Sociolegal Dimensions of Local Human Rights Institutions:

Challenges and opportunities for human rights claimants in the Deep South region
of the United States

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*Doctoral thesis submitted in fulfilment of the requirements for a PhD at the
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CERTIFICATE OF ORIGINAL AUTHORSHIP:

I, Vincenzo Pasquantonio, declare that this thesis is submitted in fulfilment of the requirements for the award of Doctor of Philosophy, in the School of Advanced Study at the University of London.

This work is wholly my own unless otherwise referenced or acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

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ABSTRACT:

As a work of activist scholarship, this work centred the experiences and claims of local actors engaging in grassroots human rights practice in order to assess the performance of established local human rights institutions in the Deep South of the United States. Using a grounded theory approach, this work presented an assessment of local human rights institutions relative to standards outlined in the Paris Principles. I then interviewed local human rights advocates in order to determine whether the institutions assessed were responsive to their claims and complaints and presented their responses regarding why these institutions were not able to address their needs. Political interference, neoliberal policies, a lack of commitment to certain categories of rights, low levels of public trust for institutions, and systemic racism and implicit bias were proposed by interviewees as key factors that informed and restricted the effective functioning of these local bodies. Interviewees then made specific policy recommendations relative to reforming such institutions, which were presented. This thesis hopes to add to recent scholarship on local human rights institutions, white hegemony, and US behaviour in its domestic human rights practice.

DEDICATION:

This work is dedicated to the memory of Damas "Fanfan" Louis.

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Chapter One: Introduction

1.1: Overview:

In May of 2018, the City of New Orleans inaugurated its first Black female Mayor. The city's new chief executive began her career as a post-Katrina neighbourhood activist who had then won a race against odds for the New Orleans City Council. The mayor's victory followed a grassroots campaign against a formidable opponent who enjoyed endorsements from many of the city's most powerful political actors. When the mayor won, many saw her election as a sign of progress for the city. I served as a campaign surrogate and volunteer organiser during her race and an active member of her transition team and upon her inauguration was appointed the Executive Director of the City's local human rights commission. On the very same night that the new administration offered me this position, a local organiser community approached me with disturbing information. They informed me of widespread allegations in their social circles that members of the New Orleans Police Department had, in the past, sexually assaulted Black transgender women in the city and had faced no consequences. Furthermore, when members of the transgender community had tried to approach the prior director of the local human rights commission with this and other serious concerns they had, that office would not work with them.

Yet in addition to expressing these concerns, this organiser also expressed another thought; that they were surprised and quite frankly incensed that I had been appointed to a position of such importance with so little experience in human rights practice. They believed that that if a local human rights office had previously possessed the capacity or willingness to accept, investigate, and redress the very serious human rights issues being raised, that office

was merely performative. This organiser had hoped that the new administration would take the work of the local human rights office more seriously and due to my lack of experience working in the human rights field, neither as an attorney or an investigator, my appointment did not give them assurance. I realised that I did have a deficit when it came to knowledge of how a local human rights office should be run, and I promised myself that I would learn quickly and apply what I had learned. As I began setting up my office in the weeks ahead, other members of the community began to approach me with stories of their own, and some of those stories did indeed recount past instances of assault by members of the police force. These community members were not willing to file formal complaints, because although these instances had occurred in years prior, they did not feel safe in doing so. I did not blame them.

I often say that in local government you have to account for every single step of every action you take. It's not enough to have an idea, but you must be willing to shepherd it on every level. From the ideas themselves, to their execution as policy, to the actual paper and ink that those policies are printed on, someone working in the local government has to account for every single phase of implementation. It's not a glamorous process, but it is important. It's hard enough in the context of replacing a street sign to gather information on which signs need replacing, how much money it will cost, and if there's not enough money to do everything at once, which signs should be replaced first. In many cases, the complexities involved in implementing specific policy within the institutions of government can be used as an excuse by those working within them to do nothing. For human rights abuse allegations such inaction would be an immoral.

It is hard enough to even have to account for how the street signs are made, what colour they will be, where will they be delivered, and who will be tasked with physically replacing them. But in the context of serious human rights complaints, one has to create a process by which the complaint is taken, recorded, and investigated. Confidential information should be protected, staff must be hired, and that staff must know how to document and examine allegations of abuse. They must have the power and ability to do so and, importantly, if there is evidence of abuse, they must know what to do next in order to ensure that justice is done. Perpetrators of abuse must be prosecuted and removed from any position where they might harm members of the public. In addition, data must be gathered so that trends can be tracked. If there is evidence of a specific type of abuse occurring repeatedly, then this too must be dealt with as a larger social issue. This all must be done in a way that builds confidence and trust so that the public knows that when they come to their government with allegations of human rights abuses, those abuses will be seriously investigated, and they will be safe and protected in the process. The levers of government also have to know that your investigations are rigorous and thorough, so that when evidence is presented, it can be trusted. Yet what became immediately clear was that I immediately realised that the office I was appointed to lead did not indeed have the capacity to take or investigate those complaints. It was not merely an issue of staffing either, but every single factor had to be accounted for.

I became focused on better understanding what types of reforms would have to be made to ensure that this office did substantive work. I was at a disadvantage, because for many, my appointment had indeed come out of left field. Yet I also had an advantage because my own experience was varied and rooted more in grassroots activism than in political

favouritism. My work began after the failure of the federally built levee system flooded 80% of our city, an event that many in the world refer to simply as Hurricane Katrina. Of course, residents of New Orleans know that the US Army Corps of Engineers had built an inadequate flood protection system that failed well below design specifications and, following the disaster, even hired a public relations firm to deflect from these failures and reframe the disaster as an inevitable act of nature. My own grassroots activism began following the 2005 flood and was focused on this specific issue but had then extended to other areas of concern as varied as public transit, disability rights, and language access. I even served on the Advisory Board for the human rights commission that I would later be appointed to lead. But it was true, I was appointed to this position because I supported a winning political candidate, and despite my varied experience, I did not know the specifics of how a local human rights commission should be organised let alone staffed and more importantly I lacked the lived experience of many of the city's most marginalised residents. The initial conversations I had with sceptical organisers created a deep sense of urgency within me, and I hoped to become a quick study on existing best practices for local human rights institutions so I might reform my own office accordingly. A resident should be able to safely approach the office with the most serious human rights abuses imaginable, and have those abuses dealt with appropriately and seriously. If that were not possible, that local human rights institution was not worth the space it occupies in City Hall. Indeed, I decided that if in the future it became clear that this was not possible, I would resign as that institution's director.

I also knew instinctively that human rights implementation was very relevant in the local sphere. The experience of Katrina had taught many of my contemporaries this very lesson. As I

will further examine in this work, many grassroots activists who began their organising work in response to the crises that Katrina created began to use the language of human rights to frame their claims surrounding housing, flood protection, environmental justice, and other critical (often local) issues. I also remembered my own father's experience during the Civil Rights Era, where he had participated in the protests and demonstrations, sometimes at great risk to himself, in order to support Black residents who were leading the way towards their liberation. Therefore, in addition to committing myself to the unglamorous work of reforming a local human rights office and its complaint processes, I also wanted to contribute to this larger trend of localising human rights in our region. I also understood that, being in the Deep South, I was in a place known worldwide for its struggles surrounding rights. I knew that those struggles also greatly informed the cultural framing of rights in the country's national narrative.

There appears to be a tension, then, between the deep challenges I faced whilst trying to run a local human rights organisation and the self-perception of the United States as an exceptional protector of rights. In this work, I explore how the United States often sees itself as exceptional when it comes to rights, and I critically examine the potential limitations of that thinking. It should be stated that all countries have unique approaches to rights and my particular focus on the US context should not detract from this fact. It should be noted however that the US does have a culture and a dialogue surrounding rights, and that is an important part of the US narrative, even if it has not always used human rights framing specifically. I also know that even if we did not use human rights framing, our region in the Deep South and the entire country was experiencing dire challenges and serious rights violations, that could and should be addressed as part of the global rights conversation, even as the country continued to shield

itself from engaging in many critical international human rights instruments. Therefore, it is important that this work be seen as just another examination of local context in one country that is part of a larger global community. Like anyone else, we are experiencing challenges in securing and defending our rights.

In the Deep South, the Louisiana Coast loses a football field of its own land every half hour, leading to the widespread displacement of indigenous communities. In the Deep South, over-industrialisation has created a zone in a Black-majority area of rural Louisiana that is most commonly referred to as Cancer Alley. In the Deep South, allegations of police abuse and excesses, and overincarceration are a daily reality. In the Deep South, many towns, villages, and even large cities still do not have access to clean water. The United States has been facing these issues, and the Deep South has been feeling them acutely. People who are most impacted by these abuses, often communities of colour, are organising and using the language of human rights and emancipation to do it. So, it was under this larger cultural backdrop that the new mayor told me that she indeed wanted to "breathe new life" into a human rights commission and give it substance.

At the very beginning, I quite naively assumed that all I had to do was put certain legal and procedural reforms into place and the institution would then be equipped to address these serious issues and play a role in the region's human rights story. Yet shortly after commencing my role, I discovered that there are not adequate resources or clear best practices designed to guide or support local human rights institutions. Although talking to other directors leading similar offices was often extremely helpful, I realised that human rights itself was very localised and community-specific. There was a dearth of minimum standards, ideal organisational setups,

or fixed examples of how complaints and investigatory procedures should be approached. There is no one-size-fits-all way of creating these institutions for all places and all times. It was through learning this that I began to understand the constructivist approach to human rights, which I detail in the latter chapters.

Yet I was able to find the Paris Principles. These standards provide guidelines for National Human Rights Institutions (a national institution which the United States does not have) and insofar as these standards were all I could find to guide me towards shaping any sort of human rights institution, I looked to them and tried to align my office to their ideals. This is one reason why, during the course of this project, I tested whether my instincts had been correct, and whether the standards outlined in these principles could indeed be considered appropriate, generalisable, or even relevant, to guiding the workflow of a local human rights institution.

Looking back, we had some significant victories during my term. In response to the initial complaints I received, I seated an LGBTQ+ Task Force, the first of its kind that was comprised entirely of transgender residents and people of colour. I moved to protect our city's undocumented residents, who faced serious challenges and were disproportionately affected by violence and abuse. I worked collaboratively with sex workers to ensure that they could safely report crimes against them without fear of being arrested. I pushed the administration to support an increase the minimum wage for City workers. Finally, I was able to put a measure on the ballot to embed the City's Human Rights Commission in the City's Home Rule Charter, the city-level equivalent of a constitutional amendment. This reform was supposed to make the

office independent enough to investigate the types abuses that members of the community

approached me with in the very beginning.

Yet as I write this, the full potential of this last structural reform has still not been fully

realised. As I will discuss in later chapters, despite being overwhelmingly approved by the City's

voters, the office was still not been funded or staffed or granted independence from political

interference. Today, it remains unable to truly investigate and redress the types of complaints

that initially inspired these reforms, and even enforce the City's anti-discrimination laws, which

have been on the books for decades. At the end of the day, there was a lack of political will,

even among the politicians who were elected with progressive mandates. This lack of will does

not just limit itself to the local human rights institution either. Today, the City's independent

police monitor only has the power to investigate and issue reports regarding allegations of

police misconduct, with no enforcement powers other than the power to name and shame. As

we will discuss in the subsequent chapters, human rights institutions are often constrained by

invisible but potent factors that bedevil efforts at reform. For every potent power that is

granted (or even proposed) for a local human rights institution, different actors often arise to

blunt the effects of those powers and authorities in practice, even if they are granted in theory

through the law. The purpose of this project is to explore those factors. I approached this

question by posing it to the very grassroots organisers and activists in the study region who are

using human rights framing and doing human rights work.

In this work I often referenced my past role as the director of a local human rights

institution in the Deep South and discussed my personal motivations for doing this research. I

did this because despite this past role, and my own best efforts put forth while serving in it, I do

not possess the answers. I do however possess a unique perspective that is not yet represented in the literature on human rights institutions, that of someone who led such an office after prior experience as a grassroots activist, then political insider, then political appointee, all in the local human rights sphere in a region of the world known above all for its struggles over rights.

Time and time again, concrete and pragmatic issues in the realm of human rights, issues as seemingly basic as flood protection infrastructure or protecting residents against state-sanctioned sexual assault, are often frustrated by greater social and legal forces at play. Observing this is what eventually brought me to the literature on human rights as a sociological discourse surrounding the question of human dignity. It has also led me to understand that just as human rights are a sociological discursive process, so are human rights abuses. As such, preventing and redressing them will require strong systems supported by high levels of social and political support. It is my hope that this work will lead people to question what concrete systems need to be in place in order to protect and advance human rights on a local level.

1.2: Central focus of inquiry:

The purpose of this project is to add to the growing body of work on the local application of human rights standards. This was approached by focusing on the discussion of the role that local human rights institutions play in advocating for and implementing policy surrounding human rights claims and redressing alleged abuses. Academic inquiry into the role and scope of local human rights institutions has frequently gone underdiscussed in the larger conversations about human rights cities and grassroots human rights framing. Yet these institutions have the potential to shed light on base-level sociological conversations centred

around rights between grassroots human rights claimants and their local government, an arena

that often has a regular impact on the lives of claimants. By exploring these issues, I also add to

the discussion of US human rights exceptionalism in the literature. In a country that has been

often hesitant to employ human rights frames and engage in its instruments and conventions

(see Ignatieff, 2005), I focus this inquiry around a specific region of the country where

grassroots leaders are in fact engaging in human rights framing and appealing to international

human rights bodies for consideration of these human rights claims. Perhaps this would not be

as surprising in light of the fact that this region was instrumental in the historical rights

discourse of the country. Yet it is in this region that I also found that local human rights

institutions did not operate according to international standards (which is discussed in Chapter

5), whereas we may otherwise expect those institutions to be stronger in light of the level of

grassroots human rights engagement. This work interviewed human rights advocates and those

who engaged in rights advocacy within government institutions in the study area of Mississippi

and Louisiana. I inquired as to why this may be the case and I offered possible hypotheses and

potential areas of future inquiry.

Over the last few decades, as the global human rights system has taken shape, national

and local human rights institutions have emerged within nation states to assist them with

meeting their domestic human rights obligations. Yet relative to other areas of related

scholarship these institutions remain an under-researched component of domestic rights

implementation, with the noted exception of scholars such as Gomez, (1995), Ward (2017),

Kaufman (2011), McNaughton and McGill (2012), Wolman and Chung (2021), and Grigolo

(2010, 2016, 2017, 2019) whose work will be discussed herein. The phenomenon of US

exceptionalism in its human rights practice has often been discussed relative to its global and domestic behaviour (Libal and Hertel, 2011; Ignatieff, 2005). At the same time some scholars such as Finger and Luft (2011) have noted some local exceptions to this phenomenon, where human rights practices, instruments, and frames have been employed by some human rights claimants, often those representing the country's most marginalised populations in specific regions within the country. These dynamics have not been thoroughly examined relative to the country's domestic human rights institutions which have the potential to shed light on how a dialectical processes surrounding rights discourse may be negotiated on a local level. Rights are often violated and protected on the local level. The ability or inability of such institutions to respond to human rights claims, and protect the rights of a specific locality's most marginalised residents, (especially those whom the state itself has been non-committal about protecting) may tell us a lot about how human rights discourse is negotiated locally, as well as the various sociolegal dynamics that relate to the denial of rights. Local human rights institutions and the powers and authorities the state choses to grant them thus provide a lens into this discussion that has not been thoroughly examined in a region where human rights framing is more frequently employed on a grassroots level. In the case of the United States, local human rights commissions were established in cities throughout the country at various times in recent history, mostly in response to the Civil Rights Era and the LGBTQ+ Rights movements. Grigolo (2019) provides an overview of the history of such institutions in the United States. Yet in cities within Deep South, a region in the US known for being central in the national discourse surrounding rights, I have come to find that local human rights institutions have been neither diffuse nor central to the rights-protection system. This remains the case even in the regions so-

called "progressive" cities. To date, research on local human rights institutions in this specific region of the United States, and specifically inquiry that also centres grassroots supporters of human rights frames and instruments making rights-related claims in the Deep South have not been examined relative to the larger conversation around the US exceptionalism phenomenon. The US exceptionalism phenomenon has also been scarcely examined relative to its relationship with local human rights institutions in the country, nor has much inquiry been directed towards how grassroots human rights advocates have been interacting with these institutions.

1.3: Objective and Research Questions:

The aim of this project is to assess how local human rights institutions (HRIs) are currently functioning in the study area and how human rights advocates view these institutions, their relevancy to local rights implementation, and how (HRIs) might better serve their needs. This work explored this topic through gathering data that explored the following research questions:

1) *Within the study area, how do human rights advocates employ the human rights frame and practice human rights?*

2) *How do local human rights institutions (HRIs) in the area being studied operationalise international standards and address human rights claims and abuses?*

3) *What policy interventions do interview respondents feel are needed in order for local HRIs to better function in the study area?*

As mentioned in the prior sections, these research questions begin with the premise that the United States has been described in the literature as being a place that has been hesitant to adopt human rights frames, standards, and practices, the phenomenon referred to in the literature as US human rights exceptionalism. Yet at the same time, I noted where grassroots leaders in certain regions of the country such as the Deep South, often making claims on behalf of the country's most marginalised residents, are using human rights language in their efforts. As I will discuss in greater detail in Chapter Five, despite the more widespread grassroots employment of human rights framing and engagement in international human rights instruments, local human rights institutions that were established on the state and local level in this particular region fail to meet certain international standards. My interviews explored possible reasons for this implementation gap with the interview participants, including the possibility that such standards may not be appropriate for local institutions, or that local institutions may be meeting the demands of rights holders in other ways. During the course of my interviews I also explored which, if any, policies would participants propose in order to strengthen local human rights institutions and their ability to function effectively.

As discussed in the last section, I took a grounded theory approach to this question, and the exact method to that approach will be discussed in greater detail in Chapter Two. Specifically, this project's interviews focused on local human rights institutions in the states of Mississippi and Louisiana, all of which continue to struggle with staffing, resources, and restrictions on their mandates. I interviewed grassroots advocates in Mississippi and Louisiana who use human rights framing in their practice and actively engage international human rights instruments.

1.4: Human rights framing, the Deep South, and local human rights institutions:

Over the last century the Westphalian system of nation states, has emerged as the global actor *par excellence.* During this time, an entire global infrastructure has been constructed that centres the role and sovereignty of the state, seen as a critical to the protection of international peace and security. Global institutions such as the United Nations and the European Union were forged. The post-colonial period has embraced the nation state model for international order and nearly every single corner of the globe has been accounted for as belonging to one country or another (Spruyt, 2000). While international law is sometimes (perhaps unfairly) portrayed as a weak body of unenforceable provisions, most international norms and standards are actually adhered to thanks in part to the emergence of a global order that centres the nation state as the primary global actor. It is now taken for granted that the international law of the sea is mostly adhered to, that international trade and commerce are largely regulated, that borders are largely delineated, and every individual on earth that wishes to cross them should carry a passport to do so.

Yet throughout human history we know that this was not always the case, and that the centre of global power was very often more localised. The rise of the city state is a key example in human history of where the dominant centre of global power was not in the nation state but in the hands of local authority. Scholars such as Oomen (2016) or Moisio (2018) note that today, while the nation state remains a critical feature of our global order as the key actor subject to international law, cities and municipalities are also beginning to once again emerge as global actors in their own right. In light of this it is perhaps not surprising that our current

global human rights system, conceived and constructed during the time and age of the nation

state's most recent nadir, is beginning to adjust itself to account for the ever more important

local sphere (See also Oomen and Baumgärtel, 2018).

A report by a UN Human Rights Council Advisory Committee titled the "Role of Local

Government in the Promotion and Protection of Human Rights" asserts that a local government

(defined as the lowest tier of public administration within a nation-state) is "in principle in a

much better position than the central government to deal with matters that require local

knowledge and regulation on the basis of local needs and priorities" (UN Human Rights Council,

2021). Locally, state and municipal governments deal more directly with critical issues such as

housing, healthcare, education, the environment, law and order (policing), and are at the front

lines in protecting immigrants and minorities from discriminatory practices. However, this

report also notes that these important functions are rarely perceived by authorities or the

public as being under the purview of human rights implementation. Human rights could then

remain distant as a frame of reference on a local level even while local actors may actually be

dealing directly with acute human rights violations in practice. In order to comply with their

human rights responsibilities, nation-states should thus acknowledge and be prepared to

support the role of local government in ensuring the rights of all residents. This report also

notes that only a few nation-states consistently apply human rights protection mechanisms on

a local level. Such protection mechanisms could include ombudspersons, consumer complaint

boards, anti-discrimination agencies, local human rights commissions, anti-discrimination

agencies, human rights offices or others.

Therefore, if global power is indeed shifting to a more localised arena as well, human rights standards and practices, while having been viewed during the past last century as being under the exclusive regulatory purview of the nation state and the subject of treaties and conventions regulated and agreed to by such countries, are now becoming an ever more local matter. The local application of such human rights standards and practices and the local authority's ability to assert its own power to protect and defend its residents' rights (sometimes in ways even contrary to the wishes of the larger nation state) have rightfully attracted attention from sociolegal scholars in recent years. We have seen the emergence of the human rights cities' movement, the establishment of local human rights institutions in municipalities worldwide, and the emergence of cities and towns as heralded global human rights leaders (Oomen, and Baumgartel, 2014). Some municipalities (such as San Francisco in the case of Convention on the Elimination of Discrimination Against Women or CEDAW) have themselves enacted international standards, treaties, and conventions into their own legal corpus. This has often been done by cities in spite of the fact that the larger nation state may have often failed to adopt human rights treaty provisions into their own legal systems. Even more locally, many advocates who are currently fighting in the arena of struggle in order to protect the lives and bodies of marginalised residents, may say that global standards that seek to protect them are worthless if they cannot be made locally relevant. Therefore, what many of the these works describe as being part of a larger global power shift, a significant change towards the local and away from the global in the realm of human rights practice and implementation, seems only logical to those operating on the grassroots level. These analyses speak of the human rights cities' movement in terms of "bringing rights home" or of rights themselves as "returning" to

the local sphere. The implication of this could be that the more state-centred and global character that emerged from a post-war human rights system was the exception rather than the rule.

1.5: Why I chose this research:

When I initially began leading a local human rights institution, many community members who had been actively making rights claims and using human rights framing in their organising efforts, expressed frustration with the limited authority of the local human rights institution that had been established decades before. They wanted to avail themselves of concrete and meaningful local human rights instruments that had the power to address their grievances. Since these organisers did in fact use human rights framing, they were often calling for more expansive notions of human rights within our own city. One could name many examples of where simply having a willing partner in local government appeared to be useful in supporting those specific policy efforts.

I also witnessed first-hand, and even engaged with, the political struggles that often accompany serving in the sphere of local rights implementation. The institution I was tasked with leading had previously only had one full-time staff member for decades. That office's councilmanic anti-discrimination mandate had been successfully challenged in the courts decades prior and therefore became strictly limited to providing conciliation and mediation services as well as limited education and outreach initiatives. The incoming administration hoped to create an office that was more engaged and active and as a part of that effort, also sought to resolve some of those legal issues.

At the very beginning I also became aware of how little there was in the way of technical assistance or professional support for leaders of local human rights institutions. This itself was an interesting observation that later on would provide an underlying motivation for some of the inquiries that I am making in this research. At the time, I felt that the lack of professional support or uniform standards necessitated a proactive approach to solidifying best practices in order to create a "model" office. Yet I soon discovered that the practical implications surrounding the performance of this role were quite nuanced and even reflected on greater socio-legal debates within the region and the country. Those same debates also informed some of the underlying motivation for this research project.

I began many of my efforts with an attempt to resolve the previously unresolved legal questions surrounding the office's legal mandate and actively engage in a variety of human rights initiatives that related to broad categories of rights. When I began, the local human rights institution was called the City of New Orleans Human Relations Commission, and it had been established under a local civil ordinance in the 1980s. During my term in office, an Office of Human Rights and Equity was subsequently established by the mayor through an executive order. This was created to function as a temporary institution charged with advising the mayor's administration and officials within City government on human rights and equity-related issues, allowing the City to continue to have a local human rights policy office as it sought to resolve the longstanding legal issues that had long limited the scope, powers, and authorities of the Human Relations Commission. In an effort to finally resolve those issues once and for all, in 2020, following a public vote, the Human Relations Commission finally became renamed the Human Rights Commission and engrossed into the City's Home Rule Charter.

My own experience allowed me to identify where an interesting point of intersection lies between marginalised residents and larger socio-political power structures. Prior to my appointment, the office did not hold enforcement or statutory authority but did have a moral voice in the city's body politic. My predecessor was a civil and LGBTQ+ rights activist and had served in this role, the only staff person in that office, for nearly three decades. The newly elected mayor promised that this office would have a more influential role in city government and sought to give the office more structure and authority. When I was challenged by members of our community to investigate those very serious allegations of abuse it became clear that this challenge was also a call to use the office to contest these existing structures. It also became clear that the office lacked the powers and authorities to deal with these abuses in a way that could adequately investigate, protect, and ultimately secure justice and accountability for the claimant. In fact, all of the institutions in place within the government, as good as they looked on paper, could not offer satisfactory protection, an independent investigation, or a thorough finding of fact in the face of such allegations. This very same issue came up when I was initial appointed and again when an undocumented resident informed me that years prior they had witnessed the murder of their own sister but did not report it because they were afraid of being deported to their home country. In their view, their deportation would have surely led to their death at the hands of the people they were fleeing from. They wanted to inform me of what had happened to them years ago because they had hoped I could create processes within the local human rights institution that would be able to protect people who found themselves in a similar situation in the future. Both of these instances involved

circumstance where the claimant would have to be protected by the state from the state, and both of these instances stood at the intersection of human rights and the local sphere.

Therefore, it was to my dawning horror and through my own experience that I learned that local human rights institutions, put in place by an ostensibly progressive local government, were not equipped to deal with serious human rights abuses, and it was not as simple as setting up certain rules or procedures to be followed. There had been some form of sustained institutional response to these types of allegations over the years that made them very difficult to properly address. The city government had to date chosen not to create systems whereby they could operate within or at the behest of the state while at same time protecting claimants from being subjected to abuses from that same state. This caused me to ask myself the important and critical question that I alluded to in the prior section, and which I return to throughout this work. It still resonates and informs my motivation for doing this research project: if human rights do indeed begin at home and the local human rights institution is not sufficiently strong or thoughtfully constructed as to be able to receive such complaints, let alone investigate them, track them, and take measures to protect residents from human rights abuses acting on the authority of the very government that is supposed to protect and guarantee their rights, what is the utility of having a local human rights office at all? If these offices are created to give the impression of safety when no such safety can be guaranteed, are they doing more harm than good? Moreover, what types of legal, social, or even political reforms would have to be made in order to create systems that would be able to adequately manage serious human rights abuses such as this and prevent them from occurring in the future? Surely advocates in the area had been demanding such changes for a long time and yet

they failed to materialise. The "implementation gap" which Morgan (2007) describes, the difference between rights as they are asserted and their practical implementation, authority, and effect, is at the heart of this work.

Can subnational entities in fact create effective and strong human rights infrastructure where the national state has failed to do so? If they fail to do so, what is the reason why and what, if anything, can be done? After having served in this leadership role, I find that these questions still very much remain a part of the present, even as I attempted to address them within my own professional efforts. In an attempt to answer those questions, on both a practical and policy level within the scope of my own prior work, I began to see that these very local sociolegal issues had larger implications and were worth examining further.

Critical to note is that the part of the world where these abuses were being reported were not in war-torn conflict zones or authoritarian regimes. These human rights abuses were reported in the United States, a country that often characterises itself as a global rights leader. Thus, the question emerges of how one can one be sure of a nation state's actual human rights situation if the local sphere is not incorporated into an assessment of that nation's rights implementation? As I discuss, the United States has indeed exhibited a hesitancy to adopt human rights as both a frame and often, a practice, both in its global and domestic spheres, sometimes stating that its own civil and constitutional rights protections are superior to the vision proposed in the international standards. This has been referred to as "U.S. human rights exceptionalism" in the literature (i.e. Ignatiff, 2005). However, there is always a danger in generalising and one of those dangers is perhaps erasing the efforts of individuals who are so marginalised that they struggle to have their voices heard above the din of global rights

discourse and debate. In fact, and most interestingly, we find that there are parts of the United States where human rights frames and standards have been widely used, apparently bucking the national trend. Often it is those residents who are from the country's most marginalised groups who are most fervently embracing human rights frames (see Finger and Luft, 2011). One such region known for a relatively widespread use of human rights on the grassroots level is in the Deep South, a sub-region of the Southeast United States. Yet in this sub-region we will see that local human rights institutions still lack the power and authority to protect and promote human rights. We will explore why a sub-region that enjoys a high level of grassroots support for human rights frames and practices in a country that is otherwise hesitant to do so still often lacks an effective local human rights infrastructure. If local human rights advocates are embracing human rights as a frame and practice, are they generating the type of political pressure that would lead to the development of local human rights institutions that have the powers and authorities needed to handle the very urgent and serious human rights claims being made by these same advocates? If not, why not?

1.6: Chapter Outlines:

In the next chapter (Chapter Two), I reviewed the methods employed for this project in greater detail. I discussed the grounded theory approach to research and the criteria in which interview participants were selected. I discussed ways in which interview data were gathered and interpreted through coding, utilising this grounded theory approach, so as to minimise potential bias as much as possible. I also briefly discussed the implications of interviewing participants who have various levels of vulnerability and marginality as well as the measures

taken to ensure that potential risks to participants are mitigated and that their experiences are properly and respectfully centred in the conversation.

In Chapter Three, I reviewed a selection of literature and reports related to the topic in order to identify and contextualise gaps in the research as well as present our theoretical framework. I made the decision to present this after the methods section. I made this decision because it felt most appropriate in light of the grounded theory approach taken in this inquiry. Presenting the following sections in that particular order provided better context to how the literature was approached and reviewed in a way that centred the experience of participants and highlighted their responses. Following the literature review in Chapter Four, I presented a Site Analysis. In this section, I discussed the area selected for this research in greater detail. I also explained my decision in selecting the specific study area. In Chapter Five, critical to my analysis, I provided an overview of the local human rights institutions currently established by law within the study area and analysed their status relative to the Paris Principles for National Human Rights Institutions. This type of analysis of local human rights institutions has not yet been done in this way on a specific geographical area and as such, contributes towards a discussion of how such institutions can and should be assessed in the future.

In the chapters following, I presented participant responses where I presented several tables that were created by coding the interview data. In addition, I quoted participants extensively when doing so provided important insight into a theme that emerged from the data as presented in the table. In this way, participant voices were used to contextualise the data drawn from the transcripts. The participant responses centred around a series of central questions or themes that emerged in every conversation and the subsequent chapters are

organised around those themes. In Chapter Six, I presented a frame analysis that discussed

participant responses relative to the use of human rights frames and practices. In this chapter, I

presented and analysed respondent use of human rights framing and instruments, and their

views on the concept of human rights, as well as their reasoning for engaging in certain human

rights-related processes. This chapter set the tone for an ensuing discussion of what claims and

abuses were cited by participants in the study area and the reasons respondents give for the

denial or limitations on their rights within the study area.

In Chapter Seven, I presented responses that spoke to what specific human rights

interviewees claimed as rights holders, both in their grassroots work and personally, as

referenced during the course of the interviews themselves. I also presented and categorised

the specific types of human rights abuses cited by participants during the course of our

discussions. This section also includes specific individual testimony from interviewees who

describe these rights violations in detail, thus allowing us to better contextualise the data. In

addition, I examined an emergent theme whereby participants speculated and offered their

possible explanations related to potential reasons that they felt that their rights claims had

been frustrated or abuses had been enacted, described in that section as the reasons proposed

by participants for their rights been denied. Through these interviews I found that the

explanations most often cited in the literature as possible explanations for the US

exceptionalism phenomenon were also represented by participants in the interviews as reasons

for rights denial and for the weakness of local human rights institutions in the study area. The

most widespread reasons cited for US exceptionalist behaviour included: a lack of incorporation

of international standards into domestic law, legalistic approach to domestic human rights

practice, use of civil rights framing at the exclusion of human rights frames, neoliberalism, lack

acceptance of economic, social, cultural, and environmental rights, neoliberal hegemony. Yet in

addition to those reasons, I also found an additional cross-cutting response that appeared to

unite these other reasons. That the role of systemic racism, also referred to herein as whiteness

constructed by hegemony, was also widely cited by participants as an important cross-cutting

factor explaining their rights denial and the weakness of local human rights institutions. This

insight offers an additional contribution to the literature on local human rights institutions.

Following those sections, I then presented participant views of local human rights

institutions in the study area. The prior chapters provided some insight into the powers and

authorities of local human rights institutions in the study area, added insight into participant

views of human rights as a frame and practice, the types of human rights-related challenges

and claims interviewees are currently engaged in, and the structural reasons participants cite

for those challenges and the denial of their claims. Having done so prior, in Chapter 8, I was

then able to proceed with my examination of local human rights institutions with the assertion

that local human rights institutions are not in fact equipped to address these issues in a manner

that participants found to be satisfactory. From this point, I presented proposed interventions

and policy recommendations that participants felt should be adopted in order for a local human

rights institution to be able to address and manage their human rights concerns. The proposed

interventions themselves were then discussed in relation to the existing literature, standards,

and practices. It notes that the prescriptive measures cited by participants often reflected the

Paris Principles, international standards created for national human rights institutions, and

could this instrument may have potential as a counter-hegemonic tool when applied in a local

context. This conclusion represents a third key contribution that I hope to make to the

literature through this project. Lastly, in Chapter Nine, I presented a concluding summary that

offered our observations drawn from the data relative to the existing literature, some

theoretical approaches that could be taken to better understand these results, and possible

opportunities for future research in this and other related topics.

Chapter Two: Methodology

2.1: Approaches Taken to Rights, Human Rights Institutions, Grounded Theory and the Deep South:

As one of my interviewees concisely put it, to speak of rights is generally to speak of those certain things that one is entitled to. It would be outside the scope of this work to discuss all of the angles of the debates surrounding what these entitlements are, where they come from, or whether they are universal or culturally-specific. At times it may be difficult to rigorously discuss or even structure a complete legal system around a concept that can at times appear quite subjective. As a way of approaching this topic, this work takes a constructivist approach to human rights. A constructivist approach posits that human rights are not a finite list of universal human rights that exist for all people in all contexts. Rather, human rights are entitlements that those within a society will assert and claim during the course of a sociological dialectical process. This constructivist approach embraces a notion that all human rights asserted and claimed generally centre around the question of human dignity and that which human beings are entitled to by virtue of being human in order to assert and uphold their dignity. Furthermore, I note that human rights can be used strategically as a moral frame that may be employed by claimants in order to maximise the validity of their claims. As such, claimants may choose to frame their demand as "human rights" demands since that frame holds a moral value in some spaces and is therefore persuasive. In other contexts, claimants may choose not to frame their demands in terms of human rights if they find that this frame is not persuasive or conducive to their policy goals. Human rights can also therefore be a described as a practice and this work views them as such. As a frame and practice that results

from a sociological dialectical process one should see different social systems (including

institutions) as sociological practice that contribute to that sociological conversation. In fact,

politics and the law, international entities, local or national institutions, advocates, activists,

and even corporations exist and are produced through sociological and dialectical processes

and therefore all have a role in shaping human rights and the rights/entitlement discourse.

These processes produce standards and practices which will also be examined herein. These

human rights standards and practices are not viewed as universal principles that emerged from

an abstract ether but outputs that are products of these dialectical sociological processes. As

such, when I examine these standards and the level of adherence to such standards, we are not

stating that they should be regarded as universal or even objectively moral (although their

moral quality is often upheld by rights holders). Rather, they simply exist and represent a

moment of consensus that was reached by certain actors who participated in a sociological

dialectical process surrounding the issue of what a human being is entitled to in order to best

support and uphold their dignity. At the same time, human rights are also a legal notion

whereby consensus can be crystallised in a stable and predictable fashion.

During the course of these dialectical processes, rights and entitlements have become

categorised. This has particularly taken shape over the past century and the reader may find

that we will refer herein to discrete categories of rights. When referring to categories of rights, I

am using Landman's (2006) categorisations which represent some of the most widely circulated

and broadly accepted typologies of rights: Civil and Political Rights, also referred to herein as

Political and Legal Rights, emphasise the rights of an individual before the law and entitle one

to a role in civil, economic, and political society. (Civil Rights are a specific rights-related frame

that will be discussed herein and relates to protections afforded by the state from violating the rights of its own citizens while political rights pertain to the claimant's right to engage in policy-related issues and processes). Economic and Social Rights include certain entitlements, such as the right to health and well-being, the right to a living wage, the right to housing and education. Cultural Rights include a specific group's rights to its collective cultural identity and practices or its land. Solidarity Rights denote the rights of a generation to the public good, the environment, and natural resources. These rights are also often referred to as Environmental Rights or Third Generation Rights. Herein, we may also briefly refer to dimensions of rights such as Positive Rights, which speak to the entitlement "to" and Negative Rights which speak to a claimant's entitlement to be "free from" something.

It should be said that these categorisations are employed herein because they have emerged through the process of sociolegal discourse, and are thus referenced extensively in both national and international law and jurisprudence. Additionally, they are frequently discussed in these terms in academic literature relevant to this specific topic as they pertain to human rights as a practice and frame. I may refer to these categories and dimensions herein, but one should not construe the use of such terms to indicate that we adopt the view that such categorisations should be viewed as universal, static, or unmovable or that they must or even should be used to describe rights in all contexts. In fact, I outline in the results chapters the ways in which many of these categories often overlapped and intersected with others. It is also conceivable that perhaps other societies, cultures, and sociolegal systems in the world could very well choose to characterise their own rights discourse in different terms and such a categorisation may, of course, be equally valid and rigorous. When this work refers to

categories of rights herein, I reference Landman's categorisations as they are the most well-known and widely-accepted manner in which rights have been characterised, and I do so simply as a way of relating the practices employed in the arenas being examined relative to the prevailing and relevant literature that was reviewed. In doing so I also acknowledge the subjectivity and the intersectionality of these categorisations.

Human rights institutions exist in many forms and could be interpreted both broadly and narrowly[1]. However, when I refer to national or local human rights institutions herein, I am referring to specific entities (often also called human rights commissions) that exist within and through the authority of the nation state that were designed and crafted in recent times as institutions specifically charged with promoting and monitoring the implementation of accepted human rights standards and practices. These can be established nationally or within subnational entities such as provincial, county, city, municipal, or state governments.[2] These are established by the state and are given their powers, authorities, and mandates by the state. As such, NGOs that have a similar mission would not be considered human rights institutions for the purposes of this research if they do not draw their powers, mandates, or authorities from the power of the state. There are also institutions and entities who are given power and authorities by the state to protect and promote the rights of certain specific marginalised groups for example, an Office of Disability Affairs, an Office of Indigenous Affairs, or an Equal

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[1]Some might assert that a human rights institution could constitute any institution that has been created to further the claims of rights holders and secure their protection, even if said organisation does not even employ human rights framing. An institution mandated to protect and further claims of rights holders within a specific marginalized group or under a specific area of interest such as a Disability Rights Council or an Independent Police Monitor set up within a larger governmental framework, or even a Non-Governmental Organization that documents and reports on abuses could also be viewed as such. I offer a definition which is based on international law which refers to a very specific construct that is present worldwide within various levels of government.
[2] https://www.ohchr.org/en/countries/nhri

Employment Opportunity Commission. These may be considered human rights institutions in the broadest sense but for the purposes of this work, we are only referring to those entities that claim mandates that are broader than protecting the rights of a specific group of marginalised claimants. Herein, National Human Rights Institutions (those entities whose jurisdiction encompasses an entire nation state) are abbreviated as NHRIs. Local human rights institutions (HRIs) refer to institutions whose jurisdiction encompasses a subnational entity such as a city, county, parish, province, or state (in this context "state" refers to the subnational jurisdiction in the United States).

When I refer to the Deep South herein, I use Black and Black's (2003) characterisation which distinguishes between the "Peripheral" South, (the states of Texas, Arkansas, Tennessee, Kentucky, Florida, North Carolina, Maryland, Virginia and West Virginia) and the "Deep" South, (the states of Mississippi, Louisiana, Alabama, Georgia and South Carolina). I acknowledge and support Ayers' (1996) contention that it is also critical to note that the region is not a cultural or economic monolith, but one comprised of various identities, ethnicities, backgrounds, and conceptions of "Southern-ness." References to the "study area" are to the locations within the states of Mississippi and Louisiana where the research was performed, interviews were conducted, and where interview participants live and do their work. These locations are particularly notable for a high level of grassroots engagement and use of human rights frames and instruments as noted by Finger and Luft (2011). Additionally, the sub-region of the Deep South and the geographically smaller study area have an important place in history as having witnessed much of the activity during the Civil Rights Movement which was critical in the forging of the current rights discourse in United States as a whole. It was during the period of

the Civil Rights movement that also informed and inspired the first waves of local human rights institutions that were established in cities and states countrywide. As such, the study area and the Deep South are critical to the formation of local human rights institutions and rights-framing in the United States and the study area in particular is notable for a high level of grassroots employment of human rights framing and instruments.

This work adopted a grounded theory approach to its research methodology. According to Charmaz and Thornberg (2021) grounded theory calls for a researcher to take an inductive approach which develops their analytical framework through the research process itself (305). A grounded theory approach allows the data to determine the analytical focus of the work. This approach was viewed as appropriate for several reasons. First, it was deemed necessary in order to best centre the experience of the grassroots advocates who agreed to be interviewed, most of whom were drawn from the very marginalised communities that they advocated for. A grounded theory approach was seen as one that could be used to minimise the circumstances by which the researcher might insert their own priorities into the findings drawn from these interviews, thus overshadowing the interviewees' ability to speak for themselves and present their own views in their responses. Additionally, such an approach was viewed as necessary in order to control for potential bias on the part of a researcher who once led a local human rights office, the very type of institution that is the focus of this research. Grounded theory calls on the researcher to demonstrate a certain amount of transparency in their work by showing how their research has been conducted, what they have discovered, and the process by which they have done so (Ibid: 306).

It should also be noted that this work draws much of its theoretical approach from Gramscian notions of hegemony which have been adopted in the larger corpus of social science research. This was a theoretical framework that had admittedly been employed by the researcher in other work prior to this project, but emerged quite organically as a possible explanation for certain phenomena that emerged from the interview data. Hegemony as a concept will be addressed in greater detail in the later chapters. I use the term "implementation gap" in the manner employed by Morgan (2007) to describe a differential between those regulations and policies advocated for and even written into law as spearheaded by human rights claimants, and their actual application on the ground or on a local level. I also refer to "US human rights exceptionalism" particularly in its domestic practice. As we will see in the literature chapter, this concept is a term coined by scholars to describe a US aversion to adopting certain international human rights norms, whether globally or in its domestic practice. It can also refer to a certain hesitation by many actors within the United States to employ human rights framing in their work (Ignatieff, 2005).

2.2: Collection of Interview Data:

The interview phase of this project was mostly performed in the State of Louisiana, with a small number of interviews performed in the City of Jackson, Mississippi. Louisiana was chosen as a state within the Deep South because it had seen an increased engagement in human rights-related frames by grassroots actors since Hurricane Katrina and the resultant levee failures of 2005 (see Finger and Luft, 2011). Interviews from individuals in Jackson, Mississippi were also incorporated because Jackson was the first Human Rights City in the Deep

South and since that initiative, the local human rights institution created during that time has still neither been fully funded or established (see Chapter Five).

The data were gathered via semi-structured interviews. Interview participants fit into three general categories with some participants best characterised as belonging to more than one of these three groupings:

1) Advocates from marginalised and/or impacted communities in the U.S. State of Louisiana and the City of Jackson, Mississippi who have used human rights framing in their work and who have advocated both locally and nationally for specific human rights-related interventions. This provided some insight into community interactions with institutional structures and enriched the discussion of an implementation gap.

