

# New Moves in Transnational Advocacy: Getting Labor and Economic Rights on the Agenda in Unexpected Ways



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Activists involved in human rights advocacy across borders may share common interests in changing the status quo—but they do not always agree on the rights centrally at issue, nor the best strategy for promoting and protecting them. This is particularly true in campaigns in which “economic rights” claims emerge. Two new mechanisms I develop in this article shed light on the complexities of transnational advocacy and norms evolution. Two case studies offer insights into the operationalization of the mechanisms: a campaign to prevent child labor in Bangladesh, and a campaign to prevent employment discrimination against pregnant workers in Mexico. **KEYWORDS:** economic rights, transnational advocacy, child labor, Bangladesh, Mexico.

**N**ew forms of communications and cheaper and faster modes of travel in the 1990s, coupled with a lessening of the Cold War-era polarization of human rights, resulted in a dramatic increase in cross-border advocacy on rights in general. While civil and political rights had traditionally been the focus of most Western human rights advocacy,<sup>1</sup> economic rights claims have begun to emerge through a process marked by differences of opinion among activists themselves over the nature of human rights and the best way to protect and promote them.

In this article, I develop two mechanisms that add to the rich existing literature on transnational advocacy and norms evolution by offering insight into the bottom-up aspects of these processes.<sup>2</sup> The mechanisms I identify here provide poorer and less politically powerful members of such networks with a resource for influencing how norms are interpreted and how corresponding policy priorities are set in the context of transnational advocacy campaigns.<sup>3</sup>

Empirically, I focus on two high-profile cases in the 1990s wave of advocacy: a campaign to eliminate child labor in Bangladesh’s export garment industry, and a campaign to prevent discrimination against pregnant workers in Mexico. These cases are representative of the wider series of

campaigns that occurred during that decade, yet each has unique policy significance.

The Bangladesh campaign helped bring the issue of child labor to international prominence and resulted in the first ever Memorandum of Understanding brokered between business, government, and United Nations agencies to assist child workers who had been removed from factories. The Mexico campaign involved the first and only gender-focused complaint lodged against a government by activists using the labor side accord to the North American Free Trade Agreement (NAFTA). Each case has generated considerable debate over how to prioritize rights and over the impact of such choices on the lives of people these campaigns were intended to help.

Despite significant differences in the campaigns, both cases provide similar evidence of new moves in transnational advocacy by less powerful actors in cross-border networks. From a scholarly perspective, the mechanisms identified here offer new tools for theory building. From a policy perspective, these new mechanisms illuminate the creative strategies some transnational activists have employed to get “new” human rights concerns (such as economic rights) on the table for negotiation. Data from more than a hundred interviews with participants and observers of both the Mexico and the Bangladesh campaigns, analysis of campaign archives, and review of secondary source data have enabled me to identify the factors that influenced how particular mechanisms emerged in each case. I relate these mechanisms, in turn, to a broader discussion of how normative understandings evolve in the context of transnational advocacy and beyond.

### **Mechanisms in Theory**

Mechanisms are “frequently occurring and easily recognizable causal patterns . . . which allow us to explain, but not predict” events, according to Jon Elster.<sup>4</sup> They are the building blocks of theory, useful in constructing partial explanations.<sup>5</sup> Doug McAdam, Sidney Tarrow, and Charles Tilly have employed mechanisms central to explaining the dynamics of contentious politics, defining them as a “delimited class of events that alter relations among specified sets of elements in identical or closely similar ways over a variety of situations.”<sup>6</sup> I employ mechanisms to explain how activists’ understandings of human rights norms change over the course of a campaign.

Margaret Keck and Kathryn Sikkink developed their “boomerang” pattern to explain the emergence of transnational advocacy networks: actors in a local context seek help from abroad to pressure their own government for redress of their grievances, putting into motion a boomerang of external political pressure through a network of transnational supporters.<sup>7</sup> This simple yet

powerful mechanism has had significant impact on subsequent scholarship.<sup>8</sup> Activists who launch campaigns refer to particular human rights treaties and standards in stating their opening claims. These normative reference points are the basis for framing<sup>9</sup>—the act of naming wrongs and claiming rights amid contentious politics.

Yet, as I demonstrate in this article, local activists and their international supporters do not always agree on the nature of human rights at stake. Examining more closely the give-and-take of negotiations between activists reveals new mechanisms that influence how normative understandings evolve. Less powerful actors within networks can employ these mechanisms to influence the way framing occurs—highlighting normative issues that more powerful actors in a network might otherwise overlook or ignore. These mechanisms add a new level of complexity to the “emergence” phase of norms.<sup>10</sup>

As illustrated through the case studies that follow, activists who are better endowed with material resources and/or political capital often assume that they can set the normative agenda of a campaign. They “send” a definite human rights message and assume that those they are seeking to help will “receive” the message, accept it, and follow along. The mechanisms identified in this article enhance the ability of receiving-end activists to make alternative human rights claims. Not only may the normative frame of a campaign shift as a result, but the corresponding policy prescriptions and interpretation of norms beyond a campaign can change as well. How does this process unfold?

