



Thinking a Difference:

The Impact of Human Rights Research

By Warren Cariou

How should we respond when individuals or entire groups of people suffer torture, imprisonment or degradation? What are the most appropriate and effective ways of stopping the human rights abuses and crimes against humanity that have occurred so frequently in recent history? A large group of students, professors and interested members of the public gathered at the University of Manitoba on March 31 to hear four of the university's leading researchers discuss their perspectives on these crucial questions of human rights in a symposium entitled "Human Wrongs: Making Things Right". This event, jointly sponsored by Royal Society of Canada and the University of Manitoba, introduced the audience to the complexities and the crucial importance of human rights research in the contemporary world, where individual and collective rights all too often bump up against entrenched power structures and forces of dehumanization. Audience members were moved and challenged by these presentations, and they left with a new appreciation of the ways in which human rights scholarship can have a vital impact on people's lives, their freedom and their visibility.

The proceedings were led by U of M Vice-President, Research, Dr. Digvir Jayas,

and began with greetings from the university's President, Dr. David Barnard, and from the Secretary of the Royal Society, Dr. Robert Major. Then followed an afternoon of animated and sometimes harrowing discussion about how we can and should address the human rights violations that occur in various contexts, from the farthest corners of the world to our own back yards. The gathered researchers—David Matas, Karen Busby, Andrew Woolford and Jessica Senehi—displayed a common dedication to making their research matter on a practical level for the victims and potential victims of human rights abuses. These scholars provided inspiring examples of how intellectual work can have real and lasting effects on the world.

University of Manitoba Law professor and 2010 Nobel Peace Prize Nominee David Matas was the first to speak, and he focused his discussions on his recent research and advocacy work that has attracted the attention of the Nobel committee. This work, co-published with his collaborator and fellow Nobel nominee David Kilgour as *Bloody Harvest: The Killing of Falun Gong for Their Organs*, exposes a systematic and widespread practice in contemporary China involving the incarceration and execution of Falun Gong spiritual practitioners and the subsequent sale of their organs. Matas described his horror and his initial skepticism when he was first presented with the allegations of organ-harvesting within China's prison and hospital system. As he began to learn of other reports of similar practices in China, he and Kilgour felt they had to investigate further, to learn whether there was any truth to the allegations.

Matas described the lengthy process by which they searched for evidence: conducting interviews, compiling anonymous tips, and seeking contact with prison and

hospital workers. However, they faced two enormous difficulties in this quest. First, there would likely be no physical evidence of these alleged crimes since they occurred in operating rooms which would of course be meticulously sanitized after each operation. Second, and much more daunting, was the problem posed by China's global economic and political power. Matas and Kilgour found that they were not able to rely upon their usual network of governments and non-governmental organizations to help in the search for evidence, because each of these potential allies had to make certain compromises or "trade-offs" in order to maintain diplomatic or economic contact with a Chinese government that was particularly sensitive to questions about the Falun Gong. This provided an important lesson in the *realpolitik* of human rights activism, which Matas underlined when he pointed out that large political organizations such as the UN and national governments are very good at drafting declarations and statements about human rights, but often they are not very effective in putting these statements into practice, especially when the alleged violations occur in one of the world's most powerful nations.

Faced with the potential that institutional compromises would lead them to a dead end, Matas and Kilgour made the difficult choice to act alone, as private citizens. Matas explained that private citizens are not placed in the position of having to make "trade-offs" with a nation such as China: they have no particular need to maintain a diplomatic or economic relationship with the Chinese government in the future, and so they are free to pursue a particularly sensitive human rights agenda that organizations might choose to skirt around. The result of this strategy was what Matas called "a

massive and very frustrating struggle” that pitted two Canadian human rights advocates against one of the most powerful central governments in history. This might have seemed like a nearly impossible task, but Matas and Kilgour forged ahead because they could find no other way forward. As it turned out, this choice of the individual activist position was the most effective strategy to employ. By acting as individuals, they were able to maintain the necessary flexibility and independence to focus intensively on the alleged human rights abuses they sought to document.

In the contemporary world where individuals all too often feel that they have no power to change anything, David Matas’s provided an inspiring counter-narrative, showing that committed individuals can at times succeed in making a real difference where even the most influential organizations have failed. After years of painstakingly gathering evidence and speaking publicly about their findings in more than 80 cities around the world, Matas and Kilgour have attracted significant global attention to this issue, and as a result of this attention they have noticed recent changes in China, most notably a marked reduction of “organ transplant tourism” there. While persecution of the Falun Gong in China has not yet ceased, Matas was optimistic that further progress can be made on this issue if it is given more international attention. “I can see an end to this,” he said, but that end can only be brought about if enough individuals make the effort to discover and publicize what is happening in China. “People are not safe to do in China what I’m doing here,” he said. “If we don’t do it here, nobody will do it.”