2) Legal scholars and advocates who have supported the initiatives and goals of these individuals and have insights regarding the use of human rights framing in these spaces. This provided additional sociolegal perspectives from practitioners within movement spaces themselves and provided a vocabulary for some of the observations that advocates from marginalised communities without legal background made in their interviews.

3) Individuals who are serving or have served in a human rights-related advocacy role formally embedded in local and state government. This provided an important perspective from within the institutions that I examined.

In total, twelve (12) individuals were interviewed during the Individual Interview phase of this project. These interviews ranged from 45 to 90 minutes in length. After being transcribed word for word, line by line thematic coding was performed for the first four

interviews. After the first four interviews, repetitive themes began to emerge. Following the

emergence of these repetitive themes, the subsequent interview transcripts were coded

paragraph by paragraph. The emergent themes were then tabulated and before being

presented in the analysis herein. Information on the participants is presented in the table

below and is based on how they self-identified.

Participant 1	Indigenous	Female	Government	LaFourche Parish, LA
Participant 2	Black/Afro Creole	Female	Advocate	St. John Parish, LA
Participant 3	Black/Afro Creole	Trans Female	Advocate	New Orleans, LA
Participant 4	Jewish	Female	Legal scholar	New Orleans, LA
Participant 5	White	Female	Government	Opelousas, LA
Participant 6	Jewish	Female	Legal scholar	New Orleans, LA
Participant 7	Black	Trans Female	Advocate	New Orleans, LA
Participant 8	Indigenous	Female	Advocate	Baton Rouge, LA
Participant 9	South Asian	Female	Advocate	Jackson, MS
Participant 10	White/Cajun	Female	Advocate	Lafitte, LA
Participant 11	Black	Male	Advocate	Jackson, MS
Participant 12	White/Cajun	Female	Legal scholar/government	New Iberia, LA

These interviews were conducted either face-to-face or virtually via video conferencing,

audio, email, or messaging. Virtual and in-person interviews were audio recorded, transcribed

and stored on the University of London School of Advanced Study's cloud software under

password protection. The data could only be accessed, transcribed and analysed on the

researcher's password-protected personal encrypted laptop. Each participant was presented

with information on the research being performed and furnished informed consent forms

which were discussed verbally in the beginning of each interview. No one participated in the study without giving explicit written informed consent unless verbal consent was requested to accommodate persons with disabilities, individuals with limited English proficiency, or individuals with limited access to electronic devices. Persons with disabilities, those with limited English proficiency, and those with limited access to electronic devices were given the option to request an accommodation which included a verbal (rather than written) consent process. In such a case, the informed consent disclosure was verbally discussed, in English or (in the case of one with limited English proficiency) another language of the participant's choice. This disclosure process was recorded and transcribed at the time of the participant's interview, along with the statement explaining the research, the verbal informed consent statement, and their assent.

Due to the delicate nature of the human rights abuses cited by some participants, this project made confidentiality the rule, rather than the exception. Rather than having to opt in to having respondents' personal information redacted from my field notes, data collection, and final research project, I chose to refrain from collecting personal information on respondents as a general rule. Understanding that it is important to give credit to participants for their human rights work and organising efforts, I did present respondents with the opportunity to provide their personal information, as in some cases it was important to participants that they be recognised for their work and the emotional labour that often ensues from answering questions related to potentially difficult topics such as instances of past human rights violations and overall lived experience. I made respondents aware of the risks associated with their participation and no participant who has chosen to opt in to sharing their personal information

did so without having been informed of the risks and providing consent. Participants were explicitly informed before participating that even though their personal information was redacted unless they wish to be attributed, that they may still be identified through their affiliation to the specific organisation that they work with. I further informed them that consent to have their personal information included may be withdrawn at any time, in which case any and all potentially identifying information will be removed from field notes and other research materials.

The research methods followed the most up-to-date guidance from the US Centres for Disease Control regarding the COVID-19 pandemic and adhered to the most restrictive interpretations of this guidance at any given time. All participant interviews were conducted via the internet except for one. In that case, the participant was spaced at least six feet apart and wearing masks for the duration of their interview. I met with that in a public place that had a private room available, so that the content of our meetings was not inadvertently disclosed. I did not disclose where meetings are conducted during the course of the project so as to protect the identity of respondents. Field notes were transmitted directly to the researcher's encrypted laptop and uploaded to the University's cloud when the interview concludes. Upon uploading the data, the content was then deleted from the researcher's laptop.

All participants were given the opportunity to anonymise their responses through the omission of any personally identifiable information. No vulnerable adults or minors participated in this project. Interviewees and institutional affiliations who are reporting instances of current or past abuse by those in positions of power (such as law enforcement) were anonymised. In instances where a participant was critical of their institutional affiliation and said criticism may

have had the potential to jeopardise their employment or standing in the community, and in instances where interviewees and/or their institutional affiliations are engaged in ongoing legal action related to the topic being discussed, their responses were anonymised.

The research engaged in a conversation analysis and a narrative analysis of emergent themes was explored. These themes were coded and frequently used words were identified. These interviews were continued until the themes identified become repetitive and redundant. While the conversations all sought to address certain core topics, participants were given space to address these issues in a more open way, self-directing the conversations around issues that they found relevant or important, with the hope that themes would emerge across the interviews and provide new insights into the topic. Although certain core topics were discussed in each interview (see below), the semi-structured nature of the interviews themselves allowed for participants to emphasise or de-emphasise certain topics or themes. The coding of such interviews was also done in an intentional and methodical manner in order to control for potential biases. The core topics addressed in each interview were as follows:

- A participant's thoughts on human rights as a definition, frame, or practice;

- The types of rights abuses being reported;

- The types or categories of rights being claimed;

- Reflections on why participants believe such abuses persist;

- Discussions surrounding local human rights institutions and why their authorities might be limited;

- Reflections on the types of characteristics that a local human rights institution should have in order to perform its role effectively.

2.3: Collection of Focus Group Data:

This project also convened a focus group consisting of three human rights activists and organisers operating in different parts of the Deep South, outside of Louisiana and Mississippi. The focus group discussion had a more open-ended format than the individual interviews to allow for themes to independently emerge. The focus group was convened as an additional measure to control for potential bias that may result from my prior history working in the study area. If different themes emerged from the focus group discussion than those found from the individual interviews, this could indicate a need to make further methodological adjustments. Each participant in the focus group was coded separately and repetitive themes that emerged in the interviews also emerged in the focus group discussion. These data were incorporated into the larger dataset in order to ensure that additional (or contradictory) themes could inform the results.

All three participants in the focus group identified as Black and categorised themselves as advocates. Two identified as male and one identified as female.

2.4: On Reflexive Forms:

Researcher reflexivity is a practice whereby researchers seek to make their own potential influence on the research and its results transparent. Reflexivity has become an accepted, and in some disciplines expected, component of certain types of social science inquiry. By taking a reflexive approach, researchers may identify methodological approaches that control for a researcher's individual biases and provide the reader with important context.

In addition to these analytical benefits that seek increase the reliability of results, reflexivity

that accounts for possible implications for participants of a study within a greater socio-political

context also serves an important ethical purpose (Unger, 2021). In this work I found it

important to engage in a brief discussion of my own positionality and to outline the measures

taken to control for possible biases that could potentially affect the outcomes of this project.

My decision to examine this specific topic in detail originates from my own interests and

personal experience leading a local human rights institution in the Deep South. That experience

is particularly relevant to the framing of the discussed topics herein. In order to introduce

further reflexivity into this work, I am choosing to discuss my positionality in further detail and

the measures taken to control for potential methodological issues. In Chapter Five, I also

discussed the history and scope of the local human rights institution in New Orleans as well as

the other local human rights institutions in the study area. That chapter was focused on the

institution itself, whereas the reflexive elements of the proceeding chapter and this chapter

were written for the purpose of disclosing my own role and history in that institution as well as

its potential influence on my approach to this subject.

It should also be disclosed that after the Human Rights Commission was embedded in

the City Charter following a public vote, the City Council did not (and still has not) decided to

fund this office, nor have they passed an updated "enabling ordinance" that would provide for

the functioning and mandates of the newly-embedded office. Therefore, once the office was re-

established through a public vote so it might have enforcement powers, the political leadership

decided not to take the actions necessary in order for that office to fully assert those legal

powers and authorities. While this personal experience has proven useful for this particular

project, it has also presented unique issues that had to be addressed in the formation of its

research design. Since the inquiry itself questions why local human rights institutions are not

allowed to operate under their full authorities within the study area, I had to take additional

measures to control for my own views on the matter and ensure that they did not interfere

with the interpretation of the data. In addition, I had to select specific research questions that

they themselves were not sure about or had not yet formed an opinion on, in spite of their

overall familiarity with the topic. Finally, I sought to centre the opinions of interviewees who

were in the field and actively using human rights frames and practices in their work. Therefore,

the work is one that centres their views and not my own or even of other actors in these

spaces. As such, while it made certain inquiries that intersected with my own life experience, it

sought answers from voices that were well outside of that experience. This is not an inquiry

into what I think about this topic based on my past experience, but one that reports on the

views of others who offer opinions that I may or may not share. Further, and because of the

general level of familiarity with the topics, the interviews themselves were able to probe a

deeper level of topical analysis than we may see from one who had no prior knowledge of the

topic. This approach was taken in order to harness the potential benefits that this experience

brought to me as well as to control for potential biases that may occur.

My life experience provided both benefits and drawbacks for the research itself. In the

way of benefits, it should be noted that this prior experience also afforded me with a level of

rapport that in turn permitted me to engage individuals in both elite and non-elite spaces that

might otherwise have been difficult to obtain by other researchers. My prior experience

provided gave me the opportunity to build rapport with a variety of grassroots organisers

throughout the Deep South, representing various communities with differing levels of marginality, many of whom are distrustful of institutions and who thus might otherwise have been averse to allowing one to interview them for the purposes of academic research. It also provided me access to individuals working within various levels of government itself, who might otherwise have been hesitant to provide candid responses to the interview questions and provide insights into the challenges inherent in serving as an advocacy embedded within the inner workings of local and municipal government. It can be said that my prior experience leading a local human rights institution also provided me with a baseline understanding of the challenges and controversies inherent in the duties and mandates of these institutions themselves as well as those inherent in leading such organisations. This proved to be quite valuable in guiding one's exploration of the prevailing literature and scholarship related to this topic. This experience perhaps even required a less idealistic understanding of the role that these institutions can play and allowed for a more practical approach. Such an understanding has thus allowed for a certain level of impartiality in some respects, insofar as a willingness to critically assess statements and conclusions within the prevailing literature pertaining to the proposed benefits and drawbacks of these organisations. In summary, I would assert that rather than being a disqualifying factor in performing the research, having prior experience in the field allowed for the introduction of a potentially unique perspective into this topic not always seen in the existing literature on local human rights institutions.

While the benefits were indeed an asset for the aforementioned reasons, that positionality created the potential for certain preconceived biases that would interfere with an otherwise independent analysis of the topic of inquiry. This necessitated that certain measures

be taken to control for potential biases to the best of my ability. As such, a grounded theory

approach was a necessary departure point in order to ensure that the data gathered during the

course of my research be allowed to speak for itself as much as possible. A grounded theory

approach allowed for the data to drive the conclusions of the research and it also necessitated

that measures be taken to allow for the open interpretation of those data. This approach thus

offered a manner in which I could minimise potential biases in interpretation and analysis of the

data that was collected during the course of this project. The measures taken will be addressed

in the forthcoming discussion on the collection and coding of interview data.

Lastly, as a member of the community who also served in a political position within the

area being studied, it was important for me to create an interview environment where

participants could be candid in discussing the work done by the organisation that I lead, as well

as critique its successes and its failures. Insofar as this involved reporting on data from some

participants who criticized my own initiatives while in office, or those of the mayoral

administration under which I served, this project chose to transcribe interviews word-for-word

in order to report on any potential criticisms dispassionately as one would for any other data

point uncovered within the scope of any research study. Data was therefore neither changed

nor was it eliminated and participants were encouraged to respond frankly and were given the

opportunity to examine and critique my own interpretations in order to ensure that they had

been characterised correctly.

2.5: Sampling Considerations and Working with Marginalised Participants:

Yet in spite of my prior experience in the field, I acknowledge that this project was still what Tuhiwai Smith (2012) refers to as "outsider" research (137). In formulating the research design for this project, efforts were made to address the ethical implications of interviewing and engaging with participants who have been disproportionately impacted by past and ongoing human rights abuses. I also acknowledge that there has been a long history of scholarship that has historically "othered" its "subjects" and at times this has had deleterious effects on these communities. All researchers risk "othering" participants through well-intentioned efforts to interact with so-called "marginalized" groups. There are complex, concentric identities that have arisen in all communities and in a place as diverse and complex as the study region, a researcher who fails to account for these dynamics risks not only betraying the trust of participants, but also producing subpar results. In addition to the dangers inherent in objectifying participants and portraying their claims as monoliths deserving of sympathy and help, such an approach would fail to account for the intersecting layers of privilege within marginalized communities themselves and thus decrease the empirical value of the analysis (Ibid: 26-28).

Secondly, the information and stories that participants provided are intimately tied to a participant's lived experience and often, personal trauma. Following the interview, participants must live with the results of their participation both professionally and socially. Therefore, the interviews were conducted in a manner that created a permission structure for participants to disengage from topics that were either too personal or too traumatising. The data that was

gathered for this project was used for the sole purpose of addressing the research questions. All participants were informed that they may request to see the results of their contribution and will be provided with the finished product.

This work also actively sought to ensure that there was adequate representation of diverse perspectives so as not to present participants as representing a single monolith. Participants were chosen based on their engagement in human rights framing work, their roles in policy-related or activist roles, and their willingness and expressed level of comfort in discussing the topics addressed during the course of the interview. This project specifically sought engagement from women, transgender, and gender non-conforming participants, participants of colour, indigenous individuals, and people with disabilities. In this way, the findings produced a narrative that allowed for participant's voices to exert a greater level of control over their own framing by specifically engaging participants who could speak to their own individual experiences as members of the very groups making the human rights claims that are discussed herein (Ibid: 150-151).

It should also be noted that during the course of the interview process and in this text, I did not aspire to express neutrality when it came to the human rights claims being made by participants. In the context of human rights, this project did not seek to dispassionately report on human rights abuses (Ibid: 143-144). During the course of the interviews, I took the position that this project was a human rights endeavour that aspired to centre the lived experiences of those who chose to participate in the research and would therefore support and assert their human rights claims.

Chapter 3: Literature Review

3.1: Overview:

This project examined local human rights institutions and how their legal roles and functions are very much influenced by sociological factors and political actors within the sociological arena. At the outset, one might be forgiven for viewing the role of such institutions as being relatively straightforward. These institutions were intended to be granted specific and discrete legal competencies that allow them to secure and defend rights holders in a specific geographic area, including in the local sphere. However, we saw that at least in the study area, these institutions are very much informed by various factors within the local context. Further inquiry into the factors that inform and at times limit the scope of these institutions first needed to explore how human rights concepts are navigated in the study area and how we might best approach the scope and mandates of local human rights institutions in order to make statements as to their legal effectiveness and role therein.

To begin with, I examined selected literature that informed my approach to human rights as a sociolegal concept, a frame, and a practice and how this applies to the local context. Then, I examined scholarship that could provide some perspective as to how rights are generally contested through political processes worldwide between various actors and social variables. I further examined literature on local and national human rights institutions themselves, their historic, social, and legal roles, what they were originally intended to do, and how they may relate to the larger political processes surrounding the contestation of rights in a specific area. Further inquiry was also needed in order to provide a means by which I could characterise the scope and mandates of the institutions I assessed within the study area.

Therefore, I reviewed literature that could help me better frame my discussion of international standards for national human rights institutions and whether these standards are generalisable enough to be applied to local institutions in order to assess whether such institutions were granted the necessary legal authorities required to secure and defend human rights in a local area. In doing so, I also reviewed some relevant literature on the concept of hegemony, which provided me with a means of understanding and interpreting how socio-political actors in the local sphere might influence, and at times limit, such institutions. Because I am focusing on a specific local area in the United States, I also needed to explore scholarship on how human rights concepts are generally viewed in the national discourse of this country and in the specific regional area being studied. Lastly, I examined literature on the counterhegemonic use of human rights frames as a way of better interpret interview data that could emerge from discussions with local human rights advocates in the study region.

3.2: Sociological literature on human rights practice and framing:

"While national and regional governments too have important roles to play in the promotion and protection of human rights, local governments are at the forefront of bringing human rights to all. Local governments are in contact with people in the most direct way. They receive demands, claims, and complaints from residents, while developing and enacting policies that directly affect lives."

-United Nations Office of the High Commissioner on Human Rights

This inquiry begins with a frame analysis, which explores the application of human rights frames on a local level, by local actors. A natural law or universalist approach to human rights would argue that such rights are innate, finite, and universal. This view was widely accepted by many of the initial framers of our modern human rights institutions and norms. Dembour, (2001) noted that this idea espouses an idea of natural law, and thus can be fairly critiqued as being problematic (or even arrogant) for not taking cultural context into account. According to Dembour, a completely relativist approach to rights, conversely, might argue that what constitutes a human right may differ from culture to culture and this view has often been critiqued as perhaps equally problematic, since it tends to limit the individual and their destiny to the supposed culture that they were born in. Rather than committing to one view or the other, Dembour's work proposed that universalism and relativism should be seen as opposing sides of a pendulum which must swing back and forth depending on the specifics of a given situation and the human rights claims being made. While we work towards universal human rights for all, we would also take local culture and context into account when doing so. "Rather than a theory which invites us to choose one of the two poles, we need one which recognises that neither is tenable without the awareness of the other (2001: 75)."

Hynes, Lamb, Short and Waites (2010) note that the idea of universal human rights had also been critiqued for their connection to capitalism and privilege and an oft-perceived failure to deliver concrete results on an international level. Yet when contextualized through sociological, anthropological, and political frames, human rights have value as a framing tool. The authors contend that these frames have value in that they enrich one's understanding of the world and enhance one's engagement in social and public policy questions. This work also

introduces the concept of a creative tension between micro and macro constructions of human rights. This contribution extends Dembour's concept of contextualising specific human rights claims along a continuum (or pendulum), and these authors go further still by contending that the state itself is a "battlefield" of human rights where specific claims are derived from social processes rather than a prescribed and pre-existing list of universal precepts. The state itself, on all levels, becomes an arena in which one may examine rights construction itself. In addition to the state, the local spheres within the state also become critical arenas and this is the primary focus of this work.

The question of rights is ultimately one of entitlements and a social constructivist approach will allow us to approach human rights as a frame and practice surrounding the question of what individuals are entitled to, rather than a universal set of standards that apply in all cases to all people. Since I was largely focused on local human rights institutions and rights as navigated within the local sphere of the study area, a social constructivist approach to rights was adopted as it was seen as the most logical and appropriate approach. Turner (1993) asserts that human rights should be based on the idea of there being a universal vulnerability or frailty in the human condition and that this universal vulnerability should be what human rights claims are based on (1993: 506). Waters, (1996) conversely argues that human rights are instead the result of a specific or political context. These two views may have initially developed in opposition to one other but human rights framing, when adopted in the local context, has the potential to serve as a "lingua franca of global moral thought." When applied in a localised frame, it would then resonate more with the relevant local actors and nurture a culture of rights protection that identifies and elevates certain rights claims using a more bottom-up

approach that challenges existing narratives which in turn derive from those in positions of power (Graham, Gready, Hoddy, and Pennington 2016: 194). This is a more sociologically-based approach to rights which may thus be better equipped to engage in the difficulties of interpretation and implementation of entitlements and may be better able to connect global standards with local realities as identified by Hynes, et. al. (2010: 812). Such an approach also acknowledges the universality of vulnerability as a way to ground discussions of rights. This view sees rights as an ongoing sociological conversation grounded in this sense of universal vulnerability and centred around human dignity. This issue of dignity thus emerges as an essential component in a locally-focused social dialogue surrounding of how rights should be defined (Howard-Hassman: 2011). As a sociological conversation centred around the question of human dignity, the local sphere obviously emerges as a space in which we can examine important discourse regarding the implementation of rights and the impact of such discourse on individuals. The study of rights implementation on a local level becomes a rich source of inquiry.

Morgan (2011) speaks of social constructivists who note that human rights emerge from political and moral struggles of those dwelling in various degrees of marginality, often also note an affect where rights are co-opted and institutionalised causing social movements to lose their spontaneity and moderate their claims, and give up more contentious forms of mobilisation. These are referred to in Morgan's work as channelling effects. This is also expressed in Freeman's (2002) assertion that the institutionalisation of human rights frames can dilute them to the point where they become unthreatening to existing power structures, and thus limiting their radical potential. Yet Morgan notes that global indigenous rights activists have not

moderated their claims, even if they've had successes with the institutions they are interacting with (2002: 142-144). Morgan also notes the presence of an implementation gap, which is the differential outcome between the claims being made by advocates and even their successes in getting such claims acknowledged in the law and the actual reality of their implementation (Ibid: 156). The implementation gap between advocate claims and the ability of HRIs to actively advance those claims was examined in this research. As Morgan notes, implementation is often approached as a legal issue, but beyond that, economic, political, social, and cultural factors determine action on human rights.

Morgan (2004) further states that grassroots approaches to rights are often strategic. Movements will relate their work to the predispositions of their targeted audience in order to obtain the policy change they are seeking (2004: 484). Therefore, grassroots organisers making human rights claims will create frames (in this case using human rights language) and these frames are created at the intersection between a target an audience's culture and the goals and values of those making the claims. "By changing the object of focus from the recruits to the elites, framing can also explain movement outcomes (Ibid: 496)." A successful movement leader will develop frames that persuade elites to change the law and policies.

The mechanism by which a human rights culture and practice within a region may diffuse nationally and globally may be examined through theories regarding specific social movements themselves such as norm diffusion theory. McMichael (1990) critiques the world systems approach to comparative methods as being too state-centric. While world systems exist, McMichael contends that they transcend regional borders and social movements share resources across the globe. That is to say, no region or movement operates in a vacuum,

especially at a time of increased access to global information and communication (1990: 385).

"We can adapt the world-system perspective of a theoretically singular, yet historically diverse, global process as an appropriate methodological principle…In history, there are divergent manifestations of a singular process…Outcomes… may appear as individually self-evident units of analysis but in reality (they) are interconnected processes (Ibid: 395-396)." According to Ragin and Zaret (1983) a dynamic relationship exists between a Durkheimian variable-based phenomena and Weberian case-based phenomena. True to Durkheim's approach, there are social forces and movements that go beyond the individual and affect behaviour while Weber's approach accounts for individual action that protects one's interests. Both of these strategies can be combined and seen as complementary in describing social phenomena. Any examination of institutions in a particular region such as the Deep South of the United States should be prepared to account for the extent to which social movements share information across borders and scale. The role of local governments in human rights implementation, the human rights cities movement itself, and hegemonic and counter-hegemonic frames all operate in a global context alongside social movements that share information and values. It therefore important to discuss the role that local government and local human rights institutions have within the human rights movement itself and the challenges they face. Discussions that pertain to regions such as the Deep South thus take a more national and global dimension, and speak to the role of the United States as both a nation of people and as a global hegemon.

The above cited literature of human rights therefore provides an approach by which I can frame my inquiry into the issue of how human rights are framed and contested in the local sphere. This literature would indicate that the concept of human rights has shifted since a

sociolegal infrastructure surrounding this concept began to develop. This process has gradually

shifted the sociological understanding of human rights away from that of a finite list of

universal principles that can or should be applied to every single society and circumstance

worldwide. Instead, the concept has largely been reoriented around a more constructivist

approach that views rights as a sociological conversation, centred around human dignity and

universal vulnerability regarding what rights one is entitled to on the basis of being human.

Therefore, the specific legal guarantees afforded to a rights holder may vary depending on the

specific processes occurring within specific social constructs. The literature sees the state itself

as a battlefield or arena of struggle whereby this conversation is played out within a society.

This takes place on all levels of state governance. This is will be relevant to my thesis because I

orient my concept of rights around this social constructivist approach so as to better examine

how rights holders contesting and claiming rights in the local sphere define their entitlements.

Furthermore, if the state is the arena of struggle, the state's institutions, particularly human

rights institutions, have specific relevance to our understanding of the dialectical process

surrounding rights in a given context. When examining human rights institutions on the local

level this is particularly informative because the specific components that inform the debate

around the social construction of rights can be better examined in their component parts in real

time. This work contributes to this discussion by offering insight into how grassroots rights

holders operating in the local sphere view and interact with local human rights institutions as

an arena of struggle. It also presents participants' own views of the human rights frame and

practice and how they view this dialectical process. It further contributes to an understanding

of the role of local human rights institutions may play in local rights construction and

protection.

3.3: Selected contributions on applying human rights concepts to the local context:

The universality of human rights lies not in a defined (and as such limited) list of specific

rights themselves, but in an overall desire to preserve the moral imperative of human dignity

(Grigolo, 2019). Human rights can thus be invoked whenever dignity is being threatened in the

social world. A city, region, or nation is therefore not a single actor with a unified human rights

agenda but a sociological phenomenon where different sectors, parties, bureaucracies, and

ideologies compete within it to define human rights (Grigolo, 2010). Human rights research

should take an approach that centres human dignity, strongly argues in favour of human rights

framing, and acknowledges that human rights claims are derived from these complex

sociological processes rather than from a pre-existing list of norms or standards for all.

In light of this, scholars note a fascinating localisation trend within rights discourse

which has coincided with increasing urbanization rates and a decades-long trend towards the

decentralization of the powers and authorities of central governments. As such, local

authorities have increasingly become engaged in human rights debates and have even acted as

human rights protectors (Oomen and Baumgartel, 2018; see also Oomen and Van den Berg,

2014). Cities have thus emerged as important actors, taking central roles in addressing current

global challenges such as migrant crises and efforts to combat climate change (2018: 608).

Graham, Gready, Hoddy, and Pennington (2016) assert that the local governing authority is able

to effectively engage in these matters because of its influence over the five specific key areas of

the local democratic arena, the employment arena, as a key provider of essential government services, as an important public contractor, and as a rule-maker (2016: 181). As sites of human rights implementation, these local arenas challenge us to consider how to link broad global standards in relevant ways in a local context, how to effectively manage cultural diversity, and how to frame human rights so that its discourse both resonates in a local setting and mobilises local stakeholders (Ibid: 183). Therefore, while laws adopted at the national or international levels are largely viewed as self-implementing, the authors assert that "human rights cannot be fully effective unless appropriated and adapted by local authorities (Ibid: 186)." Oomen and Van den Berg (2014) point to the local sphere as a natural arena whereby local actors can engage in sociological dialogues and contestations where human rights are used locally as a benchmark and a unifying force. As a result, the demarcation of autonomy-promoting policies locally may at times be more progressive than what might be feasible nationally (2014: 176-181). These scholars also note that in cases where the city was driven to assert its autonomy by pursuing more humane policies than those of the national government at the time, this might also be motivated by a sense that certain rights were no longer protected by nation states. Barber (2014) addresses this as well by stating that in the past, higher-level jurisdictions used to do a better job than the local jurisdiction at rights protection but at a certain point an "inversion" happened due to increased democratic involvement on a local level, increased urban diversity, and the linkage of access to urban public goods to global human rights (2014: 17). This is particularly relevant to my research because I discuss the role that human rights institutions would ideally play as instruments and tools of the local government to protect and expand human rights on a local level.

Also relevant to a discussion of rights implementation in the local sphere is the emergence of the "human rights city." Drawing from the Vienna Declaration and Programme of Action in 1993, the People's Movement for Human Rights Learning (PDHRE) sought to further develop frameworks for the local application of human rights frameworks by creating a methodology for the creation of human rights cities. In 1997, the city of Rosario, Argentina became the first city to put the PDHRE methodology into practice, followed by cities in Mali, Kenya, Ghana, India, and Brazil (Oomen and Baumgartel, 2014). Human rights cities are defined by the aforementioned authors as those cities that explicitly base their policies on human rights as laid down in international treaties. In Grigolo (2016) we see an argument for a definition of a human rights city that does not only centre local governments or international treaties, but also accounts for the aforementioned socio-political processes that inform human rights, including the role of civil society, which often plays a critical role in pushing local leaders to adopt more expansive notions of human rights. Critical to the understanding of rights (and by extension the human rights city phenomenon) as an ongoing frame, practice, and sociological conversation are also the tensions surrounding the contestation and thwarting of individual and collective rights.

Grigolo (2019) also notes that because cities function as both centres of commerce and homes to large diverse and often marginalized populations, such tension often will arise between the local entity (in this case the city) as a guarantor of rights and as a violator of those same rights they are supposed to guarantee (2019: 4). The local entity in this case is the state but because it is indeed local, it is also intimately connected with the daily lives of people. As such, a tension also emerges related to advocacy efforts that work to advance certain rights

and parallel efforts that seek to advance neoliberal interests within the subnational entity of

the state (Ibid: 4-6). As human rights begin a process of institutionalisation on a local level, the

local government will acquire a stronger control over them, and a tension builds between local

government and civil society as government seeks to co-opt human rights frames in an effort to

avoid challenges to existing power structures (Ibid: 8). Local human rights institutions (HRIs)

and commissions, as locally dedicated human rights bodies, are often central in educating

people on human rights and remedying threats to such rights (Ibid: 11). At the same time, city

government may find itself invested in controlling and limiting the capacity of the imposition of

human rights within a city (Ibid: 14). Therefore, the meaning of what comprises a human rights

city and the effectiveness of any local human rights institution thus depends on who has the

right to define and lead it at a given time. Therefore, the human rights city, the local application

of human rights and, as we will soon discuss, the human rights institutions themselves are

inherently political and can even generate significant levels of resistance from neoliberal

elements, to the extent where one needs to be cognizant of how such socio-political forces

seek to constrict rights protections (Ibid: 15). A constructivist approach to human rights would

also require that we acknowledge that specific human rights standards emerge from these

processes and should be examined relative to that local context in a specific place.

Kaufman (2011) notes that cities are important to global rights protection precisely

because international human rights treaties, even though they are adopted by the nation state,

are intended to be implemented at the local level with a great deal of democratic input (2011:

89). For this reason, Kaufman and others argue in favour of local human rights institutions or

commissions as critical sites for domestic human rights implementation. Without such

institutions, a "key piece of the puzzle is broken (Ibid: 90)." This presents an interesting dilemma as we have some scholarship advocating for the local application of broader standards that were developed in another place in a local context while at the same time acknowledging rights as a localised sociological conversation. As such, and in light of the aforementioned work, wherein rights represent a sociological conversation centred around certain entitlements grounded in human dignity, local human rights institutions provide key arena for the sociological processes that contest and define human rights, as they are understood both locally and internationally, as well as an arena for its practice, framing, and strategic use as well as a potential legal channel and means by which rights can be institutionalised.

This literature shows us how highly contested the role of the state is. It also proposes that the state is an arena of struggle instrumental to the construction of rights. Within the arena are various actors, some operating inside state institutions, others seeking to influence those institutions from the outside. These actors compete to define rights. Over time increased attention has been given to the local arena of rights protection. Whereas the focus has often been on the global nature of human rights and their universal application by nation states as the primary actor in the human rights conversation, the role that local governance plays in the rights conversation has been ever increasingly emphasised in the literature surrounding the sociology of rights. This localisation trend has featured very prominently in discussions surrounding certain specific entitlements (such as the rights of migrants) and the human rights cities phenomenon is a key important component of this trend. The human rights cities phenomenon sought to create a framework by which human rights can be applied to the local context. One might also exercise caution against focusing exclusively on laws and the state itself

at the expense of the local actors that comprise the local arena of struggle. As rights holders push local leaders to adopt more expansive notions of human rights, those rights become institutionalised. As they become institutionalised, they become co-opted, and local governments will try to control what constitutes a right in ways that do not always benefit rights holders. The literature suggests that one must be cognizant of how forces seek to limit rights, framing the sociological conversation surrounding rights as inherently political, where various actors will seek to further their interests. The tension that neoliberalism brings to the struggle, between the city as a centre of commerce and the city as a centre of convergence for various marginalised communities, demonstrates this. Therefore, global human right standards have to be examined relative to their local context. This is particularly relevant in my research, as the interview data produced results that were highly relevant to the state's contested role in human rights.

Local government is ideally placed to protect people in very substantial ways that are relevant to their daily lives but often fail to elevate certain key entitlements to the status of rights. In fact, only a few nations consistently apply rights protections locally and yet at the same time, rights are experienced quite acutely on the local level. This is relevant to my own work as I demonstrate how participants rights claims and their ability to redress human rights abuses have often been thwarted by local leaders. I also present how the role, scope, and mandates of local human rights institutions themselves are limited by local political struggles and processes. While I present the Paris Principles as a set of international standards that were meant to be applied to human rights institutions, I show how in many cases, those principles are not adhered to. Therefore, this research explores how the local context is in fact critical to

showing us how merely adopting international standards is at times insufficient in our efforts towards securing rights on the local level. I contribute to the literature on this topic by presenting findings relative to a specific example of a place where there is a higher than average level of grassroots engagement. I further contribute to the discussion of how in spite of this engagement, or perhaps because of it, the local is a place where places where rights are contested, co-opted, and often even thwarted, and I present herein participants' views on what types of competing interests may be in play that work to limit their rights.

3.4: Literature on local human rights institutions and commissions:

Ward (2017) asserts that within subnational governmental entities themselves, the local human rights institution (HRI) [3] also known as a local human rights commission, can serve as an important potential ally in bringing international human rights standards home to a local level. Perhaps this is because, as we have seen, the role of the human rights institution is in a position to provide an arena of struggle by which social groups may challenge prevailing social structures and transform them through the introduction of new policies and the recognition of new rights. Since it is an arena of struggle, I have also indicated that rights are contested in both directions. According to Ward, these institutions would have a local focus but ideally should adopt certain international standards and assist nation states with meeting their human rights

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[3] I refer to those human rights-mandated institutions and commissions established at the subnational level as *local* human rights institutions (local HRIs). This includes those established on the state-level in the United States. (In this context, the word "state" or "state-level" refers to the subnational entities that comprise the United States federation whereas references to "the state" and "nation state" herein refer to government authority in general). Human rights commissions or institutions with a national mandate and scope are referred to as a National Human Rights institution (NHRI).

obligations on the local level. Such international standards may serve to advance the aforementioned sociological discussions and processes surrounding human dignity. Such standards are a valuable tool to enhance commissions' work to identify, prevent, and respond to discrimination, bias and harassment, particularly in the areas of legal and policy advocacy, awareness-raising outreach, and data collection (Ibid: 132). Kaufman (2011) also frames the state and local human rights institution as being a potential place whereby human rights can be implemented in the domestic sphere. Like Ward, Kaufman assets that human rights treaties are intended to be implemented at a local level. Kaufman's work also suggests best practices for a local human rights institutions. According to Kaufman, such local institutions should be prepared to do the following:

1) monitor and document human rights abuses;

2) assess local policy and practice in light of international standards;

3) engage in human rights education;

4) incorporate human rights principles into advocacy efforts;

5) investigate human rights complaints, and;

6) coordinate and implement local policy to integrate human rights principles into local practice.

These best practices in many ways reflect some of the overall principles outlined in the aforementioned UN report. As we will also see in later sections, these above recommendations reflect most of the general principles, tasks, powers, and authorities that should ideally constitute a National Human Rights Institution (NHRI) according to The Principles Relating to the Status of National Institutions (referred to herein as The Paris Principles), which were

adopted by the UN General Assembly in 1993. These standards require that all UN member states create NHRIs according to specific standards contained within these principles. These principles will be discussed in greater detail later in this work (see Chapters 4 and 7) and referenced frequently herein, as they will be applied as an analytical and dialectical tool that we have used to also assess and discuss the powers and authorities granted to local human rights institutions in the study area.[4] International human rights standards such as the Paris Principles, when applied locally to shape human rights institutions, may have the power to transform local governance and shift norms whilst local governments have a critical role to play in advancing human rights protections locally.

Ward also cites the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), as another example of how an international standard that contains specific provisions may apply to local authorities (2017: 133) in a manner that shifts norms. In the midst of a surge in bias, hate crimes and racial intimidation in the United States particularly, Ward argues that state and local human rights commissions provide a first line of defence on a community level (Ibid: 151). Local human rights commissions could also play a critical role in helping member states fulfil their own international human rights obligations, particularly the International Convention on Civil and Legal Rights (ICCPR), CERD and the UPR monitoring process (Ibid: 163). Lastly, Ward recommends that in order to localise human rights standards, advocates should press for local laws and policies that are compatible with international human rights standards, and local human rights institutions that prioritise prevention through

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[4] Although these standards were developed specifically for human rights institutions operating on a national scale, I also will review these standards as they relate to local and subnational human rights institutions as well. The reasoning for this will be discussed in greater detail herein.

awareness-raising and community building, and, collect, disaggregate, and publicise human rights-related data.

McNaughton and McGill (2012) describe the influence that some local HRIs, when they have the authority to do so, have asserted in their efforts to protect and promote human rights for residents. In the United States, the State of Washington's Human Rights Commission has taken measures to address housing scarcity, the State of Vermont used human rights framing to adopt a new healthcare system for its residents, and the City of San Francisco worked to implement the international human rights standards outlined in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Grigolo (2019) also extensively references the work of institutions in the United States and of the local HRI in the city of Barcelona, Spain. Some local governments even choose to adopt the principles outlined in the UDHR by ordinance.

Just as importantly, the institutional powers, resources, and authorities granted to a local HRI provide us with an insight into the status of a rights discourse within a specific locality. In Korea for example, Wolman and Chung (2021) assert that these institutions have shown how an HRI can serve an important role in contributing to local policy discourse and promoting rights. Still, the authors note that many local human rights institutions also have a mixed record when it comes to fulfilling their outlined purposes. This mixed record could be much-improved by increased funding and support and training for staff and local human rights commissioners (2021: 20). Such institutions should thus have sufficiently adequate personnel, a sufficiently broad mandate, clear norms, independence, and demonstrate that they can engage in meaningful activities rather than serving in a performative role by providing a local government

with "window-dressing" that which provides a public perception of being engaged in protecting and defending human rights, even as the substantive actions that such institutions would need to take in order to be effective may be materially lacking or even actively constrained by the actions of local government actors. Such institutions must also establish relationships with stakeholders and other relevant leaders within a community. These critiques are focused on the practical workflow, funding, powers, and authorities that local HRIs would need to possess in order to perform their tasks.

Grigolo (2010) provides an examination of how a local HRI in Barcelona, Spain treats migration-related complaints and in doing so provides insights into a local rights discourse. In the example of Barcelona, the author found that while the HRI in question was committed to protecting and defending the rights of marginalised residents in that city, it was also constrained by various political, legal, and socio-economic factors (2010: 897). "Municipalities should not be considered collective actors with a unified human rights agenda: different stories, parties, and bureaucracies (contain)…different and sometimes conflicting ideological orientations, knowledge, and commitment in relation to human rights (Ibid: 909)." The author contends that it is worthwhile for cities to implement human rights policies, provided that local human rights policies are more structurally incorporated into local initiatives that combat human rights abuses, and local governments must actively support human rights institutions via resources and push towards the mainstreaming of human rights standards internally across city departments (Ibid: 910). These works all appear to assert that a local HRI can play an important role if the law grants it the proper authority and resources to do so.

Yet in Grigolo (2019), the author notes that the legal conversations and debates surrounding human rights within the city are also highly political. Cities and local authorities are part of an evolving human rights practice that contributes to an overall consolidation and expansion of human rights (2019: 6). While the author remains optimistic about the role that HRIs can play in facilitating and furthering rights, this work also strongly advocates for a more critical approach to examining the local application of human rights frameworks in general, as such an approach that would need to also account for how human rights are often co-opted and politicized. This is because the authorities, powers, and resources granted to the local HRI all emerge from the political process. Since local governments are both guarantors and violators of human rights, they may choose to advance protections that carry little political risk while resisting those that constrain their authority. The language of human rights might also be appropriated by local leaders who may then limit their practical application. This is frequently done within the scope of local human rights commissions themselves as explicitly politically-derived entities. One might also view the thwarting or limiting of local human rights institutions by the state as a form of rights denial in itself, given the state's status as both a guarantor of rights and a major source of rights violations. Chapter Seven examined the general issue of rights-denial itself. When examining and explaining the political and social processes that provide for the powers and authorities of local human rights institutions, I was of course compelled to examine the larger sociological and cultural realities and norms that shape a given society. A useful concept by which we may do this is through the Gramscian lens of hegemony. This area of literature is examined below.

Through this literature, one can see that human rights institutions (or human rights commissions) were envisioned to serve a key part in the human rights system. Furthermore, the scholars cited above noted a few specific examples about how the local human rights institution can facilitate the process by which global international human rights standards can be channelled through a hyper-localised sociological process that has the potential to greatly impact rights holders. Ward's examples related to CERD, McNaughton and McGill's examples in various US cities, and Grigolo's example in Barcelona all demonstrate instances where a local human rights institution can help translate broad, global, and often abstract standards into a local context that could indeed be quite consequential and impactful, perhaps in a way that only the local arena can realise. Yet one can also see (from Grigolo in particular, but also others cited) that the local human rights institution can be quite easily co-opted. When rights become institutionalised, that co-optation, also referred to as channelling effects by Morgan (2011), can emerge.

Neoliberalism emerged as a possible driving force for these channelling effects. Harvey (2007) defines neoliberalism as, "a theory of political and economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterised by strong private property rights, free markets and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices (2007: 2)." Grigolo is particularly critical through his analysis of the ways in which neoliberalism can facilitate channelling effects. The local human rights institution, which serves as an arena of struggle can also serve as a means by which these effects are secured. At very least, actors within the local sphere can and often due seek to limit

the powers and authorities of the local human rights institution. It is for this reason that scholars such as Ward, Naughton and McGill, Kaufman, and others name specific characteristics that such an institution need to have in order to carry out their intended role.

The types of best practices for a local human rights institution as envisioned and described by some of the above scholars actually reflect existing standards referred to as the Paris Principles. These standards were adopted by the United Nations to provide for national (not local) human rights institutions, but the fact that they reflect these standards is highly relevant to this work. It is through examining this literature that I was able to use the Paris Principles to create the assessment protocol that I used in Chapter 5 to analyse the powers, mandates, and authorities of the local human rights institutions currently operating in the study area of Mississippi and Louisiana. The findings in Chapter 5 allow us to base our analysis. My contribution to the literature in this particular area is therefore the use of these standards to formulate an assessment tool that can be used to characterise local human rights institutions in the study region. More than that, the subsequent narratives gathered in the interviews enable me to speak on whether or not these types of standards, if applied to a local institutional context, are in fact appropriate and sufficient to address the types of claims raised by the rights holders during the course of this study. Therefore, the contribution I hope to make is not merely to assess whether these local institutions function according to international standards, but also to explore whether these standards re in fact useful in facilitating the human rights claims being made by interviewees. For this, I assert that we can view these standards as a type of counterhegemonic tool, which will be discussed in greater detail in section 3.6 of this chapter.

3.5: Selected contributions on hegemony, human rights practice, and local institutions:

Antonio Gramsci's original concepts of hegemony were used to describe capitalism and how it is maintained through societal consent and coercion. Today, the concept of hegemony maintains its connection to the original writings of Gramsci but have taken on a life of its own in current sociological discourse (Miller, 2022). Hegemony pertains to the control of one group or groups by the dominant classes, often supported by aforementioned underlying norms and ideas in a given society. Roseberry (1994) writes that the concept of hegemony is key for us to understand, "the ways in which words, images, and symbols, forms, organizations, institutions, and movements used by subordinate populations to talk about, understand, confront, accommodate themselves to, or resist their domination are shaped by the process of domination itself…a common material and meaningful framework" (1994: 361). Hegemony is therefore used to describe a relatively dominant position of a set of ideas and their tendency within a society to become "common sense" and intuitive, often inhibiting the acceptance of alternative ideas. At the same time, Miller (2022) seeks to expand and even operationalise the conceptual framework of hegemony to include "hegemonic whiteness." This posits that racial hierarchies are sustained via dominant racial ideologies and practices serving as a homogenising force (2022: 2-3). Therefore, the denial of human rights can be related to the enforcement of various existing hegemonies, some of which operate concurrently on various levels (political, social, economic, and institutional).

