ABSTRACT: Labor rights and economic rights are central to a debate over the nature of human rights and emerge as the focus of two campaigns analyzed in this paper: one waged bilaterally (against child labor in Bangladesh) and another regionally (against gender discrimination in Mexico’s border manufacturing zones). Activists on the “receiving end” of each campaign played a key role in transforming the normative frame of each: from a narrowly civil and political rights one, to a broader message incorporating economic rights. Two mechanisms – blocking and backdoor moves – are central to understanding how this process unfolded.
OVERVIEW. Fair trade, child labor, discrimination against women in the workplace: during the 1990s, issues like these became the focus of a series of high-profile transnational advocacy campaigns. Often the people who organized these campaigns did so in the name of human rights. Human rights norms are among the best codified and most socially salient of all norms. Yet defining the rights central to these campaigns was the focus of considerable debate. Why?

People on the receiving end of transnational advocacy campaigns have a significant impact on how the normative discourse central to such campaigns evolve. They are not only receivers but are also transformers of normative understandings. Much of the existing literature focuses on the role of “norms entrepreneurs,” people motivated by “altruism, empathy, [and] ideational commitment” who put new normative understandings and related claims into play. Yet this literature underplays other possible motivations (particularly material ones) and under-specifies the role of people who respond with alternative human rights understandings to those posed by norms entrepreneurs.

In the campaigns discussed in this paper, activists on the “sending end” tended to view the rights at stake from a civil and political rights perspective, whereas those on the “receiving end” emphasized economic and social rights in the same settings. The paper focuses on how human rights discourse evolved in both cases, shedding light on the under-explored role of “receiving end” activists. Their role helps explain the emergence of new human rights frames in transnational advocacy of the 1990s. Receiving-end activists play a role equally as significant as that of norms entrepreneurs by refining or reinterpreting the proposed “new” norms they encounter. Their motivations can be either altruistic or material, or both. I identify two mechanisms central to this more complex interpretation of norms emergence:

1 Margaret Keck and Kathryn Sikkink introduced the concept of transnational advocacy networks in their book *Activists Beyond Borders: Transnational Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998). They have explored how such networks use campaigns to advance policy goals in several other works: “Transnational advocacy networks in international and regional politics,” *International Social Science Journal*, 159, 1999: 89-101; and “Transnational Advocacy Networks in Movement Society,” in Meyer and Tarrow, eds. *The Social Movement Society: Contentious Politics for a New Century* (Lanham, MD: Rowman and Littlefield, Inc. 1998). The authors define campaigns (in Meyer and Tarrow 1998: 228) as “sets of strategically linked activities in which members of diffuse principled networks develop explicit, visible ties and mutually recognized roles toward a common goal (generally a common target).”


3 Martha Finnemore and Kathryn Sikkink argue that: “Ideational commitment is the main motivation when entrepreneurs promote norms or ideas because they believe in the ideals and values embodied in the norms, even though the pursuit of the norms may have no effect on their well-being.” Finnemore, Martha and Sikkink, Kathryn. “International Norm Dynamics and Political Change,” *International Organization*, Vol. 52, No. 4, Autumn 1998: 887-917; see especially 898.
**Blocking:** actors oppose the human rights norms central to a campaign; they seek to stop the campaign’s central message from getting through. They may block and propose alternative normative interpretations, without proposing specific activities for the campaign to take on. They may block, propose alternative norms and recommend corresponding activities for the campaign to take on. Or they may block, without offering an alternative definition or activities at all.

**Backdoor strategies:** actors do not overtly block the central message of a campaign; instead, they “play along” with the dominant discourse and introduce alternative frames deftly through the backdoor. (For example, they may sign onto official communiqués but carry out grassroots activities based on alternative understandings of human rights.)

The process by which norms emerge and evolve is not a straightforward one. Much of the related scholarly literature has delved so deeply into the historical specificity of particular norms that it has been difficult to generalize about broader patterns and mechanisms. Or it has simply asserted the “given” quality of norms and their social construction without explaining how these givens come to exist, or how social construction takes place -- rendering norms oddly exogenous. Martha Finnemore and Kathryn Sikkink’s work on the life cycle of norms advances theorizing on the process by which norms come into being. The authors outline a three-stage process through which norms emerge, reach a tipping point and then cascade, and finally are internalized. What the theory lacks, however, is a set of tools for exploring what happens beneath these three streamlined stages.

I focus on the first stage – norms emergence – and offer a counterintuitive explanation for how norms emerge in the context of transnational advocacy. I do not discount the role of Finnemore and Sikkink’s “norms entrepreneurs.” But I argue that other actors are at work; that altruism as well as material interests play a role; and that mechanisms such as blocking and backdoor moves are vital to understanding the micro-foundations of norms change.

The paper proceeds in three sections. It begins with a case study on a campaign to prevent child labor in Bangladesh, followed by a case study on a campaign to prevent gender discrimination in Mexico’s *maquiladoras* (export-oriented manufacturing plants). Within each section, I tease out the blocking or backdoor moves central to each campaign. Finally, I draw brief “lessons learned” from these two campaigns for the broader study of transnational advocacy and norms change.

**CASE STUDY 1: CHILD LABOR IN BANGLADESH.** Reports of child labor in Bangladesh’s export garment industry provoked a firestorm of criticism abroad from the late 1980s through the 1990s. United States legislators threatened formal trade sanctions against the country and thousands of American consumers pledged to boycott garments made there. Ultimately, “blocking” on the part of actors in Bangladesh resulted in a significant shift in the anti-child labor campaign’s normative frame: the central understanding of children’s rights evolved over the course of this campaign to incorporate economic rights issues. Why and how?

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5 Finnemore and Sikkink, op cit.
This case study focuses only on the most active phase of the anti-child labor campaign, which began in 1993 with the introduction into the United States Congress of the Harkin bill on child labor; continued through the launching of a consumer boycott organized by the US-based Child Labor Coalition (1995); and ended with the signing of a Memorandum of Understanding between business, Government and United Nations agencies that brokered a three-year (1995-98) set of policy initiatives on child labor in the Bangladesh garment industry.

Phase I: the Harkin bill. In August 1992 Senator Tom Harkin introduced a bill (the Child Labor Deterrence Act, or “Harkin bill”) aimed at eliminating child labor in export industries worldwide. The bill threatened US-Government trade sanctions on any industry producing goods with child labor. Its normative referents were the 1959 UN Declaration on the Rights of the Child and 1973 ILO Convention 138 on Minimum Age. Child rights expert William Myers argues that the 1989 UN Convention on the Rights of the Child has enjoyed far greater popular support in developing countries than ILO Convention 138 on Minimum Age. The latter is tied to the “European-dominated, pre-decolonization period in the ILO’s history.” It takes a “legalistic view” of child labor, an “on-high” view not in sync with grassroots sensibilities. Hence, the opening position of American and Bangladeshi activists was far apart normatively.


