A MULTI-LEVEL ANALYSIS ON THE IMPACT OF INTERNATIONAL HUMAN RIGHTS NORMS AND PRESSURES: EXPLORING INTERACTIVE EFFECTS BEYOND THE SPIRAL MODEL[1]

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Introduction

Recently, there has been a growing scholarly focus on the impact of international human rights norms and decisions on state behavior. The impact phenomenon is evident and manifold, comprising shifts in political discourses, changes in legislation, judicial rulings more attuned with human rights law, and positive variations in the formulation

of public policies and also in the conduct of state agents. Disciplines such as Law, International Relations, Political Science, and other interdisciplinary fields have conducted comprehensive investigations into the underlying factors and explanatory variables contributing to this phenomenon (Mégret, 2022; Sikkink, 2019; Barreto, 2014; Hafner-Burton, 2013; Simmons, 2009).

The spiral model (Risse, Ropp and Sikkink, 1999, 2013) represents the most widely recognized framework within the field of International Relations for analyzing the impact of human rights, particularly on foreign policy and international norms production. Within this model, states, international organizations, and civil society groups can leverage and propel pressures advocating for human rights toward specific target countries via four conceivable channels. These encompass (1) direct coercive actions and strategies to halt violations; (2) the fine-tuning of incentives by rewarding shifts in behavior geared toward compliance; (3) ideational persuasion and the convincing of authorities; or (4) the augmentation and establishment of state capacities, the deficiency of which may underlie the violations.

The ultimate repercussions of these pressures depend on five conditions rooted in a nation's domestic politics (scope conditions). These conditions are:

- The type of political regime (authoritarian or democratic);

- The level of state sovereignty and authority (consolidated or limited statehood);

- The process of policy implementation needed for behavioral and practical changes (centralized or decentralized implementation);

- The level of material vulnerability in response to human rights demands (how much the target nation's political leaders genuinely engage with

received criticisms and human rights discourse due to financial and commercial consequences related to investors' and importers' fears regarding democratic and rights instability);

- The level of social vulnerability vis-à-vis human rights claims (how much the target nation's political leaders, concerned about reputational and image damages, decide to follow human rights norms and rules to preserve the country's identity as a member of the democratic and rights abiding world).

Each of these five scope conditions varies independently in different possible degrees, thus composing various sets of conceivable combinations. Higher levels of material and social vulnerabilities coupled with firmly established democracies, strong statehood powers and hierarchical and centralized implementation processes will result in intense levels of willingness and capability of governments regarding human rights. Consequently, the presence of capable and willing governments increases the likelihood of impact and compliance—two concepts that, within this analytical framework, are essentially synonymous.

This state-centric approach focuses on countries' domestic political-institutional conditions that filter pressures and/or incentives (coercive, rewards-based, persuasive, or ingrained in capacity-building) from transnational human rights networks. However, it obscures at least three other pivotal dimensions for the academic discussions on the impact of international human rights norms and pressures. These dimensions are:

i. The social origins of human rights violations (resilient and structural contexts of abuses deeply embedded in societies that may incite negative waves of backlash

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in response to international human rights norms or determinations);

ii. The political-legal mediation executed within civil society by professional activists and legal practitioners, entrusted with bridging the distance between victims on one side and states and international organizations on the other (this mediation process may distort the victims' pleas as activists and legal practitioners sometimes prioritize the interests of their organizations over the genuine demands of victims);

iii. The internal bureaucratic facet of international human rights organizations (which may either uphold their original protective mandates or become excessively deferential or inconsequential in relation to states, depending on factors such as external political circumstances, institutional attributes, their degree of discretion, and internal power dynamics among its members).

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We argue, therefore, that the spiral model approach, similarly to other state-centric viewpoints, falls short in providing a comprehensive understanding of this impact. Within this article, we introduce theoretical and analytical reflections to address these limitations.

Primarily, this kind of model overlooks the intricate and deeply rooted practices and discourses of social dehumanization surrounding gender, race, ethnicity, sexual orientation, and other markers of social exclusion and discrimination. These elements simultaneously serve as both the foundation and source for persistent cycles of abuse.

Furthermore, the spiral model not only obscures the roles and claims of social stakeholders such as activists, non-governmental organizations (NGOs), and social movements, but also their active engagement with the human

rights lexicon. It does not encompass interactions between legal practitioners, on one hand, and grassroots actors and victims of violations, on the other.

Ultimately, it conceals the internal power dynamics within international human rights bodies. The spiral model neglects conflicts of interest among the members of such bodies; their varying degrees of institutional and normative discretion; potential clashes and contentions between these organizations and intra and extra-institutional veto points; and the presence, scope, and potency of alliances these mechanisms may build with civil society actors.

Forged initially in the optimistic atmosphere of the post--Cold War years, amidst the third wave democratization completion and the bourgeoning expansion of human rights mechanisms during the 1990s, such analytical loopholes were expected. However, in the current historical context, characterized not only by a growing sense of human rights recession and democratic backsliding worldwide, but also by increasing criticism over the end-times of human rights (Hopgood, 2013) and its dubious positive results at best, we must confront the spiral model's gaps with a more critical and well-equipped perspective.

In this sense, we present, in this article, a theoretical reflection on the pitfalls and hidden politics of the spiral model, which benefits not only from International Relations and Political Science academic mainstream, but also from some new and influential Global South studies. We intend to establish new analytical benchmarks and dimensions for investigations that hold an interest in conceptualizing impact beyond

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mere compliance[2] . We concentrate on "more complex patterns of interactive effects and longer-term processes that are the most likely pathways of influence" (Brysk, 2019, p. 3).

To achieve this objective, the text is structured as follows: after this introduction, we engage in a critical examination of the spiral model. The subsequent segments of the text explore the three dimensions employed to analyze the impact of human rights norms on state conduct. These dimensions encompass the structural sources of violations, the intermediation performed by human rights professionals, and, in conclusion, the internal bureaucratic dimension within international organizations.

The Spiral Model under Scrutiny: An In-Depth Critical Analysis

In the field of International Relations dedicated to human rights, a prevailing perspective suggests that, eventually, "progress" and economic development of societies will trigger the strengthening of democracies. This evolution is expected to facilitate the parallel expansion of human rights, extending state capacities to promote not only basic civil and political rights but social and economic rights as well (Stohl, 2018, p. 285).

In the optimistic paradigms of International Relations, particularly those concerning the international mobilization

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[2] Essentially, the analysis of compliance in specific cases assesses whether the corresponding states have upheld or disregarded the resolutive aspects of international decisions, employing a checklist-style approach. On the other hand, impact analysis covers a broader scope, assessing the extensive consequences of decisions in other processes that go beyond designated institutional actors. This involves exploring additional spheres, dynamics, and stakeholders, not limited solely to the state apparatus but extending into society as well. These stakeholders, even if not explicitly mentioned in the decisions, may still engage politically with the relevant human rights concerns at stake. In this sense, it is possible for significant impacts to arise, even in situations characterized by limited compliance. Conversely, the reverse situation is also plausible, where high compliance may result in minimal reverberations. Further insights on this topic are available in Engstrom (2019).

and dissemination of human rights norms, a notably revitalized version of the spiral model is highlighted (Risse, Ropp and Sikkink, 2013). This reformulated and updated framework of the spiral model, first published in 1999 (Risse, Ropp and Sikkink, 1999), draws significant inspiration from Keck and Sikkink's concept of the "boomerang effect" (1998), as observed within transnational advocacy networks.

