can identify ways to improve it. To raise any subject above critical discussion brings no benefit to science, History, or indeed, humanity.

It is impossible to not take the geographical and temporal locus of the origin of human rights into consideration as we diagnose its foundational roots. The exclusion of non-Eurocentric actors did not take place only in the concrete sense of which countries were present at the discussion table, but also in a deeper ideological sphere. Influenced both by the context of the aftermath of the genocide perpetrated by the German state and the Lockean tradition of conceiving the state as an oppressive despot against which the individual needs to protect itself from, human rights are articulated around the notion of the individual creating a set of safeguards against the state (Mutua, 2016).

This theoretical pillar of human rights law betrays its cultural background, as the individualistic liberalism that permeates its articles is deeply European in nature. This can be clearly observed even with a brief perusal of the UDHR; many of the Articles are related to the democratic order and the rule of law, despite at the time these systems not being the reality in the majority of the world. As Mutua (2016, p. 12) concludes, "Therefore, at its core, human rights law is an internationalization of the obligations of the liberal state." This is not to say, of course, that human rights are a direct correspondence to the liberal social contract, but rather that it took these ideas as the logical starting point for its work[18].

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[18] Mutua (2016) broaches this Eurocentric characteristic from the legal perspective as well. As the author explains, the origins of international law itself were circumscribed to Europe, both in terms of who was subject to it and who articulated it. This means that when the creation of Human Rights took place within the scope of international law, it was being built off of an European tradition which had been tailored to its actors and expressed itself accordingly.

The framework of human rights is riddled with inconsistencies upon deeper contextual analysis. This was a symptom of the world in which they were being brought into, a world that was attempting to denounce inequality and violence while valiantly avoiding acknowledging the deep-rooted causes for said social maladies. As we recall from Césaire's writings explored previously, the cruelties that took place in Europe with the World War II had been happening for centuries in the Global South with the North as perpetrators, but the same spirit that recognized its brutality within the continent fell short of establishing the parallel with the events taking place elsewhere. Makau Mutua elucidates the point clearly:

> The difficulties lay in the inherent inequalities within the structures of international governance, the asymmetries of power between the North and the South, the imbalances between states in the global economy, and the lopsided military domination of the world by the United States. These inequities find their expression in the setting of international standards and their enforcement. These deep structural deficits begot pathologies that persist to this day. (2016, p. 16)

These "inherent inequalities" make themselves clear in the process of establishing human rights and, more broadly, the United Nations system in which the framework is nestled. Its claims of universal representation fall apart at the beginning of the exploration. At the time of its conception, the United Nations had 58 members, 48 of which signed the UDHR. In regards to the rest of the world, much of it was not allowed to join the discussion; two-thirds of the world's countries were under colonial rule (Saghaye-Biria, 2021). It begs the question, how can an instrument profess its collective nature when so many of its stakeholders were not present at its creation?

The drafting body of the Declaration did have the presence of non-Western intellectuals, namely Charles Malik from Lebanon and P. C. Chang from China. However, at this point, it is important to recall one of the tenets of decolonial studies: hegemonic thinking can be reproduced by anyone, as a person's origin does not, by itself, exempt them from being a part of a wider colonial structure of knowledge. The issue with Eurocentrism within knowledge production is that if a researcher is not actively making an effort to question and challenge it, they are further upholding it (Quijano, 2024). In the case of the drafters representing the Global South, both received

their education in Ivy League universities in the United States, permeated by colonial thought and therefore just as capable of integrating the system. (Saghaye-Biria, 2021; Mutua, 2016).

Not even the presence of non-State actors during the initial discussions opened the floor to non-Western voices. The presence of the International Red Cross, trade unions, women's organizations and even certain religious groups (representatives of Judaism and Christianity) still stemmed from the Global North, despite occasional disagreements on how to approach the topic of the South (Mutua, 2016). Regardless of the inspiration taken from anti-racist movements and decolonial struggles to put together the UDHR, the people responsible for articulating these ideas into a cohesive instrument were markedly not the people who had participated in these movements[19].

That is not to say that the Global South had no conception of ideologies similar to human rights or that it did not eventually make meaningful contributions to the framework, even at its early stage. It is essential to make this disclaimer in order to avoid falling into the same pitfall as the colonial narrative that casts non-Western peoples into an infantilized, incapable role. What is argued and demonstrated here is that, objectively, the South had no concrete role in the conception of the instruments that govern our understanding of human rights. As Makau Mutua (2016, p. 19) reminds us, "The South was excluded, and not by choice. Nor does the absence of the South at the table suggest that it was devoid of ideas."

The impacts of this exclusion are far from invisible. Even a brief survey of the Declaration will expose the consequences of having colonial powers as the spearheads of the human rights movement. While the UDHR did explicitly state the rights were applicable to colonial subjects, it did not condemn or disapprove of colonialism itself. This resulted in the colonial clauses inserted in the later covenants, which allowed the colonizers to withhold certain rights in their colonized territories if so they chose. Despite the logical contradictions between colonial domination and human rights' basic

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[19] It is impossible to not bring up the fact that in many cases these articulating powers were drawing inspiration from movements they had actively repressed, or still did at the time of these discussions. Mutua (2016) reminds that the United States, one of the main articulators of the UN system and consequently the UDHR, still had racial segregation laws in place at the time they drafted clauses of equality (the Jim Crow laws would not be completely overturned until the Voting Rights Act of 1965, 17 years after the UDHR).

principles, the United Nations attempted to create a compatibility between the two (Saghaye-Biria, 2021).

The lack of non-Western representation, particularly in Africa and Asia, coupled with the dominant Western liberal aegis under which the main organizers of the human rights framework operated had impacts beyond the Declaration. The principles outlined in the UDHR were expanded on and made binding through the two Covenants, the ICCPR and the ICESCR. Adopted in 1966, these Covenants took 18 years to come to fruition and represented a divide that would characterize the field of human rights in the decades to come (Schrijver, 2016).

Initially, these instruments were conceived as a singular document, following the concept of indivisibility of rights as per the Declaration. In practice, however, the formulation of a Covenant did not escape the dichotomy of the time between the Western bloc and the Socialist bloc, and the separation into two became a precondition for their acceptance. As Schrijver (2016) explains, the Western countries focused their efforts in the civil, political and rights to the detriment of any others, a position befitting of their liberal traditions. In contrast, the Soviet powers regarded civil and political rights as unimportant and advocated for more weight to be given to economic, social and cultural rights.

Arguably more relevant to the present discussion, however, is the increased presence of former colonies in this process. The waves of decolonization in Africa and Asia and the subsequent insertion of these newly formed countries into the United Nations created a third bloc of interests, the "Third World." This bloc had its own priorities, concerns, and the ability to articulate these in the international sphere for the first time since the start of the establishment of the new world order. Due to their recent struggles, these nations defended that "individual rights to freedom were an empty shell unless peoples could freely determine their own fate[20]." (Schrijver, 2016, p. 458).

The ICESCR provisions also reflected many of the concerns of the South, garnering their support along with the Soviet bloc. Thus, a nearly adversarial aspect between the two Covenants and their main defenders was formed, despite their idealized

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[20] This led to the inclusion of the right to self-determination into both Covenants, despite Western protests.

indivisibility. The Western nations saw its promises of economic and social justice as incompatible with free market and a liberal state, causing a dilution of ICESCR provisions when compared to those in the ICCPR (Mutua, 2016).

As Mutua (2016) puts it, the contents of the ICESCR are "cautious and highly porous," allowing states a larger amount of discretion in their implementation of these rights, creating more opportunities for non-compliance[21]. In order to win the support of the fearful Western countries, the language in the ICESCR was made increasingly vague when establishing the obligations of states. Schrijver (2016, p. 458) points out how, while the ICCPR calls for parties to "respect and ensure" the rights contained in it, the ICESCR requests that states "take steps" to implement its contents "to the maximum of their available resources." Perhaps unsurprisingly, states have used these aspects to criticize the ICESCR and declare it unfeasible for concrete application.

This brought about a hierarchization of rights, a subordination of social, economic and cultural rights to political and civil ones that is fundamentally antithetical to the initial idealization of human rights as indivisible. The ICCPR, which embodied Western liberal ideas became the synonym for human rights, while the ICESCR was demoted to a secondary position, an "other" treaty that exists in the periphery of its companion (Mutua, 2002). The narrative of generation of rights mirrors this verticalized interpretation as well; by classifying civil and political rights as "first generation" and social, economic and cultural rights as "second generation," not only is the influence of the latter upon the former overlooked (Jensen, 2024), but there exists a derivative component that follows along colonialist divides, where the South articulates their demands based on the ideas developed by the North.

Ultimately, it is not a coincidence that the colonial divisions are reflected in the perception of the Covenants. The practice of coloniality of knowledge leads to the valorization of Eurocentric ideals over alternative viewpoints, contributing to the notion that civil and political rights hold more weight than its counterparts, especially when the primary defenders of these subordinated rights are subordinate in the international sphere themselves.

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[21] Another key difference in this vein is the presence of an oversight body; the ICCPR predicted its monitoring by a dedicated treaty body, while there was no such provision for the ICESCR (Schrijver, 2016). An enforcement committee for the latter was only established in 1985 (OHCHR, n. d.)

The hierarchization of rights is a direct consequence of the hierarchization of knowledge, as well as of the process of the conception of human rights that excluded these peripheral knowledges from meaningful participation. A critical analysis of the historical process of the establishment of the framework of human rights reveals how the conception of these instruments is not exempt from hegemonic structures of power. In this manner, it is possible to observe how the creation of human rights as we know them is responsible for its share in upholding coloniality rather than challenging it, despite its claims to universality. In the next section of this chapter, we will examine how this influence shaped the language and narrative of human rights as well.

2.2 The narrative of Human Rights

Having established that the origin of human rights as we know them exhibited a conspicuous lack of non-Western voices and followed closely along the lines of Eurocentric thought, it is then necessary to move the analysis to the consequences of said circumstances of birth. When considering how the framework is a product of a specific context[22] rather than an abstract, ageless concept that spawned untouched by any influences (Stammers, 1995), the logical next step is to explore how exactly this specific context is reflected on the final product. In simpler terms, we have explored *why* human rights came to reflect coloniality and will proceed to delve into *how* this reflection presents itself.

Central to coloniality as a practice is the idea that knowledge itself can be colonized. Combined with the concept of zero-point hubris, which assumes there can be such a thing as an impartial and neutral production of science [23](Dussel, 1995), one can begin to comprehend how human rights can reproduce colonial mindsets and uphold its structures. Despite its principles of equality, the language that is used to articulate its ideas, the concepts that are taken as starting points, and the decisions of how to present them can reveal underlying biases. If decoloniality is, as Aníbal Quijano postulates, a process that requires the re-examination of power and knowledge structures, it can

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[22] "As a part of law, human rights are not a natural and eternal entity, or a mere act of legislation, but are the product of a specific context which represent particular values and reflect specific power relationship." (Liotta, Szpiga, 2022)
[23] See subchapter 1.3 for a more detailed exploration of the concept.

safely be assumed that any framework that is not actively questioning its origins is likely passively upholding its biases.

The narrative aspect of human rights is a fundamental prism of analysis. This is due to a specific characteristic of the framework that is seen in little else in the world of international law: the morality aspect. More than a legal instrument, human rights have become a moral doctrine reaching near-mythical status in popular conscience. Due to their subject matter, human rights norms have been from their inception a moral code that uses legal means to achieve its goals, namely, human dignity (Mutua, 2016).

This aspect of human rights has grown over time and became the defining characteristic of the framework, to the point where human rights are more closely associated with wide ranging ideas of social justice and dignity than with a legal standard for international law. This "moral turn," as explained by Davis (2020), comes as a consequence to the establishment of human rights as a "last utopia," concept developed by Samual Moyn (2011). The argument is that in the wake of the ideals that ruled the world becoming anachronistic post the Second World War, human rights overtook previous philosophies and became the new utopian promise that people should strive for.

However, this moral turn did not come without its consequences to the application. By transforming human rights demands from political to moral, they are virtually emptied out of their capacity to incite and pressure for change. Davis (2020, p. 8) clarifies: "Crucially, appeals to human rights did not require—and still do usually not demand—the transformations that previous maximal political struggles demanded, often through violence or revolution." The comprehensiveness of the framework, once a virtue, served to lend an aspect of abstractness to human rights claims.

Authors differ on whether this was ill-intentioned or not, and evidence can certainly be found for both sides, but the truth of the matter remains that the moral elevation of human rights has put it in an unparalleled position vis-à-vis world politics and social justice. It has asserted itself as the highest form of moral order, earning a level of global legitimacy no other political or ideological project can claim (Mutua, 2002).

The concept of universality, as explained earlier in the chapter to be a false construction, serves a specific purpose within the grander project of establishing human rights as an international standard. As Goodale (2018) explains:

> In this way, the story of human rights universality functioned as myth, not in the sense of a false account [...] but rather as mythos, that is, a cultural narrative that is meant to do important work in shaping the course of society in particular ways. (p. 599)

Nevertheless, the effort to portray human rights as apolitical and ahistorical has implications far beyond its goals of enhanced legitimization. By extracting the framework from its context and creating a misleading narrative of shared global ownership, the tangential consequence is to "obscure the political character of the norms it seeks to universalize" (Mutua, 2002, p. 3). It is important to remember that contextualizing human rights is not necessarily synonymous with questioning their validity, but rather opening up the possibility to create a truly universal paradigm by identifying its limitations[24].

The process through which the narrative of universalism is constructed is not so much about the outright denial of the nature of the creation of human rights, but rather through the lack of acknowledgement about the particularity of the circumstances surrounding it. According to Chakrabarty (2000), what takes place is the establishment of an European pretense to shedding its geographical and historical limits and setting its characteristics as universal, without the recognition that its developments are deeply provincial and cannot be used as a standard measure to which all other cultures are held up against.

What Chakrabarty (2000) calls for in response to the historicist phenomenon of an Eurocentric telling of history is the opposite effort: the active *provincialization* of Europe through the rethinking of Western thought while remembering it is one of the

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[24] As Mutua (2002, p. 3) defends: "The continued reluctance to identify liberal democracy with human rights delays the reformation, reconstruction, and multiculturalization of human rights. Defining those who seek to reopen or continue the debate about the cultural nature and the raw political purposes of the human rights regime as "outsiders" or even as "enemies" of the movement is the greatest obstacle to the movement to bring about true universalization."

ways to produce knowledge, and not the singular one[25]. When applied to the analysis of human rights, this means, logically, that the corpus of human rights conceived and heavily influenced by Eurocentrism is not a concrete, immutable truth, but rather one alternative stemming from a particular context (Woessner, 2013).