Blocking, the first mechanism, is action by receiving-end activists aimed at halting or at least significantly stalling a campaign’s progress in order to pressure senders to change their frame. Receiving-end activists block by choosing normative reference points that are different from those of the senders. They express their alternative position openly and use a variety of contentious tactics to persuade senders to change their frame and corresponding policy goals.

Backdoor moves are actions that receiving-end activists make in order to augment a campaign’s normative frame and policy goals without stalling the campaign’s progress. Receiving-end activists who make backdoor moves accept the normative reference points of senders—but add distinct, secondary reference points to their own frame and policy proposals. Backdoor moves are not openly conflictive and are often made indirectly.

Both blocking and backdoor moves can occur in the same campaign. Indeed, boomerang, blocking, and backdoor moves could all hypothetically occur at different points within the same campaign. This article focuses on the factors that influence whether blocking or backdoor moves emerge, including (1) the manner in which a campaign emerges; (2) the nature of

threats, if any (such as economic sanctions), issued from the sending end of the campaign; and (3) the degree to which receiving-end activists share an interest with senders in the overall success of a campaign.

### **Mechanisms in Action: Advocacy on Child Labor in Bangladesh**

Activists have long been concerned about child labor. In the late nineteenth century, activists in the United States used photographs of children laboring in factories and fields to shock the consciences of employers and consumers and to drum up support for progressive child labor legislation.<sup>11</sup> A century later, US activists concerned about the human effects of twentieth-century globalization focused their attention on children working in overseas factories that supply goods for US firms.

Members of the oldest US consumer organization, the National Consumers League, together with representatives of nongovernmental organizations (NGOs) such as the International Labor Rights Fund (ILRF) and unions such as the American Federation of Labor–Congress of Industrial Organizations (AFL-CIO), were among the principal child labor watchdogs of the late 1980s and early 1990s.<sup>12</sup> They developed allies in the US Congress committed to addressing the child labor problem internationally. Early congressional sponsors of child labor–related legislation included Representatives George Miller, Donald Pease, Tom Lantos, Charles Schumer, and Tony Hall, all of whom supported HR 3112, a bill put forward in 1987 and again in 1988 with provisions for countrywide import bans on products made with child labor. In November 1991, Representatives Pease and Hall cosponsored the Child Labor Deterrence Act of 1991 (HR 3786), which included similar import ban provisions.<sup>13</sup> But it was legislation proposed by Democratic Senator Tom Harkin of Iowa that would ultimately become the highest-profile and most contentious aspect of transnational advocacy on child labor.

#### *Phase I: The Harkin Bill*

Reports of child labor in Bangladesh's export garment industry began to reach the United States in the late 1980s. Local Bangladeshi activist Rosaline Costa and staff of the Asian American Free Labor Institute (AAFLI) shared information on the problem with groups such as the National Consumers League and ILRF. Costa traveled to the United States to build alliances with nongovernmental and union activists. In classic boomerang fashion, she sought help from activists abroad to address a local problem.

Senator Harkin introduced his own version of the Child Labor Deterrence Act in August 1992, strongly supported by members of US advocacy

groups that would ultimately form the Child Labor Coalition (including the National Consumers League and ILRF). The “Harkin bill” was intended to eliminate child labor in export industries worldwide.<sup>14</sup> Its normative references were the 1959 UN Declaration of the Rights of the Child and the 1973 ILO Minimum Age Convention (C138). The latter obliges signatory governments to set legal minimum working age requirements and aims at “achieving the total abolition of child labour”<sup>15</sup>—a goal consistent with that of US activists supportive of the Harkin bill.

The Harkin bill also threatened US trade sanctions on imports from any industry producing goods with child labor. A documentary produced for *Dateline NBC* in December 1992 showed Bangladeshi children sewing garments for retail giant Wal-Mart. Public outcry in the United States over child labor in the Bangladesh garment industry swelled thereafter.

Had the bill passed, sanctions would have threatened one of Bangladesh’s most vital economic sectors. The textile industry is the country’s largest manufacturing sector, generating half of all industrial employment.<sup>16</sup> The “ready-made garment” subsector produced 74 percent of the country’s \$5 billion in exports in 1999, and the United States imported some \$901 million worth<sup>17</sup>—or nearly half of all Bangladesh’s garment exports at that time.<sup>18</sup> Although Rosaline Costa had launched a boomerang by sharing information on child labor with US activists, the boomerang effect itself was soon overwhelmed by the strength of blocking carried out by other Bangladeshi activists in response to the Harkin bill.