7 A fuller discussion of antecedents to the Bangladesh campaign is included in my dissertation. Among those discussed are a newspaper series on child labor, run by the Cox News service in the late 1980s, from which segments were introduced into the Congressional Record in full (i.e., Congressional Record, First Session, Vol. 133, 7/14/87, No. 116); the “Miller bill” (HR 3112) on child labor of 1998, and related Congressional hearings (1989-1991); a “Capitol Hill Forum on the Exploitation of Children in the Workplace (November 1989); the Pease/Hall “Child Labor Deterrence Act of 1991” (HR 3786); and the 1991 “Mother’s Day” boycott against Bangladeshi garments, launched by the United Food and Commercial Workers’ Union.

8 For full text of the bill (S 3133), introduced in the 102nd US Congress, see http://thomas.loc.gov. Following the introduction of the Harkin bill, numerous bills on labor rights were introduced in both houses of Congress throughout the 1990s. These include: HR 910, a bill on socially responsible investment with language on child labor, introduced in the 104th Congress by Rep. Lane Evans (February of 1995); HR 2065, a bill to prevent importation of goods produced abroad with child labor, introduced by Rep. Barney Frank (July 1995); HR 3294, a bill to amend the Foreign Assistance Act of 1961 to withhold U.S. assistance from countries determined to be violating the rights of working children, introduced by Rep. James P. Moran (April 1996); HR 3812, a bill to impose certain sanctions on countries that do not prohibit child labor, introduced by Rep. Chris Smith (July 1996); HR 4125, a socially responsible product labeling act, introduced by Rep. George Miller (September 1996); and HR 2475, the “Bonded child labor elimination act,” a bill to amend the U.S. Tariff Act of 1930 to prohibit imports of articles produced or manufactured with bonded child labor, introduced September 1997 by Rep. Bernard Sanders.

An evening documentary produced for “Dateline-NBC” in December 1992 focused explicitly on child labor in Bangladesh. Footage of Bangladeshi children sewing garments for Walmart was central to the program. Thereafter, citizen outcry over child labor in Bangladesh’s export garment industry crescendoed to a fevered pitch. In March of 1993, Sen. Harkin reintroduced his bill (S.613) and framed it as “about eliminating a major form of child abuse in our world…This legislation is not about imposing our standards on the developing world. It’s about preventing those manufacturers in the developing world who exploit child labor from imposing their standards on the United States….countries do not have to wait until poverty is eradicated or they are fully developed before eliminating the economic exploitation of children. In fact, the path to development [is] to eliminate child labor and increase expenditures on children such as primary education” (emphasis added).10

Harkin was well aware of the controversy his initial bill had already ignited in Bangladesh: manufacturers in Bangladesh had begun to lay off thousands of children employed in the garment industry shortly after the Harkin bill was first introduced in 1992. Although they initially denied publicly the presence of child labor, members of the Bangladesh Garment Manufacturer’s Association (BGMEA)11 -- the principal industry association for the garment industry – were quick to rid themselves of children in their factories. Local Bangladeshi papers warned as early as December 1992 that were the Harkin bill to become law and Bangladeshi garment exports to be sanctioned by the United States, “cautious estimates say some 40,000 to 50,000 low age workers would be driven out of the garment industry…fuelling serious social problems in urban areas.”12 Harkin viewed these moves as a cynical attempt by industry to rid itself of a problem while blaming outsiders for imposing their standards on Bangladesh. He tried to turn the tables rhetorically by asserting that the bill reintroduced in 1993 was “not about imposing our standards.” But the threat of sanctions hung heavy.

**Economic analysis of the Harkin bill’s potential impact.** According to ILO estimates, child laborers in Bangladesh number some 1.9 million below the age of 10 years and make up 12% of the country’s total workforce of 51 million. The US Department of Labor estimates that 19% (6.6 million) of children between the ages of 5 and 14 work – of whom, 5.4 million were between the ages of 10 and 14. The garment sector employs but a “tiny fraction” of that overall number.13 Nevertheless, the publicity surrounding the 1992 “Dateline” episode and the Harkin bill were impossible to ignore: were the bill to have been implemented as law, Bangladesh would

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11 The Government of Bangladesh requires membership in the BGMEA on the part of export manufacturers: “For employers in the garment sector who want to export their products, membership of [sic] the Bangladesh Garment Manufacturers’ and Exporters’ Association (BGMEA) is compulsory. BGMEA therefore wields a heavy influence over the garment industry as a whole.” See ILO/IPEC. “BGMEA, ILO, UNICEF Child Labor Project Bangladesh: Case Study or ‘Midterm’ Review,” internal working paper prepared by Rijk van Haarlem (Dhaka: ILO/IPEC, July 1997).

12 “BGMEA Warns members of dire consequences of employing children,” *The Morning Sun*, 12/31/92.

likely have been its opening target. The mere threat of such action alarmed companies in the garment industry of Bangladesh and, by extension, the Government and public of that country.

The textile industry is Bangladesh’s largest manufacturing sector and generates fully half of all industrial employment. The “ready-made garment” sub-sector (RMG) generated 74% of the country’s $5 billion in exports in 1999, employing some 1.5 million people in manufacturing. Of these, between 80% and 95% are women; fully 70% of all female employment in the formal manufacturing sector takes place in the RMG industry. Over the past four decades, the industry has grown “almost without any assistance from the government.” It has expanded from “only a few units” in 1977, to 21 factories in 1982, to some 50 factories in 1983, to upwards of 2,400 by 1997, to almost 3,000 factories by 1999. At the time of the Harkin bill and the subsequent 1995 consumer boycott led by the Washington, DC-based Child Labor Coalition-led, the US imported some $901 million worth of garments from Bangladesh. Nearly half of all Bangladesh’s garment exports went to the United States. A threat to a sector this vital to employment and export earnings was understandably considered a threat to the national economic security of Bangladesh.

Phase II: Blocking begins. As soon as word of the Harkin Bill circulated in summer 1992, a wide range of commentators in Bangladesh and beyond were quick to denounce it and to warn of its potentially damaging effects. Articles in the local press ranged from relatively moderate critiques of what such commentators deemed a naïve effort out of sync with local development realities, to vitriolic attacks that cast the Harkin Bill as part of a larger, neocolonial plot to keep Bangladesh underdeveloped and weak. Among the fiercest responses was that of commentator Farhad Mazhar, a vehement critic, who argued the Harkin Bill was simply an “attempt to maintain business interests with the excuse of ‘human rights’…the imperialist process has put on the garb of ‘human rights.’”