Consequently, to state that the current framework of human rights is one option implies not only the existence of many others, but that there was a subjugation of these "others" and exclusion of their influence from the mainstream ideology. As Barreto (2013, p. 3) succinctly explains, "Being born out of European events and schools of thinking, the standard theory of human rights ignores or rejects the possibility of non-Eurocentric or Third-World approaches." Following along the path of cultural domination established over centuries of coloniality, non-Western ideas are relegated to the position of inferiority, of primitiveness.

Additionally, by excluding the Global South from the articulation of the corpus of human rights, there is also an obscuring of the relations between colonizer powers and colonies and former colonies. The power dynamics and surviving structures put in place during colonialism are ignored in the formulation of human rights, and the non-Western world is left without a platform on which to establish their specific concerns stemming from their context as the West had ample opportunity to do. According to Barreto (2013),

> Having been born out of the experience of bourgeois revolutions, European theories of human rights deal mainly with relations between state and society, or between governments and individuals, putting aside the problematic of interactions between empires and colonies (p. 6)

In this manner, the narrative of the universality of human rights is not merely an effort to seek widespread legitimization, but a form of further subjugating non-Western knowledge in favor of a hegemonic construction of the framework. Accordingly, when putting into perspective the fact that human rights did not come from everyone, one must ask if they can claim to be for everyone when they so clearly lack the ability — or

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[25] "European thought is at once both indispensable and inadequate in helping us to think through the experiences of political modernity in non-Western nations, and provincializing Europe becomes the task of exploring how this thought—which is now everybody's heritage and which affect us all— may be renewed from and for the margins" (Chakrabarty, 2000, p. 16)

the will, arguably — to address the demands of a vast parcel of the worldwide population and reflect their own conceptions of human dignity.[26] Through the purposeful obscuring of its locus of enunciation, the framework casts aside the notion that other alternatives exist, producing an epistemic subjugation that further reinforces the colonial dynamics which relegate the knowledge from the non-Western world to the margins (Barreto, 2013).

One of the most basic issues one might encounter when failing to view the human rights framework as a product of its context is the very subject it tackles: the human. The word is supposed to evoke the universality of the application, a choice of wording that presupposes the equality of the subjects by categorizing them as the same. However, history demonstrates how prevalent is the use of equality among humans without the corresponding actions to make that a reality — see, for example, the rights put forth by the American Bill of Rights and compare it to the actual subjects of its provisions (Mignolo, 2011).

While "human" might intend to carry a reach that embraces the entirety of humanity leaving no spaces for exclusions, the world is rife with people who have acquired a status of non-human in relation to institutions and systems. This is, in part, due to the origins of "human" as a subject, a concept that relied on comparison to establish the borders of the self. In the Enlightenment period, with imperial domination projects overseas as a background, the human was meant to represent a very particular image: the European citizen, a white, educated man; rights were doled out accordingly to this status. Thus, the use of human as a subject of rights was not meant to be an effort toward true universal equality, but rather the reflection of a specific idea of who was human (Mignolo, 2011).

Additionally, to be the one with the power to define what human is and with the power to universalize that definition means to have epistemic control over the category.

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[26] While the legal and mainstream framework of human rights originated from Eurocentric ideals, the argument is not that the concept itself of human rights — the idea that humans have inherent dignity — is not present exclusively in that region. Across the globe, different cultures at different historical points in time have articulated their own ideals that reflect similar principles. The issue with the current instruments is that they do not adequately include or take into account these varied narratives. For more on the topic of the multicultural presence of human rights, see "Forging a Global Culture of Human Rights: Origins and Prospects of the International Bill of Rights" by Zehra F. Kabasakal Arat, 2006.

This, in turn, implies an ability to shift and adjust the definitions as needed. In the case of the Spanish colonization, for example, defenders of the natural law recognized that indigenous people were human, and therefore had a right to their land. This did not stop the intellectual and political elite at the time to formulate reasons as to why they were "less" human in order to justify their dispossession (Mignolo, 2011).

What Mignolo (2011) argues, however, is that processes like this aren't a symptom of contradictions within the system, but rather the necessary dichotomy it requires to function. Historically, for the human to have the right to dispose of whichever resources it needs to develop, there is a non-human on the other side that is denied the same claim. Their non-humanity is reaffirmed by their dispossession of rights[27]. A framework that does not challenge this subtractive system as a key part of its provisions cannot hope to ensure equality among all; upholding the current structures is irreconcilable with this ambition.

The human subject from the UDHR stands in a continuum, rather than in opposition, to the human subject conceived in the Enlightenment. In defining a human based on the rights they possess and fight for, the opposition-based principle is still in play:

> [I]f being human is the intrinsic ground of entitlement to rights, and if human rights inhere (...), in being human —in behaving or aspiring as a human being— then those who do not behave in accordance with or aspire to human rights must not be human. (Fitzpatrick, 2001, p. 208 as cited by Liotta & Szpiga, 2022, p. 163)

This dichotomous logic allows for the Global South to be defined by the criteria of the North, although the question is no longer whether non-Western people are human. Following the classification of countries into groups — First World, Second World, and Third World and later on developed and developing countries — the adherence to the framework of human rights organizes nations in a hierarchy. Considering how the

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[27] "What appears as paradox is, and has been, the node, the technological key of the simultaneity, always simultaneity, between the rhetoric of modernity announcing salvation, happiness, progress, development, etc., and the necessary logic of coloniality—appropriation of natural resources, exploitation of labor, legal control of undesirables, military enforcements of the law in order to ensure "salvation" through the imposition the interests and world view inherent to capitalist economy." (Mignolo, 2009, p. 14)

operating framework is deeply connected to hegemonic Eurocentrism, it is no surprise that the countries that question it are then considered to be in a different strata than their developed counterparts (Liotta & Szpiga, 2022).

Similarly to the ideology that characterized history making during the Enlightenment, these categories are not simply analytical ones that stand in a horizontal relation. These titles carry hierarchical insinuations due to the same process that placed colonized nations as more primitive than the advanced colonizing powers (Castro-Gomez, 2008). The developed world is established as the end point of an evolutive line on which the developing world lags behind; in terms of human rights, the countries that believe themselves to be their place of birth naturally determine their place in this evolution-based hierarchy as superior[28].

The famed statement that all humans are born equal and therefore are equally deserving of rights becomes somewhat void of meaning in this light, at least functionally. If the system that is expected to promote human rights routinely fails to address violations perpetrated unto certain groups of people, it carries the implication of these peoples non-humanity. If all humans deserve rights, then logically those who receive no support to realize them — or in some cases, such as rights connected to liberal democracy, do not even aim to achieve them — must not be human. And as the world is reshaped with the blueprint of human rights, once again the Global South's image is built based on their lack of adherence to the Global North's standards (Mignolo, 2011; Liotta & Szpiga, 2022).

The dichotomies that permeate human rights discourse — the human as opposed to the non-human, the developed as opposed to the developing — are not incidental. The narrative of human rights relies on these images to be built in contrast to another in order to sustain its operating framework, both at structural level and at the political one. Following on the path set out by its Eurocentric ancestry, the world is understood through a specific lens that has been universalized through rhetoric rather than legitimate practice. Said rhetoric therefore must follow an easily digestible pattern, one

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[28] Such logic gives rise to narratives that take on a paternalistic approach to human rights dissemination and humanitarian incursions, with the Global North seeing human rights as a "gift" that they bestowed upon the Global South, quite similarly to the rhetoric of civilizing missions during the height of European colonialism (Mignolo, 2009)

that makes sense to the intellectual and political elite that apply it, building off of existing biases and international dynamics.

Makau Mutua (2001) explores the narrative building of human rights through the analysis of what he calls the "savage-victim-savior" (SVS) metaphor. This is an artifice meant to simplify the conditions of human rights violations by portraying it as a moral struggle between an actor which is inherently, completely good against an actor which is inherently completely bad. The SVS metaphor leaves no space for nuance or for considerations that may put into question the validity of the roles assigned, as it is part and parcel to a wider colonial dynamic which fails to recognize value in alternative practices: "The metaphor is premised on the transformation by Western cultures of non-Western cultures into a Eurocentric prototype and not the fashioning of a multicultural mosaic" (p. 205).

As explored in depth earlier in this chapter, the universality claims conceal not only a geo-historically located origin, but an ideological project that often tries to allege neutrality. This would perhaps not be such a pressing matter if it were not for the particular morally prescriptive aspect of human rights. The framework does not exist, and has never intended to, simply as a legal document, but rather as a sort of code of conduct to which all states are expected to comply with. This "totalizing impulse" (Mutua, 2001) justifies the necessity to be hypercritical of the provisions presented as a universal truth[29].

The ambition to export Eurocentric ideals and defend them as a global standard applicable everywhere is necessarily coupled with the denouncement of the "other", a subject that is defined by its opposition to the Western canon. Given the continuity that can be traced between the impulses of coloniality and human rights developments, it is not coincidental that the human rights narrative would also operate in a similarly oppositional logic (Mutua, 2001).

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[29] Mutua's justification for this method of analysis mirrors closely the purpose of the present thesis: "If the human rights movement is driven by a totalitarian or totalizing impulse, that is, the mission to require that all human societies transform themselves to fit a particular blueprint, then there is an acute shortage of deep reflection and a troubling abundance of zealotry in the human rights community. This vision of the "good society" must be vigorously questioned and contested" (2001, p. 207)

The first dimension of the metaphor is that of the savage, the aggressor. While the states are the primary focus of human rights, both the main guarantor of their realization and the main perpetrator of violations against it, the state in and of itself is an instrument through which the aggression is carried out. The savage in the metaphor does not refer to the abstract machinery of the state, but to the cultural practices that inform its actions: "Thus, when human rights norms target a deviant state, they are really attacking the normative cultural fabric or variant expressed by that state" (Mutua, 2001, pp. 220-221)

Considering how the ideology of human rights carries its own set of cultural norms and values imprinted on it by its Eurocentric origins, the clash that is created with the savage is, at its core, one that takes place in the realm of culture. This, however, means that for the role of the savage to be assigned there is not necessarily the need for any specific acts of violation; by being an "other" in relation to the "universal" culture of human rights, one can already be considered a savage in relation to the corpus of human rights.

The savage is often portrayed as the evil that needs to be overcome, the embodiment of the offenses against human rights. However, the automatic links created between the Global South, the savage role, and violations of rights tends to obscure the violent practices taking place in the so-called First World. By avoiding tackling the issues in the Global North, institutions allow it to remain firmly cemented as the originator and enforcer of human rights and respect for human dignity, without any fault — as the faults, of course, lie within the savages.

To illustrate this point, Mutua (2001) uses women's rights advocacy to illustrate the point: despite no countries being able to claim the elimination of violence and discrimination against women, reports and actions tend to be heavily focused on the Global South:

> The impression left by the reports and the activities of powerful INGOs is unmistakable. While the West is presented as the cradle of a feminist movement, countries in the South have been constructed as steeped in traditions and practices which are harmful to women. (p. 222)

Whether in the sphere of violations against minority groups or in the political domain,[30] the rhetoric remains consistent: the savage is an actor that needs to be civilized by the adoption of what Western powers consider sufficient to redeem them, with the West serving as monitors to compliance. The image of the savage is carefully and gruesomely constructed, taking the most barbaric of practices and using them as examples to characterize an entire people; denouncement of a practice becomes the denouncement of the culture.

Ironically, by adopting this paternalistic, prejudiced approach, the personhood of the victims is also denied[31]. This is a process which doubly victimizes the target of the advocacy: "And in their conviction that this is a "just cause," they have forgotten that these women from a different race and a different culture are also *human beings*, and that solidarity can only exist alongside self-affirmation and mutual respect" (emphasis in original) (AAWORD, 1983, p. 218 as cited by Mutua, 2001, p. 227).

The image of the victim operates as the central pillar of the human rights metaphor. The entire *raison d'etre* of the framework is to prevent victimhood and allocate appropriate retributions when prevention fails. By ratifying treaties and pledging to uphold the values of the UDHR, states commit themselves to undertake actions to avoid the victimization of people, both through positive and negative obligations. The classic image of the victim is "usually presented as a helpless innocent who has been abused directly by the state, its agents, or pursuant to an offensive cultural or political practice." (Mutua, 2001, p. 228)

The victim is an agglomeration of disadvantages. They lack the capacity to defend themselves and embody all the characteristics that victimize them, often the most frail and distressed members who exist on the margins of society. When the image of the victim is constructed, it is done so with the purpose of mobilizing support to

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[30] Another example used by Mutua (2001, p. 223) is that of enforcement of standards through foreign policy: "Industrial democracies in the last two decades have worked to link human rights to aspects of foreign policy such as development assistance, aid, and trade with non-Western states. Such linkage requires the recipient, usually a non-Western state, to conform aspects of its domestic laws, policies, or programs to human rights or democratic norms. The coercive maneuver is intended to civilize the offending state. In this sense, Western states frequently use human rights as a tool of foreign policy against non-Western states."

[31] "In trying to reach their own public, the new crusaders have fallen back on sensationalism, and have become insensitive to the dignity of the very women they want to "save." (AAWORD, 1983, pp. 217-218 as cited by Mutua, 2001, p. 226).

intervene in their name, seeing as they are perceived (and quite often also perceive themselves) as helpless. Therefore, they must be easy to sympathize with; there can be no question about their innocence in contrast with the cruelty of the aggressor so as to truly promote moral outrage. As Mutua (2001, p. 230) clarifies, "[...] is virtually impossible to evoke sympathy for a victim who appears villainous, roguish, or unreceptive to a liberal reconstructionist project."

The requirement for the victims to fit into a longer term project means the criteria which disqualify or qualify one as a true victim can be quite elastic depending on the situation. The rhetoric of the dangerous Islamic zealots which was employed to vilify Chechen fighters, for example, was carefully left aside in the case of Kosovar militants who opposed Milosevic, an autocrat who was already not seen kindly by NATO powers regardless of any atrocities committed (Mutua, 2001). The suffering and the saving of the victim must fit into a wider narrative with a clear purpose other than liberation as an end in and of itself.

In order to construct the victim according to the requirements of both the need for maximum sympathy and optimal usefulness, there is a divestment of personhood that must take place. A group of people suffering ceases to be a cultural mass with multitudes of ideals, beliefs, practices and priorities and becomes a homogenous, abstract horde of victims defined solely by their plight and their inability to overcome it by themselves. Given the skewed reporting both by the media and by international institutions, these masses of victims are more often than not geographically and culturally situated outside of the Western world, creating a correlation between the Third World and victimhood.