This model endeavors to delineate three fundamental aspects. First, it explores the plausible spectrum of state behaviors and responses when governments are confronted with human rights demands. Secondly, it illuminates the array of strategies that transnational human rights networks employ to facilitate the progressive advancement of states within this spectrum. Lastly, it delves into the intricate web of political and institutional barriers that may stymie these advancements and consequential impacts, despite the concerted efforts of foreign governments, international organizations, NGOs, and other stakeholders operating within transnational networks.

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As a theoretical response within the constructivist paradigm, which adopts a sociological lens in International Relations, the spiral model seeks to elucidate state behavior and the mechanisms underpinning states' socialization processes in relation to human rights norms. Rather than prioritizing the role of interests, preferences, and incentives within the framework of cost-benefit analysis—a perspective rooted in the assumption of state rationality (rationalist logic)—constructivism stresses that human rights embody values and evoke positive identity-based effects, thereby molding state behavior (logic of appropriateness).

The model's dynamics initiate with a sequentially organized and logically coherent analysis of the behavior exhibited by states that violate human rights when confronted with transnational pressures. The framework delves into the successive stages and mechanisms by which international norms may exert

impact, triggering shifts in narratives, public policies, judicial interpretations, and domestic practices pertaining to human rights. States traverse a continuum of five phases: repression, denial, tactical concessions, prescriptive status, and consistent behavior with the norms (Risse and Ropp, 2013, pp. 8-10).

The model envisions that well-coordinated transnational networks, including NGOs, international organizations, and foreign governments, with sustained determination, will progressively and cumulatively activate a minimum of three synergistic mechanisms for inducing shifts in state behavior (Risse and Ropp, 2013, pp. 14-16). The first mechanism involves recalibrating incentive frameworks within governments of targeted nations by implementing sanctions and rewards. Such a move heightens the associated costs of perpetuating violations and neglecting the recognition of their existence and gravity. The second mechanism encompasses persuasive argumentation and the gradual convincing of these recalcitrant elites regarding the legitimacy and inherent value of human rights norms. This is achieved via strategies such as naming and shaming, culminating in a genuine shift in identity within governments, robust enough to quell the perpetration of abuses. Lastly, the networks can also facilitate the provision of assistance for violating states, aiming to establish or reinforce indispensable institutional capacities necessary for curtailing and rectifying violations. Such assistance may comprehend training initiatives and building up governmental expertise[3].

As a result of these mechanisms, a spiral of positive advancements in state practices is initiated. Deliberate violation policies

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[3] Another less commonly explored avenue is the utilization of direct coercion or sanctions to terminate violations. In this scenario, influential world powers and/or international organizations perform the required actions, frequently with the participation of international NGOs. The use of force as a means of imposition allows skipping the sequential logic of progressive behavioral stages, which typically unfold when changes are catalyzed via incentives, persuasion, or the enhancement of state capacities.

cease (repression phase), and states acknowledge abuses (surpassing the denial phase). Subsequently, after implementing superficial changes to appease criticism (tactical concessions), governments recognize the indisputable legitimacy of human rights norms (prescriptive status). This leads to tackling and punishing deviant state agent behavior until state conduct fully and habitually adheres to these norms, a culminating point when continuous external monitoring is no longer needed (consistent behavior with norms) (Risse and Ropp, 2013, p. 8).

However, the model argues that the anticipated logical, ascending, and progressive sequence of behavioral stages does not occur automatically. The ultimate impact and reception of normative pressures depend on the configuration and significance of five domestic political conditions found in the countries. These conditions are:

- The type of political regime (authoritarian or democratic);

- The scope of state power and sovereignty (consolidated or limited statehood);

- The decision-making process behind required public policy changes (centralized or decentralized);

- The degree of material vulnerability to human rights demands;

- The degree of social vulnerability to human rights claims (Risse and Ropp, 2013, pp. 16-22).

In simpler terms, according to the model, the more vulnerable countries are to external reputational and material pressures, and the more consolidated their democracies, statehoods, and scales of centralization during policy implementation, the greater the likelihood of pro-human rights changes.

In this model, structural factors of a political and institutional nature, specific to domestic contexts, act as barriers

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that can hinder the spiral of "civilizational advancements" driven by transnational networks. The issue with this approach is its failure to consider that, prior to encountering the more or less conducive filter of domestic political-institutional conditions, the potential impact of socio-legal mobilization of human rights norms depends on the mediation of at least three preceding processes.

Before assessing whether international and transnational human rights pressures will be well received among the five domestic variables of the spiral model, we must comprehend three key aspects:

- The degree of entrenchment of the violations, as abuses are frequently deeply rooted in local social, political, and economic contexts;

- The nature of the political-legal intermediation relationship established by human rights professionals with victims and local movements. Such professionals serve as spokespersons and formal advocates for these groups in relation to states and international organizations;

- The bureaucratic politics and balance of power within international human rights bodies.

Avoiding the analysis of these dimensions disregards the fact that human rights impact is far more intricate than assumed by the spiral model. The challenge is not solely about the target state's permeability, interests, aptitude, skills, or capabilities concerning human rights agendas.

Beyond the scope of domestic state and governmental activities, attention must encompass three key areas. These include, in the first place, processes linked to the reproduction and social naturalization of large-scale violence. Moreover, the transnational market of professional human rights experts and its links to disempowered and marginalized

actors affected by abuses should be considered. Lastly, there is the intergovernmental sphere marked by obstacles, vetoes, and windows of political and normative opportunities pertaining to human rights mechanisms and bodies. This sphere handles complaints, disseminates norms, and makes decisions in specific cases. Excluding these three dimensions from investigations prevents research from achieving a comprehensive perspective on the impact of international norms.

Primarily, the lack of attention to the sources of human rights violations causes the spiral model to struggle with explaining both successful and unsuccessful cases of states subjected to pressures. The impact hinges not only on institutional and legal variables, reputational calculations, and the potential material vulnerabilities of governments to external pressures and criticisms, but also on the broader social and political domestic context. This encompasses the power dynamics among key pro- and anti-human rights actors within and beyond the state, as well as the ideological dissemination of their respective world-views – whether inclusive or exclusive – pertaining to human rights.

Structured and segmented around pro- and anti-human rights constituencies, domestic actors are in a constant struggle over the rights agenda in a complex, multifaceted, and fluid process (Cardenas, 2007; Dai, 2007; Bernardi, 2019). Within this political arena, prospects for advancement, stalemates, and backlashes emerge.