17 Begum, op cit.

18 ILO/IPEC, van Haarlem, op cit.; Kochanek, op cit.


On the milder side, the Dhaka-based paper *The Daily Star* editorialized: “…the gauge [the USA] applies for maintaining the standard often proves greater than our society, in the absence of so many supporting conditions and factors, can agreeably respond to.” Anticipating the American argument that children should be in school, not at work, the paper continued: “Child workers earn…at least to feed themselves or to supplement their parents’ income; and in worst cases, to solely support their families. If they could not get employment in the garments factory, chances were that either they had to put their labour into more hazardous or harder jobs or simply had to sit idle. But the prospect of their going to school surely would have been nil. So laws do not speak to the whole story.”22 A supporting argument typically ran: “It’s like forcing the poorer countries, where minimum social safety net is absent, to swallow the Western standard of human rights”23 (emphasis added).

Nur Khan Liton, an activist with the human rights group Ain-O-Salish Kendra, writing for *The Dhaka Courier* in September 1993, argued that Sen. Harkin had misinterpreted the legal standards he invoked as justifying a complete ban on child labor. Light work by children, she argued, was not only permitted under *ILO Convention 138* (on Minimum Age) but in some cases, was absolutely necessary. Though acknowledging that child labor is not intrinsically desirable, Liton argued that eliminating it without providing for remediation and education program would not be 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…We have to recognize the reality of our situation before we can devise effective ways to change.”24

By August 1993, Bangladeshi trade unions and NGOs had ramped up their criticism of the Harkin Bill and were calling for a counter-campaign on the part of local civil society organizations. The US Embassy in Dhaka reported that local activists had organized their own press conference and “called upon all quarters to come forward for waging [a] movement against the Harkin Bill and side by side protecting the children’s rights. [They] also called for enacting a law regarding utilization of child labor”25 (emphasis added). Farida Akter, a principal organizer of the counter-campaign, argued: “No child works 10 to 12 hours a day for a paltry wage for the fun of it. The need for survival forces them to take up jobs in factories instead of going to school…To throw these kids onto the streets would be a serious violation of their human rights.” Since the Harkin bill related only to child labor in export-oriented industries, Akter and others viewed it as “protectionism in the guise of children’s rights.”26

Hameeda Hossain, founder of the Bangladeshi human rights group Ain-o-Salish Kendra, also took part in the press conference. Explaining her organization’s position later she argued: “We were opposed to the Bill for two reasons. First it did not take into account the reality that

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23 Anwar, Shakeel. Portion of photocopied article only – no publication name or date.


25 Co-hosts of the press conference included the organization Sram Bikash Kendra (represented by Ms. Farida Akter); Ain-O-Salish Kendra (rep. Hameeda Hossain); Karmajibi Nari (rep. Shirin Akhter), and National Garments Sramik Federation. For further detail, see cable from US Embassy Dhaka to USIA Washington, DC, dated August 9, 1993. Subject: Bangladesh Media Reaction.

termination of children would not resolve the problem of poverty, nor end child labour, it would merely transfer child labour to other forms, and perhaps worse forms of work. Also we did not think trade controls are a democratic way of changing policy environments. “

The call to action of the “counter-press conference” is a clear example of outright blocking of the American-led Harkin Bill campaign. Bangladeshi activists not only blocked the definition of human rights central to the campaign. They also proposed both an alternative definition of human rights and corresponding action. Notably, opposition to the Harkin Bill within Bangladesh was not wholly uniform and blocking actions were far from monolithic in nature and degree. As indicated from the range of commentary in the local press, there were subtle (and not so subtle) distinctions among the perspectives of actors involved in the “blocking” process.

One of the most gripping claims made by local activists and reiterated by representatives of international organizations such as the ILO and UNICEF was that children dismissed from work in the garment industry had gone into prostitution. Rijk Van Haarlem, who directed child labor prevention efforts for the ILO in Bangladesh at that time, explained that the initial version of the Harkin Bill made “no provisions for rehabilitation [of the children]. Many were faced with destitution. It is assumed that thousands of them sought and found other, often more dangerous jobs. Some ended up in prostitution.”

Actual data on the number of children working as prostitutes as a direct result of the Harkin Bill is scarce. Yet this claim took on the air of truth and was repeated by the Bangladeshi press, policymakers, business, and NGOs – as well as representatives of UN organizations and European NGOs. Southern activists defended their interpretation of child rights – one that included the right to work, lest children suffer worse consequences (i.e., prostitution) – by pointing to evidence of grievous bodily and moral harm to children dismissed from the garment factories. They blocked the Harkin Bill campaign by using the same strategy Keck and Sikkink have observed widely among international campaigners: they asserted the primacy of physical integrity as a nonderogable right. Their innovation was to tie protection of that right directly to analysis of the economic rights (and vulnerability) of child workers.

Northern activists, however, resisted such linkage. They asserted that there was little proof of the link between the Harkin Bill and child prostitution. If children went into prostitution at all, it was not Senator Harkin who was to blame, they argued, but Bangladeshi employers who had failed the children from the outset. Apocryphal or not, the claim that fired child workers were going into prostitution had the effect of pushing economic rights issues to the forefront of negotiations among business, the Bangladeshi and United States governments, United Nations organizations, and NGOs.

27 Hameeda Hossain, interview by the author, by email, 2/3/02.

28 ILO/IPEC, van Haarlem 1997: 3


Phase III: The Child Labor Coalition boycott. By late 1994, members of local Bangladeshi NGOs -- alarmed by the growing numbers and dire situation of displaced child garment workers -- assisted a small group of them (some 53 children) in “ask[ing] for help in their deteriorated situation.”31 There is vague to no published information on who helped the children frame their grievances. Rosaline Costa claims a local Bangladeshi union assisted the displaced children in presenting their grievances. The US-based Asian American Free Labor Institute (AAFLI), in turn, advised a local labor union on how to help the children.32 Terry Collingsworth was at that time AAFLI’s regional representative, and also a member of the Child Labor Coalition.

Hence, the American-based Child Labor Coalition worked behind the scenes to put the issue of children’s remediation and education on the negotiating table. Given horrific claims of child prostitution, the Coalition countered by insisting that the garment manufacturers themselves assume responsibility for the welfare of children displaced from the factories. Central to any agreement negotiated among the parties, the CLC urged, should be both a remediation program and a factory-monitoring program.