Professor Karen Busby, also of the University of Manitoba’s Law faculty, spoke about human rights issues that are global in scope but that also touch very close to

home for Canadians. Her career has been devoted to investigating human rights violations against lesbian, gay, bisexual and transgender people, and much of her work has also examined how the law itself has been used to persecute sexual minorities. She noted that in 85 nations around the world today, engaging in gay or lesbian sex is still against the law, and in some states it is punishable by death. Even in relatively permissive democratic societies like Canada and the US, she pointed out that many jurisdictions maintain legislation that discriminates against gays, lesbians and transgender individuals. So, while much has been accomplished in the struggle for LGBT rights, especially in North America and Europe, Busby made it clear that there is still a great deal more work to do in order to protect and fully assert the rights of these sexual minorities.

In her talk Professor Busby focused on the ways in which the law has become a zone of negotiation between competing rights claims, particularly between the right to religious freedom and the right to freedom of sexual preference. For this work she studied Canadian cases in which conservative religious organizations were accused of discriminating against gays and lesbians, and where these religious organizations claimed that the right to religious freedom entitled them to make such discriminations. She predicted that this will be an area of continuing legal tensions in coming years, with conservative religious orders increasingly turning to the courts to define ways in which their right to freedom of religion interacts with (and sometimes conflicts with) other rights. Her focus on this problem is both illuminating and important because we tend to treat the concept of human rights as a unified and consistent body of knowledge or

principles, when in fact Busby's work points out that human rights are sometimes contested concepts that are subject to political and judicial interpretation.

Busby identified a kind of doubleness in contemporary rights discourses around both sexuality and religious identity, one that underscores the complexity of rights concepts and that reminds us we must continually think critically to clarify our definitions of what human rights are and how they interact. The analogy she used to underline this doubleness was Bill Clinton's "Don't ask, don't tell" policy toward gays and lesbians in the US military. That policy suggested that gays and lesbians have an implicit right to *be* LGBT, but paradoxically they are asked at the same time to refrain from enacting their identity in a public way. Interestingly, Busby noted, the right to freedom of religion is often constructed in a similar way, by making a division between being and doing. Thus, members of a religion are free to be a part of that religious community, but if they enact certain beliefs of that religion, those actions are subject to particular restrictions under the law. The example she gave was of a religious organization that is legally allowed to hold particular beliefs about LGBT people, but is not entitled to discriminate actively against them by refusing them services or membership.

Karen Busby's focus on this "being/doing dichotomy"—the difference between holding a belief or preference and actually enacting it—points to a potential problem area in the law, one which might be seen to cause unnecessary complications in the expression and protection of human rights. By looking at particular cases in which this dichotomy has been applied she has sought to find an alternative, "a principled or at

least a pragmatic way to resolve conflicting religious and sexuality rights". This alternative involves examining religious identity and queer sexuality in a more holistic manner, seeing both of these identities as "not just a being or a doing but also a practice" which necessarily blurs the distinction between being and doing. Her research promises to protect Canadian citizens from the misapplication of human rights legislation itself. By investigating these difficult and sensitive issues of identity, self-expression, and action, she works toward the creation of more equitable justice system and society in Canada.

U of M Sociology professor Andrew Woolford took the podium next and gave a compelling presentation on his current research in comparative genocide studies. The focus of his recent work has been on the application of genocide studies to the case of Canada's treatment of Aboriginal people. While some people might be surprised to see the term genocide applied to Canada, Woolford argued that the term does in fact give an accurate description of the colonial record in Canada, with its history of forced relocations, residential schools, and other extremely damaging policies directed toward Aboriginal people. He added that in his earlier work on the treaty-making process in British Columbia, when he asked Aboriginal elders to describe how their people had been treated by the colonial powers, the word genocide was the one they most often used. Woolford felt that it was an important human rights issue to examine this Aboriginal Canadian experience of genocide, not only in order to clarify the historical record but also to clear the way for potential reconciliation. Naming an atrocity is a crucial step in any society's attempts to repair the damage.

The main focus of Dr. Woolford's talk was on understanding how the term genocide names what has happened in Canada, but also how the European concept of genocide can and should be adapted so that it is more sensitive to the Aboriginal context. The term is a very recent one, coined by Polish lawyer Raphael Lemkin in 1943 and adopted by the United Nations in its 1948 Convention on the Prevention and Punishment of the Crime of Genocide. In article two of the Convention, genocide is defined as "acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group." Woolford pointed out that while this definition arises out of the examples of European genocides such as the Holocaust and the Armenian Genocide, it also clearly applicable to the Canadian colonial project, in which Duncan Campbell Scott infamously declared that the goal of Aboriginal education policy was "to kill the Indian in the child". However, Woolford also contended that the UN definition of genocide was in some ways limited by the European roots of the concept, and he felt that it was necessary to adapt the definition of genocide somewhat to make it more germane to the Canadian situation.