Costa’s normative interpretation of child labor was out of sync with that of other local activists in Bangladesh, who took a less “abolitionist” view. Many Bangladeshi activists were willing to conscience some work by children who had no other economic options. Moreover, the threat of economic sanctions also heightened the opposition of local activists to US “intervention.” Activists in Bangladesh quickly marginalized Costa,<sup>19</sup> took up the mantle of defending children against the threat of the Harkin bill, and offered an alternative normative perspective on child labor.

They argued that the Harkin bill violated children’s other rights—among them, the right to development. They chose the 1989 UN Convention on the Rights of the Child (CRC) as an alternative normative reference point.<sup>20</sup> While the CRC includes direct references to children’s right “to be protected from economic exploitation and from performing any work that is likely to be hazardous” (Article 32), it also includes references to the “right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development” (Article 27). Its baseline requirement is that the “best interests” of the child be protected (Article 3).

Bangladeshi activists interviewed for this article were concerned that the Harkin bill’s emphasis on the fate of child garment workers was misplaced. They argued that these children were among the best-off of child

workers. The real problems lay in the informal sector, where children suffer much worse working conditions as domestic servants or street peddlers, for example. Children fired from garment work were likely to go into far more hazardous occupations.<sup>21</sup> The CRC thus provided Bangladeshi activists with a broader and more flexible standard for framing children's rights than ILO Convention 138.<sup>22</sup>

In the first phase of this campaign, factors that influenced the likelihood of blocking were already at work. US activism led to the creation of a bill that local actors in Bangladesh (other than Costa) perceived as "outside" interference. The possibility of trade sanctions pitted US activists against their counterparts in Bangladesh. And with normative baselines so far apart and material considerations so weighty, there appeared to be few shared interests on the sending and receiving ends of the campaign.

### *Phase II: Blocking Deepens*

Bangladeshi newspapers warned as early as December 1992 that if the Harkin bill went into effect, "cautious estimates say some 40,000 to 50,000 low age workers would be driven out of the garment industry."<sup>23</sup> Manufacturers began to lay off thousands of children employed in the garment industry shortly after the bill was first introduced.

By August 1993, Bangladeshi trade unions and NGOs were calling for a countercampaign by local civil society organizations. Local activists organized a highly publicized press conference, at which one spokesperson for the countercampaign, Farida Akter, argued: "To throw these kids onto the streets would be a serious violation of their human rights."<sup>24</sup> Nur Khan Liton, an activist writing in September 1993, argued that while child labor is not intrinsically desirable, eliminating it without providing for remediation and education programs would not be in the best interest of poor children: "The right to food is no less important than the right to liberty. Freedom from hunger is no less important than civil and political freedoms."<sup>25</sup> These activists not only blocked the normative frame central to the Harkin bill campaign, but they also proposed both an alternative definition—rooted in the Convention on the Rights of the Child—and corresponding policy action to protect children's economic rights.

One of the most gripping claims made by local activists was that children dismissed from work in garment factories had gone into prostitution.<sup>26</sup> Though data to back up this claim were scarce,<sup>27</sup> local activists nevertheless defended their interpretation of child rights by arguing that children dismissed from garment jobs risked grievous bodily and moral harm. They blocked the Harkin bill campaign using the same strategy Keck and Sikkink have observed among other transnational advocacy networks: they asserted the primacy of physical integrity as a nonderogable right.<sup>28</sup> The innovation

that Bangladeshi activists made was to tie protection of this nonderogable right directly to the exercise of economic rights by child workers.

### *Phase III: From Boycott to Negotiated Outcome*

Blocking by Bangladeshi activists forced US activists to broaden their normative frame. By late 1994, members of the US-based Child Labor Coalition (CLC) explicitly called on the Bangladeshi garment industry to provide funds for schooling and stipends for displaced child workers. The coalition also called for a factory monitoring program to ensure that new children were not hired. It would have appeared that the coalition had fully embraced economic rights. Yet despite this, within a few months, the CLC launched a consumer boycott against the Bangladesh garment industry. Like the Harkin bill, this boycott once again undercut solidarity between actors on the sending and receiving ends of the campaign. Why did US activists take this step?

From 1992, when child labor first hit the headlines, until 1995, garment manufacturers in Bangladesh had fired tens of thousands of children, refused to educate or assist them, and barred external monitoring of garment factories. As long as the Harkin bill appeared stalled in Congress, garment manufacturers could deny the presence of child labor and resist taking concrete action.<sup>29</sup> The CLC considered the threat of a consumer boycott its last remaining leverage.<sup>30</sup> When it appeared that US consumers would carry out an industry boycott regardless of the Harkin bill's status, Bangladeshi garment manufacturers had to take notice.