This process in turn leads to further deepening a distinction between "us" as opposed to "them", with the existence of victims being a problem that affects the latter and not the former. According to Mutua (2001),

> In the culture of the human rights movement, whose center is in the West, there is a belief that human rights problems afflict people "over there" and not people "like us." The missionary zeal to help those who cannot help themselves is one of the logical conclusions of this attitude (p. 232)

Despite the "missionary zeal to help", this othering process can have quite the opposite effect. Not only is there the issue of objectifying the victim by completely removing their agency and characteristics through a reductive portrayal of their struggles — as emphasized by the AAWORD letter cited earlier — but there is also the risk of sympathy towards the victim shrinking rather than growing.

The overexposure to stories of crises in the Global South combined with the increasing tendency to see victimhood as an inherent characteristic of non-Western people can lead to diminished interest from the "saviors" to step in and intervene, or even to acknowledge the problems at all[32]. Suffering in the South becomes a fact of life so far removed from the power centers of the world that it transitions easily from a matter of global responsibility to inevitable tragedies[33] (Mutua, 2001).

The last piece of the narrative puzzle of human rights is the savior, this actor that is seemingly capable of directing global goodwill and rescuing the helpless. Reflecting the origin of the human rights corpus as we know, the idea of a savior finds its roots in the universalization ambitions of Enlightenment period Europe. As it can also be seen in the colonial project, the assumption that Western culture is superior necessarily requires the existence of an actor that will disseminate this superiority and rescue those who have not achieved it from their failures. In the image of the savior, we find the crossing of these universalist aspirations with Christianity's missionary efforts (Mutua, 2001)

The savior is a peculiar agent insofar as they believe unflinchingly in the superiority of their ideology to the point that imposing it is an act of benevolence, not domination. By defining their truths as universal, there is an implied moral duty to enlighten those who did not find it by themselves. The universalizing impulse has been examined at length already, as it is a marked characteristic of European rationale behind

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[32] Mutua (2001) speaks of the increasing difficulty to muster sympathy for a subject which is portrayed as so different: "As a result, many affluent Westerners have in the past decade spoken of what Susan Moeller terms "compassion fatigue,'" a euphemism for a lack of interest in the suffering of people who are seemingly remote, benighted, different in appearance and language, and lacking in any discernibly immediate impact on the lives of people in the West." (p. 231)

[33] Take, for example, the ongoing conflicts in the Middle East and North Africa region. With the passing of decades, it has become a common sense statement to say the region will always be at war as if it is no more than a natural characteristic, such as the climate being desertic. In popular vernacular, "to bring peace in the Middle East" has become a hyperbolic synonym to achieving something impossible. A crisis in the MENA region has become no more worthy of note to the Western citizen than the weather forecast on the other side of the world. (Dent, 2021)

colonization. Drawing from their shared foundations, this colonial characteristic transforms itself in form while not deviating in nature when it comes to arena human rights, and the conqueror becomes the savior. While methods and justifications differ greatly between the two, their purposes often operate in parallel (Mutua, 2001)

Saviors can be present in multiple levels of governance, including governments, NGOs and intergovernmental organizations. Some have more ground to claim neutrality, such as NGOs and organizations such as the United Nations. The interesting aspect of human rights as a justification is that it can neutralize in the eyes of the world even the most obviously politically motivated projects, such as foreign policy decisions which, by customary definition, are meant to always take the wellbeing of the nation in consideration and therefore imply at least a vested interest in all of its undertakings[34].

The issue with the savior, in addition to all the power dynamics implications explored earlier, is that it requires to look for violations externally. The savior does not see themselves as needing saving, their efforts of helpful intervention need recipients that lie outside of its sphere lest it accidentally leads to self-criticism. In this manner, the Western world sees the human rights instruments as being tools for the South to use in order to fix themselves, but that the Global North has no use for, as lack of adherence to human rights is perceived as a non-issue within their own borders (Mutua, 2001)

Figure 2: Cartoon about the Middle Eastern conflicts. Source: David Fitzsimmons, 2014.

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[34] Regarding this matter, Mutua (2001) highlights the role of the United States as the world's "policeman", responsible for promoting the Western ideals that were once championed by European powers.

The cartoon above depicts an interesting iteration of the SVS metaphor. In it, the event of peace in the Middle East is framed as highly unlikely, if not surprising. A reporter from the CNN stands amongst piles of corpses and declares the peace is due to the fact that everyone involved is now dead. What is possible to see is the rhetoric of savagery that belies the message. The implication is that the only possible manner in which peace would come to pass in the region is through the complete eradication of the savages amongst themselves. There is no redemption for a savage in the SVS metaphor; their actions can only be stopped through their destruction. There is no question about context, motivations, or other actors' involvement in this bloody conflict. Barbarism is assigned as an inherent characteristic of the savage, and therefore does not require — or allow — for any other explanations.

The savage, victim and savior metaphor creates a closed circuit in the application of human rights, allows for ends and purposes to be found within the neatly arranged roles of the trifecta while closing the door on considerations that branch out and away from the system. But while useful on some level to certain actors, the SVS metaphor is ultimately one of the symptoms that denote the decay of cross-cultural legitimacy of the human rights project.

The model proposed by the current efforts to get the Global South to implement the human rights framework is insufficient. It does not address concerns that are of extreme relevance to non-Western nations nor does it aim to respond to their demands that request anything other than the approved mainstream ideals. By operating with an universalization goal instead of pursuing true multiculturalization, the unequal hierarchical relations between Global North and Global South are maintained and further entrenched through the promotion of othering narratives. It is key to upset this order if one wishes to truly promote the longevity of human rights: "In this respect, human rights must break from the historical continuum-expressed in the metaphor and the grand narrative of human rights-that keeps intact the hierarchical relationships between European and non-European populations" (Mutua, 2001, p. 244)

Furthermore, through the SVS metaphor, it is facilitated to use human rights discourse in dishonest manners. Firstly, it provides cover for autocratic leaders who wish to commit violation, as there is the rhetorical option to use the interventionist,

totalizing nature of the framework as justification for resisting it in its entirety by principle. Secondly, it allows Western countries to abuse human rights discourse to pursue internal interests, including through the use of violence.

> The arrogant and biased rhetoric of the human rights movement prevents the movement from gaining cross-cultural legitimacy. This curse of the SVS rhetoric has no bearing on the substance of the normative judgment being rendered. A particular leader, for example, could be labeled a war criminal, but such a label may carry no validity locally because of the curse of the SVS rhetoric. In other words, the SVS rhetoric may undermine the universalist warrant that it claims and thus engender resistance to the apprehension and punishment of real violators. (Mutua, 2001, p. 206)

In sum, by classifying the world in terms of savages, victims and saviors, we all go through a process of dehumanization and the goals of human rights are hindered rather than advanced. The narrative of human rights must be able to be critically analyzed and radically reformulated if it is to achieve the much dreamed of universal acceptance. As it stands now, the resistance to listening to other voices has the potential to shift how the world views human rights, with the ideology's failures overshadowing its accomplishments.

2.3 Application and Practice: Have We Achieved Universality?

Despite the proliferation of human rights discourse as a way to narrate a moral code and conception of the world, ultimately the framework was conceived as an instrument. The machinery of human rights application within the United Nations is vast and multi-layered, from ad-hoc committees to the Office of the High Commissioner of Human Rights, the highest responsible department for human rights within the UN. Outside of the sphere of International Organizations, there are national institutions and supranational courts with judicial powers, such as the European Court of Human Rights and the Inter-American Court of Human Rights (University of Connecticut School of Law, 2024)

Additionally, human rights have become a key aspect of foreign policymaking. Western countries, especially the United States, have integrated human rights into their

agendas across various issues. Namely, the stipulation of adherence to HR norms and standards as a requirement to be able to trade or receive aid from Western countries has been a common practice. This is especially prevalent due to the common idea that Western countries function as monitors of non-Western ones, with the duty to police the implementation of human rights (Mutua, 2016)

In this manner, the framework has many avenues and actors responsible for its implementation, but translating the words into actions comes with its pitfalls, especially when one considers the limitations of the framework itself. The deep connection of the human rights instruments with Western liberalism and Global North exceptionalism logically will reflect on the practical application of said instruments, transforming cognitive injustice into tangible inequalities (Barreto, 2014)

Due to the circumstances and consequent characteristics of its conception, human rights instruments and as a narrative tool are riddled with ideas that create fertile ground for its usage in ways that commit further violations. The SVS metaphor, for example, entrenches the idea that a necessary part of human rights application requires an external intervention and imposition, as the other actor is assumed to be irrational and incapable of establishing a dialogue-based solution. Relatedly, the idea that certain countries are the "policemen" of the implementation of the system also contributes to a path to a paternalistic view that lends itself easily to imperialistic practices (Mutua, 2001)

Nevertheless, the idea that the misuse of human rights comes exclusively from calculated exploitation of loopholes and dishonest interpretation of vague language is incorrect. The universalist character of the framework and the monitoring system that does not take into account international power dynamics make it so that even a well-meaning application of its propositions are subject to the possibility of creating cultural erasure and cementing unequal dynamics. At its inception, human rights application was more akin to imposition than collaboration, and this tendency remains at the bedrock of the system. In this sense, a lawful attempt to create collaboration in the field of human rights can still be considered impositional if it does not address the power imbalances of the participants: "No dialogue can be forced upon cultures or

peoples because such an encounter would be inevitably shattered by violence." (Barreto, 2014, p. 416)

In this regard, human rights can contribute to subjugation and domination practices that are reminiscent of colonial dynamics both through its good-faith and bad-faith usage. The former is due to the inherent requirement of universalizing Eurocentric ideals within the framework and the lack of provisions that address international power imbalances. The latter, due to the ease of appropriation of human rights discourse to pursue self-interested goals, as there is a rhetoric that normalizes the idea that intervention is a necessary practice and that the protection of human rights is such a noble goal that actions taken in its name are not deserving of scrutiny. More often than not, these approaches are combined and muddled in practice, especially when regarding the application by states.

The language of human rights can be used — quite ironically — to infringe on rights as well. In the name of protecting a certain set of rights, states will violate others, and the decision of which ones are subordinate is completely dependent on the interest of the state at the moment. To illustrate how the human rights narrative can be used to commit violations, two examples will be briefly explored: the case of indigenous dispossession in Canada, and the case of United States foreign policy rhetoric with a particular focus on the invasion of Afghanistan.

The dispossession of Indigenous land is not a new phenomenon; it is the *sine qua non* condition of colonization. The practice of forcibly subtracting land from indigenous communities has not faded, however, and the neoliberal state continues to commit it through different means. The precarious living conditions many indigenous communities face are rationalized as being the result of their cultural practices, rarely being credited to dispossession. States attempt to combat these precarious conditions through their own liberal methods, such as the privatization of property, instead of combatting the root of the issue. The lack of acknowledgment of dispossession as a central breach of Indigenous rights and the cause of various subsequent socioeconomic challenges leads to inadequate policy-making that ultimately further commits this violation (Altamirano-Jiménez, 2018)

In Canada, despite a history of efforts to advance women's rights, the state failed to recognize the marginalized status of indigenous women within Canadian society, a status that was maintained by the Indian Act. This Act defined who could be classified as an "Indian" and established the system of federal reserves protected by the state. Its character as a product of colonial policies produced sociopolitical differences between Indigenous men and women and between Indigenous women and non-indigenous women. Additionally, the Act implied incompatibility between women's rights and the right of self-determination of Native populations, leading to several effects across various policies aimed at Indigenous rights preservation and gender equality (Green, 2007 as cited by Altamirano-Jiménez, 2018)

In an effort to combat Indigenous poverty levels, the Canadian government introduced the First Nations Property Ownership Act (FNPOA) in 2009. The Bill introduced the privatization of indigenous land and allowed native people to become property owners and formally enter the Canadian economy as productive subjects who could capitalize on their land. Defenders of the Bill also argued that it provided more security to Indigenous people, as customary property rights could be weakened or even revoked depending on the federal government (Altaminirano-Jiménez, 2018)

Parallel to these developments, another discussion related to indigenous property rights was taking place in Canada. The Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA) was being debated as a way to guarantee property rights to the spouse of the person named in the certificate of possession of Indigenous land. The FHRMIRA was framed as a necessary and long overdue advancement regarding indigenous women's rights, with defenders underscoring how it bridged the gap between the rights afforded to non-native and native women. However, the reality behind the straightforward justification was different:

> If the introduction of private property on reserve was cast as a way to empower indigenous communities who are ready to be part of the economy, Bill S-2 was justified as a way to extend rights to First Nations women. In this case, the right to property is granted to First Nations women to rectify civil and political rights violations. However, this construction conceals the violence of imposing private property on reserve de facto. (Altamirano-Jiménez, 2018, p. 48)

Accordingly, the reception of the Bill by indigenous women and First Nations communities was not positive. Despite the acknowledgment that native women would benefit from matrimonial property rights due to existing inequalities, the Native Women's Association of Canada (NWAC) defended the adoption of a more culturally sensitive approach that recognized indigenous traditions and the role of native women in their communities while still embracing human rights. After the promulgation of the FHRMIRA, neither the NWAC nor the Assembly of First Nations (AFN) supported the Bill, claiming it failed to conduct an inclusive consultation process and did not adopt important recommendations that would serve as guarantors of Indigenous communities' right to self-determination and self-ruling[35] (Altamirano-Jiménez, 2018)

The FHRMIRA was riddled with inconsistencies that reflected the lack of cultural dialogue in the process of its creation. For one, it failed to consider issues related to its applicability. For someone to be able to apply for its enforcement, they must have access to courts, which is a challenge when considering the remoteness of many Indigenous communities. This was an issue that was brought up by the AFN (AFN, 2014), but it went unaddressed in the final instrument. Additionally, it also did not consider the fact that a "family home" in an Indigenous community often does not reflect the idea of a nuclear family and may house multiple family members outside of the main unit, which complicates the division of the value of the property in case of dissolution of marriage (Altamirano-Jiménez, 2012)

Finally, despite its initial aim to resolve issues related to indigenous poverty and its gendered impact, the Bills passed failed to adequately create safeguards to tackle the challenge in a holistic manner[36]. The failure can be traced back to a lack of cultural diversity, both due to the fact that Canadian lawmakers were operating under fundamentally Western assumptions — such as the necessity of property in the first place, and the existence of a nuclear family as the main mode of familial organization

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[35] Namely, the recommendations which were not reflected in the final Bill were: addressing the limited access to courts and legal personnel in remote communities and the request for ongoing resources to support indigenous communities efforts to establish their own dispute resolution mechanisms (AFN, 2014)

[36] For example, the risk of homelessness after the dissolution of a union, especially for women, still remained unaddressed under FHRMIRA. Shelter and housing shortages were not acknowledged nor addressed, denoting an incomplete handling of the issue. (MacTaggart, 2015 as cited by Altamirano-Jiménez, 2018)

within indigenous communities — and due to the blatant dismissing of concerns raised and recommendations made by the indigenous people — such as the issue with access to courts (Altamirano-Jiménez, 2018).