On the one hand, pro-human rights groups that advocate for oppressed sectors comprise judicial actors, elected officials, state bureaucrats, and, most importantly, NGOs and social movements vested in advancing progressive agendas and demands for more rights. These groups also combat dehumanizing practices and discourses, including racism, sexism, and classism, as well as other anti-human rights stances, such as anti-migrant sentiments, social and official

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postures against sexual diversity, and stigmatizing attacks targeting specific religious and cultural identities, among others.

On the other hand, anti-human rights groups have traditionally comprised the armed forces, conservative (and occasionally reactionary) judicial and state actors, privileged political-economic elites, business sectors and corporations, and social strata—often middle class—opposed to the expansion of rights for historically marginalized groups. These groups perceive these pro-human rights efforts and these oppressed groups as threats that should be faced with the enactment of exceptional, exclusionary, and violent rules.

As a result, even within ostensibly consolidated democracies with favorable scope conditions for impact, the strategy pursued by anti-human rights constituencies obstructs the effectiveness of international human rights norms. Such actors mobilize huge resources and their political influence to reinforce—or regress to—historical discourses, practices, and norms that conferred exclusive rights and privileges to them. Operating under the banners of "rights for the righteous" and "rights for the real citizens," they propagate a majority-oriented, violent, and tyrannical conception of rights that marginalizes minority groups.

Rather than acknowledging the universality of human rights, these anti-human rights constituencies primarily seek rights exclusively for their respective groups. These actors perceive themselves as the only legitimate and deserving rights bearers, aiming to fortify traditional social hierarchies inherited from the past. These hierarchies are characterized by rules of subservience and structures of unlawful violence.

Moving on, the spiral model inherently assumes that empirical analysis of the human rights actions taken by NGOs and other actors within transnational networks is not imperative. There is no special attention given to the terms, foundations, and bases employed by such actors, or to the potentialities of such repertoires involving the human rights language. The

spiral model presupposes that such actors, propelled by principled behavior and a profound dedication to their moral values and causes, will naturally contribute to bolstering and empowering local activism and oppressed groups within target countries. According to this viewpoint, human rights NGOs, even without engaging in dialogue and collaborative agenda-setting with victims and affected grassroots movements, will invariably yield positive effects and stimulate social transformation. These transformative changes may involve beneficial shifts in local and global human rights agendas, litigation for new rights in national and international courts, and new incentives and rewards for social movements struggling to sustain and spread waves of resistance and collective action (Simmons, 2009).

The investigation of professionalized NGOs' practices concerning victims, social movements, and grassroots actors would seemingly be unnecessary. Even if the occasional trend toward oligarchization and elitization of these groups leads to an increased detachment from their stakeholders, their engagement within transnational networks would invariably continue to generate these positive effects within both domestic and international political-institutional realms.

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Hence, a teleological, homogenizing, and potentially paternalistic perspective prevails in understanding the relationships between legal practitioners, their field of professional human rights advocacy, and victims. This stance requires nuanced examination, as it tends to stifle voices and deflate violated subjects of their political agency. Victims and grassroots movements are treated as if they should capitulate to the guardianship of professionals, experts, and technicians who ostensibly comprehend their genuine interests and the optimal pathways to traverse the procedural intricacies of international law and human rights bodies.

The ultimate content and prospects for impact of later decisions and norms may vary widely depending on the nature of the interactions and social dynamics underlying

the construction of international human rights demands and complaints between victims and their legal representatives. Consequently, integrating this analytical dimension is therefore crucial when contemplating the international normative impact of human rights norms.

Finally, within the realm of human rights bodies (HRBs), the strategic prioritization of specific agendas, the potential for expansive normative innovations, and the nature of decisions—including the quality, utility, and ultimate reach of pronouncements—depend on the internal politics and power dynamics of these bureaucracies. The ability to forge alliances with civil society actors (González-Ocantos, 2016; Haddad, 2018; González-Ocantos, Sandholtz, 2022), the institutional attributes and characteristics of these organizations, and the permeability, indifference, or obstruction presented by states to the human rights agenda (Mahoney, Thelen, 2010; Hacker *et al.*, 2015) further play a role in shaping these outcomes.

This intricate network of factors within HRBs, depending on its specific configuration in individual cases, yields decisions that will be more or less progressive, localized, and contextualized, fitting to some greater or lesser extent with the local realities of violations. These decisions will also be anchored (or not) in key actors within countries, thus generating varying degrees of potential impact. Consequently, this dimension must be equally integrated into an expanded analytical understanding of the impact phenomenon.

Indeed, only by examining how cases and contexts of interest develop and evolve within each of these three dimensions, one can finally evaluate how a country's domestic political-institutional conditions filter international pressures, norms, and decisions, as intended originally by the spiral model. These three dimensions are the concealed antechambers that shape the characteristics and final nature of decisions, pronouncements, and

pressures from HRBs that subsequently undergo domestic scope conditions.

In a comprehensive assessment, the scope conditions of the spiral model must be integrated with the three aforementioned dimensions of analysis as the fourth—no longer the first—part of the framework. By crossing these four dimensions, the results can be charted in a continuum with two possible endpoint outcomes. These outcomes are: (a) Processes that are more conducive to maintaining—or even worsening—the status quo, which points toward the failure, dilution, and depoliticization of human rights; (b) Processes that are more conducive to concrete impacts, generating positive transformation effects on different political, social, and normative scales. In such cases, for instance, one might observe a reduction in the incidence of violations, structural reforms, the imposition of punitive sanctions and acknowledgement of institutional responsibilities, the enactment of reparative policies and shifts in public policies, along with new rights achievements and an upsurge in social mobilization.

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In essence, depending on the dynamics within each of these four dimensions and, most importantly, depending on the combined interactions of these four stages, the ultimate result of human rights mobilization in terms of impact may either address, remain indifferent to, or reinforce the initial sources of violations.

When it comes to achieving genuine and favorable social changes, harnessing international norms and their subsequent effects can potentially:

1. Reshape discourses, narratives, and framings that organize and guide political discussions within societies and institutions. This amplifies and prioritizes progressive and expansive rights agendas;
2. Introduce and promote new legal interpretations that favor marginalized social sectors. This encourage

advancements in jurisprudence and fosters a more profound engagement of domestic judicial actors with international human rights law;

3. Invigorate and ignite new waves of activism. This not only catalyzes novel advocacy efforts and protest strategies but also inspires innovative demands and emerging claims for rights.

Conversely, international pressures and norms might fall short in inducing behavioral shifts, thus perpetuating or potentially intensifying the initial levels of human rights violations[4]. In instances where violations are resilient and deeply ingrained within structural contexts, backlashes orchestrated by anti-human rights constituencies are more likely. Coupled with elitist human rights practitioners and inconspicuous HRBs, the gravity of this scenario might be further compounded.