The Coalition thus acceded to the Southern demands to include economic rights explicitly in the bargaining framework. Blocking had its desired affect: the CLC had to make explicit its support for economic rights. Blocking thus pushed the American activists to broaden the way they framed child rights – to include economic rights issues explicitly. At the time the Harkin Bill was reintroduced in 1993, Pharis Harvey (Co-Chair of the Child Labor Coalition) challenged: “...It will be of no use to bar the products of child labor if the US is at the same time fostering it indirectly through policies that encourage cheap-wage exports without labor standards protection or that put the burden of debt relief on the backs of the poorest people in developing countries.”33

Harvey’s statement signals an open acknowledgement of economic rights on the part of American NGOs at the helm of the campaign. But the Coalition’s decision to launch a consumer boycott anyway was one of the most controversial aspects of its anti-child labor advocacy. Representatives of the CLC and their supporters have steadfastly argued that they made this move as a last resort. From 1992 when the child labor issue first hit the headlines till 1995, Bangladesh garment manufacturers had balked not only at agreeing to educate or otherwise rehabilitate displaced child workers but also at allowing transparent monitoring of their factories. The Bangladesh Garment Manufacturers and Exporters Association (BGMEA) essentially stalled the progress of negotiations for over a year (1994-95), despite the Coalition’s hope that a draft agreement under negotiation would be signed during a visit by then-First Lady Hillary Clinton to Bangladesh, scheduled for March 31, 1995.34

31 ILO/IPEC, van Haarlem 1997: 3
32 Rosaline Costa, email to the author, 8/13/02. Costa reported that the Bangladesh Independent Garment Union (BIGUF) helped the displaced children write up their grievances, and that the Asian American Free Labor Institute (AAFLI) advised BIGUF.
By Spring 1995, it appeared that the BGMEA was no closer to signing the agreement than it had been a year earlier. The number of children who had by now been fired from factories without provisions for their well-being had swelled into the tens of thousands. On April 19, 1995 representatives of the Child Labor Coalition warned BGMEA that a boycott would officially begin within one month, on May 20, 1995. Following the Association’s rejection of the proposed agreement, the Coalition solicited approval from its membership for a boycott. The change in tactics on the part of the Coalition is significant: as long as the Harkin bill appeared stalled in Congress (i.e., unlikely to become law) and negotiations over the agreement dragged on, members of the BGMEA and the Government of Bangladesh could afford to deny the accusations of the campaign and could resist taking concrete action. When it appeared that consumers would move an industry boycott forward regardless of whether the Harkin Bill became law or not, the industry had to sit up and take notice.

Blocking on the part of actors in Bangladesh began almost immediately: by May 26th the local Bangladeshi press reported that garment manufacturers association (BGMEA) would launch a counter-offensive against the Child Labor Coalition. Pharis Harvey of the Child Labor Coalition wrote the BGMEA president, urging negotiations on the agreement and offering to “suspend the next phase of the campaign...we will not suspend the boycott itself but we will postpone for one week from today the next, mass phase of our work.” The Coalition also offered to “communicate our position to importers and retailers in this country (i.e., the United States), and to ask for their cooperation with a plan for humane, phased elimination of child labor in Bangladesh.” Harvey insisted that “success [for the industry] must not be on the basis of the exploitation of children.” The Coalition took the additional step on June 2nd of writing 30 major American manufacturers, reporting that a Memorandum of Understanding between business, Government and key UN agencies was “being drafted for approval at a meeting on Saturday, June 3” and requesting companies to “respond to this situation – both to support this model program, as well as to help end the US consumer boycott of Bangladesh garments.”

Negotiations in Dhaka gained steam thereafter – with the US and Bangladeshi governments now centrally involved, and BGMEA moving toward a compromise on the language, funding, and monitoring provisions of the Memorandum of Understanding. By June

35 See letters dated 4/14/95 and 4/19/95 from CLC Co-Chair Pharis Harvey to BGMEA President Redwan Ahmed.

36 Terry Collingsworth wrote Pharis Harvey to inform him of the BGMEA’s decision to reject the MOU: “I imagine that they are assuming that the soft-hearted westerners will still come to the rescue and do something for the terminated children. We very well may, but it will be done in such a way to make clear that the BGMEA has done nothing to help and was willing to just toss the children in the street...You really need to hammer the point that they had an obligation to do something to put the children in a better place...The purpose of the MOU was not to simply get the children out of the factories. It was to put the children in school so they would have some opportunity to get an education.” See email dated 5/18/02, from Terry Collingsworth to Pharis Harvey.

37 See fax dated 5/18/02 from Pharis Harvey and Linda Golodner, CLC Co-Chairs, to CLC membership.

38 The counter-offensive is referenced in letter dated 5/26/65, from CLC Co-Chair Pharis Harvey to BGMEA Pres. Redwan Ahmed.

39 Ibid.

40 Letter dated 6/2/95, from CLC Co-Chairs to Gail Dorn, Vice President, Dayton Hudson Corporation.
29th the Coalition’s national coordinator wrote to membership with an “urgent action” request to halt the boycott on July 5th and to send letters endorsing the Memorandum of Understanding to American Embassy staff in Dhaka, to be read at the signing (planned for July 4th). The US Department of Labor followed the negotiations closely, and rallied other international donors to support schooling and stipend programs for the fired child workers. The Department of Labor also marshaled support for the agreement in the US Congress.

Senior Department of Labor official Andrew Samet requested that Sen. Harkin be prepared to formally endorse the agreement which it lauded as “a very important precedent [that]…helps 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” (emphasis added). 41

Samet’s comments seem aimed at rebutting criticism (by Bangladeshis on the blocking end and their supporters in European NGOs and elsewhere) that the agreement was an outside imposition of foreign values, and that it ignored child labor outside the export industry. By insisting that the age standards were not a foreign imposition, Samet sought to persuade critics that the solution to the child labor problem drew on local understandings of children’s role in society – and that these Bangladeshi labor laws and work standards themselves stipulated no factory work should be done by people under the age of 14. His efforts to ensure normative buy-in on the part of opponents to the agreement signal a shift on the part of the US Government that parallels the Coalition’s own shift toward a more public embrace of economic rights issues.