The CLC announced plans for the consumer boycott in April 1995, and it lasted only a few days that May. Garment manufacturers, however, refused to negotiate. The coalition weighed the risk to children of a continued impasse and suspended the boycott.<sup>31</sup> Negotiations intensified thereafter between garment manufacturers, the International Labour Organization (ILO), and UNICEF, monitored by the US and Bangladeshi governments. As a draft Memorandum of Understanding (MOU) took shape in late June 1995, the US Department of Labor rallied other international donors and the US Congress to support the programs envisioned under the agreement.

Under the terms of the three-year MOU, signed on 4 July 1995, the garment manufacturers association pledged \$900,000 for stipends and schooling over three years. UNICEF pledged \$175,000 for alternative schools in the first year, and the ILO pledged \$250,000 for a survey of displaced children, factory monitoring, and stipends for children removed from factories in the first year.<sup>32</sup> The US Department of Labor lauded the agreement for helping "Bangladesh enforce its existing national laws on factory labor under age 14. *No new definitions of age are being introduced from abroad.* . . . UNICEF is also mounting larger programs for many other

Bangladeshi children who are in the informal sector and are not covered by this MOU.”<sup>33</sup>

By insisting that working age standards were not a foreign imposition, US officials sought to persuade critics in Bangladesh and elsewhere that the solution to the child labor problem drew on local understandings of child rights. The US government made clear its support for children’s economic rights by supporting both the stipend and schooling programs created under the MOU.<sup>34</sup> Efforts to ensure normative buy-in all around signaled that US policymakers and the Child Labor Coalition had finally got the Bangladeshi message: children’s rights include economic rights.

### *Aftermath*

Some observers have argued that the MOU failed to address the rights of some 40,000 children dismissed from factories and never found. Indeed, this case illustrates the serious consequences of ignoring children’s economic rights in the rush to ban work by children.<sup>35</sup> Controversy over the Harkin bill campaign was a catalyst for passage in 1999 of the ILO Worst Forms of Child Labour Convention (C182). This convention enumerates forms of unacceptable child labor: use of children in prostitution and pornography, armed conflict, illicit activities (such as drug trafficking), slavery, and other forms of work deemed harmful to the “health, safety or morals of children.”<sup>36</sup> To the extent that Bangladeshi civil society groups focus on child labor today, most invoke the UN Convention on the Rights of the Child and ILO Convention 182 as their normative reference points.<sup>37</sup> Many Bangladeshi activists insist that while the elimination of child labor may be desirable in the long run, the reality of children’s need to work under nonexploitative conditions must be balanced with the right to a decent standard of living and the right to education. Blocking brought such normative distinctions to the fore in this campaign—and fueled a debate over children’s rights that moved well beyond the campaign itself.

### **Mechanisms in Action: Advocacy on Women’s Rights in Mexico**

Mexican women face a conundrum. National law entitles them to three months of paid maternity leave.<sup>38</sup> But many employers avoid hiring pregnant women and dismiss those who become pregnant in order to avoid granting these benefits. Employers argue that pregnancy tests are necessary to keep women from accepting a job and immediately taking leave. Yet for many women, a paying job is essential to support themselves and their families. So they often hide their pregnancies, resulting in injury and, occasionally,

miscarriage. Those who are not yet pregnant face the stark choice between maternity and employment.

Beginning in 1995, Human Rights Watch (HRW), a New York–based NGO, took up the cause of pregnant Mexican workers employed in export manufacturing plants (known as *maquiladoras*)<sup>39</sup> along Mexico’s border with the United States. HRW developed a campaign framed in terms of civil and political rights: pregnancy screening as a violation of women’s rights to nondiscrimination, to privacy, and to the freedom to decide on the number and spacing of children.

Mexican activists joined the HRW campaign, aware of the civil and political rights dimensions of the pregnancy screening problem. But they moved beyond this frame to emphasize other human rights. Some Mexican activists focused on the right to work. Others framed the problem in terms of the state’s positive obligation to ensure pregnant workers the “social guarantees”<sup>40</sup> of health care and economic benefits. The activists who focused on these positive rights obligations argued that human reproduction is work, and women are doing the work of reproducing society itself—hence are entitled to social protection.<sup>41</sup> Mexican activists used “backdoor moves” to advance these expanded human rights frames.