O'Connell extends the concept of hegemony to include neoliberal economic systems and patriarchy. O'Connell (2007) states that the conditions that cause human rights violations

are structurally embedded in the existing neoliberal hegemony (2007: 508). O'Connell's work posits that human rights have the potential to be a threat to existing hegemonies that rely on human rights violations for the perpetuation of such systems. For example, O'Connell (2018) states that "the positioning of certain human needs, housing, water, etc, as rights that should not be subject to the logic of the market…call into question the bigger issues of power, inequality, and so on (2018: 34)." O'Connell (2010) cites the right to healthcare as an almost ideal example of the tension between rights and neoliberal market hegemony and therefore the language of rights can offer an emancipatory discourse (2010: 19). When the denial of human rights is structurally embedded within the status quo, human rights have the potential to be subversive of that status quo (O'Connell 2010: 212). This has been described as a counterhegemonic approach to rights. The potential for counterhegemony is a central component of the Gramscian concepts of hegemony and the tension between the two will be key to my discussion of institutions and grassroots groups. Rajagopal (2006) argues that in the realm of international law, human rights have historically been most frequently used to serve and support hegemony (2006: 151). However, the author states there have been examples of human rights discoursed having been employed in a counterhegemonic mode. Therefore, rather than dispensing with the idea of human rights entirely, it is indeed possible to develop counter-hegemonic human rights (Ibid: 152). "In using this explicitly Gramscian terminology of hegemony and counter-hegemony, I am arguing, as I have argued elsewhere, that forms of counter-hegemonic power may encompass all the various forms of resistance…For the human rights discourse, this means that it could be engaged in counter-hegemonic struggles across a range of areas (Ibid: 155)."

Institutions are social entities that are at their base comprised of and created by people and shaped by human behaviour. They are systems within larger systems which in turn operate within existing coexisting hegemonies. In the context of institutional behaviour, Stafford Beer's Viable System Model (VSM) may offer some insight into the relationship between these existing hegemonies and institutional behaviour. Institutions are tasked with producing outputs and as organisations become more complex, those outputs increase. Stafford Beer's VSM model posits organisations will work to suppress variety in order to simplify their work flows by introducing internal restrictions. The author argues for organisations to maximise the level of freedom and flexibility given to participants within institutions in order to fulfil the stated purpose of said institution in an effective way (1984). Operating under certain hegemonic constraints, institutions or sociological phenomena that challenge existing hegemony are attempting to introduce variety and systems (in such cases local governments) will seek to supress variety and affirm the existing hegemony. Perhaps the role of international standards, as they are described in the above works, are that they potentially prove to be useful in that they seek to create frameworks whereby institutions have the maximum amount of flexibility to serve their stated purpose. Yet Stafford Beer's work would indicate that they would have to overcome attempts to supress the variety that the adoption of such standards would seek to introduce into existing systems.

Yet what types of constraints exist in local human rights institutions and what forms of variety would they seek to suppress? It is within the constraints of the existing hegemonies present within a specific area that we can examine this question. In that context that, we note Grigolo's (2017) assertion that within local authorities in the United States (compared to other

such municipalities in other countries) human rights have played less of a role in institutional

politics. In fact, the author characterises the institutionalism of human rights as being "fairly

absent" in the United States (2017: 77). Perhaps this reflects how local HRIs have historically

been established and how they function in this country and the existing social phenomena

present within that country. This will become important when we discuss the phenomenon of

"US human rights exceptionalism" in its domestic practice. Yet before addressing this debate, it

is first instructive to briefly review and recount the history behind the formation of such

institutions in this part of the world as it offers potential clues in what we should come to

expect in assessing the current state and scope of these institutions.

Grigolo (2019) recounts how In the United States, local human rights commissions first

began as city/state-level "interracial committees" or "race relations committees" after World

War I, following the race riots of 1919. A second wave seeing the establishment of such

commissions subsequently occurred in the 1940s, and at this time they were focused on

"unity," "human relations," and "friendly" or "community relations." This occurred most

notably in US cities such as Detroit, New York, Los Angeles and Cincinnati following an uptick in

racial tensions. A third wave further emerged in response to the Civil Rights Movement of the

1960s and it is at this time that we see these bodies begin to enforce anti-discrimination laws

while they are also tasked with "promoting tolerance" in their given jurisdiction (2019: 33-35).

Therefore, in the United States, local human rights institutions, referred to statutorily as human

rights or relations commissions (of various names and mandates) were thus initially created to

promote conciliation, mediation, dialogue, and education. These bodies had lacked the "hard

power" or legal authority necessary to perform an ombudsman role. Yet over time, cities began

to also establish human (or civil) rights commissions specifically tasked with investigating and litigating complaints of unlawful discrimination.

More recently, as civil society pushed city leaders to adopt more expansive notions of human rights concepts beyond anti-discrimination efforts, local offices began to increase their scope. These changes did not necessarily represent a linear and uniform nationwide trajectory but would vary greatly by region. As many of these commissions expanded their missions over time, some also began to integrate international human rights standards into their work. It is perhaps notable that this was not done from the outset but as we see above, these institutions evolved quite organically, in response to various social phenomena, and were often not granted hard power in the way of statutory authority at their genesis. Yet we find that over time, "a growing body of literature captures not only how these commissions foster domestic compliance with international human rights standards and serve as innovators in implementing these standards, but also the legal and practical challenges that surround these efforts. These challenges range from the possibility of pre-emption by local law, to limited staff capacity and threats of being defunded" (Ward 2017: 156-157).

Local human rights institutions are thus being shaped by these larger metanarratives and their powers and authorities are being shaped and limited as a result of these social phenomena. These institutions look begin to look quite different in different places and reflect the local circumstance in fascinating ways. As such, it becomes quite instructive to come up with a way of discussing and evaluating their status, powers, and authorities relative to one another across the country. In doing so, one can simply describe the variances that we may be seeing in various places. To do this, one may look to certain relevant international standards

and practices. In the context of local human rights institutions, in order to assess the authorities and powers of each individual body, the Paris Principles again emerge as the only attempt by the international community to articulate a set of best practices for a human rights institution. It is important to note that while the Paris Principles were created to provide guidance and best practices for National Human Rights Institutions (NHRIs) and that no such guidance exists for local and state institutions which are increasingly creating linkages and sharing professional knowledge (Ibid: 159). In spite of this, there are clear recommendations on what characteristics a functioning local HRI should possess in order to be effective. By many of these standards and scholarly recommendations, the United States is particularly notable for having a dearth of local HRIs consistently and uniformly operating according to any such standards and practices. The United States also draws interest because while it has had an historic engagement in international human rights instruments at their founding, yet the country notably lacks a National Human Rights Institution on the federal level. (This also came up more than once during the course of my interviews).

Therefore, according to Grigolo's (2019) recount of the history of HRIs in the United States, one sees a landscape where local human rights institutions were established quite reactively in response to larger metanarratives within the country, but also quite inconsistently, in response to local contexts, within major cities across that country in response to various waves of public pressure. As a result, today these bodies have inconsistent powers, authorities, and mandates. The United States becomes an area of rich inquiry into how such institutions are an arena of struggle, how they reflect the sociological construction of human rights discourse and practice in a society as a whole, and how human right are upheld and thwarted in the local

sphere. It also provides the potential for inquiry into the nature of social phenomena itself, hegemony, and institutional variety. To address these larger questions, I first will examine the local context in even greater detail as it relates to a metanarrative. In the case of the United States, one finds that scholars have given name to certain traits and characteristics of the human rights frame and practice in this country and how it may inform its institutions, particularly those institutions tasked with protecting and promoting human rights standards and practices.

In prior sections, I outlined how scholarship accounts for various ways in which local human rights institutions may themselves be informed by actors within a larger sociological reality. I also presented certain proposed best practices and standards for these office. I also say how, while human rights laws standards can provide us with proposed best practices and provide a vision for which we may gage how an institution should be composed, other actors within the local sphere will often try to shape and limit the power of such institutions, just as these actors contest human rights in other arenas of struggle. The literature in this section provides a framework whereby I can further examine and explain with greater detail the possible root causes of the behaviour of relevant social actors at play. Human rights are a discursive process, a frame, and a practice tied to political, legal and sociological conversations centred around entitlement, universal vulnerability, and human dignity. This concept of hegemony provides us with potential explanations, should they emerge from this research, as to why specific institutions may or may not be constrained. Furthermore, O'Connell suggests that the human rights frame can at times be almost innately counterhegemonic and therefore dominant actors within a structure (such as local government institutions) may act to limit the

power and scope of human rights practice in the political and institutional sphere. This is

particularly relevant to this research as I examine specific human rights-mandated institutions

operating in the study area. In this work I outlined each such institution and described their

current mandates and functions relative to the Paris Principles, which are consistent with the

best practices outlined by scholars such as Ward and Kaufman. Then, I explored whether or not

they are indeed functioning in a manner consistent with addressing the claims made by rights

holders in the study region who are using the human frame. Those interviewed discussed their

view of how human rights should be practiced in their local sphere and their views on the local

human rights institution's role and place in their local arena. I have also presented how human

rights concepts are used by these grassroots actors in this particular region of the world, and

that this is in fact relatively unique to this particular country for reasons that will be discussed in

the following section on US exceptionalism in its domestic human rights practice. Therefore, if

the human rights institutions in this study region are indeed an arena of struggle, and their

powers and mandates are being constrained by certain actors, the literature on hegemony

offers a potentially revelatory approach to this dynamic. Indeed, the literature suggested that

hegemony could play a part. Grigolo's (2019) thorough analysis of the history of local human

rights institutions in the country shows the ways in which local human rights institutions were

both informed and limited by larger metanarratives occurring in the country itself. My own

contribution was to make the link between the metanarratives that we uncover through the

interview process and existing hegemonies more explicit. It will also see what specific

hegemonic frames emerge, if any, and how they might shape the specific institutions that were

described in detail in Chapter 5. In this work, I examined in greater detail the local human rights

institutions operating in this area and the role that these institutions play with these interviewees who are themselves self-described human rights advocates. I saw emergent themes that reflected the literature on hegemony and which types of hegemony act to shape or constrain these institutions, and what the larger implications of this might be on the operationalisation and institutionalisation of the human rights frame both in the study area and the United States as a whole. Key to exploring this question in greater detail is the abovementioned premise that sociolegal actors in the United States are informed by an "exceptionalist" approach to human rights frames, and that the study region is unique for having a broader acceptance for these frames. I present some of the literature related to the topic of US exceptionalism in human rights practice in greater detail in the next section.

3.6: Selected contributions describing features of US exceptionalist behaviour in domestic human rights practice:

I have already discussed how existing scholarship may suggest that local human rights institutions hold a unique position as arenas of struggle. These institutions are both embedded in local governmental hierarchies and at the same time, if employed according to standards and best practices, could potentially contest existing hegemony in the very sociolegal institutions they are embedded in. As entities operating within a local sphere, the status of these entities in a particular institutional, social, or political framework allow us to examine the use of human rights frames and practices in a specific context. Certain cases within United States emerge as noteworthy examples of how the presence of relatively inconsistent local human rights

infrastructure on the local (and national) institutional level may indicate greater controversies (i.e. struggles) pertaining to the state of the country's rights discourse.

Following the Second World War, the United States took an active role in the drafting of the Universal Declaration of Human Rights (UDHR) and in shaping many of the global human rights institutions and norms that are still present in the international rules-based order today. Ultimately, the UDHR was a product of this influence alongside that of contested world powers such as the Soviet Union and Post-Colonial states who also helped shape its construction as the United States maintained a strong narrative of being a global defender of human rights. At the same time, the United States has also resisted complying with human rights standards both at home and abroad. It has at times promoted certain human rights standards as a key part of American values while at other times, it has asserted the superiority of American values over international standards. This pattern of behaviour is most frequently referred to as *US human rights exceptionalism* (Ignatieff 2005).

This is a complex phenomenon, and has often been cited as an obstacle to improving the domestic human rights situation within the United States itself. I will herein speak of US human rights exceptionalism's potential influence on its domestic human rights practice and institutions. While much of the existing literature examines this phenomenon in relation to foreign policy behaviours of the United States, this research focused more on the dimension of US human rights exceptionalism as it pertains to its domestic implications. Literature focusing on this topic tends to outline certain key features of US human rights exceptionalism in its domestic human rights practice, which are also meant to explain this behaviour. These features may also provide some explanation as to how local human rights institutions function, or fail to

do so, in the US. The simple reason for this is that institutions formed to protect and promote human rights in a country that is known for having an exceptionalist posture towards human rights frames and practices might also demonstrate indicators of these exceptionalist behaviours. As such, I can examine the features of exceptionalism by examining domestic human rights institutions with greater scrutiny as Grigolo (2019) did. First, I present the most common features cited by scholars of US exceptionalist behaviour as it relates to its domestic human rights practice. It should be noted that many intersect in some way with one another. For example, a lack of incorporation of international standards into domestic law that specifically address economic rights, and an emphasis on political and legal or civil rights over other categories of rights such as economic rights would intersect over the issue of economic rights but also represent slightly different behaviours that are worth discussing in their own right.

3.6.1: Incorporation of international standards into domestic human rights practice:

McNaughton and McGill (2012) note that one defining feature of US exceptionalism in human rights is its hesitancy to acknowledge or support economic, social, and cultural rights. The United States has made certain commitments to human rights under international law, but has at times been lacking in follow-through and concrete implementation of these international standards.[5] In 1977, the US signed the International Covenant on Civil and Political Rights (ICCPR) which was then ratified by the United States Senate fifteen years later in 1992, with reservations that limited its application to US domestic law. In 1994, the United States Senate

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[5] In Chapter 4 we summarized those international human rights protocols that the United States has committed to as part of the site analysis.

ratified the International Convention on the Elimination of All Forms of Racial Discrimination

(CERD), although a report by the US Human Rights Network's CERD Working Groups on Local

Implementation and Treaty Obligations notes that it was ratified with the understanding that

the treaty was "non-self-executing" and as a result, domestic courts cannot invoke the CERD for

purposes of directly enforcing its provisions (2012: 2). In 1977, US President Jimmy Carter

signed the International Covenant on Economic, Social, and Cultural Rights (ICESCR) but it was

never ratified by the United States Senate (Ibid: 365-367). While the ICCPR and the ICESCR

together constitute the "international bill of rights" the United States has thus only ratified half

of it, and with legal limitations and reservations (Ibid: 373-374). In spite of this, and although

the United States has failed to ratify the ICESCR, a US president had signed the convention.

Because this, the US is obliged to refrain from acts that would defeat the object and purpose of

the covenant. Furthermore, it is noted that because the US is a member of the United Nations,

the country does have obligations to the UN Charter itself and as such has a duty to implement

the social and economic rights outlined in Articles 55 and 56.

The primary mechanism of international supervision comes from Charter-based bodies

such as the United Nations Human Rights Council (Ibid: 375). An important supervisory

mechanism by which the UN Human Rights Council monitors member states is the Universal

Periodic Review (UPR) (Ibid: 378). Over the last decade, the US has begun to participate in the

UPR process, and submitted its first report under the administration of President Obama in

2010 after holding consultations with members of civil society in the cities of New Orleans, New

York City, Albuquerque, and El Paso (Ibid: 378). A UPR working group then issued a report with

228 recommendations for the United States, and while the US has accepted some of the

recommendations, including a few that sought to guarantee economic and social rights, many of these recommendations continue to be unrealized and many US obligations regarding economic and social rights continue to remain unrecognized (Ibid: 379).

A history of co-optation of human rights language has also undermined the frame's legitimacy. The human rights frame itself is also often perceived as partisan (particularly tied to left-wing politics) in the United States. The cultural difficulties include the fact that human rights are often perceived as being applied abroad. Additionally, the US has historically centred negative rights and the human rights frame is also often perceived incompatibility with core American values such as exceptionalism, liberalism and meritocracy. There is also a perception of human rights framing as being part of an elite lexicon, and the fact that the heritage of the civil rights movement often feels more relevant and present while the global human rights movement appears rather more remote relative to the daily lives of many rights holders in the United States (Ibid: 318-324). Still, the authors contend that the human rights framework has promise as a mobilizing tool but this framework needs to be engaged at a grassroots level (Ibid: 310).

3.6.2: Legalistic approach to domestic rights implementation:

According to Antonio Gramsci, the law works both coercively and consensually (Ciocchini and Khoury, 2018). It is through this dual tug of war between coercion and consent that hegemonic structures are further embedded into a society through the law. These authors find that as a result, judges who issue decisions on human rights cases can serve as both moral and intellectual leaders and technicians of oppression, serving the bureaucratic machinery of

the state. Litowitz (2000) notes that the people willingly offer their consent to a system that ultimately leaves them disempowered and the law plays a key role in securing that consent from society. However, Litowitz also contends that rather than hegemony being created to serve a specific and identifiable ruling class, it is indeed subtler and perhaps even insidious, and serving instead a dominant code or rationality that appears "common-sense" and therefore not worth challenging (2000: 551). Libal and Hertel (2011) (as well as others) have long contended that American political culture frames grievances in terms of constitutional and civil, rather than human, rights. As a result, the rights discourse in the US and the resulting legal processes and systems have largely been anchored in a notion of negative rights. By way of example, *Brown v. Board of Education,* the landmark Supreme Court case that desegregated public schools in the United States, did not guarantee a right to an education but freedom from unequal treatment. Similarly, there is no fundamental right to subsistence in US domestic law. Furthermore, although the United States ratified the CERD treaty in 1994, it failed to recognise the structural and economic disadvantages that have resulted in the extreme racial disparities that exist within the country itself and the US judiciary has been hesitant to invoke international law in its jurisprudence (as indicated in the prior section). In addition, at a grassroots level, most domestic social justice advocates in the United States have typically not employed international or domestic human rights framing or language in their grievances and have instead often strategically elected to adopt the non-discrimination or Civil Rights frame.

The authors also infer that in addition to the limitations of a legalistic approach regarding the expansion of categories of rights in the United States, there are also other limitations. Each court decision becomes a reactive one, in response to a specific case and

circumstance. The US judiciary does not often explicitly seek to expand notions of rights, nor does it even proport to do so. Orienting a country's approaches to rights around the provision of negative rights claims through its jurisprudence via civil rights is a therefore normalising a reactive posture that interprets specific legislation, administrative regulations, or written constitutional provisions in response to a particular situation at a particular time and context. Social justice advocates in the United States must therefore organise themselves around the provision of their specific interests, seeking landmark legal victories within the specific scope of their missions. Ross (2000) states that the promise of taking a human rights approach to social justice organising in the United States thus becomes obvious: "At present, all of our social movements in the United States tend to coexist as parallel, unconnected vehicles for social justice. But human rights constitute a unifying force and can change this" (2000: 10).

Well-known advances in human rights that were afforded to Black Americans in the South in the 20th century, as well as the ensuing social changes that occurred from those advances, did not begin through actions on the part of legislatures elected by a newly enlightened voting populace. In 1948, President Truman uses his executive authority to desegregate the US Armed Forces in Executive Order 9981 in the immediate post-war era. In the decade to follow, the US Supreme Court issues the famous *Brown v. Board of Education* decision to desegregate schools and subsequent jurisprudence begins to rapidly chip away at de jure segregation. The refusal on the part of many Southern States to comply with these orders created a constitutional crisis and forces the hands of reluctant politicians within the federal government which in turn creates an environment whereby the Civil Rights Acts and Voting Rights Acts are able to pass the United States Congress under the administration of

President Lyndon B. Johnson. These federal court decisions, which are predicated on the provision of negative rights, inform frames that were employed in the aforementioned Civil and Voting Rights legislation and other subsequent human rights laws (and even into modern times through landmark Civil Rights legislation such as the Americans with Disabilities Act or landmark Supreme Court decisions such as Obergefell v. Hodges, which ensured that LGBTQ+ Americans had the right to marry). Human rights advances in the United States have thus largely been achieved through securing political and legal rights through a Civil Rights frame, which in turn seeks to guarantee and address the provision of negative rights. This leads to the gradual adoption of additional protected classes in Civil Rights Law. Marginalised groups that are added to the list of protected classes are afforded certain political and legal rights while those groups not explicitly named as a protected class are excluded from such protections. As a result, the United States has a system of lawful and unlawful discrimination, whereby specific groups are lawfully and often quite explicitly discriminated against.

3.6.3: Categories of rights: acceptance of certain categories at the exclusion of others:

As was have already discussed in prior sections, Landman (2006) outlines the categories of human rights as being as follows: *Civil and Political Rights* uphold the sanctity of an individual before the law and guarantee one's ability to participate in civil, economic, and political society. Civil Rights specifically relate to protection from state-sanctioned interference while political rights guarantee and individual's right to involve oneself in public and political matters. In the United States, civil and political rights are perhaps the most readily understood in American political culture. *Economic and Social Rights* include rights such as the right to health and well-

being, the right to a living wage, the right to housing and education. *Cultural Rights* include the rights to the benefits of one's culture, indigenous land, rituals, and shared cultural practices as a group. These categories of rights are even more hotly contested and less widely accepted in American political culture. *Solidarity or Environmental Rights* include rights of a generation to the public good, the environment, and natural resources. Landman's work also discusses the different dimensions of rights which will be referred to herein. *Positive Rights* are often described as a right "to" something while *Negative Rights* are a right to be "free from" something. Landman however suggests that rather than creating an overly-rigid dichotomy in the classification of rights, one might best acknowledge that all rights have both positive and negative dimensions. Although I will refer to both negative and positive rights herein, they should be understood as dimensions along a rights continuum rather than constituting an opposing and separated dichotomy.

It was previously stated that during the period immediately after the Second World War, the United States became instrumental in shaping important international institutions that work to protect and promote human rights (Anderson, 2003). The country was certainly instrumental in promoting an idea of global human rights, taking an active role in drafting the United Nations Universal Declaration of Human Rights. Yet in the decades following the post-war period into the present day, the US has become ever more reticent to promote economic, social, and even rights at home and abroad. Anderson also notes that the US treatment of human rights as a matter of foreign concern rather than domestic policy reflected a compromise between segregationist and anti-communist political leaders. Still, as the

aforementioned works cited demonstrate, US economic interests and its policies during the Cold War only offer a partial explanation.

This is due to the fact that there notably a time when the United States did acknowledge and even embrace Economic and Social rights on the international stage. In 1948, when the UDHR was adopted, the US firmly supported the inclusion of economic and social rights in the document itself (2003: 365). US President Franklin Delano Roosevelt himself spoke of "freedom from want" in his "four freedoms" and the United Nations (UN) Charter, which itself contains binding provisions for member states, contains Articles 55 and 56 which aim to promote, "higher standards of living, full employment, and conditions of economic and social progress (Ibid: 371-373). Yet while many of the rights guaranteed by the ICCPR are present in the US constitution, few, if any of the rights guaranteed in ICESCR are present there (Ibid: 374).

Albisa (2011) notes that the US constitution has been interpreted by the courts to contain no positive rights, except for the right to be free from slavery (following the civil war and the adoption of the 14th amendment to the US constitution). The author is not persuaded by the notion that the US failure to recognise cultural and economic rights is due to the fact that the US Constitution was drafted at a time before economic and social rights were embedded by law. Instead, the author contends that a failure to recognise such rights in the constitution was not inevitable. To the courts, the right to organise a union is protected by the First Amendment (freedom of speech) and the constitutionality of the New Deal's social programs have been asserted, but such jurisprudence has not translated into a fundamental right to economic security. Citing the *Brown v Board of* Education decision, the author notes that while the right to an education is the assertion of a negative right, the US judiciary could

very well have used this and other decisions to lay the foundation for the recognition and protection of economic rights but as yet, it has chosen not to do so. Recognising such rights would require that the courts articulate that these rights contain elements of a constitutive commitment, either explicitly recognised in the constitution itself, interpreted as part of the constitution in US case law, or adopted through legislation and social consensus. The author further contends that the elements of a constitutive commitment are its universality, equal guarantee of this right for all, and the language associated with it includes a concept of rights and implies permanence, that it is socially unacceptable to deny its legitimacy as a right, is enforceable, and has been adopted after significant social movements and changes. The matter of universality is in fact key, as "rights are born of wrongs." As human "wrongs" in the United States become attributed to the failure to secure negative rights (freedom from discrimination, for example), jurisprudence has made the conscious decision to limit its interpretations as such, and build legal precedence that has become calibrated to limit expansive and positive rights in the country, particularly insofar as economic and social rights are concerned.

The same can be said of the acceptance of cultural rights in the United States. For the United States to expand its land holdings and utilise its natural resources, the country's constitutional and legal framework could not have allowed for Indigenous people to assert their cultural and collective rights to self-determination. "The United States has, by threat and use of force, imposed its laws on Native people, removed and exploited natural resources on Native lands, suppressed Native religions and culture, and restricted Native peoples' control of their external affairs and certain elements of their internal affairs (Clinebell and Thomas, 1978: 670-671). The authors contend that to provide legal justification for this, the United States has had

to assert the principle of "plenary power" which asserts that the US Congress assumes the

ultimate authority to enact any limitation on Native people, their rights, and their property.

More often than not, the federal judiciary has asserted the constitutionality of this supposition

(1978: 671). Since the cultural rights of Indigenous people within the United States have

historically been limited under US law, so has their collective autonomy. As such, the US

government has frequently maintained that it is not bound by treaties that it may have

executed with Indigenous people or tribes, since Indigenous people or nations are not

recognised as independent nations or powers (Ibid: 678). Although specific statutes may have

been passed to "grant" specific rights to indigenous people, this has often been done and has

been enforced within an aforementioned civil rights framework, which emphasises the

individual rights of Indigenous people often at the exclusion of their collective or cultural rights.

3.6.4: Neoliberal hegemony:

According to Harvey (2007) neoliberalism requires that if markets do not exist in certain

areas, (such as the provision of things such as education, access to water, health care or social

security) the state must create those markets but once created, state interference should be

minimal. A neoliberal framework thus sees the protection of certain economic freedoms as

being of primary societal importance and, in some Western democracies such as the United

States, neoliberal ideals have often been presented as foundational to protecting other rights

and freedoms. Over time, Harvey argues that neoliberalism has become the dominant socio-

political framework worldwide and as a result we have seen the nation-state withdraw from

public life in key areas. Even in local governance, we have seen the privatisation of certain

public goods and services in ways previously unthinkable.

Yet an issue arises when the nation-state withdraws from guaranteeing access to these

basic services. Harvey notes that neoliberalism requires that the rights to private property and

profit must be firmly established, but that these are not the only rights that exist. In fact, rights

to freedom of speech and expression, the right to an education, and other economic rights pose

a serious challenge to neoliberalism. Claims on cultural and solidarity rights also directly oppose

neoliberal claims to resources found in indigenous land or within the environment. Thus,

political struggles over the conception of rights themselves become centred.

Nelson and Dorsey (2017) note that over the past four decades, global forces have seen

a turn towards market-based, economically liberal approaches to trade, finance, and

development policy, and the diminishing roles of national government ownership and

regulation of enterprise. This has been particularly dominant since the 1980s. As this occurred,

economic, social, and cultural rights have begun to attract broader attention and support from

some activists worldwide. Efforts to expand traditional human rights groups' agendas to also

incorporate such rights are referred to as "New Rights Advocacy" and these efforts have grown

over the years (2017: 208-209). Still, the institutionalisation of these rights is still at an early

stage and while New Rights Advocacy has had its successes, it does not enjoy the same level of

success as political and legal rights have (Ibid: 210). Advocates of economic, social, and cultural

rights in the United States (and abroad) must confront "well-established norms of a market-

oriented development paradigm, against which…advocates had little success in the 1980s and

1990s." Graham, Gready, Hoddy and Pennington (2016) note that the local authorities have

been recently subjected to global trends such as economic restructuring, retrenchment of the welfare state, and the privatization of many public goods which has resulted in a devolution of local authority in cities worldwide, yet still believe that local municipalities retain significant influence as democratic actors, employers, service providers, public contractors and rule makers.

Whyte (2019) argues that the concept of human rights has been used to enforce neoliberalism and further its free-market goals. Whyte contends that in order to counteract the moral demands made in order to support and ensure economic rights globally, neoliberalism developed a moral basis in support of its free market prescriptions. This morality proposed a human rights framing whereby market forces were a moral good that ensured maximum rights protection. This is particularly relevant to my work in the realm of US rights exceptionalism, as this neoliberal framing of human rights provides a permission structure by which the state can actively move to thwart certain human rights claims while at the same time framing itself as progressive and even exceptional in the realm of rights protection. I will examine how local arenas that are often described as progressive manage to fall short of rights holders' (in this context interviewees') expectations and demands related to their rights.

Graham, et. al. (2016) also delves deeper into the concept of US exceptionalism in its human rights practice. In this scholarship one sees specific patters emerge that come to characterise this complex phenomenon as it relates to its domestic human rights practice. These characteristics include: 1) a lack of incorporation of international standards into domestic human rights practice, 2) a more legalistic approach to domestic human rights implementation, 3) an acceptance of certain categories of rights at the exclusion of others (for example, political

and legal rights as opposed to economic rights), and the widespread acceptance and enforcement of neoliberal hegemony. In Gramscian terms, one can also see the role that the law plays in supporting hegemony, both through consent and through coercion. This was particularly critical to my inquiry because aforementioned scholars such as Finger and Luft, (2011) have contended that the study region is located within an area of the country that is in fact an exception to this exceptionalism. Therefore, the literature indicates that even though there is grassroots acceptance of human rights as a frame and practice, I was still unsure as to the extent by which such acceptance informs the institutions of the state. A local sphere would be an ideal arena to examine this, which is exactly what this project did. This literature is therefore highly relevant to my work because it challenges us to ask whether, how, and to what extend the study area differs from the prevailing hegemonies in the United States, how it may be constrained by them, and whether there are additional patterns to consider when describing US exceptionalist behaviour. Moreover, the literature indicates that the local sphere is an almost ideal setting to see how these grassroots advocates challenge existing hegemonies and whether the local human rights institution is indeed a threat to these hegemonic aspects, challenges them, or both. By examining how the state constrains local human rights institutions in the study area we are therefore given a specific window into US exceptionalist behaviour in its domestic human rights practice. My contribution is therefore to offer additional insights into whether these characteristics were indeed present in this particular notable region, whether institutions that are explicitly charged with a human rights mission were seen as threats to hegemony in the study region and thus constrained, and whether there are additional patterns

or characteristics of hegemony that were perhaps underexplored in the literature that was discussed and outlined.

3.7: Sociological literature on the use of counter-hegemonic human rights frames in the study region:

In the United States, exceptionalist behaviours have also presented themselves in grassroots and social movements, where human rights frames appear to be less prominently used in organising work and social justice movements. Yet Libal and Hertel note that in some cases certain grassroots NGOs in specific regions of the United States, many of whom are led by Black, Brown, and Indigenous individuals, have used human rights framing and even availed themselves of international human rights institutions. Many of these initiatives both originated in and remain active within the Deep South sub-region and specifically in the study area that constitutes this research. For example, Finger and Luft (2011) note the case of residents of the City of New Orleans whom, after the failure of the federal levee system[6] in 2005, saw a movement emerge that adopted human rights frames, strategy and tactics. Using UN guiding principles on internal displacement, a local NGO asserted a "right of return" for displaced residents. Two human rights tribunals were established, shadow reports were produced, and two UN rapporteurs were hosted in the region (2011: 297-298). The authors contend that the post-disaster period in New Orleans birthed an emergent human rights culture, although the

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[6] Also commonly referred to as "Hurricane Katrina" herein a rhetorical distinction is made between the natural disaster that occurred in the region and the failure of the federal infrastructure program that led to the flooding in New Orleans proper.

human rights frame still remains foreign to many New Orleanians, which had previously been heavily engaged in the use of civil rights frames (Ibid: 302). The authors further observe that in this context the grassroots engagement in human rights included three levels of human rights movement activity which were framing, framing and strategy, and framing, strategy, and tactics (Ibid: 306-310).

The Deep South sub-region is of course well-known for its struggles surrounding individual political and legal rights for Black Americans, and these matters have been well-studied. Yet the explicit adoption of or resistance to specific human rights frames on the part of its largest municipalities has largely escaped the attention of many human rights scholars who are examining local human rights institutions. The Deep South could be understood in relation to rapid changes that are occurring within the region's cities. Whilst state governments in the region have largely contained the political influence of its cities, recent demographic shifts have begun to challenge those existing power structures for the first time since reconstruction, and its cities have promoted progressive policies. Almost all have advocated for increased LGBTQ+ protections, a few have refused to cooperate with the federal government in facilitating the deportation of immigrants, many have removed Confederate-era monuments from public space and in 2019, the City of New Orleans filed suit with oil and gas companies for their role in destroying Louisiana's coastal wetlands, which thus made residents more vulnerable to climate change. At the same time, while this historically agrarian region was slow to embrace neoliberalism, its cities recently have begun to do so in earnest, as the rest of the country becomes increasingly disillusioned with such policies. Still, grassroots organisers in the region are ever increasingly pushing back against neoliberal constraints on rights discourse and have

been advocating for specific policy interventions that cut to the heart of the continuing debate

over all forms of rights in the United States.

In citing Malcolm X, Baraka (2017) states that bringing international attention and focus

to the system of racial oppression in the United States mean that this struggle had to be

redefined from one for constitutional and civil rights to one for human rights. The author

contends that human rights are thus best and most effectively utilised as an instrument of

liberation on a grassroots level by those who are oppressed. A People-Centred approach to

Human Rights (PCHR) is a framework that advocates for non-oppressive applications of human

rights framing that seek to enhance and reflect the "highest commitment to universal human

dignity and social justice that individuals and collectives define and secure for themselves

through social struggle." Human rights are therefore an arena of struggle, and part of a unified

and comprehensive strategy for social transformation. Human rights should not be apolitical, as

they must "name the enemies of freedom" as western white supremacy, and colonial/capitalist

patriarchy (ibid: 1). Human rights should locate its centre away from advocacy and towards the

arena of struggle. Local human rights institutions that exist within a region characterised by

struggle would thus need to be constructed in a manner where they could engage in this arena.

Any human rights framework that is not centred in struggle has several problems that

are evident within the United States itself. Such frameworks may be vertical and rigid, subject

to over-legalisation, emphasise and defend legal frameworks as an end to itself and not as a

way to improve lives, become subject to co-optation and asymmetrical application by those in

power, and may be difficult to measure (Rodriguez-Gavarito, 2014: 501-502). To counter this,

those who are working to improve human rights conditions should be prepared to implement a

"multiple-boomerang strategy" that nurtures collaborations across the globe. Human rights

organisations need to be less vertically oriented and domestic organisations must be connected

with one another. "In sum we need to see the human rights field as a diverse ecosystem, rather

than as a hierarchy…we need to spend less time on gatekeeping and more time on symbiosis

(2014: 507).

Lacatus (2018) also stresses the importance of facilitating networks between varying

levels of human rights institutions. Such institutions can serve as regulatory bodies that

regulate the behaviour of state targets within multi-level domestic governing systems (2018:

822-823). "By incorporating human rights institutions with local human rights mandates, multi-

level networks are able to facilitate and oversee the local implementation of human

rights…when successful, multi-level networks can represent an important step in the formalised

efforts to orchestrate informal action through parties." DeSousa Santos (2007) argues in favour

of an intercultural construction of human rights that is counter-hegemonic, movement-driven

and emerges from the lived experience of marginalised people and able to build networks with

other counter-hegemonic social movements across the globe.

The author also notes that that western and liberal presuppositions of dignity may differ

from other conceptions of human dignity in other cultures. Therefore, the debate between

universalism and relativism is a false one has both extremes are detrimental to a conception of

human rights that can be used to further the human rights claims of disempowered and

marginalised people. Instead of universalism there should be cross-cultural dialogue and

instead of relativism, there should be cross-cultural procedural criteria that distinguish between

progressive and regressive politics and policies (2007: 13-14). While different conceptions of

human dignity may exist, one may see similar concerns emerge among different cultures. While

different norms and concepts emerge, these concepts may have similar or mutually intelligible

goals. Instead of resorting to false universalisms that set a minimum standard, we should

organise human rights narratives around a constellation of local and mutually understood

meanings, which become networks of empowering references (Ibid: 15).

DeSousa Santos also discuss how human rights, as a sociological and discursive frame

and practice centred around the question of human dignity and universal vulnerability, thus has

the potential to act as an emancipatory force for those making human rights claims, although

these emancipatory claims must be voluntarily appropriated into local cultural context, through

cross-cultural dialogue (2007: 16). Counter-hegemonic human rights speak to the

aforementioned "radical democratic potential" of human rights claims and their emancipatory

potential. In this context, the author's concept of counter-hegemonic approaches to human

rights are applied to international law, but one can also see how they may be applied in the

domestic and local context.

A cross-cultural and counter-hegemonic foundation for human rights should then

identify potential areas of conflict and seek reconciliation and a positive relationship between

the two (Ibid: 18). Human right claimants should take advantage of new possibilities for global

interactions through revolutions in information and communications technology and create

networks of human rights social movements across the globe that communicate cross-

culturally. These networks must share information in a reciprocal manner as they learn from

one another and determine similarities in their efforts. "By getting involved in reciprocal

revisions, (different cultural traditions may) act as guest cultures and host cultures…necessary

for intercultural translation…the outcome is a culturally hybrid claim for human dignity (Ibid: 20-21)." This intercultural reconstruction of human rights starts on a local level, and in areas such as the Deep South, becomes a mechanism whereby human rights institutions that are independent, well-resourced, and designed to serve as a bridge between local government and civil society (particularly marginalised residents) may further broader and more expansive notions of human rights both across the country and globally, in a manner that is movement-driven and centres the claims of marginalised residents. Smith (2022) refers to "human rights globalisation" and the creation of institutions that create a human rights culture, policy, and practice.

The literature summarised in this section begins by a deeper delve into the Deep South as an exception to the exceptionalist behaviour outlined in section 3.5. Scholars such as Finger and Luft (2011) and Libal and Hertel note that among grassroots human rights movements lead by People of Colour in the Deep South, the human rights frame has resonated and is being used in this region. The use of the human rights frame, practices, and even instruments, suggest an example whereby human rights are going outside of the realm of advocacy and into an arena of struggle that is positioning itself as a force that directly confronts hegemonic constructions much in the manner posited by O'Connell. Therefore, while human rights can be co-opted through a process of institutionalisation through channelling effects (see Morgan) they can also be an emancipatory force that contests hegemonic concepts, if rooted in an arena of struggle. This is particularly relevant to my work, which employs a methodological approach that centres grassroots application of the human rights frame and practice in this region and uses it, through these interviews, to explore the contrast between both counterhegemonic and co-opted

applications. Moreover, the counterhegemonic potential of human rights can be seen across movements through norm diffusion which in turn shows a potential of the grassroots use of this frame to possibly alter the landscape around US exceptionalist behaviour. Moreover, I find that international standards and practices such as the Paris Principles, could serve as counterhegemonic tools when employed in an emancipatory frame. My contribution would be to examine whether the principles discussed in the literature and reflected in these standards are reflected in the responses given by participants when they respond to questions of how their local institutions should function. Therefore, this work will also examine whether the standards discussed might have the potential to serve as a counterhegemonic tool of practice and whether local human rights institutions may have an emancipatory role.

3.8: Framing the discussion:

The relevant scholarship reviewed begins with presenting a constructivist approach to human rights whereby rights are entitlements that emerge from sociological conversations that surround human dignity and universal human vulnerability. Rather than being a limited and finite list of universal legal guarantees, such rights are the proposed remedies that emerge from a process of sociological conversation, contestation, and struggle. Approaching rights in this way allows us to better understand the local sphere, which is the focus of my research. Due to the fact that specific human rights concepts emerge from this dialectical process, the legal guarantees afforded to rights holders may also vary greatly depending on the local context. Rights are therefore both a practice and a moral frame by which this dialectical process occurs. In examining how claimants both frame and put into practice the entitlements they are

asserting, I am able to compare the claims being made to the actual legal guarantees afforded

to rights holders. This is what Morgan referred to as the implementation gap. It is through the

implementation gap that once can make various inferences regarding the specific form that a

sociological process surrounding rights takes in a particular place and time. The state and all

levels in which it exercises its authority plays a nuanced role in this conversation as both a legal

guarantor and violator of rights. Furthermore, the state is comprised of various actors.

Therefore, while this literature tells us that the local sphere is in many ways ideally situated to

protect rights in highly impactful ways, one also sees that local rights protection is even more

subject to the actions of various actors, many of whom (both within and outside of

government) often seek to limit rights. The scholarship therefore indicates that there is a

tension between expansive and limiting forces insofar as rights are concerned.

The literature tells us that both local and national human rights institutions were

originally envisioned as serving a key role in global rights protection as it intersects with the

local sphere of implementation. Indeed, this scholarship seems to indicate that there is a lot of

latent potential in these institutions. Yet, one can also see that such institutions may be greatly

affected by socio-political forces. Therefore, even though there appears to be a relative

academic and legal consensus regarding what powers and authorities national and local human

rights institutions should have, these institutions are frequently restrained by the state from

performing these roles and holding those powers. In my work, I examined the question of

whether human rights claimants interviewed possessed that same level of consensus regarding

what powers, mandates, and authorities the local human rights institutions in the study area

should be granted. I also used the Paris Principles as both a way of assessing the scope and

authority of the existing institutions in the study area and framing an interpretation of the interview data because those principles succinctly reflect that academic and legal consensus found in my review of the relevant scholarship. The scholarship also suggests that the political actors operating in the local arena are operating on behalf of larger social systems which are in turn informed by hegemony.

The above works therefore suggest that institutions and sociolegal systems are therefore subjected to and informed by hegemonic concepts. This is particularly relevant to my work since, during the course of my interviews, the literature indicated that I should seek to identify what forms hegemony is taking in the arena being studied. Furthermore, since scholars such as O'Connell and others indicate that human rights as a frame and practice present a significant challenge to hegemony, we should see an indication of that in our analysis of how local human rights institutions are operating in the study region. The current scholarship indicates that I must be willing to look at how local human rights institutions present a threat to hegemony in the local sphere, what forms of hegemony are present, and what type of threat these institutions might pose to hegemonic structures. Further, my analysis should also be prepared to examine, through the interview data, instances where such institutions could be in a position to contest hegemony but for the state's active role in limiting the institution's ability to do so. Because rights are a dialectical process I also sought some context as to what possible hegemonic forms might be in place in the study area. I found in the literature the concept of US exceptionalist behaviour and how this may affect the country's domestic human rights practice. While the United States may not widely adopt the human rights frame, I found rights many holders in the study area that do. The scholarship therefore showed how in the local sphere, a

counterhegemonic approach to human rights can be employed. Furthermore, I inquired as to where the value of the international standards for local and national human rights institutions that I discuss may in fact be in their potential as a counterhegemonic tool.

In summary, I began my inquiry with the premise that human rights have been ever more prominent in the local sphere. I then examined the role that NHRIs and local HRIs are intended to play in domestic human rights implementation in the global rules-based order and how human rights, as a social construct that emerges from assertions around human dignity, also must contend with hegemony and power in a local context. In the United States, I found a useful and informative case study, as it is a country that has been hesitant to adopt human rights framing or enact its standards, engaging in a specific type of exceptionalist behaviour. Within this larger context one also sees in the literature that there are a few examples and places within the United States that present notable exceptions to this trend. One of those arenas of struggle where grassroots leaders are employing these frames and practices is the Deep South and the study region, which was chosen for this precisely this purpose.