An alternative scenario involves international pressures and norms driving states to establish mere technocratic and bureaucratized human rights frameworks, which have limited or no substantial impact in combating violations, and could even prove counterproductive (Estévez, 2017)[5]. In such instances, these mechanisms reshape the discourse of human rights into an instrument for legitimizing power and dominance, projecting a superficial state preoccupation

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[4] In response to criticism, authorities may even have rational incentives to escalate violations, with the aim of securing networks of electoral support and forging alliances with pro-violation constituencies.

[5] These spaces are characterized by four key aspects: (1) Intricate webs of laws, codes, regulations, commissions, and committees. Despite lacking effective impact, these elements foster false expectations and deplete victims' efforts and time due to their high entry and participation costs. (2) Systems of profound institutional complexity and challenging comprehensibility. These systems are characterized by fragmentation, coordination deficits, inadequate material, and human resources, alongside with the failure to incorporate victims' demands. (3) Narratives that portray victims not as active rights participants but as passive subjects without a voice. These victims are often depicted as being rescued by state policies or by NGOs and human rights groups. (4) The fetishization of these legal constructs. People often fetishize these legal constructs, regularly replacing or increasing them with new mechanisms that ultimately go unimplemented (Estévez, 2017).

with the atrocities of abuse and violations, yet genuinely failing to confront their underlying origins (Estévez, 2017).

In sum, the mobilization of human rights by HRBs and transnational networks does not inherently engender positive impacts. Disruption and tackling of violation dynamics may unfold, yet it is also plausible that the impact of mobilization might be minimal or imperceptible, thereby upholding the status quo. Moreover, another disconcerting prospect is that the consequences of mobilization could be adverse, instigating a reinforcement of the initial sources of violations, whether due to unanticipated political effects—such as the backlash from anti-human rights constituencies—or due to internal barriers within any stage of the model.

The diagram below illustrates the progression of the four stages leading to impact. It also demonstrates how the ultimate impact outcome affects the original situation and the potential new future cycles of mobilization.

Figure 1. Cycle of Norms Mobilization and Impact
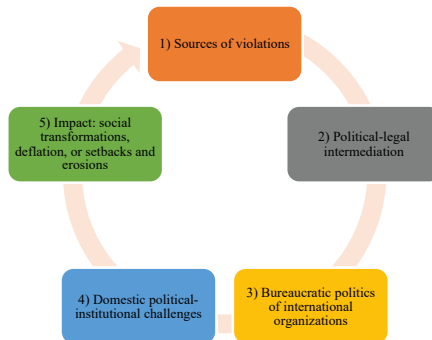
Source: the authors, 2024

Sources of Human Rights Violations: Dehumanizing Social Structures and Pro-violation Constituencies

Numerous academic works shed light on the structural causes of human rights violations. Some point out systemic remnants of exclusion inherited from colonialism (Barreto, 2014), structural racism (Achiume, Carbado, 2020), or gender-based violence (Kapur, 2018). Many emphasize the link between violations and an unequal, exclusionary economic system. According to Upendra Baxi (2008), large corporations, aside from violating norms and committing offenses, also adeptly marshal legal arguments to protect property rights. In Makau Mutua's view (2008), certain NGOs focus solely on sporadic and isolated violations, neglecting to engage in addressing the root causes that have led to economic dispossessions.

Susan Marks (2011) criticizes a body of literature that assumes a focus on the "root causes" of violations without sufficiently considering their ties to an oppressive economic system. In a more recent publication, she resurrects a largely forgotten history of a more radical application of the concept of rights, challenging the notion of property (Marks, 2019). Meanwhile, Jessica Whyte (2019) revisits the history of human rights and its relationship with neoliberalism, particularly its critiques toward the welfare state project and its alternative rights-based approach, which depoliticizes civil society and safeguards economic investments.

However, the spiral model overlooks the resilience of both structural socioeconomic contexts and the motivations and incentives of actors shaped within these scenarios. These factors form the backdrop behind the social sources of violations. Beyond the five domestic scope conditions of the spiral model, contextual and structural sources of violations not only create intricate dynamics of abuses to which civil society will respond—provided it has a support structure (legal, political, discursive, and resource-based)—but also foster robust anti-rights networks of mobilization involving actors within and beyond the state.

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By positioning themselves in a backlash stance in response to potential international denunciation pressures against local processes and dynamics of discrimination, inequalities, and violence, from which they directly benefit, such anti-human rights actors often trigger unanticipated effects, running counter to the original intentions of transnational advocacy alliances. This reaction not only prevents the internalization of new norms and understandings but also dismantles rights and guarantees that once seemed impenetrable and were taken for granted, reminding us that "rights are under constant threat" (Bob, 2019, p. 19).

In other words, the challenge of impact becomes considerably more intricate and multifaceted in the face of such factors, even if political-institutional settings, routes for capacity building, and windows of opportunity for transnational networks are favorable. Pro-violations constituencies, once firmly rooted within society, politics, and the economy, not only perpetuate consistent patterns of abuse against marginalized and vulnerable groups, but also frequently respond adversely to the progress of norm diffusion. This reaction hinders efforts aimed at safeguarding human rights, even in democratic contexts and within a framework of rule of law (Caldeira, 1991; Payne, Zulver and Escoffier, 2023). Recent studies on right-wing groups rallying against rights exemplify, among other instances, this reality. They elucidate how historically privileged groups and sectors, whose dominance has been historically forged via violence and exclusion, construe the recognition of rights for specific minorities as an existential threat (Pinheiro-Machado and Vargas-Maia, 2023).

Opposition to human rights or the selective invocation of rights-based platforms and tactics, exclusively tailored for supposedly deserving social sectors, becomes an integral facet of authoritarian nationalisms, culture wars, hate speech discourses, anti-migrant political agendas, and religious moral panics. This approach is deeply embedded in a

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comprehensive worldview and a broader network of symbols and codes that contribute to the formation of potent collective identities, offering emotionally resonant experiences to both elites and lower social strata.

Notably, these experiences hold sway particularly for White men from middle and lower classes. Despite possessing hegemonic social markers of gender, race, and sexuality, such group has been the focus of a pervasive sense of frustration. This discontent can be attributed to an intricate interplay of interconnected processes: the exacerbation of social precariousness, the escalation of inequalities, and increasing impoverishment; the socioeconomic uncertainties and swift transformations in labor dynamics occurring on national and global scales, with particular ramifications in terms of job losses that were previously associated with higher wages. Additionally, the emergence of new agendas and social movements advocating for rights often clashes with deeply ingrained cultural conservatism and past unifying myths and conceptions of a supposedly pristine nationhood, shattered by minorities' claims. Those who find themselves "left behind" by the promises of neoliberalism—promises of prosperity for all via the tenets of free trade, privatization, austerity, and rights (Koskenniemi, 2019)—are frequently susceptible to the allure of promises offering order and social stabilization, primarily propagated by radical groups, particularly those aligned with the extreme right-wing political spectrum.