Under the terms of the 3-year Memorandum of Understanding signed on July 4, 1995, the BGMEA pledged $900,000 for stipends/schooling over three years. UNICEF pledged $175,000 for alternative schools in the first year, with additional funds thereafter. ILO pledged $250,000 for a survey of displaced children, as well as for monitoring and stipends in the first year, with additional funds thereafter. 42 Stipends for children were set at 300 Taka/month – roughly one third of what many child workers would earn in a month. 43 Aware that this might not go far enough to replace income lost by working children taken out of the factories, the drafters of the agreement envisioned giving children’s work to family members and setting up family credit programs later. But for children faced with the immediate loss of a significant source of income and only the promise of income replacement programs down the line, the option of schooling would become less attractive over time. 44

41 Memo dated 6/26/95, from Andrew Samet to Peter Reinecke.


44 In Bangladesh, boys and girls work long hours for very little pay. Children’s salaries vary widely, depending on the kind of work they do. Garment factory jobs tend to pay better than other work and are highly sought after. The stipends granted under the MOU are roughly equivalent to $6.50/month (i.e., at an exchange rate of 46 Taka/1 SUS dollar). Working children can earn anywhere from the equivalent of
The aftermath of the boycott. Following the July 4th signing of the Memorandum of Understanding, the Child Labor Coalition officially called off its boycott the next day.\textsuperscript{45} Blocking had an impact on changing the way American activists articulated children’s rights and how policymakers and business developed programs in response to the needs of working children. But it is less clear what impact the campaign had on changing the views of Bangladeshi business, Government, press and civil society. At least publicly, business and Government actors in Bangladesh have attempted to turn the black eye of the anti-child labor campaign into a benefit. They argue that the garment industry learned from this chastening experience and is better for it. Privately, however, business leaders express their concerns that the human rights issues central to the anti-child labor campaign were far more complex than American activists realized, and that the long-term impact of the Memorandum of Understanding was limited. Similarly, Government officials acknowledge that while the MOU may have had some positive effects, the risks of a boycott strategy outweighed the rewards.

To the extent that they focus on child labor, most groups in Bangladeshi civil society tend to focus on the “worst forms of child labor” or on child empowerment. Their normative reference points are the UN Convention on the Rights of the Child and the ILO Convention 182 on the Worst Forms of Child Labor, passed in 1999. Nazrul Islam Khan, General Secretary of the Bangladesh Institute of Labour Studies (a union-affiliated research institute), noted his organization is currently working “to create awareness against the worst forms of child labour.”\textsuperscript{46} Khan and other Bangladeshi activists are careful to distinguish hazardous child labor from other forms of child work. They insist on children’s right to work under non-exploitative conditions in the interest of realizing their broader right to a decent standard of living.

Where the Harkin bill campaign may have had some impact on shifting the normative discourse within Bangladesh is on the increased attention activists like Khan and others are now paying to the connection between child work and education. The right to education is jeopardized

\textsuperscript{45} See two separate letters, each dated 7/4/95, from CLC Co-Chairs Pharis Harvey and Linda Golodner to Redwan Ahmed of BGMEA; see also official press release dated 7/6/95 from CLC.

\textsuperscript{46} Nazrul Islam Khan, interview by the author, by email, 12/11/01. European trade unions that support the work of Kahn’s organization echo this emphasis on advocacy around the worst forms of child labor, focusing ILO Convention 182 on the Worst Forms of Child Labour. Their representatives argue it serves as a wedge into discussion of a range of issues, including: protection for children in domestic manufacturing and service industries; entitlement to universal education; and wider application of international labor standards (including provisions for labor rights clauses in trade agreements). Neil Kearney (Director General, International Textile, Garment and Leather Workers’ Federation/ITGLWF), interview by the author, in New York, NY, 3/1/02. Tim Noonan (International Confederation of Free Trade Unions/ICFTU), interview by the author, by telephone from New York, 3/1/02. Steve Grinter (Education Secretary, ITGLWF), interview by the author, by telephone from New York, 2/8/02.
if families are too poor to pay for education and if their children must work. But the daunting challenge of making quality education available to poor children in Bangladesh was (and remains) far beyond the scope of this campaign. In the end, the Harkin Bill campaign opened the door to a wider discussion of human rights than originally envisioned – precisely because of the actions on the receiving end that this case study explored.

CASE STUDY 2: WOMEN’S RIGHTS IN MEXICO. Pregnant women who seek work or are employed in Mexico face a conundrum. They are not hired -- or are readily fired -- so that employers can avoid paying three months of maternity leave required under Mexican labor law.\textsuperscript{47} Employers argue the tests are necessary to keep women from abusing a generous social welfare system. For many women paid work represents a lifeline of economic security for themselves and their families, so they hide their pregnancies -- resulting in injury and, occasionally, miscarriage. Those who are not yet pregnant face the stark choice between maternity and paid employment.

Beginning in 1995, Human Rights Watch, a New York-based nongovernmental organization, focused on a particularly vulnerable group of pregnant workers: those employed in export manufacturing plants, known as \textit{maquiladoras},\textsuperscript{48} along Mexico’s Northern border with the United States. The organization worked with local Mexican groups to collect testimony from hundreds of aggrieved women. It issued hard-hitting reports critical of the Mexican and US governments as well as a number of major multinational corporations. Using the labor side accord to the North American Free Trade Agreement (NAFTA), Human Rights Watch and other nongovernmental organizations submitted a formal complaint against Mexico, and launched a campaign to pressure both governments to take action on the situation. Feminists in Mexico City, in turn, launched a national-level campaign in 1998. They focused not only on the situation of pregnant women in \textit{maquiladoras} along the Northern border, but also on those employed in government service, education and other economic sectors throughout the country. For Mexican activists more than the right to non-discrimination was at stake. The right to work and society’s responsibility for human reproduction were as well.

\textsuperscript{47} Article 170(II) of the Federal Labor Law of Mexico (\textit{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 electronically via: http://www.cddhcu.gob.mx/leyinfo/125/196.htm

\textsuperscript{48} Contemporary \textit{maquiladoras} are plants that “finish” production of semi-finished goods for export. Special Mexican investment and customs rules allow \textit{maquiladoras} to import machinery, equipment, and materials duty-free; up to 100\% foreign investment is allowed. Finished products are then re-exported. If a portion of the goods is sold within Mexico, import duties are paid only on the value of foreign parts -- not on the total value of the finished product. The number of \textit{maquiladoras} has tripled since NAFTA’s passage in 1994 and accounts for 23\% of all Mexican export earnings -- more than that generated from petroleum exports. Gonzalez-Baz, Aureliano. “Manufacturing in Mexico: The Mexican In-Bond (\textit{Maquila}) Program.” Source: http://bancomex-mlt.com/invest/vox128/htm Available electronically via: http://www.udel.edu/leipzig/texts2/vox128.htm United States Central Intelligence Agency. \textit{CIA Factbook 2001}, available electronically via: http://www.cia.gov/cia/publications/factbook/ See also: Denman, Catalina. “\textit{Maquiladoras} and Health on the US-Mexico Border: Challenges for Research and Action,” talk delivered 10/14/02 at the Institute of Latin American Studies, Columbia University, New York; and Vázquez-Tercero, Héctor. “Medición de flujo de divisas de la balanza comercial de México” (Trans: Measurement of the flow of earnings of Mexico’s commercial balance), \textit{Comerico Exterior}, Vol. 40, No. 10, October 2000: 890-894.
In this case, rather than “block” a campaign that emphasized civil and political rights over economic and social ones, Mexican activists brought the latter rights into the Human Rights Watch campaign through the “backdoor” and put them front and center in a 1998 national-level campaign. The case also offers insight into the dynamics of a “dual-target” campaign. Activists focused on both the US and Mexican Governments; they highlighted discrimination in international manufacturing plants as well as Mexican enterprises and state agencies. Unlike the Bangladesh case, this was not a case in which “outside-in” activism focused on a single government or economic sector. Rather, it was a case in which transnational advocates and local activists in both countries focused together on dual targets.