In this case, it is possible to see how in the attempt to resolve historical disparities between indigenous and non-indigenous women and promote basic human rights principles further violations were committed due to a culture-blind approach. By operating under unchecked assumptions of what is standard and failing to adequately consult with the people who would be the most affected by the legislation, the Canadian government continued to perpetrate a historical process of indigenous dispossession and imposition of the Western liberal idea of relation to property. Arguably, the underlying violence of the situation could have been prevented had the dialogue with First Nation women been taken as a fundamental aspect of the law-making process. In practice, their voices were dismissed in favor of the rigidity of the ideas of the Canadian government about how women's rights should be implemented.

When it comes to the presence of human rights in foreign policy, the intentions behind acts that claim to be for the sake of the promotion of rights can get opaque. That is mainly due to the nature of foreign policy itself, which is a tool meant to protect and advance the nation's best interests. This means that, in many cases, human rights defense and national interest may be at odds, and states will often prioritize the latter.[37] There are instances, however, where human rights concerns and the current priorities and goals of the state align, and in those cases, human rights rhetoric becomes a rhetoric instrument to pursue self-interest, rather than an end pursued for itself (Mutua, 2002)

The United States has historically been a ubiquitous presence in the promotion of human rights, including the creation of many of the instruments and institutions that represent the framework today. When it comes to linking the rhetoric more directly to its foreign policy, the main efforts took place in the 1970s with the institutionalization of human rights into the foreign policy structures. Importantly, despite the new prominence given to human rights concerns, they were still ranked firmly below in order of priority to security issues and economic world order (Forsythe, 1980)

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[37] Secretary of State Cyrus Vance declared in 1977: "In each case we must balance a political concern for human rights against economic or security goals."

This hierarchy was made even clearer given the context of the Cold War. Despite efforts to link foreign aid and the sale of agricultural commodities to respect human rights, the measures were seen as limiting autonomy in conducting foreign policy (Henkin, 1980), and states that had autocratic or authoritarian regimes but supported the Western bloc continued as military allies of the US. The contradiction was justified by the need to balance American interests and human rights protection, with security concerns overriding any reservations about the situation of rights in the countries, denoting a utilitarian view of human rights within foreign policy (Forsythe, 1980)

The presence of human rights rhetoric in foreign policy was further cemented by its use in the ideological struggle against communism. The Reagan administration considered communism to be antithetical to human rights' most basic tenets and therefore equated the fight against communist expansion with a fight for the protection of the system of human rights. This was especially true when related to civil and political rights[38], which led to the development of the famed American policy line of democracy protection as a core rhetorical position. Nevertheless, the US continued to maintain close relationships with many undemocratic regimes for the sake of other objectives. In fact, Henkin (1980) notes:

> Although gross violations of human rights are rampant in many countries, including some that are important beneficiaries of United States aid and arms trade, there have been virtually no cases in which military assistance or foreign aid was in fact cut off on human rights grounds. (p. 73)

From the start, the United States' active participation in the establishment of international systems, structures, and legal instruments related to human rights was conditional to the idea that these codes were designed to be applied in places other than the US and its Western allies (Henkin, 1980). In this light, the American's apparent contradiction — defending human rights but applying them based on internal interests and arbitrary, malleable criteria — is in reality perfectly befitting of the attitude the state

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[38] As Forsythe (1980, p. 28) notes, "In no case has the United States terminated aid because of a denial of economic rights. Moreover, the country reports compiled by the State Department are almost totally devoted to civil and political rights of varying hues. Little attention is given to economic rights, and no action has ever been taken by the United States on the official ground that an economic right was involved which the United States was obligated to respect"

has always had regarding human rights promotion[39]. This is also reflected in the matter of adherence to international instruments; delays in accepting the major UN covenants are plenty throughout history, including the failure to ratify the ICESCR (Henkin, 1980)

Much of foreign policy making, according to Forsythe (1980), is related to creating a rhetorical position rather than actual practice. In that sense, the gap between rhetoric and reality observed in the American approach to human rights can be understood as a continuation of the attitude present since the inception of the framework, with the US aiming to establish itself as a bastion of human rights without necessarily applying it. Nevertheless, there is a darker underside to this narrative: by framing itself as the holder of the universal truth of human rights, the US creates the rhetorical possibility to use human rights as justification for its pursuits, cloaking self-interest as its burden to promote democracy and liberation (Mutua, 2002)

One of the most notable cases of this instrumentalization of human rights is related to the American incursion in Afghanistan. Through a narrative steeped in ambitions of paternalistic salvation, the issue of women's rights was raised again and again to justify the necessity of the US presence in the region. The image of Muslim women was constructed around their complete lack of agency in the face of oppression, placing the burden of rescuing them on Western societies. On the heels of September 11th, American political discourse and mainstream media was overtaken by stories of suffering Muslim women who needed to be saved — conveniently, of course, since the US Military needed to garner international and public support to enter the country in their fight against Al-Qaeda (Muhtaseb, 2020)

The use of human rights with a particular emphasis on women's rights became a central tool to gather legitimacy for the War on Terror. Media coverage analysis during the time period revealed not only the sudden emergence of Muslim women's oppression as the most pressing issue of our time (when previously it went all but ignored by Western media) but also the overuse of the victim narrative, without any

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[39] Regarding the attitude of the United States towards human rights, Henkin (1980, p. 76) explains: "For the United States, it has been charged, human rights have been a kind of "white man's burden"; international human rights have been "for export only." Congress has invoked international human rights standards only as a basis for sanctions against other countries. President Carter invoked human rights agreements in criticism of others. In a word, it is charged, Americans have not accepted international human rights for themselves, only for others."

acknowledgment about their own resistance efforts (Stabile & Kumar, 2005 as cited by Muhtaseb, 2020)

It is possible to clearly identify the savage-victim-savior metaphor (Mutua, 2001) in the narrative construction of this case. The Muslim women served as the perfect victims, blameless and incapable of resisting, needing to be saved by the noble Americans from the savage Muslim men. More importantly, this rhetorical strategy was not employed due to any sense of international solidarity but stemmed from the need to create righteous indignation in the public's eye to legitimize war. Human rights and their framing as an unquestionable, virtuous cause made it possible for the United States to use its general goals as plausible justification for its military interventions that ultimately aided only themselves.

2.4 Conclusion

This chapter has undertaken the task of critically examining the claims of the universality of human rights through three main angles. Firstly, through the reexamining of the creation of the framework, with a particular focus on the UDHR and the two binding covenants (ICCPR and ICESCR). By identifying the historical context in which their idealization took place, as well as the actors involved and their intentions, it was possible to elucidate how the narrative that the establishment of human rights was a collective, global effort is an overstatement. Most of the Global South countries were still colonies at the time and the Western countries that dominated the creation process operated under specific ideologies and with certain goals in mind.

Having established that the creation of the framework was not universal, the next section was dedicated to exploring how this lack of non-Western participation is reflected in the language of human rights. Through this lens, the narrative of human rights was scrutinized, pointing out Eurocentric biases which often stand in a continuum of classic colonial dynamics. To deepen the understanding of the underlying biases, the work of Makau Mutua on the savage-victim-savior metaphor was thoroughly considered to further elucidate how the narrative of human rights perpetuates the subjugation of non-Western populations both in epistemic terms and in practical ones.

Lastly, with the context in mind of the provinciality of the current human rights system, the chapter presented how its biases affect the real-life application of the instruments. Two examples were chosen to be analyzed, one in which there was a good-faith attempt to promote equality and one in which the narrative was instrumentalized to achieve other interests. In both scenarios, the lack of cross-cultural dialogue on how human rights are implemented and understood led to consequences that further perpetuated violations, regardless of the intentions of the primary actor.

In conclusion, these elements together illustrate how Eurocentrism and hegemonic knowledge production regarding human rights perpetuate a colonial mindset regarding the differences in nature between the Global North and South. A decolonial approach of recontextualizing history rather than assuming a unilinear evolutionary narrative and the questioning of what is claimed to be standard made it clear how decolonizing human rights is not simply a rhetorical exercise, but an active process of considering the existing blindspots and how they affect concrete practices.

3. Towards the Decolonization of Human Rights

In the previous chapters, it has been explored at length how human rights carry a colonial fingerprint both in the creation of the instruments that serve as pillars to the framework and in the very language they are articulated in. Having established the colonial influences that are present in the "universal" human rights, the question of how to address this remains.

Two avenues can be pursued once the coloniality of human rights is acknowledged. There is a significant parcel of scholars that are less amenable to the ubiquity of human rights given their role in upholding a global order that still runs along colonial lines, with a verticalized power dynamic that flows from the Global North to the Global South. These scholars argue that human rights cannot serve as emancipatory for the Third World as it was never intended to fulfill this purpose, quite the contrary when considering the role it had in excusing colonialism during its creation.

The argument that the language of human rights does not reflect the demands of the non-Western world is not, as seen in the previous chapters, completely void. Many do not feel represented by the framework and therefore question its value as a tool for social justice struggles. Others are more radical, and denounce the current structure as a form of neocolonialism[40].

There is, however, another side to this debate. The acknowledgment of the coloniality of human rights does not have to mean its complete disavowal, according to some scholars. Regardless of its intentions, it is recognized that the framework has become a staple in discourses about equality, dignity, and justice, and to fight it would be counterproductive. Rather, the option that is defended by these scholars is the act of decolonizing human rights, harnessing its potential, and denouncing the top-down approach that has been standard so far.

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[40] According to the Encyclopedia Britannica (2024), neocolonialism is "the control of less-developed countries by developed countries through indirect means." These indirect means often refer to the economic sphere and how countries reproduce exploitation practices akin to colonial domination, enforcing economic domination through these power relations facilitated by capitalism rather than direct control. Recently, the term has been used to refer more broadly to the establishment of international structures that ensure the subordination of non-Western countries, including political and intellectual subordination.

This chapter will examine both points of view, firstly by exploring the reasoning behind the group that defends the substitution or the rejection of human rights discourse, which will be referred to as the "denialists" henceforth. Then, it will provide a counterargument to those who aim to eliminate human rights from liberation struggles, delving into the work of scholars who call for a reclaiming of the narrative, which will be referred to as the "reformists." The goal is to ultimately illustrate how the language of human rights can be used by the Global South without the necessity to accept the framework at face value, turning a blind eye to its flaws; a critical outlook can and should be the first step to improvement.

3.1 The Denialists

The group that this research refers to as the denialists constitute a vocal part of decolonial scholarship. Some of the reasons that lead to their position have been explored at length in the previous chapters, particularly in the second one. The goal in examining their positioning further is not to discredit their point of view and the arguments that support them, as they are also aligned with the theoretical and analytical scope of the present paper. Rather, through the overview of their doubts and criticism it will be possible to delve into the possibility of a reformist approach, taking into account the gaps that must be filled in order to build a human rights framework that can be an instrument against coloniality instead of a tool that upholds it.

At this point, it has been established that human rights exist in a continuum of a colonial world order that functions under a modernity/rationality paradigm. Not only does the role of the instruments (the Declaration and the two Covenants, mainly) play a part in the structure of the world order that perpetuates the subjugation of the Global South, but the very language used in them also reflects the ideological underpinnings of coloniality. The division of the world into civilized and uncivilized according to the perception of institutions and their controller states is an example of how human rights discourse is used to delimit and define the identity of the non-Western world. According to Liotta and Szpiga (2022, p. 164), "This question affects the Global South by shaping and creating subjectivity and delimits who, and under what conditions, is afforded the ontological category of human being, and its corollary 'developed nation.'"

The practice of constructing the identity of the Global South according to criteria that not only stem from assumptions from the Global North but reinforce it is directly reminiscent of the practices of coloniality. Historically, the colonizers created internal hierarchical structures in the colonized countries based on external, Eurocentric criteria and artificially restructured the power dynamics within the context in which they were operating (Quijano, 2024). To draw a parallel between this and the current system where the Third World countries are assigned value according to a perceived morality by others and outliers are described as savages is not unreasonable. This is especially true considering the fact that the Third World in question had little say in the development of the code we know as human rights (Barreto, 2013).

Furthermore, when considering the issue of the universality of human rights, the very existence of a framework that is considered to supersede all others can be described as violence in and of itself. According to the concept we have explored of coloniality of knowledge developed by decolonial scholars, the hegemonic overtaking of knowledge production is an essential component of subjugation. Part of the process is the standardization of the imposed paradigms, going beyond subjugation to the outright denial of the existence of alternatives — and where these alternatives can't be erased, they are classified as inferior, and not valid (Santos, 2008). Following this logic, the fact that the framework of human rights was constructed to be universalized to the detriment of other ideas means that the current system not only facilitates coloniality, it *is* coloniality.

The epistemic violence[41] that the human rights framework commits by its simple fact of existence cannot be surgically removed, as it is the pillar around which all its workings revolve. It is due to analysis such as this that some scholars consider that the potential to decolonize human rights is extremely narrow, as they consider that its founding elements carry too heavy of a baggage and that the epistemic domination they produced cannot be retroactively rectified (Liotta & Szpiga, 2022).

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[41] Epistemic violence is a concept that refers to the process of a dominant actor creating a narrative of othering a subjugated object, deeming it inferior along with every form of expression that stems from it. It is through this hierarchization that it is possible to deny the subjectivity and agency of the subjugated, preventing its voice from being considered (Pérez, 2019).

The paradoxes that lay at the core of human rights do not inspire optimism about the potential to change. This can be attributed to the fact that many of these inconsistencies can be traced back to what decolonialists consider the major gap in human rights: the lack of acknowledgment and addressment of power dynamics. For instance, while social, economic, and cultural rights are recognized, there is no institutional effort to address the structural obstacles to their realization, such as the diminished role of the state in neoliberal systems and how unregulated capitalism multiplies poverty in developing countries. As Liotta and Szpiga argue,

> The critiques made by the human rights discourse are not aimed to end structural oppression, but to softly reduce damage and make it less visible, in order to reproduce the capitalist, racist and patriarchal colonial system. With their paternalistic and self-complacent ethos, they aim to pacify, reconcile and reform, and in doing so, deviate from decolonial struggles for liberation. If human rights actually disrupted power, they would have already been banned. (2022, p. 165)

The issue does not lie only within international institutions and states, as it is not merely a matter of application, but of scope and language as well. By not taking into account the power dynamics of colonialism and other similar types of hierarchization, the language of human rights is ill-suited to remedy these issues. The fact that the point of origin of these organizations is within a liberal, Western structure means that there is a latent difficulty in creating advocacy that requires a self-assessment that may lead to a paradoxical dead end; in other words, if the main organizations that promote human rights acknowledge their role in perpetuating injustice, their only coherent option would be to turn on themselves (Holohan, 2019).