Further, local human rights institutions present an opportunity examine channelling affects and the implementation gap in policy as seen on a local level as outlined by Morgan's work. Local human rights institutions within the study area would have to navigate deeply complex and contested issues while apparently lacking necessary resources, political will, federal support, or networks. Such human rights institutions are also located within a region of the country that has played a major role in the rights discourse that has come to characterise US human rights exceptionalism. Furthermore, since many grassroots organisers are apparently using human rights language, practice, and framing, one may expect that in such a region

where such discourse is so dynamic and where these frames are being used, a local human

rights infrastructure would have emerged in the local government itself in response to these

social movements and grassroots pressures. Yet in the proceeding sections, I presented findings

that suggested that the opposite may true in the case of local HRIs.

Instead, I discussed ways that local HRIs in the study region failed to meet international

standards. The remainder of this research then explored why such grassroots-level engagement

in human rights frames may fail to produce strong local HRIs and explore possible policy

recommendations. While it may appear to be a straightforward examination of the legal status

certain local human rights institutions, after examining the scholarship, it appears that there

are larger sociological questions at play. My contribution to this is to therefore examine

institutions in the study area and report on their status, based on the Paris Principles. Then, I

used information gathered from my interviews and focus group to explore how claimants in the

study area view their own entitlements and the human rights frame itself, what rights they are

claiming and what abuses they are reporting, explore whether or if respondents' own

preferences reflect the consensus reflected in the Paris Principles on how these institutions

should be established, and provide context as to why these institutions are operating as they

are in the study area, what hegemonic forces are present, and if these forces do in fact see

human rights as a challenge to their authority.

Chapter 4: Site Analysis

4.1: Overview:

This chapter provides a brief site analysis of the study area where the interview data were collected. I begin by defining, in greater detail, our use of the "Deep South" term as a descriptor of a specific sub-region and contextualise where the area in which this study was performed lies within that sub-region. In doing this, I present my specific rationale for selecting this sub-region in general and the study area in particular, for this project. I then provide a brief overview of the international human rights conventions and protocols that the United States has chosen to obligate itself to. I do this to frame the larger discussion of which human rights processes grassroots leaders in the region chose to engage in, as well as to provide some specific context for the consensus reached by scholars who make note of US exceptionalist behaviour, particularly insofar as it relates to the domestic implementation of international human rights treaties. Furthermore, human rights treaties would ideally be engrossed in a nation's domestic law and monitored by national and local human rights institutions. This discussion allows me to better examine the workflow and functions of such institutions. Lastly, I provide some specific case-study examples of where human rights frames and practices had been employed on a grassroots level in the study area in the manner described in the former sections. It is in doing this that I construct a foundation by which I assessed, in greater detail, the local human rights institutions operating specifically in the study region. That assessment is presented in Chapter Five.

4.2: On the South and Deep South Region:

Having briefly addressed the national landscape surrounding the particular issues and controversies that this research will address, the interviews and analysis herein were conducted mainly in a specific sub-region of the United States known as the "Deep South" which is a label given to a smaller section of the larger region often referred to as "the South" the "Southeastern United States" or "The American South" (with the latter three terms often used interchangeably). While this labelling is familiar to many even outside of the country, it is still necessary to discuss the use of these terms for the purposes of this work. The use of these terms can indeed be a source of some confusion to those not familiar to the United States but more interestingly, the terms themselves describe nuances that highlight the very socio-political factors that we engage in herein, which are critical to many discussions surrounding this region.

Southern identity is a complex topic and the region itself is large and diverse. In fact, what actually comprises the area in the United States commonly referred to as "The South" has changed throughout the course of the country's history, and these changes have often indicated important historical shifts, evolving economic realities, and shifts in how national and regional identity have been constructed (Burton and Rouse 2018). For example, at the country's genesis, anything south of the famed "Mason-Dixon Line" was considered "the U.S. South." The region as a construct contrasted with the industrialised and heavily urbanised "North" of the new country. The South consisted of agrarian states with largely rural populations that relied infamously on the enslavement of human beings for the functioning of their economies.

Additionally, and confusingly for some outside observers, it was also a simple spatial indicator that describes a specific area in geographical terms relative to the country as a whole. The fact that the South today is actually in the "southeast" of the country merely reflects the fact that the United States did not expand far west of the Mississippi River at its founding and therefore, territories that would later became known as the "southwestern" states (such as Arizona or New Mexico) are therefore today never considered Southern states or part of the Southern region.

The association between the Mason-Dixon line with "southern-ness" also meant that the U.S. State of Maryland (and its largest city and major slave port of Baltimore) as well as the U.S. state of Delaware (and its mostly agricultural economy) were considered southern states before the American Civil War. Yet after the Civil War, one begins to see a shift in how "southern-ness" is constructed in the larger scope of national identity as the quintessentially southern states become associated with states of the so-called "Confederacy" that attempted to secede from the union. These are also the states that instituted brutal systems of racial apartheid (Jim Crow) following the reconstruction period after the Civil War ended (2018: 44-45). Therefore, the South becomes associated with Jim Crow in addition to the historical involvement and secessionist tendencies they may had demonstrated during the American Civil War. It is worth noting that until relatively recently, many of these Southern states consisted of Black-majorities and thus the institutions of elite power continued to resist full democratisation in order to maintain their positions. It is also during the period following the American Civil War that one can see a distinction emerge between what Black and Black (2003) describe as the "Peripheral" South, (Texas, Arkansas, Tennessee, Kentucky, Florida, North Carolina, Maryland,

Virginia and West Virginia) and the "Deep" South, (Mississippi, Louisiana, Alabama, Georgia and

South Carolina). Therefore, while the use of the term "the South" is geographical and spatial, it

is also historical, political, and cultural and possesses deep implications that directly relate to

the provision and denial of rights certain residents of this region, with the Deep South

possessing even more of these connotations.

Black and Black note that the states of the peripheral South had different reasons for

not being seen as fully "Southern." Some did not choose to secede (Maryland or Delaware)

others did not have large Black populations or had large numbers of anti-secessionists

(Arkansas and Tennessee), while West Virginia and Kentucky both seceded from Virginia due to

the American Civil War. More recently, states such as North Carolina, Florida, and even Virginia,

home to Richmond, the former capital of the Confederacy itself, have begun to be viewed as

regionally distinct as their economies transitioned away from agrarianism and attracted large

numbers of residents from other parts of the country.

Many use the term "the New South" to describe parts of the region that have

undergone this shift away from agrarianism and towards a service economy (Burton and Rouse

2018: 46-48). The states of the New South have largely retained a Southern identity, although

much variation exists between these places. Georgia remains solidly in the "Deep South" yet its

capital and largest city of Atlanta is perhaps the most quintessential of "New Southern" cities. It

is wealthy, politically progressive, and is comprised of large numbers of residents who moved

there from other parts of the country and indeed the world. At the same time, in addition to

being a cultural outlier with its historical ties to France, Spain, and the Caribbean, the State of

Louisiana had always had a more industrial base that complimented its agrarian economy and

as a result has recently suffered from many of the ills of post-industrialisation endured by

residents of the Northern U.K or the U.S. "Rust Belt" region. Even still, Louisiana is, like Georgia,

part of the Deep South.

The complexity and nuance that is found in the labelling of the south is perhaps difficult

to fully understand as it can be at times contradictory. Yet this complexity is itself a critical

piece of the larger puzzle of national identity within a country that is as immense and diverse as

the United States. This complexity can be acknowledged and embraced for its ability to inform

us of important nuances. While regional identity is often associated with shared cultural

characteristics and experiences, Ayers (1996) notes that Black Americans and White Americans,

who have long lived in close proximity within this region, have separate and unique collective

experiences within the region related to their "Southern-ness" and thus have cultivated vastly

different understandings of Southern identity. Ayers contends that it is also critical to note that

the region is not a cultural or economic monolith, but a region with many differing ethnicities

and backgrounds. This "othering" of the South has created a mystique that has often had

problematic results. Therefore, in this work I used the Deep South as a term, but at the same

time I rejected any tendency towards orientalism. Instead, I used the term to convey a set of

collective experiences and ideas that form a complex socio-political patchwork.

It is through this veil of complexity that I view the states that comprise the Deep South,

which, I have noted, are particularly notable for their level of grassroots engagement in human

rights framing (Finger and Luft, 2011). Yet even if this were not the case, they would still

present a compelling opportunity to scholars interested in the social construction of rights and

human rights institutions in the United States due to their complexity, their place in history as

the birthplace of the Civil Rights Movement, and that movement's importance in shaping the

rights discourse in the entire country as well as informing the creation of local human rights

institutions in cities and states countrywide (see our prior discussion of local human rights

institutions. Simply put, it can be said that the Deep South is both an important centre of rights

discourse in the national conversation and the birthplace of local human rights institutions in

the United States. Within the Deep South, the states of Louisiana and Mississippi are

furthermore particularly notable for their particularly high level of grassroots employment of

human rights framing. Although they are quite different, they are also arguably two of the most

quintessential "Deep South" states, occupying a remarkably certain sense of identity within

what is an otherwise deeply complex and layered regional definition.

4.3: Contextualising the Study Area:

Both Louisiana and Mississippi are in a geographical region that has seen a high level of

grassroots engagement in human rights frames and instruments. In the findings sections, I

presented interview participants often noted that human rights instruments provided them

with the tools, language, and means, to engage with and further their specific rights-related

policy goals and objectives. In many of these cases, I saw that certain human rights instruments

were in fact introduced to participants via the US government's engagement in or association

with certain human rights treaties or organisations. Although the US has retained its

exceptionalist tendencies, when the national government did engage in such frames and

practices, that engagement, however slight, was deeply consequential. When taking this into

account, one may remember also that while the level of engagement in such instruments was

often quite varied and inconsistent, the fact of the engagement itself mattered. Additionally, participants who began their activism work using certain human rights instruments or organisations that enjoyed some level of official government support or participation, were often subsequently introduced to other treaties, whether proposed or finalised but not ratified or signed by the US. The international human rights treaties under while the United States has obligated itself are therefore listed below. Under the US system, a treaty may be signed by a US president, but can only be ratified through a vote of the United States Senate.

Some of the human rights treaties signed by the United States and subsequently ratified by the United States Senate include:

- The International Covenant on Civil and Political Rights (ICCPR)

- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

- The Convention Against Torture (CAT)

- The Genocide Convention

- Two optional protocols only regarding the International Convention on the Rights of the Child pertaining to armed conflict, and child prostitution/pornography.

In addition, some US presidents have elected to sign certain treaties that have not yet been subsequently ratified by the United States Senate. In these cases, members states are not legally subject to all of the treaty's obligations but agree to its general purpose and are not permitted to defeat the purpose of the treaty. Such treaties signed by US presidents that have not been ratified by the United States Senate include:

- The International Convention on Economic, Social, and Cultural Rights (ICESCR)

- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

- The Convention on the Rights of the Child (CRC)

- The Convention on the Rights of Persons with Disabilities (CRPD)

In cases where the United States has ratified a treaty, it has often done so with certain reservations. Since this project discussed the role of treaties, organisations, and instruments in motivating, shaping and supporting grassroots movements, it would be outside the scope of this research to present an exhaustive legal analysis of these reservations or their legal implications. As I discussed in my overview of the literature on US exceptionalism in its domestic human rights practice, many of the reservations pertained to the refusal on the part of the national government of the United States to make its own legal system subordinate to international legal norms and conventions. The United States has through its history asserted the supremacy of its own domestic laws over the execution of its treaties (particularly human rights treaties), which is itself notable given that the legal and even constitutional power of an international treaty lies largely in the fact that once executed, its effect supersedes existing domestic law. As such, the human rights treaties described herein have legal effect only insofar as they have been specifically engrossed into domestic law. Their specific provisions must therefore also be enshrined in legislation as no self-executing mechanism exists without the passage of such legislation. The task of the grassroots organiser thus becomes all the more difficult because such organisers are not simply there to monitor compliance with existing laws and treaties report on the potential deficiencies of their practical execution on the ground, but to utilise the moral authority of these treaties to then convince their national and local

legislative bodies and political elites to adopt those provisions specifically into United States

domestic law. In the context of a federal system of government, where organisers must

navigate national, state, and local legislative bodies with different powers and authorities, there

is an added complexity to this task. Therefore, it becomes all the more critical for this inquiry to

specifically provide an overview of the specific authorities within the study area as well as

information on the socio-legal landscape therein. In this section, I provided some demographic

information and illustrative cases whereby the use of human rights framing was employed

within the two states that comprise the study region: Louisiana and Mississippi. From there, I

was better able to present the examination and assessment of the local human rights

institutions operating within these jurisdictions in the following chapter.

4.3.1: Site Overview of Louisiana:

The State of Louisiana is located in the Southeast of the United States and contains the

final reach of the Mississippi River before it terminates into the Gulf of Mexico. Being host to

this large deltaic formation means that the entire southern part of the state is mostly

comprised of marshland and swamps. It also means that fossil fuels and other resources are

abundant in this region of the country and as such its largest industries are oil and gas,

manufacturing, fishing, and navigation, followed by tourism. As of the time of this writing, the

population of the state was approximately 4.2 million people. The state's largest city is New

Orleans and its state capital and seat of political power is Baton Rouge. Both cities are majority-

Black jurisdictions and are currently led, as of the time of this writing, by Black female mayors.

Louisiana was formerly a French (and for a brief time Spanish) colony before its accession into

the United States and the cultural legacy of this period has left a lasting impression on the state's identity. It also has a unique demographic profile. It is approximately 32% African American, the second largest percentage in the United States, and was a major centre of European immigration during the late 19th and early 20th century, on a level only seen elsewhere in the North-eastern United States. Additionally, Louisiana has a large indigenous population, a population that was largely dispossessed by the French and Spanish colonial administration from their ancestral lands (located in the centre of the state) into the wetlands that comprise the southern half of the state. Louisiana is well-known for its large French-speaking minority, and also had developed its own unique "Creole" cultural identity. In addition to this, it is currently home to the largest Honduran population outside of Central America and has seen a significant amount of Vietnamese immigration as well as one of the oldest Filipino-American communities in the United States.

While Hurricane Katrina and the subsequent failure of the federal levee system protecting New Orleans is often portrayed as a natural disaster, it is important to note that the flooding that affected 80% of the geographical area that comprises the City of New Orleans and the displacement of surrounding coastal communities was greatly exacerbated by the erosion of Louisiana's iconic deltaic wetlands due in large part to industrial activity (particularly due to the navigation and petrochemical industries), as well as the federal government's divestment from the Greater New Orleans region's federal flood protection system. This disaster affected the entire region, but had a disproportionately detrimental economic impact among Black and Indigenous communities within the state. Due to the efforts of grassroots activists, mostly derived from the Black displaced community, an International Tribunal on Hurricanes Katrina

and Rita was established after the 2005 disaster. In 2007, testimony and evidence were heard

by 16 jurists from around the world, who then concluded that the United States Government

committed Crimes Against Humanity for the levee failures that led to the flooding.[7]

The River Parishes of Louisiana are a region along the Mississippi River between the first

and second largest cities of New Orleans and Baton Rouge. While this area is currently home to

a fast-growing exurban population, this region is historically notable for having a large number

of agricultural plantations that were operated through slave labour. The legacy of this slave

labour means that the region is home to a large number of Black residents who are descended

from enslaved human beings who laboured in this region, many of whom also identify as

members of the Louisiana Creole community. Seeking to capitalise on the region's history, the

state's official tourism bodies began to market the area as "Plantation Country" in the 1980s,

and the region drew large numbers of day-trippers from New Orleans. This marketing was

controversial, as it often glossed over the inhumanity of enslavement in favour of promoting

the architecture and of the plantation houses and considerable natural beauty of the region.

In more recent times however, local activists in the region have dubbed the River

Parishes region "Cancer Alley" and that term has been largely adopted in media circles due to

the region playing host to a large concentration chemical plants, oil refineries, and other

intense industrial activities. Local residents have organised in the River Parishes and several

groups were founded to represent the descendants of enslaved people of the region and have

since engaged the United Nations Committee on the Elimination of Racial Discrimination

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[7] https://neworleanscitybusiness.com/blog/2007/09/11/court-govt-committed-crimes-against-humanity-in-katrina/

(CERD). In a recent report on US compliance with its CERD treaty obligations, the UN CERD Committee was sharply critical of the United States, citing human rights violations in Cancer Alley specifically.[8] In addition to CERD, the Descendants Project has also working alongside other international groups in drafting an International Convention on Corporate Capture.

4.3.2: Site Overview of Mississippi:

The State of Mississippi is also located in the Southeast of the United States, bordering Louisiana to its west and the Gulf of Mexico to its south. The largest industries in Mississippi are agriculture, fishing, forestry, and manufacturing. As of this writing, Mississippi is home to 2.95 million residents, 33% of whom are African American, the largest per-capita percentage of Black Americans in the United States. Mississippi is known for once having had some of the harshest racial apartheid (Jim Crow) laws in the country during the long period of racial segregation that came to infamously characterise the Southern and Deep Southern region, as well as for the state government's longstanding unwillingness to comply with the federal government's efforts to end these brutal and racist laws. As a result, Mississippi is also known for being a critical site of resistance to these racist systems and as the crucible of the Civil Rights Movement. It is also the poorest state by per-capita income in the United States. Its capital and largest city are Jackson, Mississippi. Jackson is a majority-Black city and is led by a Black mayor.

In the early 2010s, the City of Jackson began to see widespread grassroots engagement in human rights framing in response to instances of police violence, infrastructure issues that resulted in multiple (and still persistent) drinking water crises, and widespread inequality. A

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[8] https://ccrjustice.org/home/press-center/press-releases/un-committee-report-presses-us-slavery-reparations-first-time

grassroots initiative known as the Jackson Human Rights City Campaign was formed in coalition with many grassroots organisations already present in the city with the express objective to make Jackson the first Human Rights City in the Southern United States. This initiative sought, among other things, to democratise government processes and create a local human rights institution that would have the ability to deal with allegations of police misconduct and other human rights issues. In 2014, a non-binding resolution was passed by the Jackson City Council whereby the City declared itself a Human Rights City and called for the creation of a Human Rights Commission. A community-driven committee was seated, tasked with drafting a Human Rights Charter and Commission.[9]

4.4: Concluding observations:

In this chapter, I provided a brief overview of the region in which I gathered our interview data and further defined and described the nuances of terms that I use frequently throughout this writing such as references to the South, the Deep South, and the study region. This region and sub-region hosted critical chapters in the discursive process surrounding rights within the United States. I find that this is even more the case in the study region, which I more thoroughly defined and discussed. The region is also notable for the level of grassroots engagement in human rights framing, practices, and processes, both nationally and internationally. In the next section, I provide an assessment of the human rights institutions

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[9] https://cooperationjackson.org/announcementsblog/2015/1/10/historic-human-rights-city-resolution-passed-in-jackson-ms-to-create-1st-human-rights-charter-and-commission-in-the-south

specifically operating within the study area, as this will be critical to framing the interpretive

analysis of the interview data as it was presented in this project.

Chapter 5: Assessment of Local Human Rights Institutions in the Study Area

5.1: Overview:

This chapter provides an assessment of local human rights institutions in the study region of Louisiana and Mississippi. This was done to further frame my research questions and contextualise some of the responses from the interview phase of this project. In this section, I discuss the institutions' specific mandates, scope, and authorities in relation to six main criteria outlined in the Paris Principles. These principles were developed by grassroots organisers through a United Nations sanctioned process to provide guidance and assess the effectiveness and scope of national human rights institutions. There are no such principles for local bodies but since they are the only internationally-sanctioned standards of this type I found that they provided a useful analytical tool by which I might present the state of the local human rights institution in this sphere. After presenting the current status of these local institutions in the study region per the Paris Principles, I will then devote subsequent chapters to discussing whether interview respondents' own views reflected some level of support for these guidelines and practices, or if they are even appropriate for assessing local human rights institutions. At the conclusion, I posit that although there has been significant grassroots engagement in human rights framing and instruments in the study region, its local human rights institutions are not operating according to the standards outlined in the Paris Principles. After establishing this, I then directed this inquiry towards the question of whether the institutions in the study region are indeed structurally equipped to address many of the claims and abuses made by human rights advocates in the region and if they are not, why we might not see strong local

institutions in a region that otherwise has strong grassroots support for human rights frames and practices.

This chapter is in no way an exhaustive study of all local human rights institutions in Deep South of the United States, nor does it say that its conclusions can necessarily be applied nationwide. It does however provide a possible framework by which we can analyse any such institution, its powers, and mandates. It also provides a starting point by which future researchers can assess the status, scope, powers, and mandates of local and national human rights institutions in the United States and the ways in which sociological processes surrounding human rights construction in this country might influence the legal status of such institutions nationwide.

5.2: Using the Paris Principles as an Assessment Tool:

My brief survey created a simple assessment tool by which I measured the powers, scopes, and authorities of all the local human rights institutions established by law within the states of Louisiana and Mississippi. The foundational protocol utilised in this work to form the basis of this assessment was drawn directly from the Paris Principles for National Human Rights Institutions, which were themselves created to provide a set of standards of practice for national (state-level) Human Rights Institutions. As previously discussed, no such internationally-accepted criteria have yet been developed for local (neither subnational nor municipal) human rights institutions. Still, the standards outlined in the Paris Principles lend themselves to forming such an analytical tool as I have employed here since they are designed to specifically address and describe the structures, powers, and legal authorities invested in

human rights institutions operating on the level of the nation state. As such, these standards

provide an adequate overview by which I can begin to form the basis of my discussion of which

powers the local governmental authorities had explicitly granted to specific human rights

institutions that were created on a local level through a legislative process.[10]

Since the Paris Principles were formed to provide guidance to National Human Rights

Institutions (NHRIs), it should first be noted that there are current controversies surrounding

the creation of a National Human Rights institution in the United States. A 2010 report by

Columbia University Law School's Human Rights Institute entitled, "A Road to Rights:

Establishing a Domestic Human Rights Institution in the United States" points to the lack of a

National Human Rights Institution as a significant barrier to the promotion and protection of

human rights within the country. With the passage of the Civil Rights Act of 1957, the United

States Commission on Civil Rights was established to monitor compliance with this federal law.

Yet the Columbia report notes that its mandate is greatly limited to in its exclusive focus on civil

rights violations via unlawful discrimination.[11] In addition, its investigatory powers have also

been greatly limited, it is chronically underfunded and understaffed, and the body lacks political

independence (5-6).

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[10] Because the scope of this work was limited to local human rights institutions, I did not analyse other standards that were adopted to provide for the Paris Principles' implementation on the national level, such as the Belgrade Principles which address the relationship between an NHRI and a nation's parliament.

[11] The term "unlawful discrimination" pertains to acts of discrimination that are expressly forbidden by law. Those who are protected from discrimination under US law are referred to as "protected classes" and are often listed alongside specific arenas where such discrimination is forbidden (e.g. housing, public accommodations, or employment). This distinction highlights the limitations of an overly legalistic approach to human rights, whereby an act of discrimination against those who are not members of a specific protected class within a specific arena may still be legally permitted. Lists of protected classes will also vary by state or municipality.

The report contends that an NHRI, established in accordance with best practices, would ideally have a broader mandate focused on ensuring compliance with human rights standards in all categories of rights. It would be empowered to monitor the implementation of human rights laws, be given robust investigatory powers, conduct hearings, educate and raise awareness of human rights, produce policy recommendations and interface with international human rights bodies (Ibid: 20-34). A Columbia report further states that the creation of a NHRI according to such standards (or the transformation of the current US Commission on Civil Rights into a national human rights body) could also provide support to sub-national (state and local) human rights institutions and assist with the local application of international human rights standards (Ibid: 35-37).

In general, the Paris Principles for National Human Rights Institutions provide for eight general criteria that reflect some of the areas addressed in the Columbia report. Local human rights institutions herein were assessed relative to these criteria. This analysis was done according to the Global Alliance of National Human Rights Institutions' characterisation of the Paris Principles' standards.[12] The broad categories are as follows:

1: Broad Mandate- is the institution able to protect and promote all categories of rights?

> This was determined by examining the mandate and function of the institution relative to their engagement in the three broadly-accepted categories of rights under international law: Political and Legal Rights, Economic, Social and Cultural Rights, and Environmental Rights.

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[12] See the Global Alliance of National Human Rights Institutions: https://ganhri.org/paris-principles/

2: Broad Functions- can the institution provide advice, reporting and monitoring, handling of complaints and human rights education, and other related responsibilities?

> This was determined by assessing the functional output of the institution as well as the scope of their various initiatives.

3: Independence from Government- is the institution protected either in legislation or the Constitution from political interference?

> This was determined by examining the enabling statutes that created these institutions and will determine their independence based on the presence of specific measures in the legislation that anticipates the need for political independence and provides for it in the legislation.

4: Pluralism- do these institutions have representation from diverse sectors of civil society?

> This was determined by examining whether marginalised and/or minority groups are represented in the staff and public bodies related to these institutions.

5: Adequate Powers- can these institutions initiate inquiries and investigations, gather the evidence and documents they need, consult with NGOs and State institutions and publicise their reports, findings and recommendations?

> This was determined by examining the powers granted by the relevant statutes to the institution relative to their ability to carry out their specifically mandated functions, and whether the institutions functionally exercise those powers.

6: Adequate Resources- do these institutions have adequate funding, staffing, infrastructure, and institutional capacity?

This was determined by the current full-time staffing levels relevant to the institution's workflow (and the municipality's size) as well as the absence or presence of statutory protections of the institution's budget.

7: Cooperative Work- does this institution collaborate with State institutions, NGOs, non-profits, and civil society?

This was determined by analysing evidence of the institution's presence and current activities in the community and across other governmental agencies.

8: International Engagement- are these institutions able to interface with national, international, and regional human rights bodies and instruments?

This was determined by analysing evidence of the institution's engagement in other national, regional, and international human rights instruments and bodies.

Since the Paris Principles speak to functional, structural, and practical tasks and were conceived to describe and assess the structural and institutional status of entities that perform the same function on a larger scale, I found them to be a sufficiently broad and easily understandable set of standards that can be used to then convey, for the purpose of the assessment provided in this section, the powers and mandates of subnational human rights institutions as well. Yet in order to allow the interview data to inform the research, I did not begin this inquiry with the assumption that a failure of a local institution to operate according to these standards of practice necessarily resulted in an institution that was unable to address the claims and abuses outlined by interviewees in the later chapters.

5.3: Assessment of Human Rights Institutions in the State of Louisiana:

As of this writing, the State of Louisiana had four local Human Rights institutions created by various statutes and ordinances. Grassroots efforts to create a local HRI in the state's second largest city and its capital, Baton Rouge, have been hard fought, longstanding, and to date, unsuccessful.

Fig. 1

Louisiana Commission on Human Rights:

Criteria	Yes/No
Broad Mandate	No
Broad Function	No
Independence from Government	No
Pluralism	Yes
Adequate Powers	Yes
Adequate Resources	Yes
Cooperative Work	Yes
International Engagement	No

The mandate of the State of Louisiana's Commission on Human Rights (LACHR) is strictly limited under Louisiana statute to taking complaints of unlawful discrimination in either employment or public accommodations. Furthermore, housing discrimination complaints are not under the LACHR's mandate and instead are the purview of the Louisiana's Attorney General, which is a publicly elected office. While the LACHR can perform various functional tasks relative to its specific mandate (education, monitoring, and the handling of complaints)

those specific functions are limited by the institution's mandated role which only addresses certain limited reactive political and legal rights claims. The LACHR under the Office of the Governor functions as a division of the Governor's Office of Community Programming. The LACHR's director is appointed by the Governor, who reports to the Governor and to a public body (the Human Rights Commission, referred to in the statute as the Commission) which is composed of political appointees all nominated by the Governor and confirmed by the State Senate. The Governor selects the Chair of the Commission. There are no statutory protections relative to their funding, and as such their political independence could conceivably be limited by the threat of funding cuts from the legislature. Both the Director, Staff, and Commission are relatively pluralistic, as they are at this moment demographically representative of the state's racial and ethnic composition.

While the LACHR has adequate powers and authorities under the law sufficient to investigate and report on complaints, these powers are of course constrained by their limited mandate. At the time of this writing, the agency's budget and staffing levels are sufficient to meet the needs of their specific mandate, but, as previously mentioned, that budget is neither protected under the Louisiana state constitution, nor statutorily dedicated. The agency currently receives additional revenues generated as a result of an agreement executed between the LACHR and the Federal Equal Employment Opportunity Commission (EEOC), and receives funds to investigate employment complaints that originate in EEOC office, thus assisting with the administrative burden of that Federal office. Its relatively large full-time staff and staffing levels have been relatively stable.

The LACHR has performed outreach and training throughout Louisiana to agencies and members of the public within both the public and private sectors, educating these agencies and entities in preventing unlawful discrimination. As mentioned above, the LACHR has engaged other national civil rights offices such as the EEOC and the Office of Civil Rights in the US Department of Justice. It does not engage or interface with international, and regional human rights bodies and instruments.

The City of New Orleans is the state's largest city and by far its largest metropolitan area. As such, the history of the HRI in this city is complex and has been subject to changing political priorities. For this section, this researched relied on data gathered from Participant 1, an interviewee who had previously served as Vice-Chair of the City of New Orleans Human Relations Commission as well as the researcher's personal knowledge of the topic.

Fig. 2

City of New Orleans OHRE/HRC

Criteria	Yes/No
Broad Mandate	Yes
Broad Function	Yes
Independence from Government	No
Pluralism	Yes
Adequate Powers	No
Adequate Resources	No
Cooperative Work	Yes
International Engagement	Yes

In response to the Civil Rights Movement, a Human Relations Committee was created by a Mayoral Executive Order to facilitate desegregation of the City Government's Civil Service and promote positive relations between Black and White residents during a particularly fraught time. In the United States, a Mayor's Executive order lacks statutory authority and thus could be rescinded at any time by Mayoral Action. Agencies created by Executive Order can thus only function under the constraints of a Mayor's administrative authority. The Human Relations Committee was disbanded following the election of the City's first Black Mayor in the 1970s. During the 1980s with the City Council passed its "Human Rights Ordinance (Chapter 86 of the City Code) which sought to ban unlawful discrimination. Controversially for the time, the ordinance also sought to ban racial discrimination in private clubs with particular attention paid to Carnival Krewes. Carnival Krewes are private social organisations, often containing membership from members of elite social groups, that participate in and sponsor various celebratory activities during the Carnival/Mardi Gras season. Chapter 86 also created the Human Relations Commission and charged it with the task of enforcing the ordinance's anti-discrimination provisions. Shortly after, a court ruled that because the Human Relations Commission was not established under the City Charter, it lacked legal power or authority necessary to enforce its mandate. Over time the office lost much of its funding and for much of its history as an entity, functioned under the Mayor's Office with one full-time staff member, who was loosely charged with promoting diversity and mediating disputes and tensions in the community at the Mayor's behest.

Upon the election of Mayor LaToya Cantrell, the Office of Human Rights and Equity (OHRE) was established by an Executive Order and given a broad human rights mandate. It was

intended to serve in a transitional role while the ongoing legal issues of the Human Relations

Commission could be addressed. During this transitional period, the Human Relations

Commission functioned as a division of that office until a Human Rights Commission could be

created under the City Charter. During this transitional period, the Office of Human Rights and

Equity advised the Mayor on all categories of human rights but was subordinate to the

Executive during that time. A proposed amendment to the City Charter to create a Human

Rights Commission under the City Charter was proposed in a public referendum in 2020 and

was approved by over 71% of voters.

The City Charter amendment gave the Human Rights Commission the authority to

investigate and enforce anti-discrimination laws while providing enough ambiguity in its

language where the office could embrace a broader mandate that included other categories of

human rights.[13] It also provided for a public body (the Commission) which would be appointed

by both the Mayor and the City Council. When it was approved by voters, the plan was to then

abolish the OHRE and shift its duties over to the newly mandated Human Rights Commission,

which structurally had more authority and independence.

Yet following the public vote, the New Orleans City Council was tasked with updating

the Chapter 86 ordinance in order to reflect the newly created office under the City Charter.

The Council also had to agree to fund it. The Council and Administration declined to pursue that

course of action. As of this writing, the Human Rights Commission as established in the City

Charter is what this research will refer to as a **Ghost Commission**, a body created under statute

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[13]https://ballotpedia.org/New_Orleans,_Louisiana,_Human_Rights_Commission_Charter_Amendment_(November_2019)

but never funded or established. During one of our interviews, a former Vice-Chair of the Human Relations Commission said the following:

> "The main reason we stalled out, if I'm remembering correctly, was because Councilwoman _____ raised these fiscal concerns and blocked us from moving forward without accomplishing that goal. It had actually been voted on…by New Orleans voters, and they had voted in favour of it. And so, we really felt like we had the mandate of the people and moving forward with creating that office and building up a more robust system. But when it came right down to it, you can't accomplish a whole lot without the participation of the City Council."

The Mayor's Office of Human Rights and Equity remains as an entity created under the Mayor's Office with a staff of two people. Its mandate remains broad under the Executive Order that created it. Therefore, while the OHRE has a broad mandate and theoretically broad functions, it currently lacks political independence. It is pluralistic (the public bodies and staff associated with the agency are diverse and demographically representative) but it lacks adequate powers and is not funded or staffed on an adequate level relative to its mandate. It has done cooperative work across City departments and sectors of Civil Society and participated in the United Nations Universal Periodic Review (UPR) process, thus it has a history of international engagement. The commission that was approved by voters to replace it and provide for its independence and greater level of authority remains enshrined in the City's Home Rule Charter but the ordinance that provides for its functions and duties has not been

updated, the office has not been funded, and the public body that oversees it has not been

seated according to the provisions of the law.

In 2014, the City of Shreveport Louisiana passed the Shreveport Fairness Ordinance,

which is currently Chapter 39 of the City Code. Article II Section 12 of Chapter 39 provides for a

Human Relations Commission.[14]

Fig. 3

City of Shreveport HRC:

Criteria	Yes/No
Broad Mandate	No
Broad Function	No
Independence from Government	No
Pluralism	Yes
Adequate Powers	No
Adequate Resources	No
Cooperative Work	No
International Engagement	No

The mandate of the Human Relations Commission is limited to considering complaints

related to unlawful discrimination. The ordinance does allow for the Commission to issue

reports and recommendations generally related to human relations and of "bettering human

relationships" in the community.[15] This could in theory provide a permission structure sufficient

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[14] https://library.municode.com/la/shreveport/codes/code_of_ordinances?nodeId=PTIICOOR_CH39HURE
[15] https://www.shreveportla.gov/1531/What-We-Do

to allow an agency director to address other categories of rights outside the scope of political and legal (anti-discrimination) claims. However further examination of the ordinance reveals that it does not provide for a full-time staff member or any full-time staff. Instead, the ordinance provides for a volunteer commission of Mayoral appointees (subject to confirmation by the City Council). As such, it lacks political independence and adequate resources relative to its limited duties and functions.

The Commission's board is relatively representative of the community and the list of protected classes protected under the ordinance reflect a pluralistic mission.[16] Although the ordinance grants this HRI the ability to assess fines, it is not granted subpoena powers or investigatory authorities and would likely rely on the judiciary to confirm its authority should it be challenged. Furthermore, the current commission only functions as a volunteer board with no dedicated staffing or funding outside of the Mayor's own discretionary funds provided by the Council for the execution of administrative tasks by the Executive Office. There is no evidence of cross-departmental activity or activity in civil society, nor has there been past international engagement.

The City of Alexandria Louisiana's Human Relations Commission was created as part of a mayoral initiative in 2000 as a "public/private initiative dedicated to improving human relations among all citizens in Alexandria."[17]

Fig. 4

City of Alexandria HRC:

Criteria	Yes/No
Broad Mandate	No

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[16] https://www.shreveportla.gov/1523/Who-We-Are
[17] https://www.cityofalexandriala.com/ahrc

Broad Function	No
Independence from Government	No
Pluralism	N/A
Adequate Powers	No
Adequate Resources	No
Cooperative Work	No
International Engagement	No

According to the City's directory, the current Commission itself consists of nine volunteer members, appointed by the Mayor and confirmed by the City Council. Its mandate appears to be related to hearing discrimination cases *en banc* and promoting diversity and positive human relations whilst combatting discrimination. The current City Code does not provide for the Commission under the City of Alexandria's local ordinances. Therefore, its authority is likely derived from a Mayor Executive Order. It does appear that the functions of the Commission are supposed to be performed entirely by this voluntary board, although attempts to gather more information from City officials have to date been unsuccessful. It is difficult to assess the composition of this Commission itself. A relatively recent article reveals that the Commission has been involved in the promotion of a Civil Rights museum (a key Mayoral priority).[18] The body's own website is currently not functioning and contact information is to date unavailable.

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[18] https://www.kalb.com/2022/02/08/alexandria-human-relations-commission-seeks-land-civil-rights-park/

5.4: Assessment of Human Rights Institutions in the State of Mississippi:

State and local statutes only provide for two local human rights institutions in the State of Mississippi. Those are the State of Mississippi Office of Civil Rights and the City of Jackson Human Relations Commission.

The Office of Civil Rights was created to bring together under one umbrella all the civil rights functions of the agency. This office was charged with oversight of the agencies Title VI activities, the Disadvantaged Business Enterprise (DBE) Program, the On-the-Job Training Program, Internal Equal Employment Opportunity compliance, External Contract Compliance, and the American with Disabilities Act compliance.[19]

Fig. 5
State of Mississippi Office of Civil Rights:

Criteria	Yes/No
Broad Mandate	No
Broad Function	No
Independence from Government	No
Pluralism	N/A
Adequate Powers	No
Adequate Resources	N/A
Cooperative Work	Yes
International Engagement	No

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[19] https://mdot.ms.gov/portal/civil_rights

Enabling legislation establishing this office could not be found, although in 1999, a bill was proposed to create an HRI in Mississippi with an anti-discrimination mandate and enforcement powers (House Bill 361). That bill was not passed by the state legislature.[20] Therefore, it's mandate and function are quite limited, it lacks authority (outside of the Executive Branch of government) and thus lacks political independence. It is difficult to assess its level of pluralism or whether adequate resources are allocated to it relative to its scope (information on its budget and staffing levels for this specific office are not publicly available since the entity is funded through the Executive's larger budget). It does have a mission that seeks to work across departments cooperatively relative to its limited scope and it does not engage internationally. To date, there is no evidence that this office has been created, funded, or staffed and as such, functions as another Ghost Commission.

In 2014, The Jackson City Council unanimously passed a non-binding resolution expressing support for the creation of a Human Rights Charter and Human Rights Commission that would then support Jackson in becoming the first Human Rights City in the historic South.[21] This resolution did not itself enshrine human rights frames in the City's Home Rule Charter, nor did it provide for or fund the establishment of the Commission, but rather expressed support for these goals. This resolution was passed in response to grassroots activist efforts, and some of these grassroots efforts specifically called for the establishment of a local HRI in response to allegations of widespread police misconduct.[22]

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[20] http://billstatus.ls.state.ms.us/documents/1999/html/HB/0300-0399/HB0361IN.htm*City of*

[21] https://cooperationjackson.org/announcementsblog/2015/1/10/historic-human-rights-city-resolution-passed-in-jackson-ms-to-create-1st-human-rights-charter-and-commission-in-the-south

[22] https://www.jacksonfreepress.com/news/2014/dec/04/activists-want-city-human-rights-commission/

Fig. 6

City of Jackson HRC

Criteria	Yes/No
Broad Mandate	No
Broad Function	No
Independence from Government	No
Pluralism	No
Adequate Powers	No
Adequate Resources	No
Cooperative Work	No
International Engagement	No

5.5: Concluding Observations

There are currently no local human rights institutions operating in the States of Mississippi or Louisiana established and functioning according to the minimum standards set forth by the Paris Principles. The mandates given to the organisations that are well-staffed are not sufficiently broad to address claims or abuses across various categories of rights. No agency established or operating (because notably, some entities were established but are not currently operating) in the study area is politically independent. Agencies with a sufficiently broad mandate (or at least a mandate that would allow a motivated leader to address claims across differing categories of human rights) particularly lack political independence, staffing, and resources.

There could theoretically be ways in which such institutions might navigate human rights issues outside the scope of a single standard of practice but in a manner appropriate to a local context. At this stage, I therefore had to remain open to the possibility that a local human rights institution might elect not to adhere to certain standards in order to better adapt to the local context and carry out their missions or respond to their constituents. I furthermore had to be open to the possibility that such standards of practice might actually be inimical to the functioning of the local entity within the local sphere. As such, I am utilising the Paris Principles in this chapter to describe the existing legal powers and authorities of these institutions. In the subsequent chapters where I presented my interview data, I allowed interview respondents themselves to inform me as to whether they found the local human rights institutions in their region to be institutionally effective. Still, I have noted in my findings that participants do not feel that the local human rights institutions were designed in a manner that could further their claims or redress their abuses, and there was a widespread sense expressed that this was by design. Further, when participants were asked to recommend their own standards, powers, authorities, or other features that their local HRIs should have in order to support their claims and redress their abuses, many participants listed interventions that often closely mirrored many of the standards outlined in the Paris Principles. In the coming chapters, I presented data from interview participants, as well as their recommendations and discussed the possible implications of these responses to the research questions I have posed.

Chapter Six: Respondent Use of Human Rights Frames and Practice

6.1: Overview:

In the next three chapters, I presented participant[23] responses gathered throughout the interview phase of this project. The first core topic that I presented were discussions around the participant's use of the human rights frame. Since these were semi-structured interviews, I allowed participants a certain amount of discretion in emphasising or de-emphasising certain points or within the structure of an interview that sought participant responses on the core topics outlined in Chapter Two, which formed the bases of the tables I presented in the ensuing chapters. Regarding the responses pertaining the use of human rights framing, I allowed for a relatively wide range of responses pertaining to this topic, in order to capture a broad range of participant views on human rights. I found this approach fruitful, due to the multi-dimensional and discursive nature of human rights as simultaneously a strategic frame, practice, legal construct, and moral concept. I wished to capture participants' general views of human rights in each of those dimensions, as this was critical to providing context for this type of inquiry.

I sought to convey how participants viewed human rights as a practice, both in strategic and moral terms. I reported on those portions of the interview data where participants discussed their thoughts on human rights as a topic as well as how they defined human rights in general terms. I also recounted how participants engaged in their human rights activism and under which circumstances they used or did not use the human rights frame to obtain their policy goals and why. I addressed the ways in which participants are actively engaging other

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[23] The terms "participant," "respondent," and "interviewee" are used interchangeably in this work to indicate those who were interviewed by the researcher.

movement leaders and the international human rights systems and instruments and examined why they have chosen to use this particular frame of practice, which we will recall is notable in a country that is generally known for not engaging in such frames. I also reported on respondents' personal reflections related to how some participants are dissatisfied with certain uses of the human rights frame, even as they use them in their work, while others find them deeply powerful, empowering, and meaningful. In doing so, I provide some insight into the very first research question posed in this project:

"Within the study area, how do human rights advocates employ the human rights frame and practice human rights?

What I found is that participants were actively seeking to use human rights in a manner that could be described as counter-hegemonic, because they believed that human rights framing has been used by elites to support existing hegemonies. Also, by commandeering elite language, they lend power and moral authority to their claims and seek to elevate those claims by conveying the status of a right upon them. The human rights frame provided a language for certain abuses that otherwise may have been socially tolerated, or at very least seen as isolated rather than systemic problems that do not rise to the status of a rights violation. In addition to providing language to their abuses and elevating their claims, some participants spoke of human rights framing as a way of reclaiming their own sense of humanity that had been denied them. The literature cited in Chapter Two discussed how human rights frames are being used in the United States quite prevalently in communities of colour in the Deep South. In light of this,

the lost and reclaimed sense of humanity cited by participants making claims on behalf of (and drawn from) these very same communities provided an insight into why this particular framing is so compelling to these advocates. And yet even still, I found that interview respondents used the human rights frame strategically and have not elected to use it at all in circles where doing so defeated the purposes of their own policy goals and objectives.