Moreover, various other widely prevalent factors in Latin America and other regions also contribute to the perpetuation of abuse even if human rights policies and states' vulnerability to pressures and reputational costs are in place. These encompass contexts, situations, and issues such as:

- Discourses of intolerance, racism, and widespread social dehumanization that can neutralize any sense

of empathy or public outrage against routine abuses committed on a large scale against specific groups;

- Socioeconomic conditions characterized by poverty, inequality, and discrimination, which subject extensive sectors to social marginalization. These conditions heighten their vulnerability and exposure to violations, as they become often portrayed as almost inhuman "others" and are thus turned into susceptible targets of eradication;

- Pressures exerted by economic entities that profit from socio-environmental devastation and the annihilation of Indigenous peoples and other traditional communities who resist becoming part of the dynamics of the capitalist world-economy;

- The existence of entrenched criminal structures that benefit from networks of complicity, support, and involvement with state bodies and agents.

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Finally, narratives of exceptionalism and the evasion of responsibilities to justify state violence often intertwine with social calls for *mano dura* (tough) policies, punitive measures, and militarization. These dynamics give rise to electoral cycles and political support networks constructed entirely under the mantle of state terrorism (Reynolds, 2017). These factors frequently become entwined with a backdrop of routinized and normalized grave abuses, a result of path-dependent institutional evolution: bureaucratic and organizational cultures within state security apparatuses consolidated and solidified in the past—regularly during periods of repression and authoritarianism—persist even in new democratic systems. Their effects endure over time, despite repeated demonstrations of ineffectiveness in terms of public policy indicators. This is because their intended outcomes are elsewhere: the

goal is not to address social insecurity, but rather to reinforce social subordination and a socially accepted necropolitics.

These path-dependent trajectories maintain rigid inertia and replicate anti-human rights practices, customs, and behaviors that staunchly resist reform attempts, even when driven by the assistance and pressure of transnational networks, alongside with political and judicial leaders and elites advocating for pro-rights innovations. Such efforts to reshape institutions typically falter. This is not solely due to resistance from affected pro-violation groups, which can result in potential waves of backlash. It is also because such efforts come with high costs associated with institutional transition. These costs include having precise problem diagnoses; the identification and punishment of individuals involved in abuses; the recruitment and training of new members; the establishment of effective internal and external oversight bodies for state agencies; adjustments to internal rules and structures; and disruptions in bureaucratic routines.

Political-Legal Intermediation: The Relationship between Victims and Human Rights Practitioners

In the politics of technical knowledge, the experts responsible for navigating through bureaucratic codes and procedures impose specific framings on the demands made by victims and social movements. This framing dictates the manner and vocabulary through which these demands must be presented to garner HRBs' consideration. This intermediation between social demand and legal language heavily favors these practitioners, who position themselves as gatekeepers for accessing the institutions and their associated opportunities (Kennedy, 2018). In the realm of language and expertise, law portrays itself as supposedly impartial and devoid of political bias. However, practitioners not only harbor their own preferences and agendas, but they also

manipulate its argumentative framework and employ rules and lexicons that marginalize individuals who are not native to the language (Koskenniemi, 2019).

Assessing the degree of impact resulting from international rules and pressures remains incomplete without recognizing the transnational and socio-legal mobilization that underlies the utilization of these human rights norms. Consequently, it becomes essential to consider the nature of the relationship between victims and local movements, which have been affected by violations, on one side, and the human rights practitioners on the other. After all, the collective actions of these two sets of actors are the main forces injecting vitality and dynamism into international normative documents and prompting international organizations to pressure states.

On one hand, the realm of professional activism exists, primarily within NGOs, which adeptly navigates and utilizes the technical-specialized discourse of human rights to advocate for the cause of marginalized groups. They function as intermediaries (brokers) that establish connections linking these social actors with states, and international organizations. On the other hand, we have the proactive role of social movements and victims (stakeholders), for whom specialized activists represent and advocate, asserting their rights and articulating their demands.

Ansolabehere and Bethencourt (2017) argue that advocacy on human rights is a hybrid model of political intermediation, wherein legal representation blends with the establishment of political bridges (brokerage) to vocalize interests, achieve meaningful social changes, and obtain concrete solutions for the demands of the victims. This amalgamation unites two distinct domains: (1) the technical, bureaucratic, and legal sphere requiring advanced juridical expertise for case management and litigation; and (2) the sphere of political empowerment encompassing

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the creation of spaces, public agendas, and rules focused on addressing the claims of marginalized groups.

The intermediary role of human rights groups is not given *a priori* and may exhibit differing levels of effective connection between professional activists and the struggles and demands of grassroots actors and local social movements. There is no assurance that intermediaries will conduct political-legal representation fully aligned with the genuine aspirations of victims of violations. The extent of this alignment depend on the specific social practices undertaken by human rights groups in particular cases, as they engage with grassroots actors and social movements. This interaction could lead to a divide between human rights elites and grassroots social actors (Hopgood, 2013; Kennedy, 2002), or conversely, foster a more horizontally structured dialogue.

For this assessment, a thorough examination of three intermediation variables is necessary. The initial consideration revolves around the degree of recognition victims attribute to professional activists. This assessment hinges on the stakeholders' level of awareness, comprehension, and consent concerning actions executed on their behalf. This evaluation significantly measures the level of authority and legitimacy accorded to these intermediaries by the involved social actors.

Additionally, the extent of accountability demonstrated by intermediaries toward stakeholders displays other possible variations. Grassroots actors and social movements may be able or not to employ different sets of resources to supervise and control the conduct and choices of their intermediaries. Furthermore, these social actors might be more or less empowered to require the implementation of preliminary consultations prior to intermediaries undertaking specific actions and decisions on their behalf.

Lastly, the substantive dimension of intermediation comes to the fore—it is necessary to address how professional human rights actors shape the substance of stakeholders'

demands to be presented before state authorities and/or human rights bodies. In this intricate process, which substantially relies on the extent of the two previous variables (recognition and accountability), human rights groups may either uphold or dilute, within their formal and legal claims, the inherent level of antagonism embedded in stakeholders' original grievances. In the most extreme scenarios, characterized by the cooptation or strategic manipulation of demands by NGOs more interested in their own agendas of institutional visibility and projection, the intermediary's moderation of grievances can become so pronounced that it ultimately compromises the original political resonance of the victims' claims and even the language of human rights itself.

In sum, the three dimensions of recognition, accountability, and the construction of substantial demands for representation are key considerations. The more substantial the intermediary's recognition, along with their commitment both to accountability and to the preservation of the original degree of radicalism embedded in stakeholders' grievances, the more robust and authentic the action toward HRB becomes. Consequently, this heightens the potential for disruptive, transformative, and empowering outcomes stemming from the decisions made by HRBs.