### *Phase I: Fact Finding and Coalition Building*

Human Rights Watch sought out allies among NGOs along the US-Mexican border and dispatched a team of investigators to the region in March 1995. They collected testimony from hundreds of women who had experienced pregnancy-related employment discrimination and interviewed representatives of government agencies responsible for resolving labor disputes and monitoring factories. In June 1996, HRW also sent letters to US-based companies with manufacturing operations in the *maquiladora* zones, demanding an end to employment-related pregnancy screening.

In August 1996, HRW issued a report<sup>42</sup> confirming that many companies in the *maquiladora* zones required pregnancy exams prior to hiring as proof that women were not pregnant. Some also required exams throughout a woman’s employment. If a worker was found to be pregnant, she was moved to a more physically taxing job within the factory or to a night shift, in an effort to force her to resign. And women were fired outright for being pregnant, although the reason for dismissal was often stated differently in official paperwork. As an appendix to the report, HRW published samples of its letters to companies with manufacturing operations in the *maquiladoras* (among them, Sanyo, Zenith, and Carlisle Plastics) along with the companies’ responses.

The normative emphasis of the 1996 report was negative rights (or freedoms from abuse). The report urged the government of Mexico to enforce its own domestic labor law more effectively in order to end the practice of

pregnancy-based discrimination in the maquiladoras. Human Rights Watch also called on Mexico to uphold provisions of its constitution related to nondiscrimination. And the report urged Mexico to uphold its obligations under international human rights treaties the country had signed and ratified, including the Convention on the Elimination of All Forms of Discrimination against Women; the International Covenant on Civil and Political Rights; the ILO Discrimination Convention (C111); and the American Convention on Human Rights.

The report also urged both Mexico and the United States to ensure the enforcement of the North American Agreement on Labor Cooperation (i.e., the NAFTA labor side accord)—specifically, provisions on the elimination of employment discrimination.<sup>43</sup> Since US corporations are major investors in the maquiladoras, the report called on the US government to pressure Mexico politically on the pregnancy screening issue and urged corporations to end the practice.

*Backdoor moves during Phase I.* Local Mexican NGOs along the northern border were willing to collaborate with HRW, in part because a transnational advocacy campaign offered a vehicle for drawing greater media and government attention to local problems in the region. The campaign also had the potential to increase Mexican NGOs' leverage with multinational companies operating along the border.

"When groups from different countries are involved, there's more coverage, more interest on the part of the local press," argued Julia Quiñónez, director of a labor rights network based in Piedras Negras, Mexico. "As long as it's just Mexican organizations, the Government is going to try to justify and not accept the situation. But when there's collaboration with groups from other countries, the Government gets worried."<sup>44</sup> Elsa Jiménez, founding member of a legal rights NGO based in Tijuana, noted that the international reputation of HRW was a particular asset to groups in the border region. The fact that "an organization of this magnitude would support the work and the problems we're living through on the border" afforded local groups "a lot of legitimacy."<sup>45</sup>

However, Human Rights Watch staff members have acknowledged that Mexican groups did not propose the idea of focusing the campaign on pregnancy discrimination as a negative rights issue.<sup>46</sup> Both HRW staff and representatives of Mexican NGOs interviewed for this article noted that maquiladora workers consider other problems more important than pregnancy screening, including adequate wages, housing, safe transit to and from work, access to water, and school access for their children.<sup>47</sup> The workers view these issues from a positive rights perspective—as societal entitlements. Nevertheless, HRW focused on pregnancy discrimination as a violation of negative

rights because cast this way, the issue fell within the organization's civil and political rights–focused mandate. It could act as a “wedge” to broader discussions of women's rights and a test of the NAFTA labor side accord as a tool for human rights advocacy.<sup>48</sup>

For local Mexican NGOs in the border region, the potential benefits of the campaign outweighed the cost of accepting a less-than-perfect normative fit. Rather than block, these groups made backdoor moves aimed at broadening the focus of the campaign. Several factors influenced this decision. First, although the HRW campaign was launched from outside Mexico, a wider range of local Mexican groups was involved in its initial stages than were Bangladeshi NGOs in the planning of the child labor campaign. Second, unlike the Bangladesh campaign, trade sanctions were never threatened by the United States in the context of the Mexico campaign. Third, Mexican NGOs along the northern border had a shared interest with Human Rights Watch in seeing the campaign succeed. Local groups thus did not seek to alter the campaign's principal focus on discrimination overtly, but instead introduced economic and social rights claims indirectly.