Smaller actors such as NGOs are not exempt from this problem either. While their presence has been amplified significantly through their increasing integration into formal systems of human rights, their positioning of civil society's advocates when it comes to standing up against the institutions, and "charitable organisations, whose remit it is to advocate on behalf of the marginalised, are drawn further into the governance system that they frequently seek to challenge." (Holohan, 2019, p. 14)

By reproducing the "power blind" model of mainstream human rights, the most prominent NGOs are also liable to perpetuate the unbalanced structures that continue to subjugate the Global South. In this sense, authors such as Issaa Shivji (2006) assert that, through salvation and victimhood narratives, even well-meaning NGOs ultimately repeat the patterns of liberal institutions and operate not against, but along with neoliberalism and Eurocentrism. Notably, befitting the tendency of human rights discourse towards contradictions, Western institutions aim to fight crises created by their imperial legacy while rarely acknowledging this as the root of the issue. Denialists point out that this enduring lack of self-criticism within the human rights sector is endemic to its nature. As Shivji (2006) and Liotta and Szpiga (2022) point out, human rights were simply not created to challenge these structures, but to uphold them in the least offensive manner possible.

In this vein, the human rights framework has attracted the label of neocolonialism. Considering that the primary method of neocolonialist domination is through the "institutionalisation of Western political and economic structures in the former colonies" (Holohan, 2019, p. 14), it makes sense to question the role of human rights organizations in this process of institutionalization. This is particularly true when recalling Quijano's ideas that the coloniality of knowledge is not only as harmful as the coloniality of political and economic institutions but also functions as the foundation on which domination stands on and through which it is normalized (Quijano, 2024).

To Sharma (2021), human rights are not a form of neocolonialism per se, but rather a part of a wider, more encompassing neocolonial system upheld by certain structures. These structures, modeled around liberalism, defend the primacy of the individual over the community and a view of free-market capitalism as a global end goal. While human rights do not explicitly defend the supremacy of one culture or political system over the other, its language and even the choice of rights denote its ideological placement. In this sense, "these human rights are just not prepared to have an independent approach as it is restricted under certain ideological imperatives of neo-liberalism which it cannot bypass" (Sharma, 2021, p. 4).

Ultimately, the framework's capacity to deal with certain issues is mitigated by the limits imposed by its circumstances. While colonial and neocolonial violations can

be acknowledged through human rights language, concrete measures to remedy these injustices are not within the scope of human rights. Aside from the constraints due to the "power blind" nature of the discourse, there is also the issue with the relationship between human rights institutions and financing.

The contribution of money towards these actors depends on the willingness of states and corporations to fund them. This relationship of dependency means there is only so far the human rights agenda can push before suffering the consequences, and often these institutions must sacrifice some positions to be able to continue operating, in a metaphorical iteration of the trolley problem[42] where the sponsors decide who lies on the track. It is precisely due to this that human rights are negatively referred to as "market-friendly." Therefore, when it comes to effectively resolving injustices perpetrated by its sponsors, the framework finds itself unlikely to "unfriend" the market (Sharma, 2021)

The contradiction between being able to point out violations but not remedy them seems to be particularly impactful in liberation struggles. This is partly due to the previously stated point of human rights frameworks not addressing power structures, and partly due to a transmutation that took place in the sphere of decolonial movements when they passed through the lens of human rights. What many historiographers point out as a rebirth of human rights in the 1970s, Joseph Slaughter (2018) labels it a "liberal hijacking" of these principles from marginalized groups.

The mythos of human rights, as explored before, presumes a cohesive and linear evolution of the framework globally and therefore links all events in this continuum to a single origin point. Nevertheless, while this may be true when speaking on the instruments and institutions that constitute human rights, it is not a faultless statement when addressing human rights core principles. This is particularly the case after their official establishment in the international sphere and its relatively rapid, but decidedly uneven, ascension beyond its rigid confines of international law.

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[42] The trolley problem is a thought experiment that forces the subject to choose which group of people they would rather sacrifice. Its most classic iteration has two tracks, one with five people and one with only one, and the subject who is driving the trolley has to choose over which they will pass. The trolley problem aims to make one reflect on what sacrifice is less harmful (Duignan, 2024)

The path that led human rights to this level of presence and esteem was, despite claims to the contrary, not straightforward. Once the language was put forth into the world, it did not immediately start on a steady path to fame. Different histories attempt to pinpoint precisely when human rights achieved its universality, sharing as a similarity the notion of linearity. Often let out are the contributions of the Global South, and particularly the liberation movements, in the process of the amplification of human rights ideas. These instances do not fit neatly into the narrative timeline the West favors, but it is not a coincidence that the "rebirth" of human rights took place alongside the proliferation of decolonial struggles for emancipation (Slaughter, 2018).

Decolonial and liberation struggles have existed in their own right for much longer than the human rights frameworks we operate under today. They continued to exist within their histories, but both thematically and historically it was impossible for them to not be influenced by rights discourse. Indeed, between its creation and its Western rebirth in the 1970s, the Global South used human rights language to denounce imperialism, claim their right to self-determination, and dismantle unjust structures (Slaughter, 2018).

From the point of view of the Global North, entangled in an ideological battle against socialism and communism, this would not do. Efforts such as the lack of acceptance of the New International Economic Order (NIEO) aimed at dissociating human rights from "radical" such as economic redistribution, a goal fundamentally opposed to the liberal principles of the Western countries. The growing emphasis on the individual aspect of human rights not only reflected these liberal roots but served as a counterpoint against collective claims, as well as a launching pad of criticism against the Soviet block[43]. Plans from the Third World that called for a restructuring of the system were softened through the Western shift of focus on individual political rights, and calls for a revolution were dialed down into hopes of reform (Slaughter, 2018).

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[43] "In this anti-romance of human rights, the U.S. and Europe managed to wrest a moral high ground away from the emerging Third World, taking advantage of decolonization and the reticence of newly independent states (wary of internal secessionist pressures) to extend rights of self determination to their own ethnonationalist minorities, by reducing human rights to a downsized package of individualist civil and political protections of citizens against states that could then be used as instruments of political and cultural critique and neo-imperial economic interventionism against the Soviet Union and post-colonial regimes" (Slaughter, 2018, p. 26)

The discrediting of national liberation movements and growing focus on terrorism play an important part in the process of rendering Third World claims much more docile. Firstly, there was an emerging discussion on how decolonial struggles were not human rights struggles, a notion facilitated by the narrow individualistic streak of rights discourse. This not only served to excise the Global South from human rights history but also to avoid validating their demands. For decades, self-determination was the most pervasive struggle across the globe[44], and given that its demands were mostly incompatible with the hegemonic order, the correlation between self-determination and human rights needed to be undone. The result was the delegitimization of national liberation movements, especially armed ones, as now their actions were firmly placed outside of human rights (Slaughter, 2018).

In this vein enters the second development and the correlation with terrorism. Much like human rights themselves, the term mutated from a broader, more collective definition to a narrower, individual-based category[45]. While initially "terrorism" referred to state terror, such as in the case of authoritarian governments, during the 1970s it became synonymous with the actions of small groups or individuals, usually against the state. The new meaning of the term was constructed in opposition to human rights, creating a category in which the revolutionary movements could neatly fit. When deciding which movements fit in which category, "apolitical" movements were increasingly the ones associated with human rights, while national liberation struggles fell more easily into the terrorism category (Slaughter, 2018). To garner international support, self-determination movements were forced to fit themselves into the individualistic, accommodating, apolitical shape of human rights, losing in the process their ability to articulate their ambitions on their own terms.

What is particularly interesting about Slaughter's analysis is the establishment of a politically oriented motivation behind the evolution of human rights discourse. While some scholars which have been examined earlier in the chapter focus on the inability

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[44] As Slaughter (2018, p. 28) explains, "Indeed, in many modes of thinking human rights that prevailed nearly globally before the 1970s, decolonization was a (if not the) quintessential human rights struggle, which is precisely one of the reasons why the U.S. and Western Europe may have generally avoided the topic of human rights for thirty years."

[45] "In other words, supranational concern in the First World for the civil and political rights of individual prisoners in the Second and Third Worlds displaced collective struggles for self-determination as the quintessential human rights cause." (Slaughter, 2018, pp. 34-35)

and unwillingness of the human rights framework to address decolonial struggles, this point of view shows an active effort to make the language incompatible with demands that aimed to upturn the system. It is not a matter of the Third World not being able to frame its struggles in terms of rights-based discourse, but rather an issue with the main enforcers behind the discourse refusing to allow it to give voice to "the wrong kind" of violations.

Certainly, this makes the task of envisioning a possible path to decolonization quite difficult. How can one talk about decolonizing a framework if the framework itself cannot even bear to take up this struggle? Even if human rights have moved past its point of origin as a Eurocentric legal instrument and become a language through which we articulate our ambitions, it has been established earlier in the chapter how it still lacks the words to address challenges related to coloniality. Moreover, it has made itself increasingly inaccessible to the Global South, a purposeful movement to undermine its usage outside of a narrow Western definition of validity. Both in its birth and in its rebirth, human rights narratives inch further away from a universality that embraces the Third World.

3.2 The Reformists

Thus far, the critiques on human rights and their limitations have been thoroughly examined. To many, they amount to a logical reasoning on why they cannot be used to empower decolonial movements, and why decolonizing a framework so deeply embedded into hegemonic Western thought is a fruitless endeavor. Radical critics of human rights follow a line of thinking akin in sentiment to that of Audre Lorde (2018) when the poet writes that the master's tools cannot dismantle the master's house. There is a pervasive perception in human rights studies that to accept the framework means to be blind to its flaws, a notion that can be easily traced back to the efforts to elevate human rights beyond politics and ideology, shaping it into a moral creed.

This perception, however, is erroneous. More than that, it is ironic; as in their haste to point out how the Global South has been excluded from the human rights narrative many scholars ultimately promote an exclusion themselves, by not acknowledging the intersections between Third World struggles and human rights. In an

effort to create a historical analysis that highlights the Eurocentric character of rights discourse, the contributions of the non-Western world are relegated to the shadows. As Joseph Slaughter (2018) puts it,

> To put it most polemically, the new historiography takes neither the Third World (its people and nations) nor the power of historiography (that is, itself) seriously as agents of history in their own right, as agents that affect the character and understanding of human rights and international history. (p. 11)

It is not a straightforward issue, despite vociferous speeches from both sides of the argument that attempt to paint the subject in distinct tones of black and white. One can question as well why the present research dedicated so many words to elucidate these arguments in all of their sense of finality, with little space for gray areas. In truth, analyzing human rights from a decolonial perspective requires the subject to step away from manichaeistic discursive traps and be able to accept that two things can simultaneously be true despite appearing contradictory at first. Yes, human rights have historically been directly related to the Global North and its ideologies. And yes, the Global South is not a passive receptacle of this ideology and has claimed human rights language for its demands.

To acknowledge the coloniality that is inherent to the framework does not preclude one from also acknowledging its uses in the hands of the Third World. Any decolonial critique of human rights that does not take this into account is doomed to repeat the same mistakes as the historiographers it condemns. What may appear to some as a dissonance in one's opinion about human rights may very well originate in a misunderstanding about what one is talking about when mentioning human rights — is it the legal framework as a whole, the UDHR, the international instruments, the language?

James Griffin (2008) helpfully differentiates between two approaches to human rights: top-down and bottom-up. The former refers to a process which begins with abstract principles or authoritative procedures which are then human rights originate from. The latter reverses the locus of origin of human rights, with their everyday practice being analyzed in order to derive higher principles that explain their moral

claim. Summarily, this division speaks to where the source of authority to define human rights lies, whether it is the institutions or the organizations that are applying these principles. Griffin, in line with the earlier paragraphs, defends a mixed approach but recognizes that the top-down approach needs the bottom-up context to inform and justify its existence[46].

In a similar vein, Hopgood (2013) proposes a separate classification of his own. He makes a distinction between human rights, with lowercase initials, and Human Rights, capitalized. The former is defined as "[...] the local and transnational networks of activists who bring publicity to abuses they and their communities face and who try to exert pressure on governments and the United Nations for action, often at tremendous personal cost" (p. 8). This form of human rights correlates to the agents that practice human rights from a bottom-up perspective, the lived realities of grassroots movements. The latter, capitalized and connected to the enunciators in the top-down model, means

> [...] a global structure of laws, courts, norms, and organizations that raise money, write reports, run international campaigns, open local offices, lobby governments, and claim to speak with singular authority in the name of humanity as a whole. Human Rights advocates make their demand that all societies adopt global norms on the basis of a uniquely universal and secular moral authority. Often highly legalized, Human Rights norms are not flexible and negotiable (p. 9).

It is precisely because of such a division that one can talk about a Global South that is simultaneously excluded from Human Rights and acts as central agents in human rights. In order to not reproduce epistemic injustice, the different roles the Third World plays in each of these categories must be acknowledged. Take, for example, the subject of liberation movements being categorized as terrorism instead of human rights struggles, which has been discussed previously. In that case, what can be observed is that while these efforts were removed from the sphere of Human Rights, there was no

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[46] "In any case, the top-down approach cannot do without some explanation of how the notion of human rights is used in our social life. We need it to test whether what is derivable from these highly abstract moral principles are human rights and all human rights. We need not treat the use of the term in present social life as beyond revision, but we need some understanding of what human rights are independent of the principle or principles from which they are said to be derivable, and their social use is the most likely source." (Griffin, 2008, p. 29)

question that among most they were undeniably human rights fights (Slaughter, 2018) (Hopgood. 2013).

When considering the unprecedented prevalence of human rights in international discourse, it is difficult to argue against how what started as an instrument of international law has progressed past its initial function and has become a "lingua franca of international morality" (Normand & Zaidi, 2008, p. 8). This has implications beyond levels of acceptance and diffusion; it also means that once put into the world, the language of human rights can be used by anyone, and those within the structures of Human Rights no longer hold the power to single-handedly define it. This language is adaptable and has historically been used to draw attention to a number of causes that may not fit the narrower legal and institutional definitions[47] (Hopgood, 2013).