Ultimately, Mexican activists had greater influence on national policy discourse than they did on international human rights debates. Discussion in the Human Rights Watch campaign, in particular, remained publicly centered on the civil and political rights aspects of discrimination. But at the local level in that campaign — and certainly in the 1998 campaign -- economic rights, reproductive freedom, and the social construction of gender roles emerged as important themes.

**Phase I: Build-up to the Human Rights Watch 1996 Report.** Human Rights Watch built alliances among NGOs along the Northern border of Mexico and in March 1995, dispatched a team of investigators to the region. Together they collected personal testimony from hundreds of women who had suffered pregnancy-related employment discrimination, and interviewed representatives of government institutions responsible for resolving labor disputes and monitoring factories. Researchers concentrated their efforts in cities in the states of Baja California, Tamaulipas and Chihuahua. Separately, in late June 1996 Human Rights Watch sent letters to US-based firms with manufacturing operations in the *maquiladora* zones of those states, demanding an end to employment-related pregnancy screening.49

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49 Allies included border-based feminist groups (such as Factor X and Casa de la Mujer Lugar Tia Juana, both in Tijuana), labor rights groups (such as the Comité Fronterizo de Obreras in Piedras Negras, Reynosa and Matamoros) and social justice organizations (such as the American Friends Service Committee). See Human Rights Watch, “Acknowledgments,” *No Guarantees: Sex Discrimination in Mexico’s Maquiladora Sector* (New York: HRW 1996): 57. Hereinafter, referred to as HRW *No Guarantees* 1996.

50 Staff of Human Rights Watch conducted interviews with representatives of various Conciliation and Arbitration Boards (JCA, Spanish acronym), the Secretary of Labor and Social Protection (STPS, Spanish acronym), the Office of the Labor Rights Ombudsman, and the Office of the Inspectorate of Labor. See HRW *No Guarantees* 1996, op cit: 36-44. I interviewed representatives of the Conciliation and Arbitration Boards at both the state- and Federal-levels, and of the STPS at the state- and Federal-levels. See Gerardo Medel-Torres (JCA-Baja California), interview by the author, in Tijuana, Baja California, 10/4/01; Jesús Terán-Martínez (JCA-Tamaulipas), interview by the author, in Matamoros, Tamaulipas, 1/11/02; Guillermo Hernandez-Gallindo (Federal JCA, Hermosillo offices), interview by the author, in Hermosillo, Sonora, 10/23/01; Victoria Vasquez-Rosas (STPS-Baja California), interview by the author, in Mexicali, Baja California, 10/1/01; Sandra Clementina Castro and Julio Villarreal-Aguirre (STPS-Sonora), interview by the author, in Hermosillo, Sonora, 10/22/01; and Ana Berta Collín (Federal STPS, Mexico City headquarters), interview by the author, in Mexico City, 1/18/02. Similar to Human Rights Watch, these interviews revealed a “labor dispute resolution system that is not only unresponsive [to pregnant workers’ concerns]…but also is unequipped both materially and legally to pursue such problems.” HRW *No Guarantees* 1996, op cit: 37.

51 Many of the corporations written to by Human Rights Watch replied that the organization had contacted them so late in its investigation (i.e., less than a month before the release of its report) that it could not have expected a reasonable reply. The bulk of responses either denied or sought to justify employment-related pregnancy screening. See HRW *No Guarantees* 1996 op cit: 45-54.
In August 1996, HRW released a report confirming that many companies in the maquiladora zones require pregnancy exams prior to hiring as proof that women are not pregnant. Others require exams throughout a woman’s employment; if a worker is found to be pregnant, she is moved to a more physically taxing job within the factory or to a night shift, in an effort to force her to voluntarily resign for her own safety/comfort. And women are fired outright for being pregnant – though the reason for dismissal is often stated differently in official paperwork related to the firing. As an appendix to the 1996 report, Human Rights Watch published samples of its letters to US-based companies with manufacturing operations in the maquiladora zones (among them, Sanyo, Zenith, and Carlisle Plastics) along with their responses. The report urged the Government of Mexico to uphold its obligations under the Mexican Constitution, various United Nations human rights treaties, ILO conventions, and the NAALC. It called upon the US Government to exercise political pressure on Mexico to do so, and urged corporations to end pregnancy-related employment discrimination.

Backdoor moves during Phase I. Mexican organizations along the Northern border provided Human Rights Watch with invaluable assistance in producing both its 1996 and 1998 reports. Members of local groups made introductions to people in border communities. They guided HRW staff around the remote neighborhoods where maquiladora workers lived and arranged interviews with women in homes and outside factories. They provided background information on local governmental institutions and political figures. And they distributed the finished Human Rights Watch reports to other social justice organizations in the border region.

Human Rights Watch staff has acknowledged that local Mexican groups did not propose the idea of a campaign against pregnancy discrimination. Adequate wages, housing, and safe transit to and from work are among the chief concerns most often cited by women who work in Mexico’s maquiladoras – but these issues do not fall within the mandate of the NAALC. Hence, staff of Human Rights Watch identified an issue that would lend itself to adjudication under the NAALC, sought out a range of allies that were willing to help gather testimony, and developed its reports and campaign accordingly.

To local groups the campaign offered a vehicle for shaming into reform both the United States and Mexican governments along with multinational corporations that contract from maquiladoras. Mexican NGOs had an interest in seeing the Human Rights Watch campaign succeed – so they didn’t seek to alter its principal focus on discrimination. Instead, they brought their own longstanding concerns about economic rights and social justice into the campaign through the backdoor.

52 HRW No Guarantees 1996, op cit.

53 Among others, Mexico has ratified: the Convention on the Elimination of Discrimination against Women (CEDAW); the International Covenant on Civil and Political Rights; the International Covenant on Economic Social and Cultural Rights; ILO Convention 111 on Discrimination; and the American Convention on Human Rights.

54 LaShawn Jefferson (then -Deputy Director, Women’s Rights Division, Human Rights Watch), interview by the author, in Washington, DC, 3/14/00.