Mexican activists along the border did so through grassroots outreach to maquiladora workers. In one-on-one training and in group outreach efforts, they cast the fight against pregnancy screening as part of their ongoing struggle for workers' economic rights and against an exploitative economic development model.<sup>49</sup> (More than four years after the campaign itself, this twin emphasis on civil/political rights and economic ones was still evident in grassroots education efforts that I observed through participant observation.)<sup>50</sup>

### *Phase II: Using the NAFTA Labor Side Accord*

In May 1997, after waiting almost eight months for the US and Mexican governments to respond to its report on pregnancy screening, HRW filed a formal complaint using the NAFTA labor side accord. Its cofilers were the US-based International Labor Rights Fund and the Asociación Nacional de Abogados Democráticos (National Democratic Lawyers Association) of Mexico.<sup>51</sup> Meanwhile, HRW began work on a follow-up report.

The intergovernmental review process for the complaint was long and complex. It took six months for the Mexican and US governments to cohost a “public hearing” on pregnancy screening in Brownsville, Texas.<sup>52</sup> Mexican NGOs in the border region carried out a two-track strategy throughout this period. They participated in the HRW campaign, giving testimony at the Brownsville hearing, for example. But at the local level, Mexican activists continued to explain the campaign not only in terms of antidiscrimination but also in terms of economic rights.<sup>53</sup>

### *Phase III: Mexican National Campaign*

Feminist groups in Mexico City had long struggled for greater reproductive rights for women and for greater gender equality within Mexican society. They were well aware of the HRW campaign and viewed it as a strategic opportunity: by supporting women who chose to have children, Mexican feminists could counter public scorn for their support of abortion rights, while at the same time using the pregnancy screening issue as a wedge into an even broader discussion of reproduction as work.<sup>54</sup>

Feminist groups thus launched their own “parallel,” national-level campaign from Mexico City. Their aim was to spotlight pregnancy screening as a problem nationwide, across economic sectors—(not just as a problem of poor women working in the maquiladoras)—rooted in the social construction of both gender and work. Pilar Muriedas, longtime activist and cofounder of a Mexican congressional watchdog group, recalled that the average citizen “sided with the employers, saying ‘How can anyone who’s pregnant expect to be hired if the employer knows that person isn’t going to produce anything?’ So we began to talk about social rights and reproduction. It’s a social good, reproduction—so society has to assume the costs of society’s own reproduction.”<sup>55</sup>

Because the Mexican government was already engaged in highly publicized bilateral talks with the United States, feminists capitalized on this charged atmosphere to introduce a national campaign framed in even broader terms than the HRW campaign. As Yolanda Ramírez-León, a leader in the Mexican feminist campaign, explained, the HRW campaign came from “this part [of the international human rights movement] that defends civil and political rights—but not from the movement of feminists or for women’s rights. And so we knew how to work with it to *give it an additional meaning*.”<sup>56</sup>

Feminists thus persuaded allies in the Mexico City Commission of Human Rights to pay for flyers and a pamphlet on basic human rights and gender that explicitly denounced pregnancy screening. Armed with these resources, the campaign pushed the Mexican government for a range of gender-sensitive policy reforms at the national level. At the grassroots level, they circulated a national petition denouncing pregnancy screening. They informally surveyed the public on the issue. And they compiled additional individual testimony from women affected by pregnancy screening who worked in sectors other than the maquiladoras and lived in regions other than the northern border. Public school teachers, state employees, and white-collar service industry workers were among the women invited to give testimony at the Tribunal on Reconciling Maternity and Work, hosted 22 October 1998, in Mexico City.

The tribunal was the centerpiece of the parallel Mexican campaign. Feminist activists shared findings from over 100 additional cases of prehire

pregnancy discrimination and five cases of outright firing for pregnancy, nationwide. Nine women affected by pregnancy screening shared their personal stories.<sup>57</sup> Leaders of the campaign also highlighted the results of their survey: between 6,000 and 7,000 Mexicans nationwide had signed a proposal denouncing pregnancy screening.<sup>58</sup> Fully 78 percent opposed the practice.<sup>59</sup>

#### *Phase IV: A Second Report—and Aftermath*

Just one day before the Mexico City tribunal, representatives of the US and Mexican governments finally met for formal bilateral consultations on the pregnancy screening issue. At the talks, the Mexican government continued to resist acknowledging that prehire pregnancy testing was discriminatory.<sup>60</sup> Human Rights Watch moved into high gear thereafter, releasing its second report in December 1998, which noted the inadequate response to this problem on the part of both governments.<sup>61</sup>

This second report (entitled *A Job or Your Rights*) continued to focus on the civil and political rights dimensions of pregnancy screening. For Human Rights Watch, a job itself was not framed as a right, despite the fact that Mexican activists along the border had cast the issue in these terms and feminists had radically challenged traditional notions of work in the parallel campaign. These backdoor moves appear to have had little impact on the way HRW framed rights publicly in the transnational campaign. Where the alternative frames had salience was at the grassroots level and in national-level dialogues such as the Tribunal on Reconciling Maternity and Work.