Having established the dual nature of human rights, it is possible to begin the conversation about the decolonial potential of the rights language. The use of human rights narratives to articulate demands coming from marginalized populations is not only a contemporary practice, but a historically prevalent one often left out in favor of establishing a purely Western genealogy of human rights — be it to criticize it or elevate it. In reality, while Eurocentric notions have guided the discourse on an institutional level, the Global South has been an active agent of rights advocacy on the ground for decades (Barreto, 2013).

To better be able to tackle the question of what human rights can do from a decolonial perspective, it is necessary to first look back and consider what it has already done. The classic historiography of the field has already been explored earlier on, with the American and French revolutions and concepts such as natural law playing a prominent role. While Western history conflates human rights with struggles against the state, in the Global South the legacy of human rights has often included resistance against imperialism. By broadening the geographical scope of what constitutes

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[47] "In combating violence and deprivation, any language is useful that helps to raise awareness, generate transnational activism, put pressure on governments, facilitate legal redress, and attract funds for campaigning, whether it is that of human rights, compassion, solidarity, freedom, brotherhood, sisterhood, justice, religion, grace, charity, kin, ethnicity, nationalism, pity, love, or equality. The endtimes can never come for this form of "human rights" in the same way that nothing can stop people banding together to demand their own freedom or justice in whatever language they prefer." (Hopgood, 2013, p. 8)

milestones in human rights and considering its different iterations across time and space, the presence of the Third World becomes clear (Barreto, 2013).

In this new historiography from a perspective that comes from the margins, events such as the surge of emancipatory movements in Latin America and the Caribbean find themselves as important instances of resistance against unjust domination as much as the American and French revolutions. These struggles, often separated when being recounted, belong to the same trend of rising against subjugation. The principles outlined in the Declaration of the Rights of Man were translated into Latin America and distributed to incense the claims for sovereignty (Barreto, 2013). Arguably, when the French wrote their Declaration they did not mean to incite anti-colonization movements, as they were on the eve of starting their own colonial endeavors. But similarly to the case of modern human rights, once the language had been dispersed, anyone who identified with its sentiment was free to use it. As Barreto (2013) expands,

> In a new series of successful political moves for emancipation in South America, the doctrine of rights proclaimed by the Declaration of Independence and the French Declaration provided a discourse that channeled the popular discontent and contributed to justify the revolutions of independence throughout the continent (p. 159).

The wave of emancipatory struggles and decolonization movements in Africa and Asia followed a similar path. Already inscribed within a context where the framework of human rights was gaining popular recognition, a growing acknowledgment of the contradictions between European self-proclaimed values of human dignity and their ongoing imperial domination led to human rights principles becoming a justification for decolonization. These processes of independence, in turn, fundamentally altered the landscape of human rights both in theory and in practice:

> In the wake of the fight for freedom from foreign domination and while liberation was being achieved throughout Africa and Asia, political independence from colonial rule was transformed into a principle of the Charter of United Nations. At the same time the struggle for autonomy from the

colonisers and equality between countries in the world order became a human rights issue (Barreto, 2013, p. 160)

Another relevant instance of the deep connection between the self-determination struggles of colonized people and human rights lies in the sphere of indigenous rights. Struggles for preserving native communities' identities have always involved a delicate balancing act between self-rule and citizen rights within the wider nation-state context, as internal self-determination could also mean a second-class citizen status within the country. A wave of collective rights advocacy in the 1960s in North America by native communities used the language of human rights to give voice and bring notoriety to the complex demands that aimed at equality without assimilation (Johnson, 2020).

This inclusion of human rights into the fabric of their movement also allowed indigenous activists to pursue the possibility of including indigenous rights within the human rights framework. The transnational Indigenous movement hoped to establish the right to their identity, along with its related practices, as a core right to be recognized internationally and to be treated with the same gravity as other human rights (Johnson, 2020). Activists argued that their land rights went beyond property rights, as they were constitutive to their identity as Indigenous, and therefore required special protection that acknowledged this deep relationship[48].

Within this context, the language of human rights was seen as the most adequate to explain these demands. Unlike the anti-colonial movements from which native activism had previously drawn inspiration from, the demands the communities wanted to articulate were no longer of independence from the settlers. This shift required a shift in the narrative as well, one that would reflect the need for protection of rights while fighting against assimilationist practices that destroyed Indigenous culture. Simultaneously, the efforts to internationalize indigenous rights were taking place, and human rights were fertile ground on which to plant the seeds for this recognition. Indigenous actors articulated their demands within the United Nations as well as inside their own countries in a concerted effort. The creation of the Declaration on the Rights

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[48] "Their lands, waters, sacred sites, hunting grounds, and so on were so important to them because these places constituted who they were as a people: "the land is our history," was a commonly used phrase in activism and legal claims, doubly referencing land loss as well as the existential importance of place to identity." (Johnson, 2020, p. 120)

of Indigenous People (UNDRIP) is proof of the success of these movements in connecting indigenous rights claims to human rights principles (Johnson, 2020).

The struggle against assimilation was made more accessible and therefore more easily raised transnationally through the framing of the issue in terms of cultural genocide. The outcome was a positive one, as expanded on by Johnson, (2020):

> By asserting rights to land and demanding compensation for what had been lost, in terms that drew on and critiqued state policy and settler colonial history, activists challenged notions of cultural homogeneity and assimilation and invited new political futures. At the international level, indigenous activists had considerable success in expanding definitions of human rights and self-determination to encompass their collective rights. (p. 131)

Such events are examples of a phenomenon of the Third World reclaiming human rights narratives and language for its own purposes. They are, of course, not exhaustive of the historiography of instrumentalization of rights discourse by the Global South; one can also mention the sporadic but purposeful use by the anti-apartheid movement in South Africa (Skinner, 2017) and the more contemporary push to establish a right to development, championed mainly by non-Western countries in acknowledgment of the unequal economic and political structures (Anghie, 2013). The connecting thread between these instances is a successful instrumentalization of human rights to bring attention to issues that are pertinent to the Third World.

It is worth noticing how in many cases the articulation through rights narratives stemmed from local, grassroots movements and eventually affected change on an institutional level. The existence of several UN Declarations and Treaties (such as the Declaration on Racial Discrimination), the importance given to the right of self-determination and the ongoing discussions about the right to development are all direct results of Third World advocacy, aiming at strengthening their claims through human rights mechanisms and language (Barreto, 2018). Additionally, these events also constitute concrete examples of how a bottom-up approach to human rights is possible, allowing the framework to address relevant challenges instead of perpetuating a system of imposition.

The exclusion of these episodes from the construction of a timeline of human rights perpetuates epistemic injustice. In highlighting the Eurocentric character of the framework, scholars may ultimately commit the same narrative flaws as their object of critique by not acknowledging the transformative role of the Global South and the efforts of non-Western activities to move beyond imposed limitations and make their voices heard. The detrimental image of the Third World as a passive receiver instead of an autonomous agent capable of affecting change is upheld by both narratives, despite their vastly different goals. Additionally, the attempt to classify self-determination and anti-imperialist struggles as fundamentally different from human rights efforts ultimately undermines the importance of these endeavors to secure the full realization of rights, and how freedom from subjugation is integral to human dignity (Slaughter, 2018; Barreto, 2018).

At this point, it is important to acknowledge that the Third World has not been faultless in its use and critique of human rights. Much like the Global North has used human rights principles to justify unlawful interventions, the Global South has a history of leaders using culturally relativistic discourse to oppose rights and commit violations against their citizens. The principle of self-determination has similarly been misused to commit violations of other human rights, especially in the civil and political sphere (Barreto, 2013; Arat, 2006).

Nevertheless, acknowledging this fact does not diminish the strength of the justification behind criticizing human rights universalistic ambitions; rather, it further strengthens it. The narrative that poses the framework as universal and the lack of acknowledgment of other iterations of similar ideas gives space for these criticisms to fester and be used as reasoning for these violations, especially since they are based on a kernel of truth. It allows despotic leaders to frame their authoritarian practices in terms of fighting against imperialism, or for harmful cultural practices to be upheld in the name of resisting subjugation. It is possible to argue that if the corpus of human rights recognized its limitations and welcomed change, there would be no discursive space for such kinds of narratives. Ultimately, the closedness of the human rights framework to accepting diverse modes of thinking is also an obstacle in its implementation, with

rights discourse appearing as alien and impositional to the Third World due to the lack of a sense of ownership over the framework (Mutua, 2001).

In this sense, it is possible to argue that the current rigidity of the human rights framework around its initial Western ideological conceptions harms not only the Global South but the human rights project as a whole. The lack of intercultural legitimacy has been an obstacle to a universal application for decades, and the survival of human rights hinges on its ability to evolve to address the blindspots raised by non-Western actors. The matter of the relevancy of human rights to the Third World and marginalized cultures is less about whether it is useful — as it has been previously explored in the chapter evidence that it is — and more about how to make it appropriately accommodating to these cultures' demands at an institutional level while earning some much needed local support.

The process of decolonizing human rights must start, necessarily, with the acknowledgment of the limits of the current framework and the inherent biases it carries; hermetically closing off the corpus to change will not allow it to evolve with the times and tackle surfacing issues. Reconstructing the history of human rights from the perspective of the Third World is instrumental in identifying these limits while also signaling ways in which the Global South has faced them (Barreto, 2018). It is through this examination that one can move the non-Western world from passive to active agents of human rights; as Barreto (2013, p. 168) puts it, "Human rights are not a gift of the West to the rest of the world. The agency and authorship of human rights are also to be found in the peoples resisting colonialism". This other-thinking — as proposed by decolonial scholars — sets the foundation, but due to the nature of coloniality, its dismantling must be an active and constant effort that not only recognizes blindspots but works to remedy them.

Within this context, the promotion of multicultural dialogues with the intent to reform the human rights corpus is of paramount importance. Once the pluriverse of ideas is acknowledged, it is necessary to move on to include it. The dialogue between cultures will make possible the construction of a human rights framework that is supplemented and supported by a variety of perspectives reflecting the diversity of

demands (Barreto, 2018). Makau Mutua brings some examples of what this multicultural exchange can mean:

> This multiculturalization of the corpus could be attempted in a number of areas: balancing between individual and group rights, giving more substance to social and economic rights, relating rights to duties, and addressing the relationship between the corpus and economic systems (2001, p. 243).

Fundamentally, however, these constructive collaboration efforts must be underlined by the awareness of the impact of international power structures in the realization of human rights. Imperialistic subjugation must be recognized as a rights violation in order for the Global South to have a claim to the human rights framework. The very reconceptualization of the corpus implies the addressing of power imbalances; it is necessary to shift the locus of enunciation of human rights from a Eurocentric, institutional level to the subaltern subjects to break from the continuum of coloniality. As explored by Hopgood (2013), while human rights (lowercase) possess a lasting power through their usefulness in articulating struggles for human dignity, Human Rights (capitalized) must repair the limitations caused by their rigidity in order to secure their longevity.

3.3 Conclusion

The third and final chapter has explored the two arguments regarding how to approach the subject of the coloniality of human rights and possible decolonization avenues. The two groups were identified as "denialists" and "reformists" for ease of reference. The former argue that the human rights corpus cannot properly address decolonial demands and Third World struggles as it was not conceptualized to do so, and often has historically been used precisely to counter these movements.

The latter, on the other hand, recognizes the value of the human rights language for the Global South and posits ideas on how the framework can be reformed of its Eurocentric limits. The chapter distinguishes between institutional-level human rights, which have been symptomatic of epistemic domination by the West, and local grassroots human rights movements, which have struggled for dignity and have often

been spearheaded by subaltern actors such as Third World countries and Indigenous and Black communities.

To further strengthen this argument, the chapter delves into the role of marginalized cultures in human rights historiography and gives examples of instances when these groups were able to successfully instrumentalize the rights language to achieve their own goals. In many cases, these struggles have led to institutional changes that ultimately contributed to the corpus of human rights, exemplifying a bottom-up approach that uses the local realities of rights-based advocacy to inform standard-setting.

To conclude, the chapter adopts a view akin to that of Barreto (2018, p. 499) who states that "[...] the Third World, cannot neither afford to throw human rights away, nor to embrace them ingenuously." But in order for the human rights corpus to be the tool for global justice and empowerment of victims of violations, it must be open to evolving based on the concerns raised by the Global South. Ultimately, those who have had their dignity violated the most must play a central role in redefining human rights for the framework to fulfill its intended purpose: to give voice to those made voiceless.

Conclusion

The present research aimed to explore human rights through a decolonial lens, reflecting critically on its origins, language, and scope of application. Among other objectives, we hoped to conclude whether the human rights framework can be decolonized and successfully used by the Third World despite its links to coloniality both in theory and in practice. Acknowledging the complexity of the question at hand, the research was initiated by establishing a theoretical groundwork on which the analysis of the human rights field would be built on. Following a brief introduction to the study, the first chapter explored decolonial theory by explaining its main arguments and clarifying useful concepts. The difference between coloniality and colonialism was delved into, with the former encompassing enduring structures that outlast the physical presence of a foreign authority on the country that takes place during the latter. The concept of coloniality allows us to understand how former colonized countries still carry the consequences of colonialism in their political systems, social stratification, and knowledge production.

The impact of coloniality on knowledge is especially useful to this research, as it explains how an instrument such as human rights reinforces a global hierarchy of epistemologies, with Eurocentric values and ideologies being naturalized as a standard to which the rest of the world must catch up. The first chapter explained how this narrative was essential to establishing a successful subjugation of the Global South during colonization, and how this power dynamic lives on through cultural production and institutions. Additionally, the work of Gayatri Spivak on the concept of the subaltern was briefly analyzed to better understand the social and political standing of a subject that stems from marginalized cultures. One of the main conclusions that can be drawn from this theoretical review is that the first step to thinking decolonially is to consider that there is another history that runs parallel to that which is considered the standard one, and this alternate conception of events from the point of view of the Global South must be taken into account and used to question the hegemonic narratives, in an act of other-thinking.

In order to apply this other-thinking, we proceeded to analyze human rights from a new, non-Western perspective, questioning the mainstream narrative in order to

identify what it obscures. This was done by critically recontextualizing the history of human rights, from its conceptualization to the process of drafting and adopting major instruments such as the UDHR, the ICCPR, and the ICESCR. Through this, it was possible to ascertain that this process was riddled with inconsistencies and was led mainly by Eurocentric politicians and scholars in response to specific political ambitions. The Global South was mostly kept out of this institutional-level effort, also due to the fact that many of the world's non-Western countries were still under colonial rule at the time of the creation of the UDHR, despite the instrument proclaiming principles such as equality and freedom.