In the opposite direction, attitudes by human rights professional groups disregarding the creation of strong links with victims and social movements in these three fronts tend to reinforce the existing status quo, tilting the balance in favor of states. This dynamic may fuel instances of cheap talk and window-dressing policies. In some cases, it might even legitimate tactical and superficial concessions made by governments to HRBs, with the endorsement of such civil society groups. In such extreme circumstances, NGOs could grow distant from grassroots actors to a degree where they approve government facades, thereby sapping victims' energy and

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time via institutional requirements and obligations that lack authentic impact and work as unescapable legal mazes[6].

Internal Bureaucratic Politics within International Organizations: Veto Points, Institutional Discretion, and Alliances with Civil Society

Historical institutionalism is a Political Science theoretical approach particularly useful and underexplored for understanding the actions of HRBs, the profile of their decisions, and how they can exploit international human rights norms in expansive or restrictive ways (Mahoney and Thelen, 2010). According to the theory, two factors are pivotal for understanding institutional behavior (including that of HRBs). The first factor is the characteristics of the political context in which institutions are situated. Here, the existence and power of veto points contrary to the organization's work must be assessed. The second factor is the institutional properties of the body in question. These properties are measured in terms of the greater or lesser degree of discretion such institutional bodies possess for the interpretation and application of their rules.

The interplay of these two variables generates four conceivable categories of institutional changes: displacement, layering, drift, and conversion. Displacement and layering take place in institutions marked by diminished levels of institutional discretion. In such scenarios, change materializes either via radical displacement and adoption of entirely novel internal formal rules—a plausible course of action

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[6] In addition to open distortion and manipulation, which are profoundly negative, intermediation practices may generate human rights framings and repertoires leading to other more dubious effects, thus affecting original demands and social mobilization from the victims and other stakeholders in more nuanced ways. Having in mind the didactic and heuristic effort of presenting the model, here we have highlighted the two extreme possibilities of intermediation: one in accordance with the victims' intentions and other that merely instrumentalizes them. However, we recognize that, in empirical analyses, there is a *continuum* of intermediary possibilities regarding the three variables that make up the field of intermediation interactions.

when no veto points can hinder this transition—or via a gradual, discreet, and incremental accumulation of new rule layerings—a strategy employed when confronting resistance from robust pro-status quo veto points.

These two situations, and in particular, the concept of "displacement," offer limited utility when analyzing HRBs' specific cases. This limitation arises because, once HRBs are established, they receive institutional mandates delegated by states and acquire the capability to formulate and apply rules aimed at fulfilling specific tasks. Inserted within a 'principal-agent' relationship (Hawkins *et al.*, 2006), these entities rapidly evolve from passive state servants to genuine bureaucracies with their own interests and significant degrees of institutional discretion and autonomy to implement abstract mandates in the face of unforeseen events and ever-changing scenarios (Barnett and Finnemore, 2012).

Furthermore, within HRBs, formal rules and procedures prove to be more stable, inflexible, and resistant to alteration, whether by means of displacement or layering, as changes depend on states' endorsement and approval. Concurrently, these regulations manifest greater malleability concerning execution and interpretation, thus engendering expanded domains of autonomy and institutional discretion. In essence, HRBs retain the capability to modify their understandings on the interpretation and application of norms without the obligation to bear the costs associated with formal rule changes via displacement or layering.

Consequently, due to their significant institutional discretion, two of the four behavioral models of historical institutionalism remain applicable to contextualize HRBs' actions: drift and conversion. When HRBs are confronted with an unfavorable political context replete with extra and intra-institutional veto points obstructing their operations, their more sovereigntist members will be empowered, thus

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increasing the caution of the other more progressive participants at the body. Endowed with substantial latitude in interpreting and implementing their rules and norms, HRBs will be prompted to embark on a period of drift, deviating from their original mandate with the expectation that, by strategically deferring to states, they can assuage criticisms and ensure their institutional survival (Bernardi, 2018).

Conversely, in political contexts characterized by restricted influence and minimal impact from opposing actors and veto points against endeavors of HRBs, even if normativity remains unaltered, internal institutional innovators will find encouragement to exploit inherent ambiguities in their rules and mandates. This strategic exploitation seeks to widen the HRB's scope, encompassing a broader range of themes and safeguarded groups. Norms will be subject to expansive interpretations and implementations (Bernardi and Roriz, 2023).

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However, for this potential to materialize, and even for HRBs to counter their adversaries to some extent, and to avoid falling into the drift trap, they rely on forming alliances with civil society actors. These alliances serve the dual purpose of shielding HRBs from state attacks and ensuring their effective daily functioning (González-Ocantos, 2016; Haddad, 2018; González-Ocantos and Sandholtz, 2022).

Civil society actors, particularly international NGOs, play a compensatory role to address HRBs' deficits in resources and legitimacy. Frequently operating with limited staff and resources, HRBs face time and knowledge constraints that hinder a profound understanding of complex issues. They also lack the necessary means to diligently process numerous complaints and cases and to properly verify all received information during their proceedings. However, HRBs

use the works of NGOs not only as a pragmatic shortcut to address challenges, but also as a crucial source of social endorsement. This endorsement is essential in legitimizing HRBs' decisions and highlighting the relevance of their actions. Furthermore, to materialize the potential for innovative and progressive norm application within HRBs, the advocacy lawyering provided by NGOs is paramount. The legal reasonings and justifications provided by NGOs in specific cases facilitate the organization, systematization, and promotion of changes by HRBs.

Understanding the current phase of a given HRB is crucial for any impact analysis concerning its decisions. Those closer to the drift phase, characterized by tactics of strategic deference and political retreat to appease states, may ultimately adopt a subservient posture. This could lead to institutional stagnation, loss of legitimacy, and erosion of credibility, culminating in the issuance of low profile and substantively inconsequential decisions. Consequently, they will distance themselves from and isolate alliances with civil society actors, potentially causing their strategy to yield unintended negative outcomes eventually. With a gradual decline in social and transnational support, these HRBs could become more frequent and susceptible targets of state attacks in the future.

Conversely, HRBs committed to embedding themselves in alliances with transnational and domestic civil society actors and their corresponding institutions and networks will likely operate within more protective and advantageous political contexts, acquiring institutional resilience. Armed with a wider array of tools to counter potential veto points and state attacks promptly, they can leverage their institutional discretion with the backing and contributions of civil society. This will result in decisions that are more likely to resonate, display a broader scope, and exert greater impact.

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Final remarks

The field of human rights is currently experiencing simultaneous patterns of expansion and contraction (Brysk, 2018). Emerging actors, claims, mechanisms, and responsibilities advocate for normative improvement, heightened interdependence among rights, and a global governance structure capable of disseminating and enforcing more rigorous standards and behavioral models. Various overlapping layers of human rights institutions and norms proliferated in recent decades at an unprecedented rate, fostering new understandings and rights provisions under international law. Concurrently, international mechanisms for promoting and protecting human rights have never seemed so unfamiliar with present-day challenges and circumstances. HRBs are confronting resistance efforts and formidable opponents spanning from both the Global North and South. As a result, significant counter--mobilization ensues, and 'framejacking' tactics become more common. Detractors consistently appropriate the language of rights to distort its essence and fuel movements driven by overtly illiberal and aggressive agendas, all the while unabashedly pursuing objectives aimed at subduing vulnerable social groups, suppressing minority ideas and demands, and facilitating oppression (Bob, 2012; 2019). In the end, the resulting panorama embodies "an uneasy blend of compliance, resistance, evasion, and undermining" (Brysk, 2018, p. 1).