As an example of this process, he analyzed the phrase from the UN Genocide Convention that defines genocide as the "intent to destroy... a group." While this might initially seem like a straightforward statement, Woolford pointed out that even the word "group" is something of a misnomer when applied to Aboriginal people, because they are in fact many different cultural groups with their own languages and histories. In addition, the UN Genocide convention says that a group consists solely of its human members, but in many Aboriginal cultures the concept of community includes the

natural world as well as the spirits of ancestors. Woolford argued that it is important to take these non-Western ideas of community into account when examining potential cases of genocide because victimized groups may well define themselves differently than Western communities do.

Thus in particular cultural contexts, removing a community's land or severing its ties to the ancestors might well be considered to be an active attempt to destroy the community itself. "We need to know something about the group before we can understand how it can be destroyed," Woolford explained.

Woolford's attempt to define genocide from the cultural perspective of the victimized group provides represents a compelling new way of looking at Canadian colonial history, but it also an important model for other genocide studies in different parts of the world. Without this cross-cultural dimension of genocide research, international agencies and experts risk imposing an incomplete model onto non-Western cultures, a model which will likely not be as successful in bringing justice and reconciliation to terribly damaged communities.

Dr. Jessica Senehi of the University of Manitoba's Arthur V. Mauro Centre for Peace and Justice was the final speaker of the afternoon, and she discussed her longstanding research into the role of storytelling in the pursuit of human rights and social justice. Senehi is the organizer of the annual Winnipeg International Storytelling Festival which brings dozens of storytellers to the city each spring to share the stories of their diverse cultures and to explore the ways in which stories can be used to defuse conflict and to provide the groundwork for reconciliation. While she acknowledged that

stories in themselves are not necessarily peaceful, she argued that they do provide a way of thinking that enables us to approach issues of human rights such as violence and discrimination in powerful and productive ways. Stories do not necessarily have the objectivity of sociological or legal language, but instead they offer immediacy, concreteness and emotional impact that can make a major difference in the struggle for asserting human rights.

The first important function of stories in relation to human rights, Senehi said, is that they bring attention to particular cases of violence and abuse. Stories about human rights violations combat the secrecy that often closes over such events: a single voice can make an enormous difference in bringing out the truth of what has happened. Stories told by witnesses of injustices also often hold a great deal of persuasive power for those who hear them. Dr. Senehi gave the example of someone who listened to witnesses' stories about atrocities committed in Pol Pot's Cambodia, and who responded, "I heard them, and then I believed". Because anyone can tell a story and anyone can listen, they also provide an immediate accessibility that some other forms of documentation lack. "Storytelling is for everyone," Senehi said, "just as justice and human rights are for everyone."

In a related point, Dr. Senehi identified storytelling as a driving force behind human rights movements, because stories put a human face on the issues and they allow people to identify strongly with victims who are speaking out about their experiences. Stories can help to particularize the sometimes abstract ideals that a human rights organization stands for, and this can be very important for building

support and projecting the identity of an organization. When stories are broadcast through mass media they can also help to bridge distances and to connect the local with the global because they allow listeners to make a personal connection to faraway events.

One of the most important human rights roles that Senehi identified for storytelling was as a way of making sense after trauma. This is particularly true for members of victimized communities, for whom narratives can be a life line: a source of stability and a way of putting their communities back together in the wake of devastation. And because stories are by their very nature communal, shared events, they also invite the wider world to join in the process of exchange that can lead to new understanding. In this way, storytelling can be seen as a natural path toward reconciliation. Stories are meeting places and when we hear them, we are reminded that “our own stories have power,” Senehi concluded.

In the final part of the afternoon’s events, audience members had the opportunity to ask questions of the researchers and to make comments about human rights issues. The discussion was focused mainly on questions of individual and collective action, and how to best mobilize interested citizens so that they can make a difference in struggles for human rights. In response to this discussion, David Matas offered an observation that summed up the entire afternoon of presentations and that reflected the commitment and the passion of all four presenters: “When human rights are violated, it’s a crime against all of us, and we are all the victims, and we have to mobilize to stop our victimization.... At bottom, that is the human rights advocacy

project: to show that this is a common problem and we are all in this together and we have to fight it together.”

Author Biography:

Dr. Warren Cariou is a Canada Research Chair in Narrative, Community and Indigenous Cultures at the University of Manitoba, where he also directs the Centre for Creative Writing and Oral Culture. He has published widely on Aboriginal cultural issues and is co-director of a new documentary film about Native people in Western Canada’s oil sands region, *Land of Oil and Water*.