Through a deeper analysis of the language and narrative of human rights, we illustrated how these issues at the time of conception remained visible in the framework that was established. The focus on individual rights rather than collective, the hierarchization of rights that puts civil and political rights above social, economic, and cultural ones, and the prominence given to liberal democracies are some of the indicators that human rights reflect a very geographically and politically specific conception of human dignity and natural rights. The lack of recognition of the imbalanced power dynamics among countries is another notable issue, as it glosses over an essential obstacle to the realization of human rights. But more than that, the rhetoric that upholds it mirrors the dichotomic construction between developed and developing, and ultimately, as human rights tackle moral issues, between good and evil.

These narrative constructions reflect the discursive strategy used by colonizing powers, where the Global South is positioned as a primitive or even barbaric culture that requires either salvation or elimination. This aspect was further explored through the seminal work of Makau Mutua, who developed the concept of the savage-victim-savior metaphor. In short, Mutua illustrates how the story building of human rights violations relies on having specific roles for the involved, and how these roles are divided along racial and ethnographic lines. The Global North is positioned as a savior and holder of morality who must confront the savage, who is usually present in the Third World and is painted as categorically barbaric and irredeemable. The victims, also from the Third World, are represented by the image of someone who has no power to change their own circumstances and must have no flaws to justify being saved. This rhetoric builds off of

colonial stereotypes and discourses used during "civilizing" missions and ultimately harms the legitimacy of human rights.

To finalize this section, we used two cases to exemplify how the blindspots of human rights regarding the Global South and decolonial struggles have caused harm, both by accident and by design. We first explored the case of dispossession of Indigenous lands in Canada, where a good-faith attempt to secure gender equality for Indigenous women and to tackle economic inequalities led to the weakening of native people's rights by enforcing the privatization of native lands, threatening and undermining the collectivistic approach to land ownership of Indigenous communities. Then we moved on to the case of human rights narratives on American foreign policy to illustrate how the framework and its wide acceptance can be instrumentalized to pursue self-interests that often harm the Global South.

To better explain this, the example of the American invasion of Afghanistan was briefly explored. In this case, American politicians and media outlets used the condition of Afghan women to justify their intervention by claiming it was a women's rights issue. In the Canadian case, public consultations done with indigenous people were conducted but the recommendations were ignored; in the American case, Afghan women were given no space to articulate their own demands, and international interest in their struggles waned after the need for justification of an intervention ended. The two examples showcase how the lack of involvement of Global South voices in human rights can lead to disastrous consequences, either through a purposeful misuse of the language or through a well-meaning attempt at justice that is nevertheless culturally blind.

Having established that the purported universality of human rights has not been a reality either in theory or in practice, we moved on to questioning how to proceed with this information. We identified two groups with opposing views on the issue: the denialists and the reformists. The first group argues that the human rights framework cannot properly address Global South issues due to the lack of acknowledgment of imperialism as a violation and the limitations imposed by the focus on the individual to articulate collective demands. According to this group, to mold the demands of the Third World to human rights language is to give in to a framework that fundamentally

cannot and will not address the structural root of the issues faced. From a denialist perspective, the answer to whether human rights can be decolonized is no.

However, we bring at this stage a counterpoint to this argument by exploring the work done by the group we refer to as reformists. Scholars who align with this line of thinking aim to balance two important truths, that of the Eurocentrism of the human rights framework and that of its undeniable importance as a language of liberation. While many defenders of human rights attempt to minimize or discredit critiques against it, this is not the only way to acknowledge the usefulness and relevance of the framework. We aim to illustrate how it is possible both to recognize and even agree with the decolonial criticism of human rights and still see value in it.

To expand on this apparent dissonance, we explore the idea that there are two distinct fields with distinct actors when it comes to human rights, according to the concept developed by Hopgood. One is the institutional level, the standards and legal instruments that are constructed by international leaders and representatives, referred to as Human Rights, capitalized. The other encompasses local movements, grassroots organizations, and the shape that human rights take on the ground, referred to as human rights, lowercase. This division permits us to comprehend how Eurocentrism and epistemological injustice are prevalent at the institutional level while at the local, civil society level the Third World has spearheaded the human rights movement and its principles.

With this separation in mind, we examined how the Global South and its struggles for liberation have benefitted from the use of human rights language to bring notoriety and support to their causes, a practice that has been happening since before the establishment of human rights as we know them, such as by Latin American independence movements using French Revolution rhetoric to substantiate their claims. In many cases, the use of human rights by subaltern movements has ultimately impacted standard-setting at the institutional level and strengthened the capacity for transnational collaboration, as is the case with Indigenous rights and their inclusion in the canon of human rights documents. Another notable instance of this trend is the inclusion of self-determination as a core principle in the two Covenants, a consequence of the articulation between newly independent former colonies entering the UN.

It is possible to conclude, then, that while Human Rights (capitalized) have deeply Eurocentric ideologies and have often aimed to limit the involvement of the Global South through exclusion and epistemic subjugation, this has not stopped non-Western movements from successfully and meaningfully advancing human rights (lowercase) both locally and internationally. Decolonizing human rights at an institutional level therefore means opening narrative space for subaltern subjects to define the issues that human rights need to tackle to be an effective tool for international justice. Facilitating transcultural dialogue to disrupt the current hierarchization of knowledges is essential not only to increase the effectiveness of human rights for the Third World but for the survival of the corpus as a whole as it currently suffers from a lack of cross-cultural legitimacy that may be fatal to its ambitions of universal acceptance.

Acknowledging both the failures and the potential of human rights from a Third World perspective is essential for a decolonial approach. Critics may often ignore the contributions of the Global South to the corpus and the ways it has instrumentalized it in favor of bringing attention to the Eurocentric history of the framework. However, this approach also effectively obscures the agency and the rich history of liberation advocacy in the Third World, inadvertently contributing to a narrative that puts the Global South as an empty receptacle to the Global North's ideas, incapable of claiming these principles and using them in their own ways.

Human rights are more than a set of legal instruments; they have evolved into a language of its own, a vocabulary through which it is possible to expose violence and demand justice. Where violations remove a subject's capacity to speak, human rights are a tool through which it is possible to reclaim that voice. It is not merely a voice for the voiceless, but a voice for those *made* voiceless. While the framework might have not originally intended or foreseen many of its uses, once its language was put into the world, anyone who resonated with it was free to use it. The Third World certainly did, despite often facing resistance and outright opposition. The language of human rights has already been claimed by the Global South; we must now open the space for us to use it freely and equally.

Bibliography

Adamu, A. (2023). *The universality of human rights: Myth or reality? Journal of Intellectual Property and Human Rights, 2*(11). Available at SSRN: https://ssrn.com/abstract=4629495

A. Dirk Moses, Duranti, M., & Burke, R. (2020). Decolonization, self-determination, and the rise of global human rights. Cambridge University Press.

AFN (Assembly of First Nations) (2014). Matrimonial real property on reserves: Our lands, our families, our solutions. Winnipeg, www.afn.ca/uploads/files/mrp/dec_2014_sca_-_mrp_update_fe.pdf.

Ahlberg, K. L., & Howard, A. M. (Eds.). (2014). Foreign Relations of the United States, 1977-1980, Foundations of Foreign Policy (Vol. 1). United States Government Printing Office.

Ahmed, K. (2017). Decolonizing human rights: Sovereignty, tactics, and disruption. *OxHRH Blog.* https://ohrh.law.ox.ac.uk/decolonizing-human-rights-sovereignty-tactics-and-disruption

Ahmed, K. Disrupting power/entrenching sovereignty: The paradox of human rights education. Prospects 47, 3–16 (2017). https://doi.org/10.1007/s11125-018-9416-2

Altamirano-Jiménez, I. (2018). Privatisation and dispossession in the name of indigenous women's rights. In I. Altamirano-Jiménez, D. Howard-Wagner, & M. Bargh (Eds.), *The Neoliberal State, Recognition and Indigenous Rights: New paternalism to new imaginings* (Vol. 40, pp. 43–58). ANU Press. http://www.jstor.org/stable/j.ctv5cgbkm.9

Altamirano-Jiménez I (2012). Indigeneity and transnational routes and roads in North America. In Castro-Rea J (ed.), Our North America: From Turtle Island to the security and prosperity partnership, Ashgate Publishing Ltd, Surrey

Ambesange, P. V. (2016). Postcolonialism: Edward Said & Gayatri Spivak. *Research Journal of Recent Sciences, 5*(8), 47-50. Available online at www.isca.in

Anghie, A. (2013). Whose Utopia? Human Rights, Development, and the Third World. Qui Parle, 22(1), 63–80. https://doi.org/10.5250/quiparle.22.1.0063

Arat, Z. F. K. (2006). Forging a Global Culture of Human Rights: Origins and Prospects of the International Bill of Rights. Human Rights Quarterly, 28(2), 416–437. http://www.jstor.org/stable/20072743

Au, A. (2023, September 18). *Reflections on a top-down approach to human rights.*

McGill Human Rights Interns Blog. https://humanrightsinterns.blogs.mcgill.ca/2023/09/18/reflections-on-a-top-down-approach-to-human-rights

Barreto, J.-M. (2014). Epistemologies of the South and Human Rights: Santos and the Quest for Global and Cognitive Justice. Indiana Journal of Global Legal Studies, 21(2), 395–422. https://doi.org/10.2979/indjglolegstu.21.2.395

Barreto, J.-M. (2018). Decolonial Thinking and the Quest for Decolonising Human Rights. *Asian Journal of Social Science*, *46*(4/5), 484–502. https://www.jstor.org/stable/26567261

Barreto, J.-M. (Ed.). (2013). *Human rights from a Third World perspective: Critique, history and international law*. Cambridge Scholars Publishing

Barša, P. (2005). Waging war in the name of human rights? Fourteen theses about humanitarian intervention. *Perspectives*, *24*, 5–20. http://www.jstor.org/stable/23616042

Bhambra, G. K. (2014). Postcolonial and decolonial dialogues. *Postcolonial Studies, 17*(2), 115-121. https://doi.org/10.1080/13688790.2014.966414

Brown, W. (2000). Suffering rights as paradoxes. *Constellations*, *7*(2), 208-229. https://doi.org/10.1111/1467-8675.00183

Castro-Gómez, S. (2021). *Zero-point hubris: Science, Race and Enlightenment in Eighteenth-Century Latin America*. Rowman & Littlefield.

Césaire, A., & Pinkham, J. (2000). *Discourse on Colonialism*. NYU Press. http://www.jstor.org/stable/j.ctt9qfkrm

Chakrabarty, D. (2000). *Provincializing Europe*. Princeton, NJ: Princeton University Press.

Claude, R.P. (1999). The Evolution of International Human Rights: Visions Seen. *Human Rights Quarterly 21*(1), 251-252. https://dx.doi.org/10.1353/hrq.1999.0004.

Cmiel, K. (2004). The Recent History of Human Rights. *The American Historical Review*, *109*(1), 117–135. https://doi.org/10.1086/530153

Dados, N., & Connell, R. (2012). The global south. *Contexts*, *11*(1), 12–13. https://doi.org/10.1177/1536504212436479

Dana, T. (2024). Notes on the 'Exceptionalism' of the Israeli Settler-Colonial Project. *Middle East Critique*, *33*(2), 165–172. https://doi.org/10.1080/19436149.2024.2342733

Davis, B. P. (2020). What could human rights do? A decolonial inquiry.

TRANSMODERNITY: Journal of Peripheral Cultural Production of the Luso-Hispanic World, *9*(5). http://dx.doi.org/10.5070/T495051209

Decolonising Human Rights. (2020). *Northern Notes*. University of Leeds. https://northernnotes.leeds.ac.uk/decolonising-human-rights/

Dent, Lucie Guano. (2021, November 23). *Why is the West so desensitised to tragedy in the Middle East?* The Oxford Student. https://www.oxfordstudent.com/2021/11/23/why-is-the-west-so-desensitised-to-tragedy-in-the-middle-east/

Dussel, E. (1993). Eurocentrism and modernity (Introduction to the Frankfurt lectures). In J. Beverley, J. Oviedo, & M. Aronna (Eds.), *The postmodernism debate in Latin America* (pp. 65-77). Duke University Press.

Eckel, J., & Moyn, S. (Eds.). (2013). *The breakthrough: Human rights in the 1970s*. University of Pennsylvania Press.

Encyclopaedia Britannica. (2024). *Trolley problem*. In *Britannica.com*. Retrieved 31/09/2024, from https://www.britannica.com/topic/trolley-problem

Escobar, A. (2007). Worlds and knowledges otherwise: The Latin American modernity/coloniality research program. *Cultural Studies*, *21*(2-3), 179-210. https://doi.org/10.1080/09502380601162506

Fairchild, H. H. (1994). Frantz Fanon's The Wretched of the Earth in Contemporary Perspective. *Journal of Black Studies*, *25*(2), 191–199. http://www.jstor.org/stable/2784461

Fanon, F. (1963). *The wretched of the earth*. Grove Press.

Fanon, F. (1967). *Black skin, white masks* (C. L. Markmann, Trans.). Grove Press.

Fitzsimmons, D. (2014). *Political cartoon: Middle East war*. The Week. https://theweek.com/cartoons/428027/political-cartoon-middle-east-war

Forsythe, D. P. (1980). American Foreign Policy and Human Rights: Rhetoric and Reality. Universal Human Rights, 2(3), 35–53. https://doi.org/10.2307/761845

Fregoso, R. L. (2014). For a pluriversal declaration of human rights. *American Quarterly*, *66*(3), 583–608. http://www.jstor.org/stable/43823420

Gervásio, A., et al. (2022). Repensar os direitos humanos a partir da crítica decolonial: Situando discursos possíveis e caminhos realistas pelas lutas sociais. *Insurgência*, *9*(1). https://doi.org/10.26512/revistainsurgncia.v9i1.45417

Goodale, M. (2018). The Myth of Universality: The UNESCO "Philosophers' Committee" and the Making of Human Rights. *Law & Social Inquiry*, *43*(3), 596–617. http://www.jstor.org/stable/26631008Jensen, Steven L. B.. (2023). *Against the historiographical hierarchization of human rights*. https://voelkerrechtsblog.org/against-the-historiographical-hierarchization-of-human-rights/

Gordon, S., & Donini, A. (2016). Romancing principles and human rights: Are humanitarian principles salvageable? *International Review of the Red Cross*, *97*(897/898), 77–109. https://doi.org/10.1017/S1816383116000133

Griffin, J. (2008). *On human rights*. Oxford University Press.

