A set of new challenges threaten the future of international human rights law. The resurgence of populist governments in both the global north and south has forced scholars to rethink the past and future of this legal regime. Liberal democracies from the United States to India are clamping down on the rights of non-citizens and minorities, rolling back rights for women and girls, and instituting policies at odds with both the spirit and the letter of international human rights law. Escalating demands for economic justice and political reform pervade wealthy industrialized nations as well as developing ones, and authoritarian regimes are as likely as liberal democracies to invoke human rights claims. Many Western scholars are increasingly pessimistic about the future of international human rights law, suggesting that its shaky foundations make it a poor mechanism for the promotion of rights (Moyn 2010) or that it is simply ineffective in improving human rights practices (Posner 2014; Hopgood 2013). Yet, despite this pervasive cynicism about the role of governments and the United Nations in protecting and promoting human rights, mass movements and civil society organizations that stake demands in the language and law of human rights proliferate globally.

Will the body of international human rights law that has developed over the last 70 years collapse amidst these new challenges? Will these international legal rules persist but transform? How are local, national, and global dynamics intersecting in new ways to potentially reshape human rights law and practice?

Sally Merry (2006) coined the term “vernacularization” to refer to the processes by which international human rights are diffused, adapted, and transformed in local contexts, practices, symbols, and language. However, the ongoing role of states and domestic legal systems as filters for international human rights law and discourse; the ability of local conditions and practices to shape global institutions; and whether human rights norms and laws remain robust vehicles for popular transformation, or for top-down pacification, are all pressing areas of inquiry. Countries and communities across the world interpret, translate, and enact human rights law in particular ways. Moreover, they often do so in spite of states and/or as a challenge to national policies, practices, and law. For example, Cities for Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) aims to realize internationally-guaranteed human rights for women despite state-level resistance. The United States became a signatory to CEDAW in 1979. Yet, because the Senate has failed to ratify CEDAW, cities have taken it upon themselves to make CEDAW enforceable within their own borders. This is but one example of what we might call “novel localization,” in which human rights law is being reanimated and redirected, with potential improved outcomes on the ground.

A major innovative contribution of this workshop will be to bring together scholars from a variety of disciplines, areas of expertise, and methodological orientations to develop a more complex understanding of the ways in which international human rights law can function in practice and in moments of duress, i.e. by tracing out how such laws are challenged, transformed,
disseminated, and ultimately capable of improving human rights outcomes for aggrieved populations. Workshop participants will examine the varying impact of international human rights law across distinct issue areas, with an explicit emphasis on gender and migration, but encompassing other related areas such as health, environment, economic disparity, race/ethnicity, religion, and so forth. Participants will be tasked with ascertaining how these issues are empirically grounded in novel localizations, as well as investigating the ways in which they may or may not directly engage the language and letter of “human rights.” It may well be that the significance and impact of international human rights law varies by issue area—with law on gender, for example, more capable of informing and responding to local fights for gender justice, than refugee law’s ability to support migrants’ rights struggles.