The concern has shifted from being merely a question of state non-compliance (Simmons, 2009; Risse *et al.*, 2013). Invoking national security considerations, nationalist counter-norms, or even amidst cultural conflicts grounded in religious and discriminatory discourses, states and societies may fall prey to regressions, repudiating international norms and consensuses that took decades to forge (Nagamine, Silva and Sales, 2023; Mégret, 2022; Dick, 2021). In the

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face of these mounting challenges, legal practitioners and other civil society actors may become targets of attacks, censorship, intimidation, and other weakening tactics (Terto Neto, 2017). With the proliferation of permanent legal exceptional zones (Reynolds, 2017), incentives and rewards will increase for civil society groups willing to function as, at most, a technocratic marketplace for the management of suffering. With no real potential impact in terms of emancipatory politics, such co-opted human rights groups prove useful in portraying an apparent concern stemming from power and wealth holders with the spread and exacerbation of crises.

Simultaneously, in a possible scenario of deepening deglobalization, fortified nationalisms, diminishing multilateralism, and a post-liberal, post-Western multipolar world, the amplification of veto points against the human rights agenda is likely to occur. International organizations will confront the peril of succumbing to state pressures, possibly adopting a strategy of appeasement and strategic deference in the face of unacceptable state conduct to safeguard their institutional survival (Huneeus, 2019). The consequence of these actions could entail an unparalleled loss of legitimacy and relevance for HRBs. This could further alienate grassroots actors, economically disadvantaged middle classes, and other audiences who have historically perceived human rights as a distant or elitist discourse. Many actors view human rights platforms as an incremental and low-intensity utopia that remains ill-equipped to furnish meaningful solutions to mounting social inequality and other pressing contemporary challenges such as the climate catastrophe (Hopgood, 2013; Moyn, 2018; Huneeus, 2019).

These diverse issues underscore the vital importance of extending the analysis of impact beyond the domestic political and institutional scope conditions of individual

countries. Subsequent research efforts should encompass an examination of the social origins of violations and backlashes, the intricate dynamics of political-legal intermediation within civil society, and the responses of international HRBs in the face of such setbacks. Such comprehensive investigations are imperative to effectively map and explore the still left spaces for safeguarding and advancing human rights (Stohl, 2018). Additionally, a critical inquiry into potential new framings, approaches, and social foundations for underpinning human rights is indispensable. Such efforts are fundamental to enhancing our understanding of the challenges lying ahead that affect the impact of international human rights norms.

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References

ACHIUME, Tendayi; CARBADO, Devon W. 2020. Critical race theory meets Third World approaches to international law. *UCLA Law Review*, v. 67, pp. 1462.

ANSOLABEHERE, Karina; BETHENCOURT, Paula Valle de. 2017. The political-legal representation circuit of human rights politics. *In*: ZAREMBERG, Gisela; GUARNEROS-MEZA, Valeria; LAVALLE, Adrián Gurza (ed.). *Intermediation and representation in Latin America: actors and roles beyond elections*. London: Palgrave Macmillan. pp. 159-180.

BARNETT, Michael; FINNEMORE, Martha. 2012. *Rules for the world: international organizations in global politics*. Ithaca: Cornell University Press.

BARRETO, José-Manual (ed.). 2014. *Human rights from a third world perspective. Critique, history and international law.* Cambridge: Cambridge Scholars Publishing.

BAXI, Upendra. 2008. *The Future of Human Rights.* Oxford: Oxford University Press.

BERNARDI, Bruno Boti. 2018. Silence, hindrances and omissions: the Inter-American Commission on Human Rights and the Brazilian military dictatorship. *The International Journal of Human Rights*, v. 22, n. 9, pp. 1123-1143.

BERNARDI, Bruno Boti. 2019. Transitional Justice and the Inter-American Human Rights System in Peru: The Role of Anti- and Pro-compliance Constituencies. *In*: ENGSTROM, Par (org.). *The Inter-American Human Rights System.* London: Palgrave Macmillan, 2019. pp. 221-246.

BERNARDI, Bruno Boti; RORIZ, João. 2023. Mantendo o céu no lugar: o caso Yanomami e as denúncias contra a ditadura militar brasileira na Comissão Interamericana de Direitos Humanos. *Revista Brasileira de Ciência Política*, n. 40, pp. 1-35.

BOB, Clifford. 2012. *The Global Right Wing and the Clash of World Politics.* Cambridge: Cambridge University Press.

BOB, Clifford. 2019. *Rights as weapons: instruments of conflict, tools of power.* Princeton: Princeton University Press.

BRYSK, Alison. 2018. Introduction: contracting human rights. *In*: BRYSK, Alison; STOHL, Michael (ed.). *Contracting human rights: crisis, accountability and opportunity.* Cheltenham: Edward Elgar Publishing, 2018.

BRYSK, Alison. 2019. Introduction: contesting human rights – pathways of change. *In*: BRYSK, Alison; STOHL, Michael (ed.). *Contesting human rights: norms, institutions and practice.* Cheltenham: Edward Elgar Publishing. pp. 1-13.

CALDEIRA, Teresa Pires do Rio. 1991. Direitos humanos ou 'privilégios de bandidos'. *Novos Estudos CEBRAP*, n. 30, pp. 162-74.

CARDENAS, Sonia. 2007. *Conflict and Compliance: State Responses to International Human Rights Pressure.* Philadelphia: University of Pennsylvania Press.

DAI, Xinyuan. 2007. *International Institutions and National Policies.* Cambridge: Cambridge University Press.

DICK, Hannah. 2021. Advocating for the Right: Alliance Defending Freedom and the Rhetoric of Christian Persecution. *Feminist Legal Studies*, v. 29, n. 3, pp. 375-397.

ENGSTROM, Par (ed.). 2019. *The Inter-American Human Rights System: impact beyond compliance.* London: Palgrave Macmillan.

33

ESTÉVEZ, Ariadna. 2017. La repolitización de los derechos humanos frente a la gubernamentalidad neoliberal del sufrimiento social: una lucha de contraconducta. *In*: ESTÉVEZ, Ariadna; VÁSQUEZ, Daniel (org.). *9 razones para (des)confiar de las luchas por los derechos humanos*. Cidade do México: FLACSO México, CISAN, UNAM. pp. 181-207.

GONZÁLEZ-OCANTOS, Ezequiel A. 2016. *Shifting legal visions: Judicial change and human rights trials in Latin America*. Nova York: Cambridge University Press.