55 Pharis Harvey of the International Labor Rights Fund (one of the three organization that filed Submission 9701) acknowledged that pregnancy screening was not a top priority for grassroots women, but agreed on the political saliency of the issue in the NAALC context and hence co-filed submission 9701. Interview with the author, Washington, DC, 3/14/00.
At the grassroots level (though not in official policy dialogue), local Mexican groups significantly broadened the central message of the Human Rights Watch campaign. Rather than focus principally on discrimination, as Human Rights Watch did, Mexican activists cast the fight against pregnancy screening as part of their ongoing struggle for workers’ economic rights and against an exploitative economic development model. As Julia Quiñonez, Director of the Comité Fronterizo de Obreras (CFO), explained: “For the 36 or 37 years that the maquilas have been here, we’ve seen increasing impoverishment … This paradise, these benefits they’re going to bring us -- we see reality isn’t changing things. It’s bringing a setback in the lives of workers… This is the contribution we want to make: they have to listen to what we’ve seen, to what’s happened. That’s why we’re always trying to be involved in discussions about neoliberalism, so that they listen to workers.”

Similarly, for Carmen Valadez of Factor X (a Tijuana-based NGO), participating in the Human Rights Watch campaign meant grafting the legitimacy of the international human rights movement onto the local struggles of working women. For Valadez, this campaign was but an entry point into a broader human rights discussion, an opening step in a longer process: “… labor rights or what happened in the maquila wasn’t seen as a violation of human rights in Mexico… When you see the news and hear about a human right you think, ‘Aha, the disappeared, the political prisoners, police brutality’… This is the first image you have about human rights…. So there needs to be this link made between labor rights and human rights – the labor rights as part of human rights… Because that way, society will pay more attention… And if we don’t talk about it from a gender perspective, we’re never going to discover all the kinds of violations there are, nor describe them in their totality.”

Like Factor X, a number of other border-based groups that collaborated with Human Rights Watch were explicitly feminist, particularly in Tijuana. Others, however, resisted calling themselves feminists – despite the fact their staff were nearly all female, as were the grassroots-level populations they served. Still others, like CFO, worked from a class-based perspective.

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58 Among them were Factor X, Casa de la Mujer Lugar la Tia Juana, and Yeuani. Maria Santos-Ramirez (Casa de la Mujer Lugar la Tia Juana) spoke frankly about the tensions among women’s groups in Baja California, stemming from competition for funds and political access, as well as personal rivalries. Interview by the author, in Tijuana, Baja California, 9/19/01. Elsa Jimenez (Yeuani) reflected less on tensions among women’s groups at the border and more on center-periphery tensions between Mexico City and border-based women’s groups – rivalries similarly focused around resources and political access. Interview by the author, in Tijuana, Baja California, 9/26/01.

59 Focus group interview with members of the Maquiladora Organizing Project (based in Agua Prieta, Sonora) revealed more attention to social justice (inspired by liberation theology) than feminism. In this group, a number of women struggled to balance their activism with “family obligations” that they felt compelled to carry out along strict gender lines. Only a few dared challenge a patriarchal division of labor within their own homes. Focus group conducted by the author in Agua Prieta, Sonora, 1/16/02; see also Francisca Tenorio, interview by the author, in Agua Prieta, Sonora, 10/16/01.
rather than a gender-based one. The end result both of the diversity among border-based groups and of their overarching pragmatism was that the economic rights message resonated more loudly at the local level than did a message on social reproduction. Border-based activists supported Human Rights Watch’s anti-discrimination agenda, while at the same time bringing economic rights issues in through the back door. Not until Mexico City feminists pushed a national-level dialogue on pregnancy screening did feminists at the border join them in raising the issue of social responsibility for human reproduction.

Phase II: Submission 9701. By May 1997, Human Rights Watch had waited eight months for a satisfactory response to its first report from either the US or Mexican Government. It was time to file a formal complaint using procedures established under the NAALC. Human Rights Watch, together with the US-based International Labor Rights Fund and the Asociación Nacional de Abogados Democráticos of Mexico (National Democratic Lawyers Association, or ANAD) entered a formal complaint with the office responsible for the side accord.

At the same time that it filed “Submission 9701” (as the complaint was officially known), Human Rights Watch began the process of preparing a second report. The organization initiated a second round of interviews from May through November 1997, involving NGOs and workers as well as Government representatives in Tijuana, Ciudad Juarez, Rio Bravo and Reynosa.

Over the course of the next six months, an intergovernmental investigation proceeded in response to Submission 9701. In November 1997, the governments of the United States and Mexico jointly hosted a “Public Hearing” in Brownsville, Texas. Representatives of the NGOs that filed the complaint offered testimony, along with Mexican women workers.

Focus group interviews with members of both the Comité Fronterizo de Obreras (CFO, based in Piedras Negras, Coahila) and Derechos Obreros y Democracia Sindical (DODS, based in Reynosa, Tamaulipas) revealed more attention to class-based than gender-based analysis. Focus group with CFO conducted by the author in Piedras Negras, Coahila, 1/8/02; focus group with DODS, conducted by the author in Reynosa, Tamaulipas, 1/10/02.

The United States National Administration Office (US-NAO) is one of three parallel offices that exist in all three signatory countries to the NAFTA; each office processes complaints submitted by its own citizens about labor situations in any one of the other three countries. Often, human rights groups submit complaints jointly with counterpart organizations in the other signatory countries. I refer to the pregnancy-screening complaint submitted in 1997 hereinafter as “Submission 9701,” using the number assigned it by the US-NAO. Full text of Submission 9701 can be accessed electronically via: http://www.dol.gov/ILAB/media/reports/nao/submissions/Sub9701.htm


Participants in the hearing included: LaShawn Jefferson and Joel Solomon (Human Rights Watch); Ed Krueger (then of American Friends Service Committee); Terry Collingsworth (International Labor Rights Fund); Maria Estela Rios (former president, Asociación Nacional de Abogados Democráticos) and six workers from CFO. See undated mimeograph, “Witnesses, Public Hearing on Submission No. 9701, Brownsville, Texas, 11/19/97,” photocopy available from the US-NAO.
months after receiving Submission 9701, the US National Administration Office responded with a recommendation for bilateral discussions between the US and Mexican Governments.\footnote{National Administrative Office (NAO), Bureau of International Labor Affairs, United States Department of Labor. \textit{Public Report of Review of NAO Submission No. 9701}, dated 1/12/98. Full text of this report can be accessed electronically via: \url{http://www.dol.gov/ILAB/media/reports/nao/pubrep9701.htm}}

\textbf{Backdoor moves during Phase II.} Border-based activists in Mexico worked on a two-track strategy throughout this period. They participated actively in the official campaign organized by Human Rights Watch, giving testimony at the Brownsville hearing, for example. At the local level, however, they continued to explain the campaign primarily in terms of economic rights issues. For most Mexican activists in the border region, eliminating gender-based discrimination was a means to an end -- that of improved economic security for women.