6.2: Responses on the use of human rights framing, practice, and instruments:

During the interviews phase, participants discussed several ways in which they practically and strategically used human rights framing and instruments as a tool in furthering their own rights-related claims or in seeking the redress of reported past abuses and the prevention of future abuses. Several common themes emerged from these discussions. Some of the responses were consistent with the literature on the topic as it was discussed previously. Other responses added additional context that could be an interesting opportunity for further exploration and inquiry. Some responses reflected the perceived benefits of human rights language while others reflected the perceived limitations of such language. Many participants cited both benefits and challenges and while some of those reflections were framed in strategic and practical terms, other reflections took a deeply personal tone. As we can see from the chart in Figure 7, what unifies the way these responses were coded is that they spoke to the respondents' use and perceptions around the use of the human rights concept:

About Human Rights and Human Rights Framing:[24]

Response	No. of Participants
Empowers people to claim their rights	5
Human vs. Civil Rights mentioned	4
Provides language for abuses	4
Grants access to power	3
Can be co-opted by elites	3
Make government more responsive	2
Gives language to relate to elites	2
Solidarity with marginalised groups	2
Human rights frames are subjective	2
Subject to public opinion/whims	2
Don't message well with some local elites	2
Human rights affirm the value of all people	1
Challenge US hegemony	1
Human rights framing too focused on the individual	1
Human rights framing can be tokenising	1

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[24] *In the charts, the category titled "No. of Participants" reflects the number of unique participants who cited a certain issue or theme. As such, individual participants may have reported multiple themes or issues.*

As one might expect given the prevailing literature on exceptionalism in rights discourse in the United States, the differences and similarities between civil rights and human rights frames were raised by some participants. A prominent Civil Rights attorney and former Vice-Chair of the City of New Orleans Human Relations Commission characterised the different frames (Civil versus Human Rights) n the following way:

> "I think civil rights to me, like just the wording of that implies that there are rights that have been established or codified by law, when a human right is enshrined in a law, it becomes a civil right…Yes, human rights are something that every person just by virtue of being human should have."
>
> -Participant 9

As noted, a theme emerged whereby participants reported that they perceived that economic rights were not sufficiently recognised as being granted rights status in United States. Related to that point, one participant who worked within the Office of the Governor of Louisiana in a rights protection and advocacy capacity referenced the ongoing Human versus Civil Rights debate in the United States and in doing so, her answer touched upon a variety of economic rights which she felt were insufficiently recognised as being rights by many Americans, but remained critical entitlements to the people she advocates for in her role:

> "Housing and transportation are huge barriers to people having access to just live their lives, (as well as) the access to health care, to education to employment, to just, you know, all those things."
>
> -Participant 5

Similar to how Morgan (2011) reported on the ways in which human rights language was utilised among indigenous rights advocates, the use of human rights framing was often strategically employed. Many, such as a local indigenous rights advocate in Louisiana who also had worked for several governors as Director of the Office of Indian Affairs, may not have used human rights framing when speaking to certain elites in Louisiana government, but that decision was largely due to a concern that this framing would not be received favourably by those particular elites. If the participant felt that the use of the human rights frame was inimical to their policy goals, they did not utilise it in spaces where they felt its use would limit their ability to obtain certain results. At the same time, all participants were quick to define their own work as human rights work if asked, and were also quick to identify as human rights advocates themselves. No participants said that they were not doing human rights work. No participant said that they only used human rights as a strategic frame to accomplish certain goals but did not themselves see their claims and abuses as themselves related to human rights. Participants viewed human rights in moral terms as well as in strategic terms and they all wished to be personally associated with the moral dimension of human rights.

As one can see from the table above, participants were also willing to critique the ways in which the concept of human rights has been employed and co-opted by others, particularly elites. Insofar as participants had critiques of the use of the term human rights it was either because they felt that elites had misused its moral authority in ways that were hypocritical, or because they felt that certain elites were insufficiently moral enough when it came to relating to human rights frames. If a human rights frame was strategically not employed by a participant, it was because they had to adjust for a certain lack of moral clarity on the part of

elites. Therefore, while the frame presented certain benefits and challenges based on who participants had to relate to, there was a sense that the concept of human rights itself had weight to it that transcended strategic utility. They were willing to strategically dispense with the use of the term human rights in elite spaces if it meant getting certain goals met, but they retained a sense that they were at their core doing human rights work and drew personal value from that. Participants also often acknowledged that the use of human rights framing did have the potential to grant access to certain elite spaces and corridors of power, even while denying them access to others. This had more to do with the perceptions of others rather than the value of the term itself. If human rights were seen as overly broad or too "global" it was often because the local actors failed to see how these larger concepts had relevance locally.

This also pertained to those experiencing human rights abuses who may have seen the human rights frame as overly idealistic and not grounded in their individual lived experience. Therefore, it was not that the concept itself was flawed, it was that elites who held power were threatened by the concept and potential claimants in the field or spaces where participants were operating in may not themselves make the connection between how the concept of human rights was relevant to them specifically. Therefore, these responses do present a paradox. Interviewees associated themselves with the moral dimensions of the frame, they adjusted its use relative to whom they were trying to convince in order to achieve certain goals, and they acknowledged that their own constituents who they were advocating for, many of whom were part of the very communities that participants associated themselves with, sometimes found the concept of human rights was too abstract or elite-driven to be relevant to their local circumstance and lived experience:

"They (human rights) are seen as elite-driven. Upscale people are fighting for global

human rights. So, the way that human rights appear locally, that connection is not

there…it's more of a micro to macro versus macro to micro. And I think there's a lot of

work to be done."

-Participant 2

Remarkably, this participant was speaking directly to Hynes et. al. (2010) when they

spoke about the macro and micro constructions of human rights. Despite the oft-cited strategic

decision to employ, or not employ, human rights framing, some participants noted that such

human rights framing could be used subjectively and co-opted by elites to serve their own

purposes. One specific example cited by a participant was provided by a Black Trans woman

doing grassroots work on advocating for reforms to the criminal code. This participant noted

that that the country's largest LGBTQ+ organisation, the Human Rights Campaign, uses human

rights framing in its own name and yet is often criticised by LGBTQ+ people of colour as being

an elite-driven, White-led, and often "out of touch" organisation. This view regarding this

organisation's use of human rights framing in its name was also expressed by another

participant. In essence, both of these participants felt that the extreme violence and

marginalisation faced by Black, Brown, gender non-conforming communities within the larger

LGBTQ+ community were insufficiently addressed or even wholly ignored by an organisation

that co-opted human rights framing for their name. The use of the term "human rights" in their

organisation may have given them a more global appeal or moral authority in purporting to

represent the larger LGBTQ+ community itself, however these participants felt that this more

global focus led to a certain blindness to the needs of the most marginalised members of the

community itself. The first participant I spoke to cited a very specific example in which she had

requested that organisation's support in her ongoing effort to address an issue that

disproportionately resulted in the incarceration of Black Trans women nationwide in the United

States. According to this participant, the organisation's senior leadership demonstrated tepid

interest in assisting her until the issue of racial justice gained more widespread national

attention following the Black Lives Matter Movement's rise in prominence following the murder

of George Floyd by a police officer. Once racial justice become an undeniable component of all

movement work in the country, this organisation hired its very first Black leader in its entire

history and began to engage the issue, a potential example of hegemonic co-option of potential

areas of resistance, therefore generating consent. She summarised this simply by saying:

> "I feel like you know, the reality that we're living in now, they're only focusing on things
>
> that are trending."
>
> -Participant 7

A second participant felt that the Human Rights Campaign's use of human rights framing

negatively affected the overall credibility of the human rights frame in the United States and

worldwide:

> "I think that a lot of different people with a lot of different levels of privilege use it
>
> (human rights framing) when it's beneficial. And so, I don't think that the term (human
>
> rights) is actually applied the way or utilised the way that it should be."
>
> -Participant 3

During the course of our interview, the second participant also echoed the concerns of

many of the previously cited human rights scholars who noted that there may be potential risks

to marginalised rightsholders associated with an elite co-optation of human rights framing. By way of a specific example, this participant discusses the right to safety:

"When you're talking to people who have access, privilege and money…They only look at things as human rights when they are impacted by the issue. So, like, my human right to be safe, right? I've heard someone who is a non-Person of Colour or non-Black person say that, "it's my human right to be safe." Well, everyone deserves to be safe. Everyone deserves to live free from violence. But, you know, unfortunately, people in low income areas, in underserved communities, face greater impacts, or face a greater risk of harm and violence than you do. And so, you only refer to these things when you're speaking about yourself and others."

-Participant 3

In this response, the participant was referencing the larger issue of police violence and overincarceration of Black residents, and how a claim to the right to safety when co-opted by elites could be, (and according to the participant in fact has often been), used to justify excesses in law enforcement policy that disproportionately and negatively affect marginalised communities, particularly the Black community. (As we will see in the next section, the issue of police violence was often raised by participants as a top concern). At the same time, some participants felt that human rights frames allowed them to express their humanity in a way that was more acceptable to hegemony. One indigenous activist who was also working concurrently in the disability rights advocacy space summed up much of the prevailing sentiment regarding the use of human rights framing strategically in the following manner:

"It's good for the white man to have something to relate to."

-Participant 8

Engagement in international human rights instruments was also often employed strategically as a direct response to very current issues, in a manner that they felt had helped further their policy goals. The United States, having actually ratified the CERD convention, is party to its mechanisms. Activists have availed themselves of the CERD processes, especially in recent years where the struggle for racial justice has been at the forefront of human rights movement work. In fact, participants who felt that they had exhausted all other legal possibilities under domestic law to no avail often turned to the available international human rights infrastructure as a way to make human rights claims. This theme, where participants felt that they had previously exhausted all other possibilities to be heard by the government but to no avail, also emerges as a key factor in the grassroots engagement in human rights processes in the Deep South. It became important for them to convey to those outside of the United States that they were engaged in a moral struggle within the country. It also seemed important for them to solicit the help of other movement leaders in the global space. With their help, there was a sense that the national government's actions could be swayed through the moral authority that human rights frames carry globally. As one participant in Mississippi stated:

"…After the last four police killings of Black Americans, CERD has been powerful, especially in spaces outside of the US…Many outside of the US are not having to feel that rage, and the majority of them get their information directly from the American government."

-Participant 9

This use of human rights framing by grassroots advocates by those who felt they were being ignored by domestic leaders was employed quite famously following Hurricane Katrina and the subsequent flooding caused by the failure of the federal flood protection system in Greater New Orleans. This was discussed in brief in Chapter Four. At this time, participants described a feeling of helplessness at the hands of a national and local government that was not concerned with holding itself accountable or investing the resources necessary to ensure that displaced residents were protected from future flooding or could even return home. As they pressured the national and local government to make changes and felt that their efforts had been repeatedly frustrated, some advocates then chose to organise and seek assistance from the international community. These advocates organised international tribunals which were held in the study area with the stated mission of adjudicating the claims of the disaffected following the disaster.

In addition to "shaming" the national government, participants claimed that this engagement in human rights framing and instruments provided the additional benefit of adding structure and a degree of motivation to organisers who had previously felt that they were working alone to pressure an unresponsive system with little outside help. A participant who currently works as a human rights lawyer was involved in this movement. This participant credited this movement for a post-Katrina human rights resurgence that followed in the years after. This participant cited the value of these tribunals in creating strong momentum for grassroots movements that then were sustained in future efforts by empowering subsequent advocacy efforts. This particularly leant its energy to issues pertaining to the right to housing that arose following the mass physical displacement of over one million residents following the

2005 disaster. This participant expressed a sense that that this may have been quite

instrumental in even changing the study area's cultural narrative around the acceptance of

certain economic rights and proposed that there may have even been nationwide effects. This

participant credits that affect to the bottom-up nature of the use of the rights frame, which

spread across grassroots social movements and continues to have a lasting affect even today:

"I think what happened here in the rebuilding effort really brought the human rights

platform to the ground in a different way in this country than had previously …there's

always engagement with international law and international forums, but it really kind of

brought the movement to the streets in a different way."

-Participant 4

Another participant also located in Louisiana, who was actively engaging both the CERD

committee and a process for a proposed International Treaty on Corporate Capture, spoke of

their efforts to in the realm of environmental rights. This participant is from a rural part of

Louisiana that has a large Black majority and has been heavily industrialised over the years. The

participant founded a group of slave-descended residents of the region who actively engage in

global human rights conventions and treaties in order to advocate for certain policy changes.

The participant felt that the local and state governments had been captured by corporate

interests and that by engaging in global human rights systems, they were exhausting all

possibilities available to them, even as their own local and national governments had been

unresponsive to their needs. As of this writing, this participant was leading a strong grassroots

opposition to the construction of a proposed Grain Elevator terminal in their community and

had testified before the CERD committee. This participant cited one very specific instance of

when they believe that their community's decision to engage the CERD committee had directly

affected the behaviour of the national (US federal) government in favour of their claims and

objectives, even as their local engagement efforts had previously failed to yield such results:

> "I think very much the same day that we engaged with the United States
>
> representatives that were there (at the CERD Committee meeting)…we had been
>
> waiting for some word back from the Corps of Engineers in regard to this Grain Terminal
>
> project…We hadn't (previously) heard anything from the Corps of Engineers but that
>
> same day, we finally got an email from them saying our meeting was scheduled for
>
> September 1st. Prior to that, we had not had any response from them. No reply. We
>
> went to the UN and that very same day, there was movement."
>
> -Participant 2

There were also additional more intangible benefits reported by participants to the use

of human rights framing and engaging in the global human rights system for the consideration

of local human rights claims and abuses. Many participants spoke of how engaging in human

rights as a practice helped improve the quality of their own efforts. For example, the same

participant also reported that their initially strategic decision to engage in human rights framing

and instruments for the purpose of securing certain policy objectives subsequently provided

them with a vocabulary and language whereby they could describe and characterise the abuses

they were reporting. In our interview, this participant noted that such a vocabulary was

particularly helpful for them as an organization working largely on environmental issues that

affect the quality of life of their constituent communities. They had felt that the larger rights

discourse in the United States, with its focus on Civil, Political, and Legal rights at the expense of

other categories, left little room for their own Environmental Rights-related human rights claims. While we also discussed participant reflections on how US human rights exceptionalism regarding certain categories of rights in later sections and in more detail, it is worth noting now that this participant and a few others spoke to the personal benefits of using the language of human rights. The idea of their even being specific categories of rights affected their own work in both the local context and internationally. This participant put it in the following terms:

> "…We are going through human rights abuses, and we need to stand up for what our human rights are. And so, I think it gave me the space to talk more open and more liberally about what human rights actually are."
>
> -Participant 2

Therefore, the use of human rights as a frame and practice, had a deeply personal dimension for these grassroots advocates. This was in addition to the more strategic dimension. In fact, as many of these participants employed human rights framing strategically, they also often reported that they were able to characterise their own reported abuses and struggles in deeply personal ways where the use of human rights framing personally and interpersonally assisted them with understanding, naming, and then combatting, the abuses they were struggling with. As such, the very fact of their engagement in human rights framing and instruments provided them with a rich language surrounding what they are entitled to in the way of rights by which they could then subsequently use to characterise the abuses that they personally experienced in their communities. This was reported as a deeply meaningful and personal dimension in addition to and alongside any strategic utility of the rights frame. Another participant reported a certain personal feeling of vindication when they realised that

their own adverse experiences and those of their community could be characterised as human

rights abuses. The rights discourse was also something that the participant had to reconcile

with their "American-ness" indicating that US human rights exceptionalism as a phenomenon

did in fact become internalised by some advocates and therefore was something that they

often needed to grapple with internally. These advocates reported serious rights violations, to

the point where they are said to have exhausted all of their possibilities under domestic law

and had to engage internationally. Participants had to personally reconcile this with the fact

that they are coming from a country that has internalised a narrative of upholding rights so well

that the international human rights system is perhaps both unnecessary and redundant.

Therefore, to these participants, when they reported on their own realisations that certain

things that they had experienced were actually considered serious human rights abuses under

certain forms of international law, it was profoundly transformative. Many participants

reported that this realisation was both empowering and, at the same time, deeply saddening:

> "Visiting the United Nations was about connecting soul, body, and rights as an
>
> American. It was like the trifecta of connection that I needed in understanding what we
>
> deserve in these communities as far as our human rights, that are being decimated."
>
> -Participant 2

This was a widely shared sentiment and this theme emerged across interviews.

Additionally, once the human rights frame provided a specific movement leader or advocate

with the language necessary to name a specific abuse they were witnessing as a human rights

violation, they often internalised these frames and began to employ them strategically as they

shaped the tone of their demands in the public sphere. One participant, who worked in the

realm of juvenile rights, stated the following:

> "International organisations have condemned the United States for its act of
>
> prosecuting kids as adults. And so, the fact that all of a sudden, 13-year olds in Louisiana
>
> were automatically prosecuted as adults was not only condemned, internationally, but
>
> was unique to the United States."
>
> -Participant 6

In these instances, participants appeared to be describing a process by which the human

rights frame itself broke through a construction that they may have even previously upheld.

Upon doing so, participants viewed their own work, communities, and efforts differently.

Perhaps a participant had always felt that they should have access to housing or drinking water

or other categories of rights, but that does not mean that they had felt entitled to them by

virtue of their humanity. Yet once a participant began to view their claims and abuses under the

purview of human rights language, it pierced through an entire system of assumptions. It

challenged the very hegemonic structures that they had previously internalised within their

own communities, their local experiences, and most importantly, what they believed they were

entitled to. They were no longer willing to offer the consent required in order to maintain those

structures. Once participants had come to that realisation, they reported a sense that the

country that they were living in had actually created serious constraints that limited certain

rights, the rights that they were personally denied and entitled to, and those constraints and

limitations constituted a hegemonic system that must be challenged in order for them to

secure a certain quality of life that they are currently being denied. In this way, the introduction

of the idea of a human right and its application in the local context was a direct threat to the

prevalent hegemony that was actively causing them harm. As such, participants reported that

human rights framing and human rights-related instruments, when employed in a

counterhegemonic manner did in fact have an emancipatory potential for them, in the way

discussed by DeSousa-Santos. This counterhegemonic framing empowered them to claim their

rights in a manner that was empowering for their community as a whole. In addition, where

those underlying hegemonies may have even dehumanised a certain group, counter-hegemonic

human rights frames served to rehumanise them:

> "…I also think, especially for Black communities, our humanity has been chipped away
>
> so much…I mean there's a part of us that doesn't feel human. I feel like we're spectres,
>
> like we're ghosts sometimes. I think that in order to connect with human rights, we have
>
> got to connect with being human first."
>
> -Participant 2

By way of this quote I saw implications that felt quite profound to many participants.

The hegemony itself was challenging the participant's humanity (and that of their constituents)

and by engaging in counterhegemonic and emancipatory human rights frames and practices,

their humanity was affirmed. In affirming their humanity, the hegemony was itself challenged.

This finding is a contribution that expands on O'Connell's insights into how hegemony can be

challenged. In the later sections, I discussed in greater detail which specific hegemonic realities

participants believed were limiting to their and their community's sense of humanity and thus

needed to be challenged. Yet these findings already suggest that for participants, upholding

these current (varied) hegemonies constituted a core reason surrounding why many felt that

their rights were abused, limited, and denied. Furthermore, upholding existing hegemony was a core reason for why they felt that even the local human rights institutions charged with protecting and promoting these rights were limited by the local government. As I demonstrate, participant responses revealed a widely shared sentiment that such institutions function as an extension of the very hegemonic structures that do them harm.

6.3: Concluding Analysis:

These interview responses represented an important component in this project's construction of a grounded theory of local human rights institutions. Many participants reported on the utility of using human rights framing as a strategic goal that allowed them to access elite spaces. Some participants gave specific examples of how that access may have positively affected their policy goals. Some participants were critical of human rights framing and how it has been co-opted by elites, even if they employed such framing as a rhetorical tool. Yet more often during the course of this research, it was found that participants often felt that such framing, when employed in a strategic way, provided them with a language and vocabulary that was reportedly useful to them in describing certain abuses they or those in their constituencies had endured that may not have otherwise been recognised as a rights abuse. In doing so, these participants reported that in addition to the strategic benefits of employing human rights frames, this narrative also provided them with a sense of solidarity with other claimants and a degree of personal empowerment in claiming their rights. The sense of solidarity with others and the ability of the human rights frame to provide a vocabulary and framework by which claimants could view and address their grievances was one of the more

unexpected responses, yet it was also illuminating. Human rights as a frame and practice were

not merely strategic for many of these respondents. To the contrary, even when human rights

are strategically not being employed by a respondent, each respondent viewed their claims as

human rights claims and their work as human rights work. To many respondents, engaging with

other social movements in other movement spaces through established human rights systems,

conventions, and processes, appeared to elevate their claims.

Chapter Seven: Claims, Abuses, and Explanations for Rights Denial

7.1: Overview:

Whether established on a national or subnational level, the overall literature on human rights institutions and the Paris Principles themselves imply that a human rights institution performs two major functions in carrying out their mandate. The first function could be described as *proactive*. A human rights institution should be empowered to prevent future human rights abuses by promoting standards and practices that expand protections for individuals under its mandate. To execute this function, institutions can perform educational activities that inform the target population of their responsibilities and commitments under the law as well as existing best practices and standards. Proactive functions that promote rights might also include providing space to support or elevate the claims of advocates whose claims may not enjoy, or even necessarily require, specific protections under the law but would otherwise not be heard or acknowledged as coming from rights-holders. Other examples of proactive actions that promote rights could also include gathering data and issuing independent reports that document human rights concerns and make specific policy proposals to political leaders that have the objective of increasing and expanding protections and rights under the law or the acceptance of certain rights frames within a society. This function is largely connected to the subject matter discussed in the prior section, where we discussed human rights being claimed by participants. Although some of these claims may not enjoy protection under the law or even acknowledgment as holding the status of rights within a given socio-cultural context, an institution that promotes human rights and human rights education creates space whereby one can engage in discursive processes that may potentially expand human

rights protections to residents under that institution's mandate and thus prevent future abuses from taking place before they occur. The local human rights institution thus has the potential to provide a forum for the aforementioned "arena of struggle" whereby rights are contested and negotiated discursively.

The second function of a human rights institution may best be characterised as *reactive* and seeks to address and adjudicate past human rights abuses that have already occurred. Such instances could include a specific isolated incident of abuse, or a series of systemic abuses have been identified and documented whereby a systems response may need to be crafted reactively in order to address such past abuses and protect residents who reside within the area of that institution's mandate from future occurrences. In performing this function, human rights institutions would ideally be granted certain powers and authorities whereby they might establish processes that can take complaints, investigate, and adjudicate them independently, and take appropriate action to hold abusers accountable and protect complainants. This function is connected to the section below, which documents abuses alleged by participants within the study area. A local human rights institution should be able to perform proactive and reactive functions. In order to better understand whether these institutions are doing this, I explore participants' proactive claims and examine whether participants believed the local institution reacted effectively to their reported abuses.

In this chapter, I presented interview data related to the specific rights that respondents claimed as well as the abuses that have reported during the course of these interviews. In addition, I discussed why participants believed that they were denied the rights that they claimed and why the abuses reported were allowed to persist. This is a critical part of

formulating my discussion of human rights institutions. Each right claimed by a participant during the interviews was recorded whether or not it pertained to the scope or mission of the advocacy work done by those interviewees. Herein I also assigned codes to specific human rights abuses that were cited by interviewees. These abuses may have been experienced by the respondent themselves, documented by the respondent's organisation, or perceived of by the respondent during their work. By documenting these abuses, I hoped to give a voice to the oft-discarded concerns raised by these human rights claimants and lend further understanding to the human rights situation in the study region as it pertains to all categories of rights. Lastly, I created codes that accounted for why participants believed that their rights were denied. By rights denial, I meant both the reasons participants they felt their claims as rights holders were not upheld, the reasons why the abuses they reported were not addressed, and the reasons why efforts are not being undertaken to prevent future abuses. In doing so, I hope to make inferences that shed light on the second research question posed by this work:

How do local human rights institutions (HRIs) in the area being studied operationalise international standards and address human rights claims and abuses?

In other words, given the rights being claimed and the abuses being reported, are the local HRIs in the study area as described in Chapter 4 sufficiently able to address such claims or provide some relief to those abuses? Furthermore, what were the reasons for this situation and were they related to reasons tied to the functioning of local human rights institutions in the study area? By examining why participants believed their rights were denied we then explored

whether the underlying structures of the human rights institutions in the study region were

structured in a manner that addressed or provided some check to those reasons as given.

This project also sought to specifically defer to the way in which participants framed

their claims as they pertained to this question. If this work was to offer perspectives for further

study as to whether the local HRIs in the study area are responding to the needs of the public,

one cannot simply begin with the assumption that human rights institutions that did not adhere

to international standards such as the Paris Principles are necessarily poorly serving

participants. If a local HRI, for example, were to find in its practice that adhering to such

standards might have actually hindered their mission in responding to the needs of

respondents, that could have been a potential reason for why they were not operating

according to the standards outlined in prior chapters. Such a possibility could not immediately

be discounted by this inquiry. If participants reported that claims of abuse and the underlying

reasons that caused such claims to arise and those abuses to occur were able to be addressed

by the local HRIs in some satisfactory manner as granted by their existing statutory authority,

even if that authority were limited, I might have then inferred that a local HRI that did not

operate in accordance with the Parish Principles may still be able to serve rights holders. If a

local HRI were in fact responding to a community need, it may have even provided an indication

as to why they were not being structured according to such standards. If the international

standards themselves were shown not to serve the public on this level, it is possible that they

might not be relevant to the local context. As local leaders in the study area were increasingly

calling for counterhegemonic approaches to human rights, one should be prepared to consider

the possibility that the Paris Principles themselves may have emerged from an approach that is

potentially limited by the existing hegemonic structures that continued to drive the relevant

international systems and processes that created the conditions for these and other

international standards to have been created.

It should be stated at the outset that upon analysing the participant responses during

this particular project, I found that the results point towards a different conclusion. I first found

that the claims and abuses being reported were quite severe, and many of them pertained to

violations either perpetrated by the state or permitted by the state in order to fulfil their own

larger policy goals. Local HRIs were actually quite ill-prepared to respond to these claims and

abuses, and the reasons cited by participants for rights-denial reflected many of the features of

US exceptionalism in its domestic human rights practice. In addition, those features were also

reflected in the reasons given by participants pertaining to why they believe local HRIs failed to

operate according to the international standards (see Chapter 8). I also found that participants

cited widespread abuses of political and legal rights, a category of rights that much of the

prevailing literature tells us that the United States would be more inclined and equipped to

protect. This is evident in participant responses that cited mass incarceration (often lacking due

process) and abuses by the police as well as in other arenas that were discussed in greater

depth when I further examined the interview responses. Furthermore, the systems in place and

the powers and authorities granted (and not granted) to local HRIs were, according to

participants, were wholly insufficient to address even the political and legal rights being claimed

or violated, let alone the other categories of rights that participants responses indicated may

have been less likely to be supported and upheld by the state.

With that understood, when I asked the question of why participants themselves felt that their rights were routinely denied, participants often addressed the topic in broader structural terms, speaking more generally to the overall performance of the local HRI. The fact that the reasons also reflected many of the features of US exceptionalist behaviour, and that those reasons were also reflected in many of the responses that I provided in Chapter 8, brought us quite organically to the discussion of why local HRIs themselves were not authorised to function according to international standards and were not authorised to address the very serious claims and abuses being made by claimants.

Lastly, the presence of hegemony emerged thematically throughout the responses as underlying and cross-cutting factors regarding these phenomena. That was consistent with some of the research already presented, such as O'Connell's, which finds that human rights frames and practices are at times inimical to certain existing hegemonic structures, specifically patriarchy and neoliberalism. What made these participant responses rather unique for a discussion of local human rights institutions in the United States was the widely cited issue of white hegemony raised by participants in their interviews which was presented as a cross-cutting response. In both sets of responses regarding rights denial and the limitations on the local HRI, I also identify white hegemony as a potential additional feature of US human rights exceptionalism in its domestic practice. The concept of white hegemony as a feature of US exceptionalism in its domestic human rights practice was noted in addition to the other features of exceptionalist behaviour that were previously cited in the literature. The specific use of the term "white hegemony" has emerged more recently in the literature and this presented an opportunity to add to that scholarship. While further inquiry and research would be needed

to fully contextualise and explain complex social phenomena, through this inquiry, it is of great value in the creation of a roadmap by which other future lines of related scholarship might potentially depart.

7.2: Responses that list rights being claimed by participants:

The consensus in much of the literature, which was reviewed reflexively from a grounded theoretical approach in advance of this project, was that in United States, the prevailing rights discourse and its underlying sociolegal structures place a disproportionate emphasis on civil, political, and legal rights at the exclusion of other categories of rights. This assertion was supported by the data collected during the course of the interview phase of this project. As I discussed below, participants often expressed a sense that certain categories of rights, rights that participants were often themselves keen to assert and advocate for, were insufficiently recognised as being rights within their own society. These participants often expressed frustration with the fact that certain key entitlements that they strongly asserted as being human rights were not adequately protected in the United States' legal system or by its political leaders. Often participants began by asserting their view that certain things should be respected as core entitlements and then often proceeded to assert their own specific claims during the course of the conversation, while framing those claims as being human rights. Participants often spoke of there being inalienable rights (mirroring the words of the United States constitution) and tied the entitlements that they were claiming to an overall status of inalienability while acknowledging that they were operating within a political culture that may not extend the status of rights to those entitlements.

"…Across the board, certain things are just inalienable rights, like, these are my human rights. But like I think housing is a human right. I think that you know, access to water and food is a human right."

- Participant 3

This quote is from a participant who had not been working in human rights in the international sphere but rather in the domestic realm. As such, they were not well-versed in the concept of there being distinct categories of rights recognised under international law. Despite this, this participant did not hesitate to assert that their economic entitlements held the status of being a human right. In other interviews, participants often employed a specific rhetorical pattern whereby they might have enumerated a broad list of rights that they sought to claim across the various categories of rights (as viewed in international law and in Landman's work). As such, participants indicated an awareness of there being distinctions made within their society between economic, cultural, social, and environmental rights as well as civil, political and legal rights, regardless of whether or not they were explicitly put it in those terms. In short, participants expressed a widely shared view that what constituted a human right was beyond the scope of civil rights framing and they expressed an awareness of and a frustration with the fact that a distinction existed between those two frames within the society they were working to change.

"All human beings should fundamentally have access to clean water, clean air, safety, food, you know that no human beings go hungry, and that no human being should ever go without housing, or so and then when disaster strikes, be it natural or manmade,

what are the safeguards that are in place; things that we should not have to think about."

-Participant 12

As such, participant discussions of the human rights frame quickly went beyond their views on, and the strategic use of, human rights as a concept and towards a discussion centred around claiming certain specific rights. In the chart below, we see where participants provided additional insights regarding this topic. In this section, I presented the various rights that participants claimed throughout their interviews. The responses below, drawn from the interviews themselves, show the rights claimed by individual participants and the number of participants who claimed those rights. The "number of participants" category represents the number of individual participants who cited a specific right during their interview. At times a specific right was claimed by a participant in response to a direct question from the interviewer. At other times, participants on their own asserted certain rights claims without prompting. The particular rights claimed by participants assisted me in the creation of an analytical structure by which I evaluated whether the powers, authorities, and mandates of the local HRIs were sufficient to manage the rights claims and abuses and provided, later on, a framework for exploring the reasons for why the local HRIs in the study region were unable to manage these issues. Rights that were claimed by interviewees were as follows:

Fig. 8

Rights being claimed:

Response	No. of Participants
Access to government institutions and processes	11

Housing	7
Clean environment*	6
Self-determination	6
Livelihood	5
Health	5
Bodily autonomy	4
Assistance after a disaster	4
Live independently in community	4
Land and its resources	4
Education**	4
Freedom from harm	3
Food	3
Accommodations for disability	3
LGBTQ+ rights	3
General: guaranteed investment from government	3
Custody over remains of their dead	3
Safety	2
General children's rights	2
Cultural and linguistic practices	2
Leisure	1

Indigenous sovereignty	1
Enter contracts	1
Vote	1
Transportation	1
Choose nationality	1
Free legal counsel in civil cases	1
Freedom from discrimination	1

*Clean environment includes a right to clean water
**Education includes the right to learn indigenous History

Quite noteworthy about these responses was that by far, the most frequently claimed

right during these interviews was a right to access government institutions and processes. This

code was assigned to participants who spoke about a specific right to access their government

or cited a specific right to governmental systems and processes that were open, transparent,

and engaged the public. It also was assigned to those who claimed a right to hold the

government accountable for rights abuses. In circumstances where creating specific systems of

accountability were prescribed as a policy recommendation rather than claimed as a specific

right, that was instead coded as a policy recommendation and presented in the relevant table

in Chapter 8. In instances where this lack of accountability on the part of actors within the state

was identified as being the cause of a specific rights abuse cited by a participant, or a category

of rights that were abused in general, that response was coded as an abuse and presented in

the following table in the next section of this chapter. While there are many intersecting

relationships between and within the discrete sentiments surrounding rights being both claimed and abused, it was worthwhile to identify which rights were specifically asserted by participants since this question spoke to the prevailing literature on cultural differences in the US that created a rights discourse that more readily acknowledges certain categories of rights over others. The desire to shine a light on the validity of those differences as they were discussed in the aforementioned literature also formed a critical piece to the overall analysis of local HRIs and their functioning. Since human rights scholarship denotes a difference between positive and negative rights and has named an emphasis on negative rights as part of US rights practice, I chose this method of coding in order to capture results that were framed as rights in both positive and negative terms.

In prior sections I emphasised that I would be referencing categories of rights as they are outlined in international law and human rights scholarship. I made the decision to do so because that is how rights are most frequently categorised and insofar as institutions were designed with a human rights mandate, those institutions might have been expected to be organised around such accepted designations. Further, the literature on US exceptionalist behaviour in its domestic rights practice specifically noted a social acceptance of certain categories of rights at the exclusion of others. Additionally, interview respondents themselves expressed their own understanding of categories of rights that was often most easily explained in the terms most known to human rights scholars. This being the case, it was critical to briefly acknowledge that this was an elective choice on my part. Failure to take this into account would be to inappropriately assert an abstract metaphysical principle or sociological law that does not and cannot objectively exist. Therefore, while I do speak of these human rights being claimed

by interviewees in regards to the specific categories in which they fell under, I must also state

that the reasons for doing so were merely for expediency and in order to compare these results

alongside existing scholarship and international legal frameworks. It is yet still appropriate to

restate a point that was quite eloquently elucidated by one participant in particular, who is also

an attorney, legal scholar, and activist who actively used human rights framing in their national

and international advocacy work. When speaking of the main categories of rights as outlined in

human rights scholarship, international law, and within the scope of this work, this participant

reminded me that:

> "Our (the United States) domestic system doesn't divide up rights in that same
>
> delineation…So when it comes to, you know, wage issues, there's a federal minimum
>
> wage, but states can take that into their own hands. So arguably, you could say…there is
>
> a minimum standard set around wage and there's mechanisms to enforce (them). And
>
> we don't support child labour and, you know, various things about that speak to
>
> economic rights. So, you know, I think it just more depends what you're talking about."
>
> - Participant 4

This is important to note because, while the responses from participants often

themselves noted that there were certain categories of rights that the prevailing culture was

more willing to readily acknowledged as being entitlements than others, these claims did not

always fall so neatly under predetermined categories. As another participant noted, the

relationship between economic and environmental rights was often quite intertwined. When

asked to define the mission of their organisation, this participant noted that their organisation

was founded to:

"…protect the climate rights…as well as economic justice and social justice of the Black

Descendant communities in Plantation Country."

- Participant 2

This statement itself showed an understanding on the part of the participant of these

categories of rights as being deeply connected to one another. They cannot be separated and

dealt with completely in isolation with respect to one another. This was a sentiment that was

relatively widespread. Also important to these findings insofar as they related to the

peculiarities of the study area was the fact that there was often perceived to be a deeply

interdependent relationship between the current environmental degradation being suffered in

the area of Louisiana in which this interviewee currently resides and advocates in, and a long

prior history of political and legal rights denial for Black residents of that particular region,

which was in turn linked to the current relationship between the overall lack of security

wrought by climate change and the denial of economic and social rights of residents. Thus,

between the so-called "categories of rights" as cited in this and other works, such categories

were employed to frame the scope of this discussion and provide language necessary to

describe the issues being discussed. In that regard these interviews demonstrated support for

certain assertions made in the literature regarding US exceptionalist behaviour. Having said

that, participants were eager to acknowledge that there was great overlap and indeed an

entwined and connected relationship between various categories of rights and ways in which

they are specifically framed and claimed.

It is also important to note this, because as seen above, out of 12 individual participants

and the additional three-person focus group, eleven of these individuals claimed a right to

access government institutions and processes. This right could be interpreted as a political and

legal right as it was by some respondents, or as an economic right as it was by others (after all,

their own tax money funds government services). It is worth noting that one participant in

Jackson, Mississippi noted that this very question of government access was a critical

component to the Jackson, Mississippi Human Rights City initiative itself:

> "My understanding was that the (Jackson, Mississippi) Human Rights City initiative was
>
> much more centred around the democratic processes around the city and making sure
>
> that people have a voice."
>
> -Participant 10

After asserting a right to an accessible government, the most frequently claimed right

cited by participants could be said to generally fall under the category of economic rights. The

right to housing specifically garnered the most mentions by unique participants in their

responses during the course of these interviews. This is perhaps not surprising in the context of

Louisiana, where I have previously mentioned that the use of human rights framing became

much more diffuse following the mass-displacement of residents following the natural and

man-made disasters following Hurricanes Katrina and Rita in 2005. During this time, residents

greatly increased their engagement in the international community and in international human

rights processes and conventions and, as we have mentioned, this legacy continues to this day.

> "After hurricanes Katrina and Rita, I was really involved in the housing as a human rights
>
> movement and trying to locate the rebuilding conversation into that platform. You
>
> know, so there were a lot of organising efforts back then to try to elevate housing, the
>
> rights of tenants, and to elevate, the sort, of right to housing or lack thereof under an

international human rights framework, and the rights of hurricane evacuees and

disaster victims under international policies and protocols. And there was a lot of

movement in trying to engage UN Special Rapporteurs. I think twice, the different

rapporteurs came through New Orleans as part of a country wide tour to try to kind of

connect the dots to the rebuilding efforts and into human rights principles …"

- Participant 4

In addition to citing a specific right to housing, the right to a livelihood, health, as well as

the right to certain guaranteed investments from the government in certain communities were

also asserted by many interview participants. Some participants additionally claimed a right to

live independently in their community. This was mostly framed as a specific economic right,

often connected to yet not identical to the right for one to pursue a livelihood. This right was

claimed most frequently by those interviewees who were in engaging in the disability-rights

advocacy space. The disability-rights movement in this region has, according to participants,

increasingly sought to emphasise social integration as well as economic and personal autonomy

of people with disabilities. According to participants, this was in response to prior decades of

government policies that incentivised the institutionalisation of many people with disabilities as

well as the diffusion of legal processes that limited their ability to make decisions for

themselves. In addition to those raising disability rights-related claims, the right to live and

work in the community was also cited by participants who were engaging in human rights-

related work that advocates in favour of criminal justice reform. Reforms to the criminal justice

system proposed by respondents generally sought to change current local, state, and federal

laws so that fewer numbers of individuals would be incarcerated, and to allow once formerly-

incarcerated individuals who return to society to access certain supports from the government that would permit them to become more economically and socially integrated. In order to secure such rights, it would therefore be necessary to require specific government investments in the way of either personal care attendant services for people with disabilities, economic and other supports for individuals who are returning from incarceration, and employment supports (each granting one a right to their livelihood) for these populations.

The right to the land and its resources was a code that was assigned to those who claimed a particular entitlement that was most frequently raised by both Indigenous and Black residents during the course of their interviews. This right began with the premise that claimants had entitlement to the land in which they had long occupied and often this was land that was deeply tied to the history and culture of a marginalised group. The specific land in which they were tied to and had thus cited in these responses had resources or value that respondents were either not able to directly access for their own benefit, whether for personal enjoyment or for their economic gain. These resources however had been used for the benefit of others, usually the state or corporate entities who did not have ties or history to this same land. This topic was often raised alongside conversations related to the study area's status as an important the source of oil and gas production in the United States, as well as hosting a large and complex port system, and other large-scale industrial and commercial activities. When participants cited a right to the land and its resources, they often would often make specific reference to the state or those certain corporations operating under the permission of the state as being the primary violators of this particular right. Interviewees who identified as being part of the Indigenous community noted that in spite of the fact that their own tribal land was highly

valuable for its oil and gas as well as other resources, the tribal communities themselves had

never been offered a substantial opportunity to exploit these resources for the benefit or

enrichment of their nation. Black and Afro-Creole participants who did advocacy work in the

River Parishes region of Louisiana referenced ancestral ties to the land as well, as well as the

sense that its natural beauty and the built environment of their community was being alienated

from them due to industrial encroachment as they were increasingly losing access to the

natural resources and even physical space that were once abundant. In both examples, there

was a sense that the land itself was indeed rich with resources, but the residents tied to the

land were not allowed to benefit from the wealth of these resources, that this wealth was being

taken from them unjustly, and as a result, their collective and cultural rights were being

violated. While speaking about the Mississippi River, one participant framed this growing

alienation in terms of public access to the land and its resources, elucidating a sentiment that

they felt was often quite subtly conveyed to their community by those elite entities that had

been violating their collective rights for generations.

> "That Mississippi River is not ours...So that means that it has to be used for industry. It
>
> would just be ridiculous to use it for anything else, you know? So, this idea of like, how
>
> you don't have right to your own land, your own value in that land, the value of those
>
> resources, and even for your own, like, sense of place and space and enjoyment, that's
>
> not for you."
>
> - Participant 2

Looking at the data gathered from these interview participants, the various rights being

claimed appeared to start and end with the state, and the willingness (or unwillingness) of the

state to provide protection and support. These rights also started and ended with one's ability to specifically influence state policy. In light of this, the right to access the government and its institutions and services was contextualised as being also deeply tied to several categories of rights, all of which were widely perceived as being fundamental according to the interview data.

The categories of rights referenced in international law and mainstream human rights discourse were indeed useful for the purposes of presenting these findings, but interview participants who spoke with me during this research largely expressed an understanding and recognition of the interconnectivity of these various categories of rights. Moreover, the state itself sat at the crossroads of these interconnectivities. At the same time, participants were eager to acknowledge and lament that the overall culture and prevailing rights discourse within the United States did not sufficiently accept very key economic, social, cultural, environmental, or collective entitlements as having the status of human rights, nor did they sufficiently acknowledge participants as being rights holders when they made such claims.

It is for this reason that I concluded that the data gathered during the interview phase of this project largely supported the findings in the literature that posited that the United States had a culture that insufficiently accepted some categories of rights as human rights at the exclusion of others. At the same time, I note that this must be contextualised with additional levels of nuance, since respondents expressed a view that the right to access the state and its institutions and processes, which could be under the category of political and legal rights, was a key component to securing their rights across other broad categories. The right to access and even contest the state could also relate to q perception of the state as being a hegemonic

structure that should be contested by rights holders. Furthermore, while categories of rights are often presented in law and human rights practice as quite delimited, participants themselves spoke of the intersectional relationships between categories of rights, and at the centre of all of these intersections was the state itself, its institutions, its status as a violator and guarantor of rights, and its permissive attitude towards corporations who violated the rights of participants. For a more complete understanding of the human rights landscape in the study region (which I assert is necessary in order to make generalisations about the functions of the study area's human rights institutions), it was determined that I must also examine and present participant responses regarding which human rights abuses are being reported by interviewees in the study area. As such, responses regarding the subject of rights violation itself were presented in the following section.