GONZÁLEZ-OCANTOS, Ezequiel A.; SANDHOLTZ, Wayne. 2022. The Sources of Resilience of International Human Rights Courts: The Case of the Inter-American System. *Law and Social Inquiry*, v. 41, n. 1, pp. 95-131.

HACKER, Jacob S.; PIERSON, Paul; THELEN, Kathleen. 2015. "Drift and conversion: hidden faces of institutional change". *In:* MAHONEY, James; THELEN, Kathleen (eds.). *Advances in comparative-historical analysis*. Cambridge: Cambridge University Press, pp. 180-208.

HADDAD, Heidi Nichols. 2018. *The Hidden Hands of Justice: NGOs, Human Rights and International Courts*. Cambridge: Cambridge University Press.

HAFNER-BURTON, Emilie M. 2013. *Making human rights a reality*. Princeton: Princeton University Press.

HAWKINS, Darren, LAKE, David; NIELSON, Daniel; TIERNEY, Michael. 2006. *Delegation and agency in international organizations*. Cambridge: Cambridge University Press.

HOPGOOD, Stephen. 2013. *The endtimes of Human Rights*. Ithaca: Cornell University Press.

HUNEEUS, Alexandra. 2019. Deglobalization and Regional Human Rights. *In*: SIEDER, Rachel; ANSOLABEHERE, Karina; ALFONSO, Tatiana. (ed.). *Routledge Handbook of Law and Society in Latin America*. Nova York: Routledge. pp. 309-322.

KAPUR, Ratna. 2018. *Gender, Alterity and Human Rights: Freedom in a Fishbowl*. Cheltenham: Edward Elgar Publishing.

KECK, Margaret E.; SIKKINK, Kathryn. 1998. *Activists beyond borders: advocacy networks in international politics*. Ithaca: Cornell University Press.

KENNEDY, David. 2002. International human rights movement: part of the problem? *Harvard Human Rights Journal*, v. 15, pp. 101-125.

KENNEDY, David. 2018. *A world of struggle: How power, law, and expertise shape global political economy*. Princeton: Princeton University Press.

KOSKENNIEMI, Martti. 2019. *International Law and the Far Right: Reflections of Law and Cynicism*. The Hague: TMC Asser Press.

MAHONEY, James; THELEN, Kathleen. 2010. A theory of gradual institutional change. *In*: MAHONEY, James; THELEN, Kathleen (ed.).

Explaining institutional change: ambiguity, agency and power. Cambridge: Cambridge University Press. pp. 1-37.

MARKS, Susan. 2011. Human rights and root causes. *The Modern Law Review*, v. 74, n. 1, pp. 57-78.

MARKS, Susan. 2019. *A False Tree of Liberty: Human Rights in Radical Thought.* Oxford: Oxford University Press.

MÉGRET, Frédéric. 2022. Human Rights Populism. *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*, v. 13, n. 2, pp. 240-259.

MOYN, Samuel. 2018. *Not Enough: Human Rights in an Unequal World. Cambridge.* London: Harvard University Press.

MUTUA, Makau. 2008. Human Rights and Powerlessness: Pathologies of Choice and Substance. *Buffalo Law Review*, v. 56, pp. 1027-1034.

NAGAMINE, Renata; SILVA, Aramis Luis; SALES, Lilian. 2023. Da homofobia à democracia: coalizões em disputa no caso Maurício. *Horizontes Antropológicos*, v. 29, pp. 96-123.

PAYNE, Leigh A.; ZULVER, Julia; ESCOFFIEUR, Simón. 2023. *The Right against Rights in Latin America.* Oxford: Oxford University Press.

PINHEIRO-MACHADO, Rosana; VARGAS-MAIA, Tatiana. 2023. *The Rise of the Radical Right in the Global South.* Nova York: Routledge.

REYNOLDS, John. 2017. *Empire, Emergency and International Law.* Cambridge: Cambridge University Press.

RISSE, Thomas; ROPP, Stephen; SIKKINK, Kathryn. 1999. *The Power of Human Rights: International Norms and Domestic Change.* Cambridge: Cambridge University Press.

RISSE, Thomas; ROPP, Stephen; SIKKINK, Kathryn. 2013. *The persistent power of human rights: from commitment to compliance.* Cambridge: Cambridge University Press.

SIKKINK, Kathryn. 2019. *Evidence for hope: Making human rights work in the 21st century.* Princeton: Princeton University Press.

SIMMONS, Beth A. 2009. *Mobilizing for human rights: international law in domestic politics.* Nova York: Cambridge University Press.

STOHL, Michael. 2018. Conclusion: from hope to fear in the millennium: human rights in an age of backlash. *In*: BRYSK, Alison; STOHL, Michael (ed.). *Contracting human rights: crisis, accountability and opportunity.* Cheltenham: Edward Elgar Publishing. pp. 283-288.

TERTO NETO, Ulisses. 2017. *Protecting human rights defenders in Latin America: A legal and socio-political analysis of Brazil.* London: Palgrave Macmillan.

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WHYTE, Jessica. 2019. *The morals of the market: Human rights and the rise of neoliberalism.* London: Verso Books.

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A MULTI-LEVEL ANALYSIS ON THE IMPACT OF INTERNATIONAL HUMAN RIGHTS NORMS AND PRESSURES: EXPLORING INTERACTIVE EFFECTS BEYOND THE SPIRAL MODEL

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Abstract: This study conducts a multi-level analysis on the impact of international human rights norms and pressures, criticizing the spiral model from the field of International Relations. Using an analytical framework beyond state-centric perspectives, we explored three critical dimensions: the social origins of human rights violations, the political-legal intermediation within civil society, and the internal bureaucratic features of international human rights organizations. While influential, the spiral model falls short in comprehensively addressing these dimensions. Thus, in this article, we introduced theoretical and analytical reflections partly drawn from Global South studies to address these limitations.

Keywords: Human Rights; International Relations; Spiral Model; Compliance; Impact.

UMA ANÁLISE MULTINÍVEL SOBRE O IMPACTO DAS NORMAS E PRESSÕES INTERNACIONAIS DE DIREITOS HUMANOS: EXPLORANDO EFEITOS INTERATIVOS PARA ALÉM DO MODELO ESPIRAL

Resumo: *Este estudo realiza uma análise multinível sobre o impacto das normas e pressões internacionais em matéria de direitos humanos e oferece uma crítica ao modelo espiral das Relações Internacionais. Por meio de um quadro analítico orientado para além das perspectivas centradas no Estado, exploramos três dimensões críticas: as origens sociais das violações dos direitos humanos, a intermediação político-jurídica dentro da sociedade civil e as facetas burocráticas internas das organizações internacionais de direitos humanos. Embora influente, o modelo espiral não*

consegue abordar de forma abrangente essas dimensões. Neste artigo, apresentamos reflexões teóricas e analíticas oriundas, em parte, da literatura do Sul global para abordar essas limitações.

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