By mid-1999, HRW ended its campaign on pregnancy screening in Mexico, its staff frustrated by the time it took for the complaint to wend its way through the NAFTA bureaucracy and the comparatively scant results. Activism on pregnancy screening continued within Mexico for another year, however, spearheaded by feminists in Mexico City, with some modest victories. In May 1999, Mexico's national teachers union negotiated an agreement with the secretary of education prohibiting pregnancy testing of public school teachers nationwide.<sup>62</sup> In September 1999, Mexico City's then mayor Rosario Robles signed a law criminalizing employment-related pregnancy screening in the capital.<sup>63</sup> Legislators across the political spectrum picked up on gender themes and introduced a range of initiatives in the national congress—often goaded by the same feminist NGOs that had taken part in the 1998 campaign.<sup>64</sup>

But many people interviewed for this article, including workers themselves, activists, and government representatives, acknowledged that pregnancy screening still continues, just more covertly. Indeed, from the perspective of some of the local activists involved in the Human Rights Watch campaign, there were costs to focusing on this issue. As Marcia Contreras López, an activist from Hermosillo, noted, “Increasingly, people at the

grassroots level cynically ask NGO representatives, ‘Why should we bother to participate in international campaigns? The people involved never tell us what happened.’”<sup>65</sup> The only way around the problem, she has argued, is for international activists to link their policy agenda to grassroots advocacy strategies and priorities. Then transnational campaigns can serve as a “trampoline” that propels marginalized people into the political process—and with them, their normative understandings and commitments. Backdoor moves are one means available to activists intent on beginning such a process.

## Conclusion

Why do the mechanisms introduced in this article matter? What is significant about these new moves in transnational advocacy? Blocking and backdoor mechanisms change the power dynamics of transnational advocacy because they afford less economically or politically powerful actors resources for influencing how norms are interpreted within a campaign. Earlier social movement theory has highlighted the differing roles of radicals and moderates within networks<sup>66</sup> but has not explored as fully the dynamics between insiders and outsiders—or, as I term them here, sending- and receiving-end activists.<sup>67</sup>

Blocking and backdoor moves enhance our understanding of the “emergence” phase of norms evolution by exposing its internal complexity, highlighting differences among networked activists who might otherwise be expected to share common frames and claims. In some cases, such as in the Bangladesh case, these mechanisms result in new interpretations of norms and corresponding policy shifts. In other cases, such as the Mexico campaign, their influence is more limited in effect.

In this article, I have explored several key factors that affect why and how blocking and backdoor moves evolve and have analyzed the impact of these mechanisms in two cases. Future research involving additional case study analysis and more controlled comparisons could yield greater insights into the conditions under which these mechanisms emerge and their varying effects, over time, in differing contexts and issue areas. The 1990s opened the floodgate for transnational human rights advocacy—and with it, renewed interest in economic rights, in particular. Blocking and backdoor moves could prove useful not only as heuristic devices and building blocks of future theories, but also as tools of advocacy itself. 🌐

## Notes

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2. Other work on power dynamics within transnational advocacy networks includes Jonathan Fox, "Assessing Binational Civil Society Coalitions: Lessons from the US-Mexico Experience," Working Paper No. 26, April 2000 (Santa Cruz: University of California–Santa Cruz); David Brooks and Jonathan Fox, eds., *Cross-Border Dialogues: US-Mexico Social Movement Networking* (La Jolla: Center for US-Mexico Studies, University of California–San Diego, 2002); Heather Williams, "Mobile Capital and Transborder Labor Rights Mobilization," *Politics and Society* 27, no. 1 (March 1999): 139–166; and Center for the Study of Human Rights, *Capacity Building by Human Rights Organizations: Challenges and Strategies* (Center for the Study of Human Rights at Columbia University, September 2002), pp. 9, 14–19.

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4. Jon Elster, *Alchemies of the Mind: Rationality and the Emotions* (Cambridge: Cambridge University Press, 2001), pp. 24–26.

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7. Keck and Sikkink, *Activists Beyond Borders*, p. 13.

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9. Mayer Zald, "Culture, Ideology, and Strategic Framing," in Doug McAdam, John D. McCarthy, and Mayer N. Zald, eds., *Comparative Perspectives on Social Movements* (Cambridge: Cambridge University Press, 1996), p. 262.

10. Martha Finnemore and Kathryn Sikkink have developed a three-stage model of norms evolution that is segmented as follows: emergence, tipping point to cascade, and internalization. See Finnemore and Sikkink, "Norm Dynamics and Political Change," *International Organization* 52, no. 4 (autumn 1998): 887–917.

11. For example, Jacob Riis, *How the Other Half Lives: Studies Among the Tenements of New York* (New York: Scribner, 1890).