7.3: Abuses reported by participants:

In this section I presented participant responses related to certain human rights abuses and violations. This section is referenced later in further discussions regarding the reactive functions of a local human rights institution. Relaying the abuse allegations permitted me to more fully reflect upon whether local human rights institutions, as they currently function or would function if established according to minimum standards, were sufficient to redress past abuses or prevent them from occurring in the future. Below are the types of human rights abuses mentioned by individual participants during the course of their interviews. The "number of participants" category cited reflects the unique interview participants who reported the specific type of abuses listed in that given category below:

Fig. 9

Human Rights Abuses Cited

Response	No. of Participants
Environmental degradation*	8
Police violence	7
Mass incarceration**	6
Displacement	5
Discrimination***	4
Denied resources from the land	3
Denied housing	3
Sexual assault and abuse by law enforcement	3
Sexual assault and abuse by other state actors	3
Linguistic suppression	2
Denied education	2
Remains of dead disturbed	2
People with disabilities institutionalised	2
LGBTQ+ population targeted	2
Sexual abuse and rape (non-state actors)	2
Denied livelihood	1
Denied healthcare	1
Women's rights generally suppressed	1
Voter suppression	1

Abuse of mentally ill in institutions	1
Death in state custody	1
Enslavement of incarcerated individuals	1
General violence in juvenile prisons	1
Children denied education	1
Incarcerated children denied access to family	1
Municipal fines and fees in poor communities	1

*Includes water access and depravation and industrial encroachment
**Includes incarceration of children
***includes pressure to culturally assimilate for economic opportunities

As we see from the chart in Figure 9, the most frequently reported human rights abuse

reported by participants was that of environmental degradation in various forms. As previously

noted, many participants expressed an understanding that environmental rights, as a discrete

category of human rights, did not enjoy a specific designation as an entitlement under U.S.

domestic law, although I also demonstrated that interview participants did in fact claim certain

environmental rights. The second most frequently reported abuse cited in these interviews

were abuses related to police violence. These interviews were performed approximately two to

three years after the widespread public outcry that followed the murder of George Floyd by

police officers while in their custody. That these abuses were cited by participants provides

further insight into prior responses that claimed certain rights from the government and the

state. As local law enforcement entities, the police operate as vehicles of the state. This can

also be viewed considering the aforementioned finding that participants claimed a right to access and obtain accountability from their government. Moreover, if one were to group together the reported abuses related to police violence, mass incarceration, sexual assault or other forms of alleged abuse by state actors, and even the denial of resources to the land and some of the environmental concerns cited above by participants, the state appeared as the most frequently cited violator of human rights identified in these interviews. These responses also underscored the importance that the role of local government played in domestic human rights compliance according to the views of these participants.

Further, if these responses are contextualised in relation to the categories of rights as they are widely understood by the international community, academic discourse, and referenced herein (political and legal, social, cultural and economic, and environmental), participant responses alleging abuses of political and legal rights were among the most oft-reported rights violations in this research. There were many intersections between these various categories, but when it comes to abuses by the state by police, we began to see a mechanism by which, through an alleged violation of certain political and legal rights by law enforcement, other categories of rights were also suppressed by the state. It is therefore unlikely that this set of responses necessarily refutes the academic works on US human rights exceptionalism. Such work of course often took note of the US acceptance of political and legal rights at the exclusion of economic, social, cultural, and environmental rights (indeed as mentioned above, environmental rights are being both claimed and abused, and participants clearly reported this). Furthermore, it must again be stated that these categories of rights were interconnected and participants viewed them as such. Still, the denial of political and legal

rights in various forms was quite a notable phenomenon. This should be highlighted given the emphasis often found in academic literature on US human rights exceptionalism that noted that the focus on political and legal rights at the expense of other categories constituted a key component of United States rights-related behaviour. This was also discussed in in ensuing chapters.

Participants that reported frequent violations of their political and legal rights whether by the state or with the tacit permission of the state, also frequently expressed the view that the current institutions established within the state to protect rights-holders were often insufficiently empowered, and indeed were constrained in their ability to protect them from these abuses. This appears to be particularly cogent as it relates to violence by the state's law enforcement bodies against its residents. Participants who cited abuses of environmental rights also connected those reported human rights violations to the state (for example, the pollution of the water supply in Jackson, Mississippi due to the state's lack of investment in local infrastructure). Therefore, the characterisation of the state as a key human rights abuser whether proactively, reactively, or through its neglect, reflected an important dimension to reflect upon in an analysis of human rights institutions and their effectiveness, particularly if these institutions were established by and situated within the state. This was also discussed in greater detail in latter sections.

A stark example of the state as a violator of human rights emerged was most memorably exemplified by the responses given during the course of our interview with Participant 7. This participant, who agreed to have her story recounted (please see the relevant footnote regarding this interview) was a Black transgender woman who ran an organisation.

That organisation's stated mission was to reform state laws in Louisiana that criminalise certain sexual activities and, according to this participant, continue to disproportionately negatively impact LGBTQ+ communities of colour and sex workers in her community. [25]

Participant 7 disclosed during the course of the interview and has frequently disclosed to the public through prior public remarks and speeches, that she had been sexually assaulted by a police officer a decade ago in a major city in Louisiana. According to Participant 7, this police officer propositioned her for sex and when she declined, this officer proceeded to coerce her into performing sexual acts under the threat of charging her for a felony under the Crimes Against Nature Statute in the Louisiana Civil Code, which was historically been used to prosecute LGBTQ+ individuals and transgender residents. Speaking specifically of the Crimes Against Nature Statute (CANS) and how it was weaponised against her and members of her community, the participant stated the following:

"It (the statute) was utilised to punish folks in the LGBTQ community… And during that time, or whatever, police officers were able to utilise that law. And District Attorneys were able to weaponize it against this community that was marginalised and who…lacked…any type of resource to be able to help them challenge that…And because of who you are, the police officer would have probable cause to stop that person. Because they live their life as an LGBTQ individual, they have proper cause to be able to

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[25] Other participants also reported having either experienced this or having known someone who has. Although these other participants have given their consent for this work to recount their stories, given the delicate nature of these allegations, I made the decision to not directly quote the other participants in this work. Participant 7 is quoted because she has frequently shared this story publicly. Furthermore, in her public role, this story has frequently been an important part of framing her human rights work. Although all participants who made these allegations had given permission to be specifically named, I made the decision to redact all participant names from the transcripts and from these findings.

stop at person and arrest them and charge them with the Crimes Against Nature

statute. And when they bring this individual to court, you know, a lot of times the

officers can lie on a police report and say that this person tried to propositioned them

for money."

-Participant 7

That is exactly what happened to Participant 7. After the assault took place, the officer

chose to arrest her anyway and falsely accused her of attempting to engage in sex work. Having

never before been accused of a crime, Participant 7 found herself having to plead guilty for fear

that a jury trial would result in a negative outcome for her. She felt that a jury would likely be

hesitant to take her word above that of a police officer. This participant spoke of her reasons

for accepting this plea agreement, accepting prosecution for having violated a statute that she

did not violate, as a decision that she took to minimise a greater long-term harm to her life and

livelihood:

"And so, when someone tells you that they're going to give you five years in prison and

you never done prison time, and the attorney is telling you that, well, we'll give you

probation and makes you pay $100 fine, the first thing that you're going to do is you're

going to plead guilty to that probation and $100 Fine"

- Participant 7

This reported abuse also provided some indication as to why some respondents referred

to some injustices and abuses as structural or systemic, whereby individual actors may have

violated an interviewee's rights in a specific instance but a larger structural social component

existing within the study area, usually constructed by and present within the state itself, greatly

worsened that initial harm and abuse that was reported by claimants. In addition to providing a climate of impunity for potential human rights abusers, the structural components within the study area's socio-legal systems resulted in self-perpetuating cycles of continued human rights abuses wrought upon certain specific segments of the population. Typically, these segments of the population found themselves within several degrees of intersectional marginality. Such abuses provided insight into the mass incarceration issue that was also widely reported during the course of the interview phase of this project, and those reported abuses were also reflected in the tables above.

As a state, Louisiana has the largest incarceration rate in the United States. Participant 7 described how pleading guilty to this charge also resulted in her being listed on the sex offender registry for decades, until the state law was changed, and today in spite of having a Master's degree, Participant 7 cannot work in her chosen field due to her prior arrest history. Participants cited mass incarceration as one that disproportionately affected marginalised communities such as Black residents, LGBTQ+ residents, children, and immigrants. Participants noted that this also led to a web of other interconnected human rights abuses reported such as the denial of housing and discrimination in employment and public accommodations. The issue of police violence was also cited by participants in Jackson, Mississippi and cited as a major motivation for the effort to create a human rights commission under the City Code. Therefore, responses to this question of which abuses they were reporting within the study area also began to demonstrate possible larger structural elements present within the society itself, at very least within the study area. In the latter sections I asserted that these responses suggested the presence of certain existing hegemonic structures as outlined by O'Connell, Gramsci, and

others as being evident in the study area. While this was examined in greater detail in the next

section, it is evident how these themes emerged here. Thus, I am compelled to note the utility

of such theoretical approaches to interpreting these data.

Indigenous and Black residents living in rural communities within the study area widely

reported instances of individual and community displacement. Whether in their own individual

experience or in that of the communities of which they identified, this displacement code was

assigned to those specific response whereby interviewees reported there being a mass

relocation of one's community or home due to their surroundings being made either unhealthy

or uninhabitable as a result of certain manmade interventions. In some instances, this

displacement had occurred due to natural disasters that were exacerbated by manmade

activities (such as coastal erosion in Louisiana). In others, this displacement had occurred due to

a lack of financial support from the government in assisting residents who experienced certain

catastrophic events and found themselves or their community-members unable to return to

their home via their own means.

In many instances, the displacement response was specifically linked to over-

industrialisation within the study area, specifically oil and gas extraction and navigation

activities that resulted in the rapid erosion of Louisiana's coastal wetlands. One Indigenous

resident of South Louisiana described their own personal experience as a witness to the

alarming rate of erosion to Louisiana's coast in their lifetime and sense that coastal erosion was

attributable to manmade causes:

"My mother grew up down the bayou in St. Mary Parish. As a little girl, I lived down the

bayous...And I recall in the tall areas where they lived, there was like this giant cliff. Now

it's like a beach. So, what's happening? Climate change and erosion. Because one of the

canals where they lived was…put in place to help the oil field, the oil rigs, (and) all those

people that needed to get their products in."

-Participant 1

This resident reported how her tribal community had to be relocated from the coastal

wetlands to a state-constructed village further inland. Yet because her tribe (the largest in the

state) lacked Federal recognition, the state government was constrained as to the extent by

which they could coordinate the relocation of their community as a single cultural entity. Often,

individuals were approached with the option of relocating and since the relocations were

administered on an individual basis, the larger cultural community was hindered due to their

inability to collectively plan for the longer term. This process also took longer as individual

property titles had to be negotiated and transferred. In addition, residents of another tribal

community were also included in the same relocation initiative, and thus forced to compete for

the same resources. As a result, this participant's story recounted a potential example of a

failure of the government to properly enshrine cultural rights of a tribal community, lending

support for the idea that U.S. human rights exceptionalism fails to enshrine cultural rights in its

socio-legal systems. The participant expressed the sense that the displacement and relocation

of her tribe was therefore executed by policymakers in the state government in a manner that

severely disadvantaged the cultural and economic solidarity of both tribes that were involved in

this process. As such, it was coded as an abuse since this land was alienated from its inhabitants

and because participants identified it as such when prompted to name specific abuses.

According to this respondent, this was also part of a larger and more longstanding pattern of the state government denying her tribe the rich resources and fruits of their tribal lands. This participant saw these current abuses as a continuation of years of systemic and structural issues that separated Indigenous residents from their culture and land, potentially for profit. This was first personally witnessed by them within the context of their own family decades earlier when oil was first discovered in the coastal marshes. In their tribal community, the respondent reported that their parent's generation did not speak English as a first language, since the Indigenous community in Louisiana has historically had (and continues to have) large numbers of Louisiana French speakers. This, and the high rate of illiteracy due to a lack of educational opportunities, long denied to Indigenous residents in this part of the state, made them all the more vulnerable to exploitation. This participant spoke of how opportunities denied to her community in the past, by design, directly resulted in the denial of their family's land and its resources:

> "A lot of the people had their lands stolen from them because they did not read or write. My mother did not read or write. My grandparents could not read or write. So, then we've had people come in and ask them to sign off on something. That was signing off on their land ownership. So, they were losing in their land by fraud."

> -Participant 1

In this instance we saw structures evident within all levels of the state that continued to play a role in facilitating ongoing abuses. The state first created systems and processes at a time when Indigenous residents were routinely and intentionally denied rights. The legacy of these policy decisions then led to ongoing abuses with contemporary implications. Due to these

historic patterns, participants reported a past that very much informs present conditions. When a hurricane or flood strikes a coastal community in Louisiana, having already been disadvantaged through a history of such abuses, many participants reported that they currently possess inadequate resources sufficient to recover and rebuild from such events. Many participants noted that if and when they move to another location, the fruits of their land could have been more easily expropriated by the state or other corporate interests. As such, there was a widespread sense that the neglect of these communities was in many ways intentional and systemic. Neglect by the state was also cited by participants from Jackson, Mississippi who reported that their city had frequently been without drinkable water for months at a time. The Jackson, Mississippi water crisis was discussed more below, and this was also framed by participants as a human rights abuse and was coded as a violation of a right to clean water. Interviewees who spoke of this particular abuse noted that the state was culpable for a variety of reasons.

Consistent with a theme that I have touched upon in analysing prior responses, the human rights abuses reported by participants reflected a landscape where the state was seen as one of the most frequent and egregious abusers of human rights. Further, and within that landscape of the state as a violator of rights, the denial of political and legal rights was very much present and linked directly to the denial of other categories of rights, adding an important dimension to our discussion of U.S. human rights exceptionalism as it relates to its behaviour relative to various categories of rights. I saw evidence of abuses of collective and cultural rights in the case of indigenous, Black, or Creole communities, or additionally, the past suppression of the French language in Louisiana as was also cited by some respondents. This

arose in addition to the reported abuses of claimants' environmental rights, their economic rights, (whether the right to livelihood, government investments, or housing) as well as structures that resulted in mass incarceration, displacement, and even a lack of access to clean drinking water in Jackson, Mississippi.

Germane to the research questions posed in this project is the fact that when reporting these abuses, respondents contextualised such abuses as being greatly exacerbated by, or even the direct result of, certain structural elements built within the fabric of the state and its own processes. This led us directly to the next area of inquiry, which allowed me to continue to narrow my focus. Having examined the rights being both claimed and denied by participants in the study area, I discovered that local human rights institutions in this region may not in fact be sufficient to fulfil their proactive and reactive functions. They appeared to be unable to prevent future abuses, expand rights for rights holders, or respond to and adjudicate past abuses. The state and its systems emerged as a key actor, and respondents referenced those systems and structures existing within the state that presented embedded challenges to the entitlements being claimed and perpetuated, and even further exacerbated harsh abuses. The following section presented responses from interviewees who were asked to explain why they believed rights are denied in the study area. Whether it be through a failure of sociolegal systems to acknowledge their claims as entitlements, or through perpetuating and even worsening certain human rights abuses as identified and reported above, this topic merited exploration. Participant responses appeared to increasingly emphasise the importance of the existing structures within the state, which in turn emerged from and related themselves to certain social realities that I assert can be explained using a Gramscian framework as it has been

interpreted and understood in its more contemporary interpretations. The local human rights institutions could indeed be, as indicated in my prior discussions, a significant arena of struggle.

7.4: Responses regarding possible reasons for rights denial in study area:

In Chapter Five I assessed the extent to which local human rights institutions in the study area were and were not functioning according to specific international standards and according to the best practices suggested by academics in the literature. After gathering interview data, analysing, and then presenting the various human rights claims and abuses cited by interviewees, I also asserted that local human rights institutions in the study area are not sufficiently equipped to perform the proactive and reactive functions essential in the performance of their duties as outlined in aforementioned literature. To support this latter statement, I have presented both the claims and abuses cited by interviewees and in doing so I asserted with greater confidence that given my analysis of the powers, authorities, and mandates afforded to the local HRIs operating in the study area as presented in Chapter Five, these institutions were not be able to address a large number of the aforementioned claims or abuses. In a region of the United States noted for having a notably high level of engagement in human rights frames and practices when compared to the rest of the country (on the grassroots level) I did not find that this higher level of engagement or acceptance of certain human rights norms has led to the presence of local human rights institutions embedded in local government that were in any way more equipped to respond to the needs of the rights holders interviewed for this project.

In order to examine why this may have been the case, and given the widespread and systemic nature of many of the aforementioned abuses, it thus became necessary to engage in a discussion with participants as to the causes of these violations. Before doing so, it would not have been possible to inquire as to why these institutions failed to respond to the needs of respondents. This is because, just as human rights are a sociological construct, so are human rights institutions. Therefore, in order to assess why local HRIs failed to sufficiently protect and promote human rights as they are understood and claimed by participants, I first had to examine why participants believed that the social realities within the study area produced circumstances that lead to an overall denial of their rights. Indeed, assessing the causes of rights denial organically emerged from our interviews as a logical next step in our overall conversation about the status of local human rights institutions in the study region. Participants began to express the view that given the abuses reported and rights claimed, such institutions were not to be counted on to adjudicate and address such claims and abuses reported during the course of the interview phase of this project.

Two key themes emerged during our discussions regarding this specific issue. The first was that the large majority of participants interviewed (almost all, in fact) expressed a belief that the legacy of slavery and indigenous removal informed the current social systems today in a way that led to the denial of the rights of rights holders. The second theme that emerged was that the reasons that participants often gave for the denial of their rights also reflected the specific characteristics of US exceptionalism in its domestic human rights practice. This theme was discussed alongside those specific characteristics in the concluding section of this chapter. For example, often cited was the fact that certain rights are not prioritised adequately in US

culture. Many were also critical of the widespread adoption of neoliberal policies as can be seen through the widely expressed sentiment that profit was often prioritised over people, that there was inappropriate corporate intervention in elections and the political process (which has also described as "corporate capture" in international human rights parlance), as well as a lack of investments from the government. This again reflected am overall dissatisfaction with neoliberal policies and a sentiment that they were a root cause contributing to rights denial in the study area. In addition, participants also cited a lack of transparency and accountability in government.

Fig. 10

Why are rights being denied:

Response	No. of Participants
Systemic racism/white hegemony	13
Society does not prioritise certain categories of rights	10
Profit prioritised over people	7
Rights holders lack access to the government	6
Rights holders fail to self-advocate	6
Government lacks systems of accountability	6
Government leaders lack political will	5
Infighting among rights holders in civil society	4
Corporate intervention (capture) in political process	3
Government does not invest adequate resources	3
Lack sovereignty	2

Specific groups politically targeted	2
Other political interference	2
Government leader's political priorities change	1
Internal rivalries and infighting among political elites	1
Marginalised lack political influence	1
People already assume they have certain rights	1
US Society is generally unequal	1
US has a culture of withholding help from people	1
General economic injustice	1
Government is slow or inefficient	1
Patriarchy	1
US has not ratified certain international treaties	1
Government reactive rather than proactive	1
Rights holders lack legal counsel	1

One notable thing regarding the issue of systemic racism as it was described by participants, was that it was cross-cutting. By describing this response as cross-cutting, I began to see specifically that among those interviewed, there was the sense that this finding of systemic racism was often cited as being a key factor relevant to the other additional reasons given by participants for rights denial. For example, a lack of transparency in government could be due to a legal system that was initially created to benefit a white-led power structure. This

cross-cutting response was also most-often raised by most participants without any prompting from the interviewer. Many participants reported an awareness of the ongoing influence of laws and sociolegal frameworks present in today's systems that were initially developed and mandated during times of great *de* jure racial inequity and participants often discussed how those systems continued to limit rights and rights protection. One respondent who was also a human rights legal scholar in Louisiana involved in the post-Katrina international tribunal process stated the following:

> "We were playing with housing laws that are 200 years old here… the system was set up for the benefit of certain individuals, namely, white men. So, unless there have been conscious efforts to create different paradigms, it's going to continue to perpetuate that. And it does."
>
> -Participant 4

This quote was one of many where a participant may have tied the current housing affordability crisis to a prior sociolegal framework that was established to benefit white residents at the expense of communities of colour in a manner that continues to persist to this day, even after *de jure* racial discrimination in housing was made illegal. In many cases, the housing example was given as one example alongside many. In the quoted response below, an interviewee referenced the cross-cutting nature of this particular variable and how this reality of systemic racism was able to embed itself into other processes and institutions.

> "Certainly, racism is a huge problem…(J)ust the history of all of the economic impacts on particularly Black people in this country, redlining, you know, racist banking and…Jim Crow laws that prevented people from getting good jobs and education and all of these

things. Segregated schools are something we still deal with …every kid is supposed to have equal access to public education, (and) it just doesn't happen. There is a reason that Black people in this country have lower levels of wealth that they are more likely to be living in poverty."

-Participant 6

I believe that these sentiments and their cross-cutting nature could best be characterised and understood through a Gramscian lens. Drawing from Miller (2022) I coded this particular response as "white hegemony." Such a term provided me with the most complete way to characterise the full scope of the sentiment described in these responses, especially given its cross-cutting nature as it was described by participants. In this context, a system of white hegemony was cited by most participants as a key, underlying, systemic, and cross-cutting explanation for rights denial in the study region. Hegemony was essential to the maintenance of current systems and hegemonic whiteness was essential to maintaining a particular regime of accumulation that was ultimately built on racism. As such, one would expect that this phenomenon would touch each and every other reason given in some manner or another, and according to respondents it did. During the course of these interviews, participants also provided examples of how the current issues that they are advocating for were directly influenced by the white hegemonic structure.

This was also cited by participants, regardless of the particular issues that they worked on and regardless of that participant's individual race or ethnicity. One white participant who was working on criminal justice reform and children's rights issues discussed the Louisiana State Prison in Angola Louisiana, related the current rights denials being experienced by incarcerated

individuals to the current site of the state's largest prison's history as a plantation that

employed enslaved labour. This participant noted that today, prisoner labour performs tasks

quite similar to those performed by enslaved people years ago on that same site. This

participant also noted that as of the time of that interview, the provision of the Louisiana

constitution that banned the practice of slavery made a legal exception for those who are

incarcerated for committing a crime. The participant noted that approximately 64% of all of

those incarcerated in Louisiana were currently Black, thus continuing in the present-day historic

patterns of racial injustice.

Participants located in the River Parishes of Louisiana, who were doing work with the

CERD Committee, also noted the historical ties Black residents had with the lands that were

once the sites of plantations where tasks were performed by enslaved Black labour. These

participants also drew a direct historical relationship between that history and the current

dynamics that exist, and how those dynamics created a denial of rights that had since come to

be characterised as "environmental racism" which was a term used to describe policies that

lead to widespread environmental destruction in areas that disproportionately were populated

by Black, Brown, or Indigenous people. Speaking about the River Parishes area of Louisiana, an

interview participant described the connection between past systems and current human rights

abuses in the following terms:

> "The plantations were really the ones that created this current infrastructure by coming
>
> in and destroying the environment and by getting rid of millions of acres of woodlands,
>
> adapting the space very, very violently to accommodate sugar production and other
>
> crops that were indigenous to this area….in the 1960s, industry started targeting these

(same) areas for the relocation of their petrochemical industries, and Louisiana was very

accommodating…And so now we have plants that have literally located on the same site

to those plantations, and it's called Cancer Alley…And that risk is 95% higher than the

rest of the country."

-Participant 2

It therefore becomes quite relevant to note that the area in Louisiana known today as

Cancer Alley is exactly conterminous with an area that for decades had been promoted by

Louisiana's tourism officials as "Plantation Country" a place where tourists can engage in

plantation tourism, a form of tourism that has been sharply criticised by respondents and

scholars as erasing the brutal history of slavery and romanticising the slave-dependent

plantation system. Yet according to this participant, this was not an accident but rather the

logical result of centuries of white hegemony in the region. This hegemony has shaped the

region's institutions and social hierarchies in a manner that continues to disadvantage

communities of colour up to the present day.

Another illustrative example of white hegemony emerged from participant responses,

and also demonstrated how participants felt that existing hegemonic structures resulted in

present day rights denials. This example was the ongoing water crisis in Jackson, Mississippi.

Currently, the City of Jackson, which is also the capital and largest city in the State of Mississippi

and the only self-declared Human Rights City in the Deep South, has had long periods of time

where it has recently lacked potable water. This situation has worsened in more recent years

and the water crisis was strongly framed as a human rights issue by participants who

mentioned it during the course of their interviews. Quite notable is the fact that the NAACP,

one of the oldest and important civil rights organisations in the United States, had also chosen

to utilise human rights language and framing to characterise this crisis.[26]

The reasons for the Jackson, Mississippi Water Crisis are complex and related to years of

divestment, decentralisation, and privatisation of public goods and services. These problems,

which manifested in different ways in several cities across the country, were often presented as

part of a larger discussion related to the widespread introduction of neoliberal policies during

the 1980s and 1990s. These types of policies were also discussed in the literature on human

rights cities. Interviewees themselves were also critical of neoliberal policies and cited them as

being a major cause of a widespread lack of government investment that has in turn resulted in

infrastructure issues that intersected with and at times resulted in the denial of certain basic

rights being claimed by participants. Yet during these interviews, and quite notably in the

example of Jackson, Mississippi, the issue of systemic racism was also cited, not as an

alternative explanation replacing the widespread attribution of neoliberalism as being a major

cause of these rights denials, but as an important dimension that further contextualised the

adoption of such neoliberal policies and their continued application in cities across the country.

7.5: White Hegemony as an additional feature of US exceptionalism in human rights practice:

The literature on US human rights exceptionalism in its domestic human rights practice

presented certain specific characteristics that were outlined in prior chapters of this work.

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[26] https://naacp.org/resources/get-facts-jackson-water-crisis

Those specific characteristics did not explicitly include white hegemony as a potential feature of this form of exceptionalist behaviour. While analyses of local human rights institutions in the United States, (see Grigolo, 2019) incorporate a history of race relations as key to how such institutions evolved, these analyses did not discuss the role that white hegemony might have had in constraining the powers and authorities of such institutions in the socio-political sphere. Some cross-disciplinary literature appeared to suggest a potential relationship between white hegemony and the limitation of economic rights in the United States, however this relationship is also not discussed in relation to local human rights institutions. I analysed participant responses to the question of rights denial alongside additional political and historical sources that were gathered after the interviews. I concluded in my analysis that white hegemony, which emerged thematically in almost all participant interviews, was a key cause of rights denial in the study region, and may constitute an additional feature of US human rights exceptionalism in its domestic practice.

This framed my next chapter, wherein I presented participant responses regarding the performance of local human rights institutions. I found that the features of US exceptionalist behaviour cited in the responses pertaining to rights denial were also cited by participants in explaining why local human rights institutions in the study region potentially failed to meet the needs of rights holders. Yet in addition to that, I found that white hegemony emerged as a widely cited response to both questions, suggesting that it may have been an additional characteristic of this US exceptionalist behaviour, which worked alongside other factors associated with neoliberalism, to effectively constrain local human rights institutions.

To offer an example, if we view white hegemony as a cause of rights denial, it might offer a further explanation into the Jackson Water Crisis phenomenon. Some literature addresses this by noting instances where Black-majority cities throughout the country have often been framed as corrupt, inefficient, and poorly managed. Hackworth (2009) contends that this trope is racially coded and has often been used to justify extreme austerity policies that have starved these cities of their resources. In addition, as many public goods within these cities have been privatised, the power of locally elected officials has frequently been undercut while local laws have frequently been pre-empted by the state government or, in the cases of cities such as Detroit (in the Mid-Western United States state of Michigan) completely overturned through the appointment of city managers. Hackworth states that these policies of "organised deprivation" furthered urban development initiatives that over the years greatly had exacerbated racial disparities. The author's work specifically addresses the impact of these policies on the industrial regions within the Northern and Mid-Western United States known as the "Rust Belt" but the relationship between this region and the Deep South is deeply intertwined.

The fact that the Southern United States did not have adequate labour and economic rights protections led to the outsourcing of Mid-Western jobs to the region, where employers could pay less and did not have to contend with unions or robust labour regulations. Today, wages in the Deep South continue to be significantly lower than the rest of the country and its cities have been subjected to same policies of organised deprivation that Hackworth outlines.[27]

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[27]Also in the study area: following the failure of the federal levee system in 2005, the State of Louisiana took control over the City's underperforming public school system and today, that system is entirely comprised of charter schools. The daily operations of the City's public transit system were contracted out to a private company

These policies also have the potential to produce adverse effects on democratic norms within a country itself. "By undermining democratic government, privatization and related policies contribute to the rise of authoritarianism and de-democratization in the United States and other countries (Smith, 2022: 7)."

In Jackson, Mississippi, I encountered an example of a Black-majority city within a white-majority state that has a well-known history of excluding Black residents. A participant noted that when years of inadequate investment that resulted from years of neoliberal policies led to a widespread degradation of local infrastructure, the city itself was blamed by the state for the mismanagement of its own affairs. This participant believed that this posture reflected an implicit racial bias on the part of the state's political actors that made them less willing to invest money and resources into addressing and fixing these widespread infrastructure issues that in this case caused a denial of resident's right to accessible clean water:

> "The state (of Mississippi) says just don't drink the water because it's unsafe…And they tell us to just to get bottled water, but that's getting beside the point. And when we look at the fact that this is a Black-majority city, the capital of our state, surrounded by a conservative white majority, it was easy (for them) to blame Jackson."

> -Participant 11

This comment conveyed a sentiment held by other participants that recalled the concept of organised deprivation. In this concept, I saw emerge a thematic element whereby the cross-cutting issue of white hegemony related in some ways with neoliberal hegemony and

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where it remained until 2018. The city's low-income "housing projects" were demolished and private (publicly-funded) mixed-income developments were built in their place.

upheld economic policies that may have resulted in greater inequities. The organised

deprivation model presents an economic system itself may even benefit from the exacerbation

of such inequities, and therefore there is no inventive to challenge white or neoliberal

hegemonic structures. What is also important is that the examples cited in the works regarding

organised deprivation are mostly in the Mid-Western United States, suggesting that white

hegemonic structures and their relation to neoliberalism as well as their influence on the

governance of cities in the country are not limited to the study area or even the Deep South

region. The dynamic between the state government of Mississippi and the city of Jackson is a

racialised one, and even as participants cited the detrimental effect of certain neoliberal

policies on the city's ability to provide basic services, it should be further understood as a form

of white hegemonic rights denial.

Reflected in the above responses, indigenous residents who were interviewed reported

on human rights abuses related to the state's unwillingness to recognise their tribal and

collective sovereignty or allow them access to the resources of their own land. When

indigenous participants were asked to explain the reasons why they believed their collective

indigenous rights were denied, they also cited the intersection between neoliberalism and

white hegemony. The proliferation of the oil and gas industry in the State of Louisiana began

with the discovery of oil and gas resources in the wetlands that famously constitute a large part

of the area's topography. The state's largest indigenous communities, many of whom enjoy

state but not federal recognition, also live on that land.[28] According to this participant, their

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[28] The United Houma Nation, which enjoys state but not federal recognition, is by far the state's largest tribal group by membership.

particular tribe's presence in the state's wetlands were relatively recent in the historical record, as they were driven there during the French colonial period. As a result, they are not able to demonstrate a longstanding tie to the land and do not meet the criteria established by the United States federal government for federal recognition. Also, as a result, their inability to secure federal recognition meant that the tribe was not able to act as a collective and cohesive unit once oil and gas resources were discovered and began to be exploited in Louisiana. Oil and gas companies were therefore able to negotiate individual agreements with individual landholders that were potentially not as advantageous to those individuals and the tribe could not claim ownership over the resources of the land they were occupying and remained poor. As widespread environmental destruction leads to the disappearance of the state's coastal wetlands, individual tribal members relocated to various parts of the state, thus undermining the tribe's presence on the land as a single unit that must be negotiated with collectively by industries. Therefore, the participant reported that the nation's history of indigenous removal and the laws put in place that were designed to facilitate it were also related to the denial of many other rights up until contemporary times. Whether it was the tribe's inability to secure federal recognition, the overall denial of their cultural and economic rights, or even the subsequent and resulting environmental degradation, human rights denial (which included many different categories of rights as reported in these communities) was directly connected by indigenous respondents to the history of indigenous removal in the United States. This was in turn connected, in the view of respondents, to the adoption and promotion of neoliberal policies that incentivised oil and gas production for profit in the region. The aforementioned interviewee noted that the current sociolegal structures in the United States were informed

during a time when indigenous removal was official government policy (such policies predate

the current national government). Indigenous participants contended that this continued to

make life difficult for other indigenous residents in the study region.

Also noticeable was the fact that during the course of their interview responses, this

specific interviewee repeatedly cited a state-established commission as being a source of rights

denial, particularly the denial of tribal sovereignty that led to the subsequent denial of other

rights, even as the oil and gas industry in Louisiana was and continues to be privatized. [29] As

evidenced below, the participant's statements seemed to imply that there was collaboration

and a conflation of interests between the state government, its established regulatory bodies,

and the for-profit oil and gas industry:

> "Any rights were individually owned, not as a tribe. That's why they held up our (tribal)
>
> recognition process, way back in 1977. Because the Louisiana Land and Exploration
>
> (Commission) were concerned that if we got federal recognition, then we could start
>
> claiming this land from the St. Bernard the St. Mary Parish area, which will mess them
>
> up with their oil rigs."
>
> -Participant 1

Therefore, the cross-cutting nature of the responses that cited a system of hegemonic

whiteness as being key to explaining rights denial need not be at the exclusion of the other

reasons cited in the literature, even other hegemonies (such as O'Connell's contention that

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[29] Oil and gas companies operating in the study region are mostly private for-profit entities. While a small number of these firms may indeed be entities established by, and operating at, the behest of sovereign governments outside of the United States, their product is traded as a commodity on a common market for a profit. The relationship between certain sovereign governments and some oil and gas companies was seen far outside the scope of this work and irrelevant to the discussion in this work.

neoliberalism constitutes a hegemony itself). Dine (2009) for example, explores the nature of private property laws in the United States and the challenges they continue to present to democratic governance, noting the ways in which institutions privilege property rights over the rights of a community over its own commons. "The communist bloc tried to organise their affairs in an egalitarian way and this led to dictatorship, since humans have an entrepreneurial streak which cannot easily be blocked, and which had to be stopped by harsh measures…capitalism wanted freedom, but found that the risk was equality, after leading to poverty, which constrains freedom anyway (2009: 48)." Dine's analysis notes that national commercial laws, written mostly by wealthy elites, have been largely to blame for the appalling poverty still present in the developed world. The role of commercial law is to allocate risk and therefore contracts between parties are asymmetrical and privilege those with power, intended to protect their financial interests (Ibid: 49-51). Yet if we examine participant responses, we can easily see how those historically who have been granted both privilege and power in the study, namely white elites, have informed the existing structures in a manner where enforcing white hegemony and neoliberal hegemony through the current sociolegal system regarding private property rights may at times be so closely related as to be nearly the same thing.

It is necessary to note that the white hegemonic structures are not always the same as "racial discrimination" and were thus not coded as such. Participants did indeed cite specific interpersonal conflicts where an individual within an institution reportedly harboured racial animus towards a specific group, and in these instances those responses were coded as discrimination. Yet in addition to those specific instances, many more participants spoke of an underlying sociolegal hegemonic structure characterised as being informed by and resulting

from the white hegemonic systems that while rooted in this past, perpetuated current

disparities that persist. In addition, some participants talked about how some members of

minority racial groups may have at times upheld or failed to challenge this existing hegemony

and even enforced its resulting power structure in order to gain access to power or safety. This

has made creating institutional systems of accountability difficult (and will be discussed in the

upcoming sections). As one participant stated:

"There's been a conditioning of folks in power to, you know, put systems in place to

avoid accountability…It's the culture of white supremacy, it's a culture of the deeply,

deeply racist and just oppressive legislation that we have here in Louisiana and in the

south."

-Participant 3

One should also recall the fact that the concept of hegemony itself as introduced by

Gramsci was constructed in part to explain an effect whereby those individuals who were

disadvantaged by existing systems might yet continue to act in ways that uphold them. Related

to this point, another sentiment that was widely expressed among participants was that certain

cultural norms and tropes also contain a "dark side" that is informed by this hegemonic system.

The "American Dream" mentality itself, and the neoliberal norms associated with it, were cited

by participants as being tied to hegemonic whiteness in ways that were often described as

being intrinsic to US human rights discourse:

"…there is this mentality that everyone needs to wait their turn and wait in line to

succeed. Some, you know, imaginary line towards success. And getting a handout is

perceived as jumping the line. But that same mentality just goes back to race. First of all,

these (White) people like, actually believed that they could become wealthy, right? Why would these low-income people, white people, not look at the rich people taking all the tax breaks that are not looking out for as against their interests?... Black people know that there is no line and no matter where the line, if there was a line, they would keep getting put back further in the line, and that we're not all starting from the same level. And that ultimately, not everyone can become rich. Obviously. That's, that's clearly a falsehood. So yeah, I just think there's some really toxic mentalities in this country…. The whole American Dream mentality here, I think…it's harmful, because even though like is, in theory, a hopeful perspective, it results in the suggestion that you shouldn't help people or that they don't need help."

-Participant 6

Having established that most participants explicitly tied reasons for rights denial to white hegemony and related many of the other factors previously cited in the literature review as being connected to that, other reasons given for such rights denial become more richly contextualised in light of the other aforementioned responses. Namely, the finding that participants also noted that U.S. society does not prioritise certain rights in its political, social, or legal traditions is also related to white hegemony, albeit in a manner perhaps not always readily acknowledged by the literature on US human rights exceptionalism. In order to better contextualise the relationship between these particular responses, the form that US human rights exceptionalism takes in its legal traditions, and white hegemony, I subsequently examined what insight scholars may provide about the relationship between white hegemony and US constitutional legal traditions.

Although not always explicitly referred to in Gramscian terms in prevailing human rights literature, there is ample scholarly work that suggests that the legacy of slavery and indigenous removal influenced the country's legal traditions in a manner that even today continues to shape and even limit the expansion of rights and may also lead to rights denial in the manner characterised by interviewees. The emergence of the white hegemonic response during these interviews caused me to look to other forms of literature in order to better explain these responses and frame the proceeding analysis in this work. In *The Half Has Never Been Told,* for example, Edward Baptist (2016) notes that the legal and rhetorical foundations upon which the United States was built, including its very constitutional framework, have created a certain legacy that exists today and provides a challenge for domestic human rights implementation in the US. Batiste contends that at the countries founding, the states that constituted the US immediately after its independence from Great Britain represented a loose confederation of disparate economic and social interests. To create a legal framework whereby these states would voluntarily allow for closer association with one another (a framework which soon after became embedded within the US constitution itself) a pattern of accommodation between the states, in particular the Northern and Southern states, emerged and was institutionalised at its founding. This accommodation surrounded the issue of enslavement of human beings brought to North American from the African Continent. "The constitution was also built from the timber of another bargain. In this one, major Southern and Northern power brokers forced their more reluctant colleagues to consent to the survival and expansion of slavery" (2016: 9). Four out of the first five US presidents would be Virginia slaveholders and eight of the first dozen owned human beings.

The new nation's early geographic and economic growth centred around the expansion of slavery and the elimination of indigenous peoples from their land. These things were government policy, and these policies were not just enabled by the compromise between the North and South but intentionally rooted in the constitution itself (Ibid: 10). Two constitutional delegates who would later become Chief Justices to the US Supreme Court explicitly note during the drafting of the nation's foundational legal document that it should be the country's interests, not morality, that be the governing principle that shapes the new constitution (Ibid: 11). Slavery's expansion was not just something that the country's founders would have to accept but constituted the very economic basis of the union itself. The territorial basis of the union was based on the forced removal of Indigenous people.

These interests, industrial interests of the Northern States, and the agrarian interests of the Southern States, become "yoked together" and mutually dependent on an economic system predicated on the enslavement of human beings. The only way that this could be possible is for a very concrete, narrow, and legalistic interpretation of the rights and freedoms guaranteed by the US constitution. Although these principles and ideals outlined in the country's founding documents emerged from the enlightenment's efforts to enumerate basic rights, those rights had to be checked and narrowly applied in a manner that promoted and benefitted the economic interests of a slaveholding nation built on Indigenous land. The founders were well aware that the spirit of these enlightened principles and their practical application presented a legal quandary. This contradiction was specifically acknowledged and addressed numerous times throughout the entire process by which the new nation's legal

system was created, and the constitutional framework was specifically designed to

accommodate and allow for it (Ibid: 12).

In fact, Baptist contends that in the country's early days, slavery's expansion was one

issue upon which most political leaders from all sides could find common interest (Ibid: 28).

Between the end of the American Revolution and the landmark *Fletcher v. Peck* Supreme Court

decision in 1810, slavery's expansion began to link the new nation together. Enlightenment

principles which are enshrined in the constitution are used to support this as the status quo.

The liberal principle of individual property rights that was derived from the enlightenment era

as a core component of individual liberty became viewed, cemented, and inculcated into the

nation's legal framework through the lens of slavery with the goal of accommodating it. This

continues to support the emergence of legal distinction between rights and morality which

many argue continues to characterise the nation's political culture today. "Slavery and

specifically the right of enslavers to move their slaves to new territory became a national

practice: as a strict definition of property under constitutional law, as habit and expectation,

and as a pattern of political compromise (Ibid: 35)."

This pattern of political compromise continues to grow as the country does from the

roots of the constitution itself. When the Haitian Revolution leads to the creation of the world's

first independent Black republic, the institution of slavery is further cemented in the Mississippi

with great brutality by a planters who saw the revolution as a direct threat to their economic

interests. When Great Britain is defeated in the Battle of New Orleans in 1815, this represents a

further "capstone to twenty-five years of violence that ensured that United States slavers

would control the Mississippi valley (Ibid: 71)." Years later, even after a bloody civil war (the

most bloody conflict in the nation's history to date) the country emerges never having truly confronted the realities of slavery, governed under a constitution that institutionalises state's rights in relation to the federal government in a manner that was originally intended to allow for an immoral institution to exist within morally-framed founding principles, and not having recognised the supremacy of human rights ahead over property rights (Ibid: 35).

For this accommodation to be possible, the federal government had to cede a certain amount of authority to the individual states. Following the American Civil War, it appeared that the abolition of slavery and the subsequent Reconstruction-era policies that followed would radically transform society into a more equitable one. Although resistance from White Southerners was brutal and widespread, federal troops were stationed in states that had formally seceded. However, in 1873, the country fell into an economic depression and, "white American's conscience wavered (Ibid: 408)." The promise of free or low-cost labour provided by formerly enslaved people in the agrarian South was too tempting to pass up and the federal government looked the other way as democratically elected governments within each state in the former Confederacy was overthrown, and "The Redeemers" installed themselves, instituting White Supremacist one-party minority government in these states. These governments quickly instituted a system of racial apartheid (known as Jim Crow) that required the widespread disenfranchisement of Black voters, blocked equal access to public spaces prevented access to educational and economic opportunities.[30]

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[30] During this time, in the states of Louisiana, Mississippi, and South Carolina, Black Americans constituted the majority of residents and in other Southern states, they began to constitute a large and influential voting base. The Great Migration is used to describe the mass migration of Black residents in the South to Northern cities to flee these policies. So great was this Great Migration that it forever changed the demographics and politics of both Southern and Northern states. Although in some states in the South, Black Americans comprise as much as 25-33% of the total population, no state currently has a Black majority.

Once in power, Southern Whites built monuments to the defeated generals who fought to perpetuate slavery, and, "wrote histories that insisted that the purpose of the war had been to defend their political rights against an oppressive state (Ibid: 409)." State's rights became the rallying cry for Southern political leadership. Even today, the autonomy of individual states is often used as a justification for policies that legally exclude or limit the rights of other marginalised residents unless those policies are specifically constrained or overturned by the federal judiciary. Until the *Lawrence v. Texas* Supreme Court decision of 2003, homosexual activity was illegal in ten US states (Lawrence v. Texas, 539 U.S. 558 {2003}).