Grosfoguel, R. (2011). Decolonizing post-colonial studies and paradigms of political-economy: Transmodernity, decolonial thinking, and global coloniality. *TRANSMODERNITY: Journal of Peripheral Cultural Production of the Luso-Hispanic World, 1*(1). https://doi.org/10.5070/T411000004

Grosfoguel, R. (2011). Decolonizing post-colonial studies and paradigms of political-economy: Transmodernity, decolonial thinking, and global coloniality. *TRANSMODERNITY: Journal of Peripheral Cultural Production of the Luso-Hispanic World, 1*(1). https://doi.org/10.5070/T411000004

Gundala, U. (n.d.). *Subaltern theories: Ranajit Guha, Gayatri Chakravorty Spivak, Dipesh Chakrabarty*. Ebooks Inflibnet. Retrieved from https://ebooks.inflibnet.ac.in/engp10/chapter/subaltern-theories-ranajit-guha-gayatri-chakravorty-spivak-dipesh-chakravarty/

Hakimeh Saghaye-Biria. (2018). Decolonizing the "Universal" Human Rights Regime: Questioning American Exceptionalism and Orientalism. ReOrient, 4(1), 59–77. https://doi.org/10.13169/reorient.4.1.0059

Halperin, S. (2024). Neocolonialism. In Encyclopædia Britannica. https://www.britannica.com/topic/neocolonialism

Henkin, L. (1990). The age of rights. Columbia University Press.

Hardt, M., Negri, A. (2001) Empire. Harvard University Press

Hlabangane, N. (2021). The underside of modern knowledge: An epistemic break from Western science. In M. Steyn & W. Mpofu (Eds.), *Decolonising the human: Reflections from Africa on difference and oppression* (pp. 164–185). Wits University Press. https://doi.org/10.18772/22021036512.12

Hlabangane, N. (2021). The Underside of Modern Knowledge: An Epistemic Break From Western Science. In M. STEYN & W. MPOFU (Eds.), *Decolonising the Human: Reflections from Africa on difference and oppression* (pp. 164–185). Wits University Press. https://doi.org/10.18772/22021036512.12

Holohan, S 2019 Some Human's Rights: Neocolonial Discourses of Otherness in the Mediterranean Refugee Crisis. *Open Library of Humanities*, 5(1): 27, pp. 1–27. DOI: https://doi.org/10.16995/olh.423

Hopgood, S. (2013). *The endtimes of human rights*. Cornell University Press.

Jensen, S. L. B. (2021). Against the historiographical hierarchization of human rights. *Völkerrechtsblog*. https://voelkerrechtsblog.org/against-the-historiographical-hierarchization-of-human-rights/

Johnson, M. (2020). Connecting Indigenous Rights to Human Rights in the Anglo Settler States: Another 1970s Story. In A. D. Moses, M. Duranti, & R. Burke (Eds.), *Decolonization, Self-Determination, and the Rise of Global Human Rights Politics* (pp. 109–131). chapter, Cambridge: Cambridge University Press.

Julien, E. (2000). Terrains de Rencontre: Césaire, Fanon, and Wright on Culture and Decolonization. *Yale French Studies*, *98*, 149–166. https://doi.org/10.2307/2903233

Julien, E. (2000). Terrains de Rencontre: Césaire, Fanon, and Wright on Culture and Decolonization. *Yale French Studies*, *98*, 149–166. https://doi.org/10.2307/2903233

Kalulé, P. (2023). Being right-with: On human rights law as unfreedom. *Feminist Legal Studies, 31*, 243–264. https://doi.org/10.1007/s10691-022-09500-x

Koshy, S. (1999). From cold war to trade war: Neocolonialism and human rights. *Social Text*, *58*. https://www.jstor.org/stable/466713

Leib, L. H. (2011). AN OVERVIEW OF THE CHARACTERISTICS AND CONTROVERSIES OF HUMAN RIGHTS. In *Human Rights and the Environment: Philosophical, Theoretical and Legal Perspectives* (pp. 41–68). Brill. http://www.jstor.org/stable/10.1163/j.ctt1w8h1t2.6

Liotta, J. M., & Szpiga, A. (2022). Unsettling the regime of human rights: Decolonial reflections beyond the law. *Sortuz: Oñati Journal of Emergent Socio-legal Studies, 12*(1), 153–169. Oñati International Institute for the Sociology of Law. http://opo.iisj.net/index.php/sortuz

Loch, A. de, & Fagundes, L. M. (2019). Crítica das dimensões modernas: A historicidade dos direitos humanos desde o giro descolonial nuestroamericano. *Revista*

Direito e Práxis, *10*(4), 2736–2775. https://doi.org/10.1590/2179-8966/2019/45687

Loock, J. (2020, November 7). Rethinking Human Rights : Northern Notes. Northernnotes.leeds.ac.uk. https://northernnotes.leeds.ac.uk/decolonising-human-rights/

Lorde, A. (2018). *The master's tools will never dismantle the master's house*. Penguin UK.

Maldonado-Torres, N. (2007). On the coloniality of being: Contributions to the development of a concept. *Cultural Studies, 21*(2–3), 240–270. https://doi.org/10.1080/09502380601162548

Maldonado-Torres, N. (2006). *Against war*. Duke University Press.

Medeiros, M., & Rezio, L. L. de S. (2024). A linguagem dos direitos humanos na ditadura militar brasileira: Uma análise dos discursos oficiais na assembleia geral da ONU. *Revista Direitos Humanos E Democracia*, *12*(23), https://doi.org/10.21527/2317-5389.2024.23.1468

Mignolo, W. (2000). *Local histories/global designs: Coloniality, subaltern knowledges, and border thinking*. Princeton University Press.

Mignolo, W. (2010). Epistemic disobedience and the decolonial option: A manifesto. *TRANSMODERNITY: Journal of Peripheral Cultural Production of the Luso-Hispanic World, 1*(2). http://dx.doi.org/10.5070/T412011807 Retrieved from https://escholarship.org/uc/item/62j3w283

Mignolo, W. D., & Escobar, A. (Eds.). (2013). *Globalization and the decolonial option*. Routledge.

Mignolo, W. D. (2000). The many faces of cosmo-polis: Border thinking and critical cosmopolitanism. *Public Culture*, *12*(3), 721–748. https://doi.org/10.1215/08992363-12-3-721

Mignolo, W. D. (2009). The human rights of the Latin American indigenous people: A colonial perspective. *Hispanic Issues On Line*, *5*(1), 7–24. http://spanport.cla.umn.edu/publications/HispanicIssues/pdfs/MIGNOLO_HRLAIC.pdf

Mignolo, W. D. (2009). Who speaks for the 'human' in human rights? In A. Forcinito, R. Marrero-Fente, & K. J. V. (Eds.), *Human rights in Latin American and Iberian cultures*.

Mignolo, W. (2012) The Darker Side of Western Modernity: Global Futures, Decolonial Options. Duke University Press.

Miller, J. (2014, June 24). *In the whole world, only these five countries escaped European colonialism*. Vox. https://www.vox.com/2014/6/24/5835320/map-in-the-whole-world-only-these-five-countries-escaped-european

Moira Pérez (2019). Epistemic violence: reflections between the invisible and the ignorable. El lugar sin límites, 1 (1), 81-98.

Moyn, S. (2010). The last utopia: human rights in history. Belknap Press Of Harvard University Press.

Muhtaseb, A. (2020). US Media Darlings: Arab and Muslim Women Activists, Exceptionalism and the "Rescue Narrative." Arab Studies Quarterly, 42(1–2), 7–24. https://doi.org/10.13169/arabstudquar.42.1-2.0007

Mutua, M. (2001). Savages, victims, and saviors: The metaphor of human rights. Harvard International Law Journal, 42(1), 201-246.

Mutua, M. (2016). Human Rights Standards: Hegemony, Law and Politics. State University of New York Press.

Mutua, Makau. (2002). Human Rights: A Political and Cultural Critique. University Of Pennsylvania Press.

Ndlovu, M. (2018). Coloniality of knowledge and the challenge of creating African futures. *Ufahamu: A Journal of African Studies*, *40*(2). http://dx.doi.org/10.5070/F7402040944

Normand, R., & Zaidi, S. (2008). *Human rights at the UN: The political history of universal justice*. Indiana University Press.

Office of the High Commissioner for Human Rights. (n.d.). *Introduction to the Committee on Economic, Social and Cultural Rights (CESCR)*. United Nations. Retrieved [today's date], from https://www.ohchr.org/en/treaty-bodies/cescr/introduction-committee

Pachón Soto, D. (2023). Decolonial theories: Origin, categories, and critical intents (K. Y. Torres Tafúr, Trans.). *Análisis, 55*(102). https://doi.org/10.15332/21459169.8603

Pérez, M. (2019). Epistemic violence: Reflections between the invisible and the ignorable. *El lugar sin límites, 1*(1), 81–98.

Phamotse, K. P., Yonghui, W., & Xian, Z. (2017). *The use and abuse of human rights in international relations: A case of the United States foreign interventions*. IOSR Journal of Humanities and Social Science (IOSR-JHSS), *22*(3), 20-24. https://doi.org/10.9790/0837-2203032024

Quijano, A. (2024). *Aníbal Quijano: Foundational essays on the coloniality of power* (W. D. Mignolo, R. L. Segato, & C. E. Walsh, Eds.). Duke University Press.

Quijano, A. (2007). COLONIALITY AND MODERNITY/RATIONALITY. *Cultural Studies*, *21*(2–3), 168–178. https://doi.org/10.1080/09502380601164353

Quijano, A. (2000). Coloniality of Power and Eurocentrism in Latin America. *International Sociology*. https://doi.org/10.1177/0268580900015002005

Quintero, P., Figueira, P., & Concha Elizalde, P. (2022). *A brief history of decolonial studies*. In *Decoloniality and the Global South: Rethinking Knowledge and Power* (pp. 3-11).

Roberts, C. N. J. (2014). Saving Empire: The Attempt to Create (Non)-Universal Human Rights. In *The Contentious History of the International Bill of Human Rights* (pp. 122–152). chapter, Cambridge: Cambridge University Press.

Sánchez, D. G. (2020). Transforming human rights through decolonial lens. *The Age of Human Rights Journal*, 15, 276-303. https://doi.org/10.17561/tahrj.v15.5818

Santos, B. de S., & Martins, B. S. (Eds.). (2021). *The pluriverse of human rights: The diversity of struggles for dignity*. Routledge.

Santos, B. de S. (Ed.). (2008). *Another knowledge is possible: Beyond northern epistemologies*. Verso.

Schrijver, N. (2016). *Fifty years international human rights covenants: Improving the global protection of human rights by bridging the gap between the two covenants*. *NTM|NJCM-Bulletin, 41*(4), 457-464. Wolters Kluwer Navigator.

Shetty, S. (2018, May 15). Decolonizing human rights. *Amnesty International*. https://www.amnesty.org/en/latest/news/2018/05/decolonizing-human-rights-salil-shetty/

Shivji, I. G. (2006). *The silences in the NGO discourse: The role and future of NGOs in Africa*. Africa Development, 31(4), 1-23. Retrieved from https://www.ajol.info/index.php/ad/article/view/135782

Skinner, R. (2017). The dynamics of anti-apartheid: international solidarity, human rights and decolonization. In A. W. M. Smith & C. Jeppesen (Eds.), Britain, France and the Decolonization of Africa: Future Imperfect? (pp. 111–130). UCL Press. https://doi.org/10.2307/j.ctt1mtz521.10

Slaughter, J. (1997). A Question of Narration: The Voice in International Human Rights Law. Human Rights Quarterly, 19(2), 406–430. http://www.jstor.org/stable/762582

Slaughter, J. (2018). Hijacking human rights. *Human Rights Quarterly*, *40*(4), 735–775. Johns Hopkins University Press.

Spinielli, A. L. P. (2020). A reinvenção dos direitos humanos desde a cultura jurídica latinoamericana. *Leopoldianum*, (130). https://periodicos.unisantos.br/leopoldianum/article/download/1134/1084/3740

Spivak, G. C. (1988). Can the subaltern speak? In C. Nelson & L. Grossberg (Eds.), *Marxism and the interpretation of culture* (pp. 271-313). University of Illinois Press.

Stammers, N. (1995). A Critique of Social Approaches to Human Rights. *Human Rights Quarterly*, *17*(3), 488–508. http://www.jstor.org/stable/762390

Sutto, M. (2019). Human rights: Evolution—a brief history. *The CoESPU Magazine*, 3, 18. https://doi.org/10.32048/Coespumagazine3.19.3

Tharoor, S. (1999/2000). Are Human Rights universal? *World Policy Journal, 16*(4). https://www.jstor.org/stable/40209657

Tlostanova, M. (2019). The postcolonial condition, the decolonial option and the postsocialist intervention. In M. Albrecht (Ed.), *Postcolonialism cross-examined: Multidirectional perspectives on imperial and colonial pasts and the newcolonial present* (pp. 165-178). Routledge. ISBN 978-1-138-34417-4

Torres, N. M. (2017). Fanon and decolonial thought. In M. A. Peters (Ed.), *Encyclopedia of educational philosophy and theory*. Springer. https://doi.org/10.1007/978-981-287-588-4_506

Tuck, E., & Yang, K. W. (2012). Decolonization is not a metaphor. *Decolonization: Indigeneity, Education & Society*, *1*(1), 1-40. https://decolonization.files.wordpress.com/2012/08/decolonization-is-not-a-metaphor.pdf

United Nations. (1948). *Universal Declaration of Human Rights*. https://www.un.org/en/about-us/universal-declaration-of-human-rights

University of Connecticut School of Law. (2024.). *Introduction to treaties*. UConn School of Law LibGuides. https://libguides.law.uconn.edu/c.php?g=345489&p=2327853

Vallance, J. (2014, December 4). Case against human rights. *The Guardian*. https://www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights

Vishal Sharma. 'Human rights are a form of neo-colonialism and cannot, therefore, address the neo-colonial injustices of the neoliberal global order'. Advance. February

2021.

Walsh, C. (2014). Shifting the geopolitics of critical knowledge. In *Decolonizing Global Mental Health: The Psychiatrization of the Majority World*. Routledge. https://doi.org/10.4324/9781315868448-5

Walsh, C. (Ed.). (2013). *Pedagogías decoloniales: Prácticas insurgentes de resistir, (re)existir, y (re)vivir* [Decolonial pedagogies: Insurgent practices of resisting, (re)existing, and (re)living] (Vol. I). Ediciones Abya-Yala.

Woessner, M. (2013). Provincializing human rights? The Heideggerian legacy from Charles Malik to Dipesh Chakrabarty. In J.-M. Barreto (Ed.), *Human rights from a Third World perspective: Critique, history, and international law* (pp. 65-101). Cambridge Scholars Publishing.