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14. Full text of the Harkin bill (S 3133), introduced in the 102rd Cong., is available at <http://thomas.loc.gov>.

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37. Muhammad Asgar Ali (director, Bangladesh Shishu Adikar Forum), e-mail interview by author, 28 April 2002; Nazrul Islam Khan (general secretary, Bangladesh Institute of Labour Studies), e-mail interview by author, 11 December 2001; Mohammad Bashiruz Zaman (executive director, Underprivileged Children's Education Program), e-mail interview by the author, 13 March 2002.

38. Article 170(II) of the Federal Labor Law of Mexico (*Ley Federal del Trabajo*, or LFT) guarantees women six weeks of paid maternity leave before delivery and six weeks afterward. Unless she has consistently paid into the social security system, a pregnant worker's employer must assume responsibility for her salary during this period. Full text of related laws is available at [www.cddhcu.gob.mx/ley-info/125/196.htm](http://www.cddhcu.gob.mx/ley-info/125/196.htm).

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40. Diana Velasco, "Despidos por embarazo en la mujer, no se denuncia en 90% de los casos," *El Día*, 21 October 1998.

41. Pilar Muriedas (founding member, Consorcio para el Diálogo Parlamentario y la Equidad), interview by author in Mexico City, 18 January 2002.

42. Human Rights Watch, *No Guarantees: Sex Discrimination in Mexico's Maquiladora Sector* (New York: Human Rights Watch, 1996), available at <http://hrw.org/reports/1996/Mexi0896.htm>.

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44. Julia Quiñónez (director, Comité Fronterizo de Obreras), interview by author in Piedras Negras, Coahuila, 8 January 2002.

45. Elsa Jiménez (founding member, Yehuáni), interview by author in Tijuana, Baja California, 26 September 2001.

46. LaShawn Jefferson (then deputy director, Women's Rights Division, Human Rights Watch), interview by author in Washington, DC, 14 March 2000.

47. María Santos Ramírez (Casa de la Mujer Lugar Tía Juana), interview by author in Tijuana, Baja California, 19 September 2001; Marcia Contreras López (founding member, Comité Desarrollo Comunitario de la Colonia Eusebio Kino, A.C.), interview by author in Hermosillo, Sonora, 1 November 2001; Julia Quiñónez and María Elena García Sierra (Comité Fronterizo de Obreras), interview by author in Piedras Negras, Coahuila, 8 January 2002.

48. Widney Brown (then advocacy director, Women's Rights Division, Human Rights Watch), interview by author in New York, 24 August 2001.

49. Julia Quiñónez, interview by author in Piedras Negras, Coahuila, 8 January 2002.

50. The author engaged in participant observation with members of Factor X, a Tijuana-based NGO, in September 2001. In October 2001, she made eleven visits to observe worker training sessions carried out by members of the Maquiladora Organizing Project, a grassroots NGO, in workers' homes in Agua Prieta, Sonora. In January 2002, she carried out participant observation with members of the Comité Fronterizo de Obreras in Piedras Negras, Coahuila, and made ten visits to workers' homes (or a neutral locale) in Reynosa, Tamaulipas, facilitated by Derechos Obreros y Democracia Sindical (DODS), a grassroots training organization.

51. Full text is available at [www.dol.gov/ILAB/media/reports/nao/submissions/Sub9701.htm](http://www.dol.gov/ILAB/media/reports/nao/submissions/Sub9701.htm).

52. US National Administrative Office (NAO), Bureau of International Labor Affairs, United States Department of Labor, *Public Report of Review of NAO Submission No. 9701*, 12 January 1998, available at [www.dol.gov/ILAB/media/reports/nao/pubrep9701.htm](http://www.dol.gov/ILAB/media/reports/nao/pubrep9701.htm).

53. Teresa Hernández (formerly of Comité Fronterizo de Obreras), interview by author in Matamoros, Tamaulipas, 11 January 2002.

54. Patricia Mercado (feminist political activist), interview by author in Mexico City, 15 January 2002.

55. Pilar Murieras, interview by author in Mexico City, 18 January 2002.

56. Yolanda Ramírez-León, interview by author in Mexico City, 15 January 2002 (emphasis added).

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62. Claudia Herrera-Beltrán, "Eliminan el certificado de ingravidez para mujeres en educación," *La Jornada*, 21 May 1999. See also "Género: Avances de la igualdad," *La Jornada*, 22 May 1999.

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analysis of forty-nine bills presented during the period 1997–2000, six of which focused directly on pregnancy-related discrimination.

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67. I owe this insight to Sidney Tarrow, who commented on an earlier draft of this article presented at the annual meeting of the American Political Science Association, Philadelphia, 28 August 2003.

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