As mentioned previously, those categories of rights that were most likely to be seen as not supported by the current legal system in the United States were economic and environmental. Also reflected in many of the responses was the sense that neoliberal policies led to the denial of rights in the study area. There appears to also be a relationship between the denial of economic rights and existing white hegemony in the United States. In fact, a subsequent examination of literature was done following these responses which pointed to a relationship between the United States' inability to construct a strong welfare state and white hegemony (although it has not been referred to in terms related to hegemony). Furthermore, this relationship may have informed some of the most important political cleavages present in the country itself and could be relevant in understanding key attributes of rights denial in the study region.

As discussed, the US judiciary's choice to limit its constitutional interpretations in a manner that does not recognise economic or cultural rights was no accident, but a deliberate frame built upon centuries of constitutional and legal precedent, which in turn was built upon a

need to reconcile America's enlightenment-era ideals with the existence of slavery, the removal of Indigenous people from their land, and the assertion of state's rights. Over time, civil society has pressed these institutions to expand their mandates to include other categories of rights, and it is frequently noted that Reverend Martin Luther King Jr's very last speech was about the importance of securing economic rights, specifically the rights of sanitation workers in Memphis, Tennessee to organise a union (King, 1966). Therefore, there is some evidence to support the contentions of participants who asserted that although white hegemony created a foundation upon which constitutional and legal norms interact with human rights frames, it has also informed the contemporary and ongoing body politic and continues to influence debates surrounding specific categories of rights. In fact, building on Anderson's prior work, Abramowitz (2011) refers to the US Welfare State as the "battleground" for human rights in the country. Abramowitz is one of many scholars who makes a connection between the country's current economic and social safety net and past compromises made with racism and state's rights during the New Deal era. It was during this era that the country's Democratic Party sought to pass legislation that would eventually constitute the backbone of the US welfare state; yet in order to do so, it would have to compromise with the institutionalised racism and apartheid policies present in the American South at that time in order to win the support of Southern Democrats in Congress and avoid a North-South split within the party.

Abramowitz notes that efforts to specifically enshrine a basic right to an income was torpedoed by Southern Congressional delegation and the federal government gave the states administrative power to administer their programs in a manner that they saw fit. This was often done ways that disadvantaged Black residents nationwide, and particularly those who were also

electorally disenfranchised in the South. A right to housing did not extend to Black families as the nation's federal housing programs, created during this era tolerated, and often assured racial discrimination. The right to a job and a living wage was systematically undermined by organised and highly influential economic interests that were in turn threatened by the prospect of multiracial labour unions. The Southern states' representation in Congress unites to oppose a national healthcare system proposed by President Truman. In fact, in further examining the different sectors, parties, bureaucracies, and ideologies that compete to define human rights in the United States, the country's Southern region and its representatives emerges as key to understanding its reticence regarding the promotion of social and economic rights both domestically and internationally. Its influence continues through the post-war period and into the present day.

President Abraham Lincoln was himself a member of the Republican Party, and the Republican Party had since become the party of Northern industrialists. Because of this, the one-party rule that was instituted by White Supremacists in the South was solidly loyal to the Democratic Party. Therefore, until quite recently, the "Solid South" continued to be a reliable bastion for the Democratic Party, and this helped assure that the party often dominated the US Congress, for as long as it was allowed to maintain systems of racial apartheid. When the national Democratic Party withdrew support for maintaining these systems, white Southerners gradually began to defect (Bass and DeVries 1995). As political and legal rights were extended to Black Americans through the passage of anti-discrimination protections, civil rights organizers also advocated for the recognition of social and economic rights. Disillusioned white Southerners were strongly courted by economic conservatives, many of whom were members

of a Republican Party that had long been dominated by Northern economic interests. These economic conservatives organised to oppose efforts guarantee economic and social rights and the language around such rights becomes increasingly "racialized." Therefore, White Southerners abandoned the Democratic Party, and Black Americans joined it in large numbers. This results in the "Southern Realignment" whereby the United States undergoes a complete political restructuring, centred around whether the country should expand its legal guarantees to include additional categories of rights (Crespino, 2007). The South becomes a key factor in the ongoing saga of how the US understands and extends human rights and presents an important context critical to understanding US human rights exceptionalism.

For these reasons, the debate surrounding the country's social safety net and the level of resources that should be allocated to its maintenance, as well as the country's overall commitment to economic and social rights, appear to be related to the ongoing legacy of slavery, as currently manifested in the national conversation pertaining to race, which in turn has greatly influenced the country's partisan political makeup. US political values have often been described as innately "inhospitable" to the ideals of the welfare state or a social safety net. Indeed, US residents appear to express support for a government that maintains the basic functions of a welfare state but ideologically adheres to a laissez faire attitude of government and government spending (Feldman and Zaller, 1992: 293). Those who express opposition to government aid and support for those in need are more likely to justify these views by referencing individualism and self-sufficiency. Yet beneath such notions lies the view, widespread among many White Americans, that Black Americans are unwilling to work hard, a view which Kinder and Sanders refer to as "racial resentment." Racial resentment continues to

be a driving theme in US politics and its race relations (Kinder and Sanders, 1996: 125). In fact, "most citizens seem to translate the phrase 'government spending' into government spending on programs that could benefit the poor, blacks, and other disadvantaged groups" (Jacoby, 1994: 354).

For this reason, some scholars have contended that the most important source of opposition to economic and social rights among many white residents in the United States (in the form of the construction of a strong social safety net) remains race (Gilens, 1995). A belief among some white residents persists that poverty and lack of economic opportunity among Black residents is due to a result of a lack of effort. Many also express the view that Black Americans have already been allocated sufficient public resources from the federal government to account for their historic mistreatment. These views have become strong predictors of opposition to welfare policies, and this has had nationwide impacts where white residents will often express support or opposition to government spending in terms of the "deserving poor" or the "undeserving poor" (Goren, 2003). Furthermore, the more exposure one has to political information, the greater the relationship between racial stereotypes and attitudes toward public spending on the so-called "undeserving" poor (2003: 208-209). This is exacerbated and perpetuated through media framing. "Media discourse on the undeserving poor is dominated by negative images of blacks" (Ibid: 215). Those who regularly access political information will encounter these stereotypes more frequently.

In 2005, the failure of the federal levee system in the City of New Orleans following Hurricane Katrina demonstrate how media portrayals of Black residents within a majority-Black US city, widely known for having a strong and proud association with its own Blackness, have

played into this long-held affect within US political culture. Following the disaster, a national

debate ensued regarding whether public funds should be used to rebuild the City of New

Orleans and provide aid to its residents. In nationwide surveys taken following the flood, US

residents who expressed opposition to rebuilding the city and providing public aid to New

Orleanians were also significantly more likely to harbour feelings of racial resentment and

express racially discriminatory preferences (Pasquantonio, 2009). "Perhaps no issue is more

important to gaining an understanding of American domestic politics than race and the history

of race relations in the United States. From drug control policy to education, the issue of race is

never far beneath the surface of every issue America has had to face. This has been the case

since the country's founding and continues to be true today. Beginning with Truman's

desegregation of the U.S. Armed Forces, the United States has witnessed drastic changes that

have ultimately sought to correct the wrongs done to black Americans. During this time, the

nation has seen a veritable revolution in the way in which Americans view its minorities and

their rights. On the surface, it appears that black Americans have won the war of public opinion.

Gone are the days when policy makers such as Ross Barnett and George Wallace can publicly

advocate inequitable policies and retain credibility. This has become true because most

Americans of both major political parties have grown to deeply loathe racial demagoguery. Yet

as these changes occurred, millions of voters who supported racial inequity in government

policy did not simply vanish. As their views became unpopular, politicians were challenged to

gain their votes without openly engaging in race-baiting (2009: 3-4)."

The influence that this has on US political culture can hardly be overstated. In fact, Metzl

(2019) shows that large numbers of people in the United States have even put their own

physical health, safety, and well-being in jeopardy rather than assert claims to their own

economic and social human rights in the United States. These acts of political "self-sabotage"

claim to restore the authority of some White residents while having lethal consequences (2019:

6). This appears to have gotten more extreme since the latter part of the twentieth century as

political movements that were once fringe gain traction, particularly in the Mid-Western and

Southern regions of the United States. These movements openly support starving the

government of funding, dismantling social programs completely, and even allowing unrestricted

access to most firearms (Ibid: 6-7). The deadly consequences of these movements and their

successes in co-opting the political conversation can be measured through a decrease in life

expectancy for White Americans. "America's investment in maintaining an imagined place atop

a racial hierarchy- that is, an investment in a sense of whiteness- ironically harms the aggregate

well-being of US Whites as a demographic group (Ibid: 9)." In the state of Tennessee, where

state government officials have blocked participation in the Affordable Care Act's Medicaid

expansion provision, have cost each White resident of the state an average of 14.1 days of life.

In the state of Kansas, extreme austerity policies in the area of education lead to the flatlining

of test scores for White students and a dramatic increase in dropout rates. Dropping out of high

school is known to decrease life expectancy in the United States by nine years (Ibid: 190-268).

From the right to healthcare, education, or even protection and prevention of future disaster,

the legacy of slavery has provided the very foundation upon which the modern left/right

debate in the United States was constructed. Human rights institutions within the United States

must contend with a form of neoliberalism that is characterised by this additional dimension.

Also present in the responses was the widespread sense that the government possessed institutional deficiencies and political leaders were unable or unwilling to create systems that held human rights violators (specifically the government and corporations) accountable. The relationship between political and judicial action and public opinion emerged in these responses as well:

"The judicial system is set up in a framework to address certain things to follow the court of public opinion, and to narrowly interpret everything before it."

-Participant 4

Another example given by a participant was how recent increases in rates of violent crime had, in their opinion, led to a decrease in public support for protecting the rights of those incarcerated or accused of criminal offenses. These individuals, some of whom the participant noted were children, were therefore subjected to severe human rights violations while there was a lack of public support for taking necessary steps to address them. Such responses suggested that institutions that protect rights holders from experiencing a denial of their rights must therefore be established in a manner that shields them from public opinion. Another issue raised by some participants was the difficulty of creating a legal or judicial system that would set a minimum standard for the enforcement of certain economic or environmental rights. Such a minimum standard may in some cases require a specific dollar amount that the government must invest, which could be a difficult policy to implement in practice. This issue, as well as other institutional critiques and possible proposals was discussed in the proceeding section.

The responses to the question of rights denial thus appeared to have gotten to the very heart of US exceptionalism in its domestic human rights practice. Respondents suggested that

an overall thread of white hegemony connected the other explanations offered in the literature for US exceptionalist behaviour in its domestic practice, including in the way it might have shaped or constrained local human rights institutions. This then brought us to a place whereby I was able to draw from participant responses to directly address the performance of the local institutions themselves.

7.6: Concluding Analysis:

By far the most consistent right being claimed by participants was the right to access government processes and structures and for government impunity to be checked. Second to that, participants sought to claim certain economic, cultural, and social entitlements, as well as even environmental protections, as being human rights. These additional categories of rights being claimed by participants supported the contentions of researchers cited in the literature review that noted the United States' hesitancy to acknowledge other categories of entitlements as rights. It should yet still be acknowledged that participants stated clearly, particularly in the allegations of abuse they made during the course of these interviews, that they felt that political and legal rights were still very much being constrained. Therefore, these interviews did not provide adequate support needed to assert the view that the US has systems in place for political and legal rights categories at the exclusion of others. They may be more readily accepted as being rights in the prevailing political culture but participant responses suggested that institutions were still lacking the capacity to deal with such abuses because the state does not wish to constrain itself. Furthermore, upon examining participant responses regarding why they themselves believed rights denials occurred in the study area, they cited many of the

features expressed in the literature on US exceptionalism in its domestic human rights practice, with a few exceptions. The legalistic approach to domestic human rights practice, the use of civil rights framing at the exclusion of human rights framing, and the lack of acceptance of other categories of rights, were all reflected in responses ranging from participants who felt that their society failed to prioritise certain categories of rights (10 responses), the government failing to invest resources into the community (3 responses), a lack of sovereignty, where both responses were provided by indigenous interviewees in regards to their cultural rights and tribal sovereignty, and the responses that cited general economic injustice and the fact that there is general inequality in US society. Neoliberalism and neoliberal hegemony were reflected in responses that cited a focus on profit over people (7 responses), and corporate capture of the political process (3 responses).

I also documented many responses that cited specific flaws within government systems themselves. Many respondents stated that rights holders were denied their rights because of a failure on the part of political elites to act against their own perceived interests as elites, a lack of access to the government on the part of rights holders, the government and its leaders lacking accountability and political will, and the fact that marginalised groups may be targeted politically, as well as the category of "general" political interference. Much of the literature, and the Paris Principles themselves suggested that this would be a potential issue and many of the policy interventions proposed in said literature and standards sought to address this. Therefore, while it was not a feature of US exceptionalism, it was present in the responses and tied the issue of rights denial to the performance and general level of authority granted to or denied by the government to a human rights institution and supported the consensus that such political

interference was a significant factor in both matters. Only one respondent specifically cited the fact that the government failed to ratify international treaties as a reason for rights denial. Given the domestic and extremely localised sphere of many of the respondents' human rights work this was perhaps not surprising. A significant number of responses also cited infighting among rights holders and their failure to self-advocate.

Perhaps most interesting was the fact that many the reasons for rights denial so closely reflected the features of US exceptionalism in its domestic human rights practice. As I demonstrated in later sections, they also were reflected in the reasons for the underperformance of local human rights institutions. Yet in addition to the reasons cited in the literature on US human rights exceptionalism, respondents also cited a system of white hegemony as being a cross-cutting and unifying feature and reason for rights denial that intersected with many other explanations. While this was noted in scholarship explaining US domestic human rights implementation, particularly as it related to other categories of rights, it has not been explicitly tied to US human rights exceptionalism or to any current literature that offers explanations on constraints being put on local human rights institutions within the United States. The responses thus suggested that a Gramscian concept of white hegemony, when examined alongside the responses that suggested that the state was the chief human rights violator in the study area, became critical to explaining rights denial. It also suggested the possibility that white hegemony may have been an additional feature of US human rights exceptionalism worth exploring, particularly as it pertains to its domestic practice.

As mentioned above, participant responses that tie white hegemony to rights denial, when contextualised alongside additional research that ties white hegemony to the country's

sociolegal institutions, quite naturally led me directly to the subject of the very local human

rights institutions that are the focus of this study. The responses suggested that white

hegemony was a key feature of US human rights exceptionalism and that this could also be a

key factor in explaining why local HRIs were constrained by the government institutions that

created them and provided them with their powers and authorities. Additionally, participant

responses suggested a possible relationship between these constraints and public opinion itself,

suggesting that the social constructivist approach to rights has indeed shaped the very

institutions I explored in this work. Further research on the topic will be needed in order to

build upon this hypothesis. The following section presented and analysed participant responses

regarding local human rights institutions themselves as well as what types of interventions

participants believed should be introduced in order to empower such institutions in a manner

that would permit them to both proactively and reactively engage in its human rights mandates

as envisioned according to international standards and practices.

Chapter Eight: Responses and Analysis of Local Human Rights Institutions and Proposed Prescriptive Measures

8.1: Overview:

In prior chapters, I presented the fact that interview respondents suggested that local human rights institutions established in the study area were not structured in a manner that would adequately address the claims being made by interviewees or provide relief to the reported abuses, and that this was tied to the reasons why rights are denied in the study area. I showed that where local HRIs had been established at all within the study area, they failed to operate according to the international standards and best practices outlined under the Paris Principles. I further demonstrated that when interview respondents proposed specific reasons for the denial of rights, those reasons largely mirrored specific components of US exceptionalism in its domestic human rights practice as summarised in the literature on the topic. Furthermore, one of the explanations for the denial of rights that was consistently offered by respondents was particularly cross-cutting. This was white hegemony. I then subsequently examined additional cross-disciplinary literature that contextualised those responses in a manner that presented US exceptionalist behaviour regarding economic rights, its constitutional legal systems, and its property rights system, and found within them ample support for that view that white hegemonic systems have also greatly informed those factors. This influence is so diffuse, that I proposed that such hegemonic systems should be adopted by scholars as an additional feature of US exceptionalism in its domestic human rights practice.

So far, I had not yet endeavoured to link these responses directly to the operational components of the local HRIs themselves. That was the objective of these sections. Herein, I explored why interview participants reported that local HRIs operating in the study area, an area of the United States where human rights frames and practices were more readily employed on a grassroots level, did not operate according to international standards and practices, and were not able to address the claims and abuses raised by interviewees. In this section, I also reported participant responses regarding what types of structural changes they believed that local governments would have to make for these institutions to function according to their needs and examined whether those needs could be facilitated by the adoption of the Paris Principles in the formation of local HRIs. To explore this, I focused on answering the third and final research question proposed to interviewees by the researcher:

"What policy interventions do interview respondents feel are needed in order for local HRIs to better function in the study area?"

Since the responses provided in the previous sections provided some insight into the very specific cross-cutting response provided related to white hegemony as it relates to rights denial, I further explored how that factor may have influenced the relationship between the state and local human rights institutions and sociolegal structures from which they emerged. The responses thus far have provided a foundational base by which we will further explore the question of local human rights institutions herein. By establishing how human rights claimants and advocates operating in various spaces viewed human rights, how they defined their human

rights claims, and which abuses they reported, foundational questions were explored and presented herein. The exploration and presentation of these foundational questions then provided me with enough solid ground to permit me to proceed with the premise that in order for local human rights institutions to play their role in securing human rights standards locally, (thus assuming the minimum functions envisioned for them according to the international standards referenced by the Paris Principles) said institutions should have the capacity to perform their proactive and reactive functions, i.e. engage with and process the human rights claims and abuses being made by rights holders in a substantive way.

Instead, I found that in the rare occasions that they were actually established in the study area, those institutions were structurally constrained in ways that hindered their ability to adequately deal with the types of issues raised by participants. This was not simply due to the fact that as of this writing, none of the local human rights institutions in the study area were operating according to the international standards set forth under the Paris Principles. In fact, rather than take the value and effectiveness of the Paris Principles for granted, after assessing these bodies relative to these standards, I then solicited the views of rights holders and advocates. It was indeed the responses themselves that indicated that these institutions are not equipped to engage in a manner that adequately addresses the claims and abuses being made by participants in this region. Therefore, based on those premises that we were able to establish from above responses, this proceeds with its discussion of institutions. This could only be done once I was able to accept the premise that local human rights institutions in the study area did not function according to the specific preferences outlined by participants. If the reasons that participants give regarding reasons that local HRIs failed to operate according to

international standards such as the Paris Principles also reflected the reasons given by participants for rights denial, I could then hypothesise that those standards were indeed appropriately linked to the protection and promotion of human rights in the study region. In this section I presented why I found this to be the case.

The next section presented participant responses specific to the research questions posed as they pertained to the local human rights institutions themselves and why they operated, or failed to operate, according to participant preferences within the study area. In other terms, since participants expressed the view that such institutions did not function in a satisfactory manner, and since I demonstrated that they did not function according to certain international standards, this chapter presented participant responses that specifically addressed the question of why such institutions did not address the claims of rights holders and what types of qualities or features such institutions would have had to possess and incorporate into their frameworks, mandates, and workflow in order to satisfactorily address the types of claims and abuses made by rights holders and advocates interviewed during the course of this research.

In presenting such responses, I found that the same hegemonic structures cited by participants in the prior chapter were also thought to influence institutional behaviour and that this response was cross-cutting. Additionally, I found that quite interestingly, participants suggested interventions that reflected many (and at least once even all) of the standards outlined in the Paris Principles. In other words, participants had, without previously knowing about the Paris Principles, asserted that if such standards were adopted by local HRIs, their human rights claims would be better supported and their abuses would have a better chance at

getting addressed. There were differences as to the level of centralisation participants felt

appropriate for these institutions (in order to protect them from political interference). There

were even disagreements as to whether it was feasible that such institutions ever could

operate according to these standards. Yet the core objectives and recommendations reflected

in the Paris Principles organically emerged from these interviews. Therefore, in the first set of

responses I found that participants believed that if local human rights institutions were not

constrained by the state and allowed to function broadly and with authority, it would improve

their conditions, further their claims, and protect them against future abuses. In the responses

to the second question, I found that participants recommend specific policy interventions that

would strengthen and empower local HRIs in a very similar manner as envisioned under the

Paris Principles, even though interviewees were themselves unfamiliar with the specific

standards outlined in these principles. These interview responses and specific comments from

interviewees suggested a link between the adoption of certain international standards that

allow local HRIs to function as envisioned in the Paris Principles to the improvement of the

human rights situation within the study area. In light of these responses I briefly addressed an

additional set of standards that were recently adopted by the Council of Europe specifically

pertaining to ombudsman. I argued although these standards, referred to as the Venice

Principles, are not specific to HRIs and do not add novel principles that were not already

addressed by the Paris Principles themselves. However, they do provide value to the local

context by outlining a more specific "roadmap" towards the implementation of some of the

broader standards that were outlined in the Paris Principles.

Having presented those data I posited that respondents invoked these principles as a method of challenging the existing hegemonies that they cite as being responsible for rights denial and the constraining of local human rights infrastructure by the state. In my final chapter I briefly discussed how those responses informed the overall questions posed in this research regarding institutional behaviour and potential implications.

8.2: Reasons participants gave for constraints on local HRIs:

The study region is "exceptional" in the United States for its high level of grassroots acceptance of and engagement in human rights frames and instruments. A constructivist view of human rights posits that human rights are an emerging practice drawn from a discursive sociological process surrounding the question of human dignity. Perhaps it follows that one might have expected the presence of such strong grassroots human rights frames in a given area to have contributed to a level of sociological discourse that would then lead to the creation of a more robust local human rights infrastructure. After all, international human rights frameworks do specifically reference, and often rely on, local human rights infrastructure and institutions. Instead, I found that this was not the case and demonstrated instances where participants had reported systemic constraints on rights and rightsholders within the study region. Interview participants were therefore then asked to offer their insights as to why they believed local human rights institutions were constrained and our conversation also touched upon the nature of such constraints. As aforementioned, local human rights institutions were envisioned as being an important vanguard for human rights standards and practices on the local level and were often cited as being an important component of the local human rights

protection system. Yet despite this, I found that the creation and strengthening of such

institutions was not often at the forefront of the human rights discourse in the study region as

it was presented by participants.

As I mentioned in my prior discussions, within the state of Mississippi the creation of the

local HRI was a component of the City of Jackson's human rights cities initiative. In particular, it

was presented by some grassroots local human rights advocates as a potentially promising

intervention that could address the larger issue of police violence. Yet I should also note that in

my interviews, local HRIs were not at the forefront of participants' concern. The interviewer

most often had to specifically bring up the topic of the local HRIs during the course of the

discussion. One participant from Mississippi was not aware of the existence of the local HRI and

during our interview had even initially mistaken it for another NGO operating in the region with

a similar name. No participants were opposed to the establishment or strengthening of these

institutions, and all expressed at least some sense that such institutions would improve the

local human rights situation as they described it via their prior responses. Many participants

were however sceptical of all levels of governance within the state, and this was to be expected

given the prior responses that demonstrated the view widely held by participants that the state

was the primary source of their human rights abuses and violations and the primary obstacle to

securing their claims as rights holders. Many interviewees also expressed a certain degree of

ambivalence regarding whether local HRIs could ever be structured to be robust institutions or

fulfil their intended role. Therefore, in addition to explaining constraints on these institutions,

this section also discussed this aspect of the response in greater detail as it emerged as key to

providing potential context as to why strong local human rights infrastructure has not yet

emerged from a discursive sociological process. It should further be noted that no participant disputed the premise that local human rights institutions failed to meet certain standards, nor did they take issue with the premise that as currently established, they failed to adequately address most of the human rights claims and abuses presented by participants and faced by rights holders in the study area. For the purposes of this part of the discussion, satisfactory functioning of a local or subnational HRI was simply defined as that institution's ability to adequately address the claims and abuses that were outlined by participants during the course of their interviews. Participant responses to the question of the local HRIs failing to function satisfactorily therefore offered additional insight regarding the ambivalence towards such institutions. The responses are below:

Fig. 11

HRIs fail to function satisfactorily due to:

Response	No. of Participants
Political interference or intervention	9
White hegemony/systemic racism	9
Community Apathy*	5
Unstable or frequently changing political priorities	4
Political infighting	3
Inadequate staffing and resources	3
General: US culture surrounding rights	3
Narrow mandates	3
Tension between advocacy and watchdog roles	3
Do not address most substantive human rights issues**	3

General: Rights holders do not engage government	2
Inappropriate corporate interference (capture) in political process	1
General: distrust of authority	1
US has not ratified certain human rights treaties	1
General lack of political will	1

*Includes general lack of public support
**Includes HRIs are not structured to serve most marginalised and human rights often privilege elites

Participants were aware that for a human rights institution to be able to address the full breadth of human rights claims presented by rights holders in the study area, they would need to be granted substantial powers and authorities under the law. By far, the most common response to the question of why HRIs were limited in their ability to perform their functions satisfactorily was that local HRIs lacked political independence and that they suffered from political interference on the part of governmental leaders. Participants also expressed the view that the ability of a human rights institution to perform its broad functions, mostly understood in relation to addressing the types of claims made by the participant being interviewed, would inevitably clash with the interests and preferences of various political leaders operating on various levels within the study area and become subject to political intervention and interference. For example, when asked what is currently preventing the State of Louisiana from strengthening and expanding the scope of its state-wide HRI as an independent entity with more robust powers and authorities, one participant working for the state government specifically cited such political interference:

"If (a local HRI) was established as an agency outside of a political office, and it was just

an Office of Human Rights, and they had the right to oversee many different areas of

human rights at the state level, I think, theoretically, it could be great. I think politically,

it would be a target of the (Louisiana state) legislature to defund it. It would be a

constant target."

-Participant 5

This was not limited only to political leaders on the state level but also on the local and

municipal level, perhaps unexpected in light of the fact that city-level leadership in the study

area tends to be more politically progressive. The former Vice President of a city-level human

rights commission in the study area specifically mentioned how the body she served on lacked

political independence and was unable to adequately wield influence within the administration

of this city's mayor. Even though the mayor of this city was viewed as politically progressive,

the work of the Commission would at times require taking an adversarial approach towards the

City's chief executive, insofar as the administration may have failed to incorporate certain

human rights standards and practices within the City government itself:

"Unfortunately, the way the Human Rights Commission was structured, (the law) did

not give a lot of teeth to the Commission. The Commission could state opinions and to

some extent…(had) a line of communication with the Mayor's Office. But truthfully,

there was not a great deal of back and forth between the upper levels of the

administration and the actual members of the Human Rights Commission during my

tenure there."

-Participant 12

Consistent with prior responses to the question of rights denial, many participants cited systemic racism/white hegemony as an explanation for why human rights institutions were not able to perform their functions. Participants often noted that as political entities that are created by elected governments, local HRIs and the political leaders responsible for granting them their necessary authorities may have often faced pressure to reflect public opinion in ways that might run counter to the rights and interests of certain rights holders at certain times. Specifically, some participants cited a culture that was deeply influenced by the very same implicit bias and historical patterns that created structures which perpetuated racial disparity, thus limiting rights claims in the long-run and leading to the abuses discussed in the above sections. Participants expressed the view that a strong local human rights institution would by necessity possess the authority required to protect rights holders who may not necessarily be seen as politically popular, socially desirable, or even as holders of certain basic rights. As such, these responses suggested that local human rights institutions faced significant challenges in performing their functions of protecting and promoting the rights of a local population's most marginalised and vulnerable residents who either did not enjoy widespread public support or who are subjected to the implicit bias that characterises hegemonic systems. To this specific point, one participant provided in their response a very concrete example of Black children accused of certain crimes in light of a recent increase in violent crime rates seen across the study region following the COVID-19 pandemic:

> "... The underlying problem is that people look at Black children in particular...and they see dangerous kids...I think there's an unconscious feeling among the vast majority of this country that Black kids are irredeemable...That they're all bad, you know, and that

Black kids have to prove that they're not. They have to go out of their way to say, 'I'm

one of the good ones.'"

-Participant 6

Conversely, the prevailing white hegemonic systems may have therefore acted to

restrict the establishment of any such structures and institutions, such as local HRIs, that would

have granted and upheld the rights of those whom society and its hegemonic structures had

deemed as being unworthy rights holders. This aligns with O'Connell's broader contention that

human rights framing and practices have the potential to be counterhegemonic. Many

participants expressed a view that such local human rights infrastructure, if established and

granted sufficient authorities and powers, could challenge those operating within and

benefiting from the prevailing hegemonic power structure itself in a manner that would

constrain their ability to violate others rights. Participants also widely expressed a view that the

state, whether nationally and on a local level, wished to reserve the right to deny the rights of

certain individuals and would not willingly cede to the creation of institutions that limited their

ability to exercise any such discretion allowing them to do so. This is also consistent with the

participant responses discussed in the prior section that cited the state as a primary source of

human rights denial and abuse according to the interview responses. Some participants were

quite explicit about this during their interviews:

"They have laws in place to support the ways they're able to harm an individual without

any accountability, right? They're able to disrespect, they're able to bully, they're able to

do all these different things to individuals or without accountability..."

-Participant 7

These factors also related to other responses that also discussed the political dynamics at play and the instability of these dynamics. For example, some respondents noted the presence of such generally unstable political priorities that may in fact shift dramatically after certain elections, particularly when a new executive is elected and charged with appointing officials within a new administration. Frequently mentioned was also the issue of political infighting, as different elected officials are often unable to work together cooperatively and for long enough to agree to the various compromises that would be needed in order to facilitate the authorisation of such institutions.

As I briefly mentioned before, yet another important factor cited by participants was a general public apathy and ambivalence related to the creation and statutory empowerment of HRIs. This apathy or ambivalence was reflected in several of the responses from these interview participants who themselves utilise human rights framing and instruments in their work. Such apathy and ambivalence were at times a general political apathy related to a broad distrust of government institutions and leaders, or a lack of faith specifically in an HRI's hypothetical ability to ever be granted the authority by the state that would be needed to support human rights claims and substantively defend rights holders against abuses. This issue may also potentially be related to the issue of narrow institutional mandates. If participants did not find that an HRI was sufficiently empowered to address a very serious human rights abuse because it is outside the scope of their given mandate, a participant may not have been inclined to learn about that institution, nor would they have been likely to find the way in which the government chooses to utilize human rights frames (adopted through state co-optation) particularly relevant. Those

comments indicate that this may in turn increase overall levels of apathy and result in a marked

lack of engagement in government institutions, specifically local human rights institutions.

These responses therefore suggested the presence of an effect that may be cyclical and

self-sustaining. The expressed pessimism, apathy, ambivalence, and deep mistrust of

institutions of the state, the entity that is seen as the primary violator of rights, may in turn lead

to a lack of political pressure that would otherwise be needed to be directed at certain elites in

order to encourage them to adequately support and grant authority these local human rights

institutions. As noted above, despite this apathy, no respondents stated that they or their

constituencies were opposed to local HRIs or their establishment. In fact, some of these

participants had prior experience in grassroots advocacy pushing local leaders towards the

creation of local HRIs and those participants reported that their own past efforts were met with

widespread public favour for the idea of their establishment. However, the apathy and mistrust

emerged even among these advocates for local HRIs, and appeared to be rooted in a sense that

the political establishment was committed to thwarting such institutions and that such

institutions were therefore not subsequently able to support those rights holders within the

community who were among the most marginalised and thus most in need of strong

institutional protections. Therefore, participants felt that HRIs that were created or authorised

by local/subnational government leaders began to reflect a performative action undertaken by

such leaders and a mechanism by which they could then co-opt human rights framing to relieve

public pressure and demonstrate that they were adequately concerned with protecting rights.

Yet once they were actually created under the law, the subsequent decisions leaders would

need to take in order to ensure for their proper functioning (the granting of authorities, funding

decisions, staffing, etc) were not taken once the public was no longer applying pressure or paying sufficient attention. As a result, these institutions often end up lacking the substantive statutory and administrative authorities necessary to secure and protect the rights of rights holders, particularly segments of the study area's most marginalised and vulnerable populations. These institutions are therefore not seen as being sufficiently "for" certain marginalised people, because the state itself for structural reasons was not:

> "It's (the local HRI) not really, for Black people. It's not really, for Black Trans people. It's not really for Black and Brown Queer communities. It's not for undocumented communities. It's not for us, it's just for compliance purposes. And also, it really feels like a lot of times…you have directives from state government, from your local government, and all of those decisions are impacted by money. So, what they're willing to do for us is based on what they're getting from it.

> -Participant 3

In my research design, I decided to code staffing and resources separately, and only when mentioned by participants, since staffing and resources are specifically outlined in the Paris Principles as being separate interventions. Although inadequate staffing and resources were only specifically mentioned by three participants, the larger issues raised in interviews regarding a lack of political support and backing from governmental leaders often included within the participant's response, the statement that the lack of such elite support resulted in inadequate levels of funding and resources, since such resources would logically come from governmental sources.

Potentially related to the issue of staffing and resources was the previously mentioned response that cited apathy and ambivalence in regard to the local human rights institution on the part of the public. Some participants posited that, like the aforementioned self-perpetuating cycle that leads to the local HRIs being granted sufficient powers and authorities, this apathy and ambivalence also may have resulted in a climate where a lack of political will on the part of government leaders led to inadequate levels of taxpayer funding, staffing, and resources being allocated to HRIs once they are created. Participants expressed support for the allocation of taxpayer funds towards these institutions and for them to be adequately staffed and resourced. In a perfect world, even those participants who had also spoken about how human rights framing can sometimes be co-opted by elites at the expense of marginalised human rights claimants expressed support for such an allocation of funds. One participant who had in the prior section expressed trepidation about the way in which human rights framing can be co-opted by the state also attempted to work alongside a local HRI in a city within the study area. This participant felt that the lack of funding and resources allocated to the local human rights institution was a deeply unfortunate circumstance that functioned to the great detriment of the public or the city's most marginalised rights holders:

"Nobody's focused on the Office of Human Rights and Equity. Nobody cares about that. But people fail to see the bigger picture. If you did have an office that was fully-staffed and fully-funded, things could come out of that. Proposed programming, proposed policies, pathways for families, a compliance process, all of that stuff could help to ease the burden of everything that we're feeling right now in our city by way of crime and discriminatory business practices."

-Participant 3

In previous sections, I presented how respondents expressed a widespread sense that certain rights were not adequately prioritised in U.S. society or in the U.S. rights discourse. This point was raised again in a broader sense when during our discussions, I explored questions related to local human rights institutions. When participants were asked why the study area lacked local HRIs sufficient to meet their needs or function according to international standards and practices, many participants cited once again that these entities operate within a prevailing U.S. cultural narrative surrounding rights wherein certain rights are not prioritised in the public ethos or discourse. Furthermore, many participants expressed a high degree of pessimism regarding the potential future effectiveness of any local human rights institution in the country, regardless of its actual statutory powers and authorities, if the United States itself continued to lack either a human rights culture or a sufficient public sentiment necessary to support and sustain local human rights institutions. This is particularly challenging if such institutions made difficult and unpopular decisions, or when they moved to protect and support entitlements that are not widely understood as even being rights in U.S. culture.

Since local human rights institutions would have to be legally established and function in the socio-political sphere, many participants expressed a sense that some rights would be difficult to protect if the larger public does not broadly acknowledge or support them. One participant's comments regarding the establishment a minimum legal standard regarding the protection of certain economic, social, or cultural rights spoke to this point. This participant, an attorney who has worked in both national and international human rights spheres, expressed an explicit scepticism about creating any such a minimum standard under the law without

establishing a firm base of public support for the entitlements that such standards guarantee as being human rights. In their comments, this participant expressed that they felt that local HRIs served a valuable role in moving the public towards supporting and prioritising such rights in society and that local HRIs with a broader mandate that incorporates and acknowledges various categories of rights could serve a valuable role in facilitating this process. This view supported building and supporting the proactive function of the local HRI's functionality as outlined in international standards and best practices. This was necessary, according to this respondent, because barring a firm base of public support for such rights, establishing any minimum legal standard might be "next to impossible" to sustain over time in jurisprudence. This is because the participant believed that ultimately, jurisprudence arises from public opinion. All these factors are critical elements of that discursive element of constructive human rights. According to the respondent:

> "I don't know that it makes sense to try to build a legal system out before you have a political system and a culture that wants to prioritise those rights...What's the point of trying to adjudicate claims when the government systems aren't there to say, yes, we agree this is a priority?"
>
> -Participant 4

The responses above noted that some participants also cited the inappropriate influence that corporations had on HRIs and that those corporations' priorities had on the political elites that are tasked with empowering local HRIs with the authorities necessary to perform their functions. This is an issue I discussed in the section on possible reasons for rights denial and could even be addressed by the aforementioned responses to this same question as

they related to systemic and hegemonic structures. Another participant cited a lack of

engagement in international treaties as being an issue that constrained local HRIs. In that

specific context, the issue was raised by the participant quite specifically in reference to the

United States' refusal to ratify the ICESCR and how this relates to US society's general lack of

recognition for certain categories of rights. Therefore, while both of these responses were

coded separately, they are contextualised and understood alongside the other themes that

emerged as discussed through the interview process.

Most critically, there was the sense that participants who used human rights framing

and practices in their work did so because they felt they had exhausted all possibilities within

the existing and prevailing structures and had to challenge the hegemonies themselves if they

were to make progress on addressing their claims. Therefore, while the use of human rights

framing and practices was indeed widespread in the study area, it was widespread among

marginalised groups that perceived themselves as operating outside of existing hegemonic

structures. Therefore, these participants had to utilise human rights frames as a tool to assert

their claims, display solidarity with one another, and most importantly, participate and

influence the larger discursive sociological process surrounding human rights.

Overall, participants felt that the lack of strength and authority of local HRIs was due to

a lack of political action and political will. This was related inadequate levels of public support

for certain rights claims and marginalised rights holders who are deemed unworthy by the

public, as well as a history of systemic racism and prevailing white hegemony, and a desire for

political leaders to maintain their existing political power structures. Public distrust of

institutions also played a role. Many participants who had also been grassroots organisers using

human rights frames had expressed ambivalence and scepticism around a contention that local human rights institutions could, under the existing hegemonic structures in place, effectively perform their proactive and reactive functions. These respondents then reflected a deep distrust of government, the state, and institutions that emerge from it. In these cases, the scepticism towards institutions was strong as participants also expressed that local HRIs could still play a role, particularly in challenging hegemonic structures and more immediately redressing some of the serious human rights violations committed by the state as described in Chapter 6. Many participants also felt that U.S. culture itself needed to change for there to be an adequate sociolegal ecosystem sufficient to support such institutions in the long-term, in a manner that would ensure their effectiveness. Some felt that HRIs had a role in elevating discourse and positively affecting public opinion in a way that advanced existing claims and expanded public support for broader categories of rights. This political interference and cross-cutting systemic racism further alienated the public from government institutions, including HRIs. This in turn created a level of apathy or ambivalence on the part of a populace that already does not feel that HRIs in the study area have been particularly relevant or truly equipped to respond to the pressing needs and claims of rights holders, and this in turn created an environment where there was minimal political pressure on government leaders to further empower such institutions. As such, they became further deprioritised and under-resourced.

8.3: Prescriptive measures proposed by participants:

This section discussed what features participants believed would ideally need to be incorporated into the structure of a local human rights institution for it to perform its

respective functions within the study area. Such functions were broadly defined for the

purposes of our interviews as a local human rights institution having the institutional capacity

to further the human rights claims being asserted by the respondent and/or protect a rights

holder against the types of abuses alleged during our interview. Specific standards or best

practices for local or national human rights institutions were not enumerated, outlined, or

explained to respondents by the interviewer. No interviewee brought up the Paris Principles or

other international standards by name during any discussion pertaining to local human rights

institutions. The researcher made the decision not to specifically outline the specific standards

that I used to assess the performance of the local HRIs within the study area or in any other

respect during these course of the interviews. This was done so that participants could

generate their own policy recommendations relative to how local HRIs would ideally be

structured if they are to function in a manner that could support the various human rights

claims being presented by participants in their advocacy and legal work.

As mentioned in prior sections, and in order to ensure a certain amount of integrity in

these findings, it was neither assumed nor taken for granted that the Paris Principles as a set of

standards actually reflected the discrete values or preferences of participants, nor was it

assumed that if local human rights institutions operated according to any such standards that

doing so would enable them to address their claims or redress their abuses. This is important to

state because insofar as participants surprisingly expressed certain preferences or suggestions

for local HRIs which reflected some or all the ideals proposed in the Paris Principles, those were

specific recommendations that reflected the views of respondents. If respondents drew their

own recommendations from a prior knowledge of the Paris Principles, they did not indicate as

much. To the contrary, the fact that respondents did not specifically reference these standards or use language that directly and explicitly mirrored the language of the standards, indicates that they likely generated these recommendations on their own, and that these recommendations reflected some of the key components of these standards and best practices, without themselves having prior knowledge of such standards.

These responses were solicited in the final portion of the interview. At this time, participants were asked to envision what they saw as essential to the effective functioning of an HRI in the study area and name certain features that such effective functioning would require, without regard whether they thought their answers were politically or practically feasible. This portion of the discussion, similar to all of the previous responses during the course of these interviews, was done in the context of a semi-structured interview. As such, participants could have given as much or as little consideration to this topic as they wished. Since I did not specifically suggest particular policy prescriptions or interventions, and since it was not taken for granted that the international standards and practices adopted under the Paris Principles would necessarily reflect participant responses, it was quite interesting to find that relative to this particular question, many of the features and interventions suggested by participants did in fact reflect each the general elements outlined in the Paris Principles. Although respondents did not appear to have prior knowledge of the Paris Principles, we see from the table below that all of the general principles outlined in those standards (as outlined in greater detail in Chapter 4) were independently mentioned at least one time by a participant. We also see in these responses below where respondents cited these following preferences or interventions as being necessary for the effective functioning of a local or subnational HRI:

Fig. 12

In order to function well, HRIs should have:

Response	No. of Participants
Broad mandates	7
Political independence	6
Ability to hold government accountable	6
Ability to advocate directly to political leaders	5
Ability to make government accessible	4
Adequate resources	4
Political backing from elites	4
Ability to issue independent reports on human rights issues	4
Convening role in community	4
Ability to change underlying structures	3
Community involvement	2
International engagement	1
Community-driven priorities	1
Ability to provide education and training	1
Intersectional approach	1
Ability to shift public opinion	1

Overall, these responses should not be too surprising, as they came from a group of respondents who held a view of the state as being the biggest violator of their rights and obstacle to their expansion. After all, these were the same respondents who claimed a right to access government institutions and processes as a key entitlement. These responses indicate that interviewees were seeking policy interventions that sought to constrain the state's ability to interfere with the work of the local HRI, whether politically, financially, or structurally. Moreover, respondents appeared to want to embed a structure that requires engagement of rights holders at a stakeholder level by the local HRI.

These were all structural recommendations that in some way or another required the state to cede some degree of authority to the local human rights institution. As mentioned in the prior sections, many participants expressed a sense that broader categories of rights (in addition to political and legal rights) received inadequate consideration by U.S. institutions, even as political and legal rights abuses remained a widespread problem, and among the most frequently reported abuses cited during the course of this research. Although insufficiently broad mandates were not specifically named as a key reason for the inadequate functioning of HRIs in the study area (discussed in the section above), they were cited as essential to the functioning of a successful HRI. In addition, participants widely expressed the view that political independence of HRIs was of great importance:

> "I think the Human Rights Commission also has to be perceived as independent in a way
> not beholden to the Mayor's office or influenced by the Mayor's office, because we are
> supposed to be the one influencing the Mayor, not the way the other the other way
> around. And I think that we experience some tension historically, between the goals and

the reputations of the people who are on the Human Rights Commission and the official

position of the administration."

-Participant 12

Related to this level of political independence was the ability for a local HRI to be

granted the power and authority necessary to issue independent findings and reports. This was

coded separately as it was mentioned more than once and did reflect a specific and very key

provision of the Paris Principles. In these cases, participants expressed an understanding that a

local human rights institution may need to share information with the public that does not

portray political elites in a flattering light. It was important to these respondents that the local

HRI have the power to do so and not suffer from negative repercussions as a result.

Interview participants who had prior or current experience operating within

government institutions were slightly more likely to strongly express the view that political

independence was important for the local human rights institution to be able to perform its

functions. These respondents offered varying solutions, and often offered varied creative

recommendations, structural reforms, or prescriptive remedies. One participant proposed

decentralising specific rights-related tasks by their relevant issue and embedding those

separate advocacy roles as offices within the civil service itself. These offices would enjoy a

certain level of legal independence from elected political leaders who may otherwise attempt

to interfere. In this scenario, there would be an office that is charged with specifically

protecting different marginalised communities (people with Disabilities, the LGBTQ+

population, indigenous residents, etc) or charged with the protection of certain rights (i.e.

housing). This would be altogether different from a centralised HRI. Even still this participant

felt that having a larger umbrella office that could coordinate these various decentralised functions could be of value. Others felt that it was important to have a central human rights office that could coordinate various human rights-related initiatives, even while acknowledging that this would attract negative political attention to the agency. Two participants proposed taking HRIs out of government offices entirely and re-establishing them as non-profit organisations given certain statutory authority by the government. An existing model using this structure would be the protection and advocacy system for people with disabilities currently operating in the United States. In this model, Congress authorised a non-profit legal services organisation in each state that has certain additional authorities (such as the ability to inspect the conditions of certain institutions, or access certain privileged data from their state government). One of the two participants cited a specific example of the indigenous affairs policy and advocacy office in a neighbouring state. In this state, the Department of Indian Affairs separated from the state government and Executive Office of the Governor and became a non-profit with certain powers and authorities granted to it under state law. Regardless of the specific and varied interventions proposed by participants, a unifying feature was that most participants reported that the ability for an HRI to act as an independent ombudsman was of critical importance, while widely acknowledging that this could potentially affect their staffing, resources, and independence. Therefore, participants expressed that certain measures had to be taken in order to protect local HRIs from such interference. For example, one participant proposed funding an HRI through philanthropy, while also acknowledging that this might create other unforeseen and perhaps undesirable results where philanthropic sources could determine the agency's priorities.

Since participant recommendations often showed the desire for the local HRI to act in the role of an independent ombudsman, I briefly examined international standards created for the ombudsman role itself. This was done in order to consider whether such standards could compliment, augment, or even potentially replace the Paris Principles as a potential framework for shaping local HRIs. The Principles on the Protection and Promotion of the Ombudsman Institution, also known as the Venice Principles were recently adopted in 2019 by the Council of Europe and are the clearest standards for ombudsman institutions. Like the Paris Principles, these standards were developed in order to be adopted on a national (rather than local) level. Glusac (2021) provides a critical analysis of the Venice Principles that provided great insight into this part of my interpretation of the data. This author notes that not all ombudsman institutions are human rights institutions, but that there are many ombudsman institutions with specific human rights mandates. In fact, the Venice Principles themselves suggest that the Council of Europe endorsed the idea of ombudsman as NHRIs (2021: 24-25).

The author concluded that for NHRIs specifically set up as ombudsman institutions, the Venice Principles represent a more comprehensive set of standards than the Paris Principles (2021: 51). Based on the data gathered from participants I found that the Venice Principles do indeed have the potential to provide some guidance related to the development of the types of local HRIs that respondents are calling for. I do not however find that they would be adequate to address all of the concerns raised by participants during their interviews. They do not, as the Paris Principles do, address the need for the local HRI to operative in a pluralistic manner and engage in cooperative work with the community. This was important to participants. The Venice Principles also do not address the need for HRIs to engage internationally. Yet rather

than looking to them as a replacement for the Paris Principles, the Venice Principles could be engaged as a roadmap by which institutions could implement some of the broader ideals outlined in the Paris Principles in a more concrete and meaningful manner. They provide some very specific prescriptions for concretely securing some of these broader ideals. The most obvious of those standards is that of political independence. Out of the 25 standards outlined in the Venice Principles, at least 16 of them provide specific recommendations relative to securing political independence for an ombudsman institution. As we see from these responses, political independence was of the utmost importance to participants. The Venice Principles also provide potential insights into securing adequate staffing and resources. The Venice Principles also call for ombudsman institutions to take a proactive policy role by granting them the power to introduce recommendations to relevant bodies or institutions, including even making recommendations relative to the adoption or amendment or legislation. Therefore, rather than addressing all of the discrete issues raised by participants (in a way that the Paris Principles appear to do), the Venice Principles could serve an important role in providing specific ways in which some of these important priorities, especially those related to the issue of political independence, might be concretely achieved.

Additionally, participants also expressed awareness of certain limitations that would befall a local human rights office that only acted in the role of an ombudsman. An ombudsman role is an innately adversarial one that reacts to past wrongs that have already occurred, thus pertaining to the local HRI's reactive role as we discussed in the aforementioned sections. To perform its proactive function, a local HRI may have to be structured in a manner where it has a certain degree of proximity and influence in the political process, which of course may run

counter to the need to preserve its independence. The ability to propose legislation would only

represent one dimension of that proactive policy role. Some participants noted that having a

human rights office deeply embedded in the innately political governmental agencies,

particularly that of an executive, does have the benefit of being potentially influential, provided

the relevant leadership is committed to human rights standards and practices and to the

mission and goals of the agency. In the state of Louisiana, the Office of Indian Affairs, or the

Governor's Office of Disability Affairs both exist under the authority of the Executive (in this

example the governor). Both offices can be influential when they are under a governor that is

particularly committed to their goals. For a local human rights institution, influence over an

Executive or Legislative branch could be particularly advantageous for facilitating the expansion

of certain rights. Such an office could also work to change the underlying structures of the very

government it is embedded in. Examples of this are some of the racial equity programs

currently being established in municipal offices throughout the country. These offices take a

data-driven approach to proposing interventions that work to correct structural inequities and

address and even change systems that perpetuate racial disparities. Since rights are expanded

through a sociolegal process, some participants felt that for the local HRI to only serve in an

ombudsman role would limit it to performing a reactive function in the long-term.

Of course, participants also expressed, through their own lived experience, that a local

HRI that is deeply embedded in an elected executive's administration would only be able to

enact the priorities of that particular executive. As such, the risk would be that a local human

rights institution established in this manner would thus be easily co-opted for political

purposes. One participant proposed having the local human rights institution function as an

office of the legislative branch instead of the executive (either a state legislature or a city council). In this way, the local HRI would be less subject to the political whims of an individual executive. Regardless of how the local HRI is structured, these responses thus show an awareness of an existing tension between the local HRI's proactive and reactive functions, i.e. its need to serve as an independent ombudsman and its role as an advocate. Some participants noted that advocates may be effective and influential in furthering rights claims if they have access to government leaders, and such access comes from being an instrument of the government itself. Furthermore, an advocacy role could expand public and political support for broader categories of rights. Related to the question of advocacy, some participants proposed that by simply elevating HRIs within government, one could see positive results. Some participants expressed this access as the ability to advocate directly to political leaders. An indigenous advocate cited an example of standard and practice by another indigenous affairs office in another nearby state:

> "Some of the states have actually done a lot better. One of them in particular was in New Mexico, because they didn't have just an Office of Indian Affairs appointed by the government, they actually have a secretary position, which is really high."
>
> -Participant 1

Yet as noted, having that level of access can affect independence. At the same time, ombudsman can name and shame abuses and bring accountability to specific actors who would otherwise be able to operate within government with relative impunity. This adversarial relationship with political leaders can limit access and the ability of that institution to advocate.

Considering this tension, which is innately present in the ideal qualities of an HRI as cited by participants but also in the Paris Principles themselves if they were to be adopted in practice, participants often discussed, debated, and brainstormed different ways that an HRI could be structured to serve both advocacy and ombudsman roles. Both roles are intrinsic features of an ideally structured local HRI but in practice may be difficult to reconcile in a socio-political and even legal context.

Accountability was extremely important to participants, in particular the ability for an HRI to operate in a sufficiently independent (ombudsman) role where they could hold government actors accountable for human rights violations. This was particularly important for those participants who had previously cited political and legal human rights abuses by the state such as police violence and brutality. Yet, as mentioned above, this issue of accountability was also cited as a generally important feature across respondents. Perhaps this is not a surprise in light of the fact that participants cited the government as a major violator of human rights. Related to this some participants also called for an HRI that, as part of its mandate, would make government processes more accessible by helping rights-holders navigate certain government processes ranging from accessing benefits to obtaining legal counsel. I coded those responses separately.

Some participants expressed the view that the establishment of a National Human Rights Institution (NHRI) in the United States could lead to the better functioning of local HRIs in the study region. One participant also noted that an NHRI could potentially serve as a funding body to local HRIs. This has been reflected in recent scholarship. Davis (2024) calls for the United States to create an NHRI, stating that its absence is a challenge for both domestic

advocates and the international system (2024: 147). A 2010 report by Columbia University Law

School's Human Rights Institute entitled, "A Road to Rights: Establishing a Domestic Human

Rights Institution in the United States" specifically points to the lack of a National Human Rights

Institution (NHRI) as a significant barrier to the promotion and protection of human rights

within the United States. With the passage of the Civil Rights Act of 1957, the United States

Commission on Civil Rights was established to monitor compliance with this federal law. Yet the

Columbia report notes that its mandate is greatly limited to in its exclusive focus on civil rights

violations via unlawful discrimination.[31] In addition, its investigatory powers have also been

greatly limited, it is chronically underfunded and understaffed, and the body lacks political

independence (2010: 5-6). The United States Commission on Civil Rights is not accredited as an

NHRI by the Global Alliance of Human Rights Institutions (GAHRI).

The report contends that an NHRI, established in accordance with best practices, would

have a broad mandate focused on ensuring compliance with human rights standards. It would

be empowered to monitor the implementation of human rights laws, be given robust

investigatory powers, conduct hearings, educate, and raise awareness of human rights, produce

policy recommendations and interface with international human rights bodies (Ibid: 20-34).

These powers and authorities are also outlined in the Paris Principles that we have been

referencing during this work. Such principles specifically call on all UN member states to create

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[31] The term "unlawful discrimination" pertains to acts of discrimination that are expressly forbidden by law. Those who are protected from discrimination under US law are referred to as "protected classes" and are often listed alongside specific arenas where such discrimination is forbidden (e.g. housing, public accommodations, or employment). This distinction highlights the limitations of an overly legalistic approach to human rights, whereby an act of discrimination against those who are not members of a specific protected class within a specific arena may still be legally permitted. Lists of protected classes will also vary by state or municipality. Please see the discussion in Chapter 3.6.2

NHRIs according to the specific standards contained within these principles. The Columbia report further states that the creation of a NHRI according to such standards (or the transformation of the current US Commission on Civil Rights into an accredited national human rights body) could also provide support to local human rights institutions and assist with the local application of international human rights standards (Ibid: 35-37). Therefore, in addition to the specific standards and practices I mentioned in Chapter 4, the Paris Principles also call for the establishment of the NHRI, which could in turn offer support to a local HRI.

Some participants, particularly those with a legal background, felt that the creation of a national NHRI could help with the expansion of rights, even on the local level. This view is reflected in some of the academic discourse. Gomez (1995) for example discusses the role that National Human Rights Institutions (NHRIs) could potentially play in securing economic and social rights for residents. While ombudspersons have traditionally served to manage human rights violations by public officials (although their roles have broadened over the years), the complaint-driven model often utilised by ombudsman is limited to existing laws. It is therefore reactive and thus innately focused mostly on the provision of negative rights (157). NHRIs (also referred to as nationwide Human Rights Commissions) can hear complaints, and may also broaden their missions to include education, research, monitoring, documentation, advisory work, and conflict resolution, and securing other categories of human rights. These commissions need flexibility, autonomy, and independence in order to perform their duties properly (Ibid: 158). While few countries have national institutions that monitor compliance with economic, social, and cultural rights, such a commission could work to expand the provision of economic and social rights in the following manner (Ibid: 162-163): 1) Lead

community discussions that define socioeconomic rights, 2) Explore the potential use of indicators, 3) Analyse human rights postulates and criteria, 4) Submit public-facing reports, 5) Scrutinise and critique public policy, 6) Compile human rights impact statements that frame socioeconomic rights, and 7) Work closely with civil society and human rights claimants.

As I previously mentioned, and more broadly related to staffing and funding, many respondents felt that adequate staffing and funding/resources could only be secured through ensuring a local HRI's political independence. In fact, participants largely believed that a failure to do so would always inevitably lead to the local HRI being underfunded, due to the innately adversarial nature of their work. One interview respondent put it in these precise terms:

"When you're separate from the city budget…the power of the purse doesn't come into play. And if you're making people too uncomfortable… your work is too deep, or it's impacting, you know, the powers that be, then you find yourself on an island, you know, with little to no funding or access to resources."

-Participant 3

Prior responses seem to indicate that the work of a local human rights institution would always at some point necessitate that the institution attract the ire of political elites. In fact, these respondents seemed to suggest that a failure to do so might even indicate that a local human rights institution had been co-opted as part of the existing hegemonic structures and thus unworthy of trust. Therefore, layers of protection are needed, whether it be the protection of a larger NHRI structure, embedding the local HRI in the civil service, or structuring it as a non-profit entity.

Finally, some respondents felt that the local HRI's role in the community should be emphasised and supported, and that such institutions should serve a convening role, bringing together various rights holders in the area under their authority. Some participants expressed the view that HRIs should more broadly engage the community, engaging in education and training activities, international engagement, the ability to shift public opinion and ultimately affect the underlying structures that were cited as causing the denial of rights. This speaks to the local HRI's role as facilitating the more discursive elements of human rights practice. If human rights are indeed a sociological discourse, it is not surprising that respondents felt this represented an important component of the workflow of a local human rights institution.

8.4: Concluding Analysis:

As we can see, interview participants cited most of the standards of practice identified by the Paris Principles at least once. These standards, as they were presented in Chapter 4, provided us some additional insight into those that were particularly important to participants. Pertaining to the principles calling for a ***Broad Mandate[32],*** we see in Figure 12 that the most frequent response was directly related to a key standard of practice that was listed under the Paris Principles. Respondents expressed a preference for a local human rights institutions that possessed broader mandates that would enable them to protect and promote more expansive categories of rights than are currently protected in the prevailing legal system. Those rights include broad economic and environmental rights as well as the ability to secure protection

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[32] Is the institution able to protect and promote all categories of rights?

from and within the state. Although respondents did not specifically cite a specific principle

calling for an office that performs **Broad Functions**[33] the breadth and scope of the responses

themselves indicate a strong preference for local human rights institutions that are able to

perform both proactive and reactive functions within government institutions and the

community. The second most common response from participants pertained to the principles

calling for **Independence from Government**[34] and when examine other responses, participants

were particularly focused on making government reforms. This is not surprising in light of prior

participant responses reviewed in Chapter 6, specifically ones that claim a right to access

government institutions and processes and cite the state as the biggest abuser of their rights.

Participants proposed various ways in which an HRI could be shielded from political

interference. Those different proposals varied greatly, often based on the respondents' prior

lived experience related to government. Those who had prior experience working within

government institutions were more likely to propose various ways in which a local human rights

institution could be structured in a way that granted them protection from political

interference. While the specific proposals could vary they all sought to create protections for

HRIs, their staffing, funding, and authorities, that would allow them to function even when

these institutions run afoul of certain political leaders and their priorities, thus I also saw

support for the principle of **Adequate Staffing and Resources** (briefly discussed in greater detail

below). In addition, a tension emerged in these responses, between the HRI's function as an

ombudsman and an advocate. As an ombudsman, participants felt that the HRI must be able to

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[33] Does institution provide advice, reporting and monitoring, handling of complaints and human rights education, and other related responsibilities?

[34] Is the institution protected either in legislation or the Constitution from political interference?

bring accountability and justice to rights holders who undergo human rights abuses, particularly

abuses wrought by the very same state that ultimately is tasked with authorising and funding

these institutions. On the other end of this spectrum is the HRI's role as an advocate that

should be able to informs and advance human rights policies within political spaces, as well as

engage the public and ultimately serve a role in expanding what categories of rights are

recognised as part of the wider rights discourse and the macro-polity (see also the response

calling for an institution that can shift public opinion). I saw this tension emerge (see Figure 12)

and it is reflected in the types of responses interviewees provided related to the government. In

addition to political independence, participants call for institutions that have access to political

elites (6 responses), and enjoy support and backing from political elites (4 responses). I briefly

examined the Venice Principles for ombudsman institutions as they related to participant

responses and concluded that they could provide a useful "roadmap" towards concrete

implementation of some of the broader priorities reflected in the Paris Principles that

participants cited, particularly those pertaining to political independence.

Participants also provided responses that could be related to the principles of

Pluralism[35] and **Cooperative Work**.[36] Figure 12 shows a preference for local human rights

institutions that convene stakeholders in the community (4 responses), seek community

involvement (2 responses), reflect community-driven priorities (1), ability to shift public opinion

(1 response), and ability to take an intersectional approach (1 response) and ability to engage in

education and training activities (1 response). Participant responses also reflected support for

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[35] Do these institutions have representation from diverse sectors of civil society?
[36] Does this institution collaborate with State institutions, NGOs, non-profits, and civil society?

institutions with ***Adequate Powers[37]***. I found that participants specifically called for institutions

that could hold the government accountable (6 responses), and are able to issue independent

reports (4 responses). This set of responses could also relate to the desire for independence

from the government and the ability to perform broad functions as well as an overall desire for

institutions that would have the ability to guarantee access to the government (4 responses) as

well as an ability to change underlying structures (3 responses). The question of ***Adequate***

Resources[38] was almost always addressed by many of the interviewees in the course of broader

discussions pertaining to political independence, and respondents saw the two as being

intimately related. So closely related, in fact, that at times it was difficult to code the two

responses separately. Yet as was discussed in the prior sections, the narrative of the interviews

quoted demonstrate a sense among participants that a lack of political independence leads to a

lack of funding. As such, participants stressed the need for political independence as an

essential condition in order to secure adequate resources. In order to best represent this sense,

I chose not to be too stringent about coding these same responses separately in order to

present the interconnected relationship between the two responses as that best reflected the

sentiments as they were conveyed during the course of our interviews. Having established that,

we can see from the prior section's analysis of the interview text that respondents did in fact

call for adequate staffing and resources and that principle was reflected in their responses,

even if it was deeply and almost intrinsically connected with the principle of independence

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[37] Can institutions initiate inquiries and investigations, gather the evidence and documents they need, consult with NGOs and State institutions and publicise their reports, findings and recommendations?
[38] Do these institutions have adequate funding, staffing, infrastructure, and institutional capacity?

from government. The principle of ***International Engagement***[39] was the one distinct principle

or standard that received specific support from only one participant. This was itself an

interesting finding considering the fact that many of these participants were themselves

engaging in international human rights processes and systems such as the CERD committee, the

UPR process, and tribunals. This itself could be an interesting area of further inquiry.

As we can see from these responses, using the Paris Principles to assess local human

rights institutions and design such institutions around these principles might address many of

the preferences as they were expressed by participants during their interviews. I certainly saw

each of the underlying components of the Paris Principles reflected by interviewees during their

interviews. In taking a grounded theory approach, I specifically sought not to inject the Paris

Principles into the responses themselves. Future research into this topic could ask respondents

to rank which of the specific standards they find most critical and why or to reflect more

broadly on the Paris Principles themselves.

At the same time, an important tension emerged between a desire for political

independence and a desire for political influence. These coincided with a local human rights

institution's ability to perform both proactive and reactive functions as well as their advocacy

and ombudsman functions. Participants wanted a local human rights institution that did both,

and as we've discussed, many even provided their specific recommendations as to how such an

institution could be structured. Emerging from these responses I saw what I believe to be a key

finding, that the Paris Principles themselves and the standards and practices that they are

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[39] Are these institutions able to interface with national, international, and regional human rights bodies and instruments?

attempting to enact, could address many of the concerns that participants expressed as well as speak to the structural and prescriptive elements proposed by participants who envisioned a local human rights institution that is equipped to further their specific human rights claims and address the abuses they have reported. The inability of the local human right institution to address these concerns in the present day were in turn tied to many of the reasons cited in the literature on US exceptionalism in domestic human rights practice, suggesting that the reasons cited in the research for this type of exceptionalism may also be connected to the underlying systems that constrain local human rights institutions from performing their functions and duties and lead to the denial of important rights. In addition to the reasons cited for rights denial and the limitations on local human rights institutions (themselves related to the reasons given for US human rights exceptionalism which worsen the country's domestic human rights situation), participants expressed that a system of white hegemony was a key cross-cutting factor. In response, and as a way of remedying the systemic constraints on these institutions and on human rights as a whole, participants expressed preference for interventions that reflected the spirit of many of the standards and practices outlined in the Paris Principles with a specific emphasis on securing political independence and political influence, which was not surprising since the political and sociolegal systems themselves were often described by participants as being structured and informed by long-existing hegemonies. Therefore, respondents appeared to be calling for institutions that would challenge those hegemonic structures. It could be said that the Paris Principles themselves offer a counterhegemonic approach. This, and possible reasons for this, will be discussed in greater detail in the concluding section.

Chapter Nine: Concluding Analysis

9.1: Human rights frames and practices:

Human rights advocates in the study area reported that they used human rights frames strategically. In certain spaces where they felt that utilising the moral dimension that underpins much human rights framing would further their policy objectives, they used human rights language. At the same time, I have cited specific examples in the prior chapters where participants would refrain from using human rights frames in certain spaces if they felt that doing so would defeat the purpose of their larger policy goals. For example, when participants felt that state-level political actors would respond negatively to human rights framing, they did not use it. Despite this, each participant was quick to state that they considered themselves a human rights advocate. As such, there was a personal dimension to human rights framing that informed the identity of participants as well as their advocacy word, imbuing it with the moral dimension that is often associated with human rights frames. As such, for many it was a strategic frame as well as a personal one. Yet in addition to this, human rights were also a practice. Participants were aware that human rights were often perceived as elite driven and these frames could be co-opted by elites, but could also be reclaimed by movement leaders to counteract these channelling affects.

9.1.1: Human rights frames as a tool of last resort:

Participants who were currently engaged in human rights framing often began their involvement in human rights framing due to a sense that they had exhausted all other options available to them and their community to address their claims and redress their abuses.

Participants felt that they had engaged both domestic law and those operating in the political

sphere within the study area and to no avail. Hurricane Katrina and the levee failures of 2005

were an example of when participants felt that the mechanisms of the state had failed them

and would continue to do so unless the very sociolegal dimensions of the conversation around

rights itself were challenged. Since the United States offered a more limited sphere of widely-

accepted entitlements, rights holders had to look outside of the country in order to provide a

framework and vocabulary by which they could secure the rights that they were claiming. In

instances such as this for many interviewees in the study area, there was a sense that their

governments, both local and national, were unresponsive and lacked the underlying necessary

legal structures or political will needed to protect and promote the rights of rights holders and

respond to very acute hardships that were being experienced in real time. Deep South

organisers working within the study area expressed that the failure of the state to act as a

protector of their rights, and indeed their role as a violator of their rights in the midst of this

serious hardship was what initially drove their decision to engage human rights processes and

other instruments such as the CERD committee, tribunals, the UPR process, or other processes.

9.1.2: Human rights frames as tools to name abuses and source of best practice:

Having done so, participants in the study area then reported becoming exposed to a

wider vocabulary around rights and often stated that this vocabulary allowed them to better

name the specific abuses they had undergone and rights that they were claiming. That was

often because these abuses and claims had not been recognised as being under the purview of

rights in their sociolegal reality. One clear example that I have discussed herein was an

increased exposure to framing surrounding economic and environmental rights (although these

were not the only categories rights that we have cited as being subject to this effect). I also

outlined instances where participants reported a sense of profound relief upon encountering

these frames and this vocabulary around rights which affirmed their status as rights holders. As

they were struggling with the adverse effects of environmental degradation, police violence,

displacement, or other extremely negative circumstances, interviewees reported that being

able to view and discuss these circumstances as specific human rights violations made human

rights appear less elite-focused and more relevant to their daily lives and those of their

community members, giving them an additional counterhegemonic organising tool. It also

provided them with an increased level of focus pertaining to those specific issues they wished

to address, allowing them framing by which they pursue their claims as rights holders.

Participants also looked to international conventions and treaties (notwithstanding whether the

United States had chosen to ratify them) as model frameworks and a source of best practice to

formulate their policy goals, organising steps, and efforts to influence domestic law.

9.1.3: Human rights frames as a tool of personal empowerment:

Related to this, the interview responses also conveyed a sense that that for many

respondents, human rights framing, whether applied not applied strategically, served more

than merely a strategic purpose. Human rights framed also personally empowered rights

holders to claim their rights and fight abuses. The moral dimension to human rights imbued

many of the respondents with a new way of looking at their own situation or the situation in

their communities and often provided them with motivation. The human rights frame was

therefore expanded outside of the realm of strategic advocacy efforts and expanded into one's

personal life and the lives on their community members, cementing solidarity and a sense of

identity (as a rights holder) for residents of the study area.

9.1.4: Human rights frames as a tool of solidarity for social movement leaders:

These rights holders began to increasingly move in spaces and forums where they were

exposed to human rights as both a framing and practice whereby they could describe their

abuses and claims and view best practices that provided concrete steps to address them that

they may not have been exposed to under the prevailing hegemonic social realities present in

the study area. They were also personally imbued with the moral dimension of their status as

rights holders which motivated them in their organising efforts and made human rights more

relevant to them and their community members while also exposing what they perceived of as

a certain level of hypocrisy as it pertained to the more elite-driven use of human rights frames.

These spaces and forums, often constructed as informational channels by which international

human rights instruments could gather information from rights holders, provided to organisers

with an important networking space whereby they could share information and exchange ideals

with other organisers across movements and in different countries and arenas of struggle.

9.1.5: Hegemonic and counterhegemonic frames:

By providing this type of forum whereby participants could share information and

practices across movements, interviewees began to see a gap between how human rights were

often co-opted by political elites in their international behaviour and could be reclaimed to

counteract these elite frames. Participants were thus challenging US human rights

exceptionalism in the country's larger geopolitical behaviour, such as in an example where

grassroots environmental rights advocates in Louisiana's Cancer Alley have been openly

challenging their own national government's efforts to weaken a proposed international Treaty

on Corporate Capture. Participants were also using the practices and legal frameworks provided

to them to contest hegemonic systems in the domestic space as well, as we saw from the

example of calls for increased sovereignty by indigenous rights advocates in Louisiana or the

framing of the Jackson, Mississippi water crisis as a pressing human rights issue where the

prevailing whiteness that was constructed by hegemony in the local sphere had to be

confronted in order to address the underlying issues.

9.2: Claims, abuses, and participant views on reasons for denial of rights:

9.2.1: Claiming the right to access government processes and institutions:

Participants want systems that allow them to contest hegemonic structures. By far, the

most consistently claimed right across participant responses was that of a right to access the

government's processes and institutions. Participants felt that the government was both the

primary violator of their rights and their ultimate guarantor. Participants also understood the

government to be but a reflection of the prevailing social and political realities of a given

moment and that these priorities could shift over time both to the benefit and detriment of

rights holders. Participants wanted to control for such shifts by institutionalising processes

whereby they could access government institutions, inform policy, and seek accountability from

government officials who violated their rights. Participants wanted transparency from

government and a demystification of their processes and saw this as a fundamental way in which they may secure other rights claims across various arenas. When reporting on claims made by participants during the course of this research, I encountered entitlements that both were and were not widely recognised as rights under the sociolegal frameworks of the study area. Participants responses also reflected a sense that the framework developed by scholars and legal institutions that most speak of specific categories of rights may itself be limited by the fact that categories of rights intersect.

9.2.2: Abuses of political and legal rights and police violence:

Perhaps surprisingly to those familiar with the prevailing scholarship on US human rights exceptionalism in its domestic practice was the fact that participants widely claimed and reported abuses that related to those rights that could be characterised as "political and legal" in nature. Most frequently this was tied specifically to the issue of police violence, which is a part of the national conversation that has indeed received much national and international attention. In addition to this, mass incarceration and the state's permissive attitude towards corporate and neoliberal excesses were also mentioned as well as unlawful discrimination and institutionalised prejudice. The abuse allegations, some of which were quite serious in nature, often related to due process, access to justice, lack of adequate civil protections, and impunity on the part of actors who were functioning on behalf of the state. In the realm of political and legal rights, the state again emerged as the primary violator of those rights and obstacle to advancing further protections for rights holders acting as claimants.

9.2.3: Additional categories of rights insufficiently recognised:

In addition to the reported claims and abuses pertaining to the abovementioned categories of rights, were also claims and violations related to other categories of rights that the current academic discourse on US human rights exceptionalism readily cites as a feature of US exceptionalist behaviour. Therefore, respondents claim rights to and report abuses regarding the provision of economic rights such as housing, health care, the right to their livelihood, the right to receive (and current lack of) certain investments from their governments, and the right to be protected from corporate excesses as well as others. In addition, respondents spoke of their cultural rights, the rights to their own land and its fruits, indigenous sovereignty, the public (including natural) spaces, and many other social and cultural rights. Participants were also quite vocal about their claims and alleged violations of their environmental rights as they related to access to clean water or air or in the case of many coastal communities, the disappearance of their actual land. The narrative of the interviews does reflect the sense that participants understand that the sociolegal framework they are operating under within the study area and the nation as a whole inadequately recognise these additional entitlements as rights and participants contest this insufficient level of recognition in the local and national sphere. This does lend support to the scholarly consensus, that a key feature of US human rights exceptionalism is the insufficient recognition that other categories of rights enjoys under US law or even in its culture. Participants also saw these categories as intersecting and relating each to the other rather than discrete categories. This lends support to an idea that I frequently saw reflected in many international human rights standards, that a legal framework built around a human rights practice must be broadly conceived and mandated

to address various categories of rights, since they often intersect and are thus deeply

interrelated

9.2.4: Whiteness constructed by hegemony and denial of rights:

In many ways during these interviews, participants of various intersecting identities

expressed a view that rights were denied to them in the study area because of larger social

structures and hegemonic concepts that persisted throughout time. Participants saw the

government as a reflection of those larger hegemonic realities. Respondents expressed a view

that the underlying work of someone who is advocating in the human rights space was to

contest these concepts and realities. A failure to do so would not lead to long-term gains. Many

participants expressed frustration with how the public at-large often devalued the rights of

vulnerable rights holders and that this affected the ability of rights holders to secure

protections from the state. This appears to be why participants also sought reforms to the state

so earnestly. By far the most frequently mentioned and cross-cutting manifestation of this form

of hegemony was what has come to be called hegemonic whiteness: an idea of whiteness that

was constructed by hegemony through a series of social, legal, and historic events that

occurred in the past and continue to persist in the United States. This response was so

widespread across interviewees that this form of hegemony might indeed merit being added to

the list of characteristics of US human rights exceptionalism noted by scholars in describing US

human rights practice.

9.3: Local human rights institutions, exceptionalism, and hegemony:

9.3.1: Political interference and local HRIs:

When it comes to the core question of why local human rights institutions in the study area failed to operate both according to international standards and, more importantly, in a manner that is equipped to further the claims of rights holders and address their abuses, participants spoke a lot about there being various forms of political interference. Since a local human rights institution must operate under powers and authorities granted by the government, and since the state is the primary violator of human rights, the local human rights institution's duties, and authorities, when fully realised, would require constraining the government in some respect. Furthermore, it would involve contesting systems that have government support, whether those be economic, social, or cultural. Therefore, participants felt that the government on a local level would be loath to cede its authority to an institution that would constrain its ability to violate their rights. That included respondents who were doing human rights work within the confines of the government. Granting them broad mandates and functions as well as the statutory authority necessary to exercise those powers would also contest state authority in general. Since participants cite access to the government's institutions and processes as their primary claim and cite the government as the primary abuser of their rights (whether through permitting other actors to abuse their rights or abusing their rights directly) it is not surprising that participants held this view. Participants also were sceptical of the state in general and felt that local human rights institutions that were not

sufficiently disentangled from the state would fail to gain the trust of residents and rights holders, especially in marginalised communities.

9.3.2: US human rights exceptionalism, hegemonic whiteness, and US human rights exceptionalism:

Again, it is here that I also saw how the state emerged as an arena of struggle for all of the sociological conversations that surrounded the construction of rights in an area (in this instance in the Deep South). The political constraints emanated from that society itself that informed the institutions and body politic of the study area. Yet certain underlying realities informed that conversation. Therefore, I found in the other responses to this question exactly why participants felt that this political interference occurred. For these reasons, responses revealed what I also saw in participant's views on why their rights were constrained and denied. The reasons that participants cited reflected many of the same characteristics of US human rights exceptionalism. One notable exception was that most participants did not explicitly cite the US failure to engross international standards and practices into its domestic laws. This is perhaps not surprising in the hyperlocal context from which we drew our data. Otherwise, I saw many of these characteristics reflected again in the participant responses with the addition of white hegemony, which I concluded should be adopted in future scholarship on the topic as another characteristic of US human rights exceptionalism. In addition, it should be noted that the issue of hegemonic whiteness directly related to some of these characteristics, in particular with the issue of economic rights. In fact, the history of economic rights and the US failure to recognise these rights under its domestic practice was also deeply connected to the issues of

race and indigenous land claims in the country, to the point where it emerges as a key factor in

explaining that the US posture on economic rights both domestically and internationally. Much

of the literature on US human rights exceptionalism that discussed the US stance on economic

rights emphasises the role of the Cold War in its behaviour. This approach does not always

adequately address other factors. To examine these other factors, I contextualised by findings

with works from additional scholars who focused specifically on the US welfare state in order to

contextualise the interview responses.

A 2021 report by the United Nations Human Rights Council notes that the country still

faces significant human rights challenges domestically. These issues range are present in all

categories of human rights. For example, the legacy of slavery and systemic racism[40] still affects

the enjoyment of human rights in the everyday life of residents of the United States. These

issues continue to hinder the country's global rankings and notions of human rights

exceptionalism contribute to a misconception that the abolition of slavery and end of the

colonial era as well as additional legal measures taken by the US have removed the structures

built by those practices and were sufficient to address the contemporary manifestations of

discrimination, inequality, and subordination of people, and have thus created an equal society

(7).

In the US, people of African descent constitute 13.2% of the population and 23.8% of

those in poverty (Ibid: 9). Environmental degradation, housing insecurity, educational

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[40] Systemic (or structural) racism was defined in the 2021 report as, "the operation of a complex, interrelated system of laws, policies, practices, and attitudes in State institutions, the private sector, and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction, or preference on the basis of race, colour, descent, or national or ethnic origin." This report notes that this form of racism is rooted in the history and legacy of the transatlantic trade of human beings from the continent of Africa as well as colonialism.

disparities, and lack of access to healthcare continue bedevil the country as a whole (Ibid: 10-11). Yet in particular, people of African descent were three times more likely to contract Coronavirus and twice as likely to die from it. Moreover, people of African and indigenous descent as well as other minorities are subject to disenfranchisement and other infringements in their voting rights due to measures that affect these segments of the population disproportionately (Ibid: 11-13). In the US, people of African descent also comprise 26% of all arrests nationwide, and continue to be disproportionately subjected to arrest, imprisonment, execution, and the use of lethal force by law enforcement (Ibid: 29-30). People of African descent comprise 33% of the total prison population and yet represent 63% of all Americans who have been exonerated by DNA evidence after having been wrongly convicted of serious crimes (Ibid: 33). Transgender residents, particularly transgender people of colour, are subjected to extremely high murder rates as well as high rates of unreported violence, sexual assault, and sexual as well as physical abuse by law enforcement (Ibid: 36). This is in addition to the child separation policies during the Trump Administration which targeted asylum seekers based on their nationality, particularly those from Latin America, African, and other parts of the Global South. It is not surprising why US human rights exceptionalism and the culture of denial regarding its current domestic human rights situation have been identified as major hurdles to improving the domestic human rights situation for residents of this country.

9.4: Proposed interventions and areas of future study:

9.4.1: Counterhegemonic reforms and tools:

In addition to expressing an overall desire to reform government processes, interviewees proposed specific interventions. The specifics of these proposed interventions may have varied but they had certain elements in common. Those common elements happened to reflect most of the policy recommendations for human rights institutions that were made in the literature and reports and additionally reflected many of the specific standards that were enumerated in the Paris Principals. The proposed interventions reflected the overall wish to improve the quality of local human rights institutions through improving access to government institutions and processes. They also indicate that the Paris Principles, which were developed for National Human Rights Institutions (NHRIs) could also have some value for local human rights institutions. The participant recommendations indicated support for a contention that is itself related to but distinct from O'Connell's perspectives on counterhegemonic human rights. I suggest that should local HRIs reform themselves in line with the Paris Principles, then they could pose a disruptive threat to hegemony. My research seems to indicate that emancipatory human rights practices could therefore be a threat to existing hegemony, and interventions such as the implementation of the Paris Principals in the realm of local HRIs as tools of emancipatory practice have the potential to restructure certain systems within the government with a longer-term aim of changing the overall social systems that inform those structures. Interventions such as the Paris Principles (or the local version of such standards and best practices generated through grassroots engagement) can therefore themselves be employed as counterhegemonic tools. By limiting political interference, for example, one creates a protective barrier around the arena of struggle whereby rights claims are contested and, hopefully to the participants, then expanded and protected. It could also

potentially be an important topic of further research to examine whether or not that threat itself is what prevents these reforms from occurring.

9.4.2: Balancing advocacy and ombudsman roles:

Participants demonstrated an understanding that the two major functions of a local human rights institution, their proactive and reactive duties, were frequently at odds. Such institutions should be able to freely operate in an adversarial capacity, that seeks to act as an ombudsman that "speaks truth to power" by contesting and constraining the authority of the state to violate the rights of others and in addition punish actors, including those operating through state mandates, for violating rights. In addition, such institutions should have guaranteed access to government elites and institutions so they could inform policy. This was viewed as an essential component of the local human rights institution's advocacy role, which often sought to expand rights and secure additional guarantees or change policy in real time to respond to current socio-political realities. Therefore, in addition to protecting the socio-political arena of struggle, participants wished to protect the local human rights institution itself. Participants proposed specific laws that would provide for the statutory dedication of funds that would be used to fund local human rights institutions. Some proposed taking local human rights institutions outside of the direct authority of the state and instead recreate them as non-profit (non-governmental) organisations with specific powers and authorities guaranteed to them under the law. Some participants also recommended the establishment of a National Human Rights Institution in the United States, which could then provide funding resources and professional development to local human rights institutions.

9.4.3: Areas for future research:

In a time when the local sphere is becoming ever more relevant to human rights practice, it is my hope that human rights scholars will continue to increase their level of engagement in the critical study of local human rights institutions, developing lines of inquiry that seek to answer questions about whether such institutions are truly equipped to respond to the claims and abuses raised within their constituencies. Additionally, it could be worthwhile to develop a standard tool, similar to the one employed in this work, that comprehensively examines the powers, authorities, duties, and functions of local human rights institutions. Such a tool could then be employed to analyse such institutions in other parts of the United States (or even other cities globally) and see if there are regional differences. It may also be worthwhile to use these findings to develop a survey whereby a similar line of inquiry could be employed in the study area with an increased number of potential respondents. Such an endeavour should attempt to engage a number of participants that is sufficiently large to track demographic trends in the responses. Lastly, human rights scholars may wish to further explore the role that hegemonic whiteness may have taken in influencing the various local and subnational institutions present in the United States as well as the way that this form of hegemony may inform the country's domestic and international or geopolitical behaviours. Each of these areas of inquiry could demystify the United States as a country and allows us to better understand its domestic human rights situation and by extension how domestic practices influence global phenomena.

9.5: Conclusion:

This work sought to provide a valuable contribution to the understanding of local human rights institutions, which are an underexamined component of local human rights implementation. While scholars have contributed to our understanding of the role of HRIs, and to discussions of the channelling effects and co-optation that often takes place in the local human rights sphere, this work adds to the discussion of the specific mechanisms that thwart local human rights implementation and maintain hegemony. As a work of activist scholarship, I did this by centring the responses of participants and used a grounded theoretical approach that provided an additional perspective on this topic that has not yet been introduced. Through this approach I have also developed a theory, that the Paris Principles are consistent with activist demands to restructure HRIs and also offer an opportunity to disrupt existing hegemony. As a grounded work of activist scholarship, I would like to end this work by revisiting the same questions that were raised in the beginning and pose them to the reader. Do our cities have local human rights institutions that are currently worth the space they occupy in City Hall or are they in fact being channelled to serve hegemony? Are there interventions that we can take in order to ensure that such institutions could be re-envisioned to better serve their original purpose? While further study is needed, this work contributes by beginning to address the latter question.

Answering the former question has proven to be more complex. In the days after Hurricane Katrina and the failure of the federal levees in 2005, New Orleans rapidly began to flood. As it became clear that federal resources would not be forthcoming, many residents who

remained in the city, most of whom were Black, attempted to flee across the Crescent City

Connection Bridge to dry ground in suburban Jefferson Parish. They were met midway on the

bridge by the suburban City of Gretna Police Department and turned away. They were forced to

return to a city that would remain 80% flooded in brackish fetid water for many more weeks.

This story became one of many infamous occurrences that would categorise this violent and

chaotic time. To date, the City of Gretna Police Department has never apologised for their

actions or acknowledged any wrongdoing. Decades later, the image of local law enforcement

pointing its guns at desperate residents attempting to flee an unprecedented disaster remained

etched in many resident's minds.

That is why in June of 2020, following the murder of George Floyd, a large group of

protesters and activists responding to a national demand for widespread reforms of local police

departments, attempted to symbolically cross the same bridge again. This action was supposed

to be empowering. It was supposed to reclaim the space and demonstrate that years after the

infamous 2005 incident, all residents could and would be entitled to move freely, regardless of

who they are or what they look like. But this time, it was the City of New Orleans' own police

department, a department that as of this writing is still under the control of the United States

Department of Justice for its longstanding history of violence and excess, that violated their

own policies by deploying tear gas and rubber bullets against these demonstrators. I happened

to be at this protest, at the very front of the crowd, on the bridge hundreds of meters above

the Mississippi River. But I was not there observing as an ombudsman from the local human

rights office, having recently resigned my position. I was there as a protestor suddenly and

unwittingly drawn into a very dangerous moment with my former employer. Rubber bullets

were deployed nearly causing a stampede, and days later the department would attempt to deny having used them until video evidence emerged demonstrating otherwise. The video evidence allowed protesters to lodge complaints and lawsuits against the department and after a public outcry, the incident will be investigated in detail. Some policies may even be changed as a result. But what happens when there is not a large crowd of people documenting evidence with their camera phones? A strong local human rights institution could provide a critical role in rights protection for this very reason.

I would serve for two years as the director of the local human rights office before eventually resigning. I am proud of the work that the office was able to do and of the lasting reforms I made to the office, some of which were discussed in this writing. I am even more proud of the times in which I was able to gain trust from people who had never before been received in City Hall. I still have strong connections and deep friendships with the residents who were some of my most pointed sceptics when news of my appointment was first announced. Yet years later, and despite my own best efforts, I am still not sure that the resident who was subjected to the serious abuses that were first disclosed to me when I would begin my role could report such incidents and have them fairly and safely investigated and acted upon. Although the police department has made significant and undeniable progress while under the control of the United States Department of Justice, many deep problems remain. Today, the office that I led now has two full-time staffers, and as of this writing has only recently hired a permanent director, nearly four years after I left my position.

I hope that this work will encourage human rights scholars to look beyond written standards and practices and begin to engage a broader discussion of how we can connect them

to what residents truly need. I hope this work can begin the work of confronting and unravelling some of the challenges presented by the existing power structures that often move deftly to thwart local human rights implementation. I also hope that this work will demonstrate that rights holders indeed possess through their lived experience a depth and breadth of understanding of the issues on the ground. They know what they need, and they know it better than anyone else. As we have seen, this lived experience can inform substantial policy proposals that solve complex problems while protecting people from grave harm. If human rights truly start at home, then residents must know that they can trust the institutions that were designed to protect them at home. I hope that this work will be seen as an invitation to better examine how these institutions can indeed better serve their intended purpose.

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