Local Mexican activists introduced economic rights themes because they believed these to be the most pressing concerns for poor women. As Maria Santos-Ramírez of the Casa de la Mujer Lugar Tia Juana explained, transnational human rights campaigns “have put forward a conceptual model of human rights [that’s]…in the air and people use it, but it’s not clear what it is nor how to outline it in reality….In fact, it may be holding us back, because…it’s abstract. And people from below don’t perceive it. And above all in the \textit{maquila}, in a context in which women are really more submerged in their preoccupation about dinner (\textit{la sopa}) than in this type of thing…They’re hungry. And they’ll say ‘Well, this is important but it’s just that I can’t be bothered right now.’”\footnote{Maria Santos-Ramírez, interview by the author, in Tijuana, Baja California, 9/19/01.}

\textbf{Phase III: Mexican national campaign.} Feminist groups in Mexico City embedded concern for economic rights within the national-level campaign they rolled out in 1998, while at the same time introducing new priorities: they sought to transform gender roles to include equal responsibility for men and women in childrearing, and to raise awareness in Mexican society of the value of “social reproduction.” Rather than penalize pregnant women by taking away their employment, feminists argued, society should ensure women of comprehensive support during pregnancy, since women bear the burden of reproducing society itself.\footnote{A primer on human rights produced by the 1998 campaign summed up this argument succinctly: “If people can reconcile their work with their family, all of us will be better off because increases in quality of life are connected with increases in worker productivity. The proposal of family responsibilities is that \textit{the care of children, the elderly and other dependent people is a social necessity} and as such, the State and private enterprises ought to cooperate in making facilities available to women and men so that they can carry out this care-giving” (emphasis added). \textit{See Cartilla: Maternidad y Trabajo – Pueden conciliarse?}, undated pamphlet produced by Mujeres Trabajadoras Unidas, AC/Mujeres en Acción Sindical (MUTU/AC/MAS); DIVERSAS; Centro de Investigación y Estudio de la Sexualidad (CISEX); Equidad y Genero; and Grupo de Información en Reproducción Elegida (GIRE): p. 19-20.}

Pilar Muriedas, co-founder of a Congressional watchdog group in Mexico City and a leader in the 1998 campaign, reflected on the challenge of convincing the Mexican public that pregnant women play a productive role in society and economic life: “[The campaign] opened the debate over what it means for women’s various rights to be in conflict, given the employers’ perspective. And it was really important to find out what the population thought…to find out that \textit{they 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?’ \textit{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” (emphasis added).67

Yolanda Ramírez and Milisa Villaescusa, protagonists in the national campaign, explained that the Dutch Embassy in Mexico City awarded a one-year umbrella grant to four organizations that in turn directed the 1998 campaign.68 They and others persuaded allies in the public Commission of Human Rights of Mexico City to pay for flyers and a primer on basic human rights and gender that explicitly denounced pregnancy screening. Armed with these resources, the activists launched a “Campaign to Discourage Firing for Pregnancy and Pregnancy Exams.” The aim was to capitalize on the political space created by the Human Rights Watch campaign and the ensuing US-Mexico policy dialogue to push the Mexican Government for a range of gender-sensitive policy reforms.

As Ramírez explained, “the theme was set. There was also the discussion of NAFTA and the parallel accords. It was a really important conjuncture, a moment when a campaign could really have impact with all this on the table… The 1997 campaign was important for what it achieved in Washington, but it was really hidden…So what we did was open up the theme…”69 Likewise, Patricia Mercado (then the leader of the feminist political organization DIVERSAS) echoed the emphasis on the timing of the campaign: “…if you don’t mount a campaign at the particular time in Mexico in which the public is favorable, you lose the opportunity… we saw an opportunity…because there was a year of controversy leading up to it.”70

Mexico City feminists were reluctant to embrace the dominant normative underpinnings of the preceding Human Rights Watch campaign, which Yolanda Ramírez argued 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” (emphasis added). Rather than block the Human Rights Watch campaign, Mexican feminists “worked with it,” transforming the discourse on human rights over the course of their own 1998 campaign. Ramírez and others spearheading the 1998 campaign focused on “reproductive rights of working women,” since “women workers have always been outside the global discourse of feminism.”71 In Mexico, feminist neglect of labor concerns has been a function, in part, of the middle-class nature of the feminist movement.72

67 Pilar Muriedas (Consortio para el Dialogo Parlamentario y la Equidad), interview by the author, in Mexico City, 1/18/02.

68 Yolanda Ramírez and Milisa Villaescusa, interview by the author, in Mexico City, 1/15/02. The Dutch government funded the following organizations: Mujeres Trabajadores Unidas, AC/Mujeres en Acción Sindical (MUTUA/MAS); DIVERSAS; the Centro de Investigación y Estudio de la Sexualidad (CISEX); Equidad y Gender; and Grupo de Información en Reproducción Elegida (GIRE).

69 Yolanda Ramírez, interview by the author, in Mexico City, 1/15/02.

70 Patricia Mercado, interview by the author, in Mexico City, 1/15/02.

71 Yolanda Ramírez, interview by the author, in Mexico City, 1/15/02.

has also resulted from lack of technical expertise on economic issues among activists. Launching the 1998 anti-pregnancy screening campaign, then, engaged Mexican feminists in advocacy that was more explicitly economically focused, while at the same time challenging them to work with new partners (i.e., border-based groups).

Tactically, the Mexico City feminists made the blunder of not involving border-based groups in the initial planning of the 1998 campaign. This oversight ignited old center-periphery tensions, though several border-based groups eventually took an active role in the 1998 campaign. The Mexico City feminists at the helm of the campaign pushed a multi-pronged agenda forward. They sought out as many avenues as possible to publicize their efforts. They circulated a national petition, denouncing pregnancy screening. They informally surveyed the public on the issue. They compiled additional individual testimony from women in sectors other than the maquiladoras and from regions other than the Northern border. And they organized a national “Tribunal on Reconciling Maternity and Work,” aimed at garnering high-profile political attention along with considerable media and public attention.

The Tribunal held in Mexico City on October 22, 1998, was the centerpiece of the campaign. Widely covered in the press, the event was also billed with the activists’ slogan: “Human reproduction: a social responsibility,” to convey the central idea that women shouldn’t be fired for being “unproductive” during pregnancy because in reality they are contributing to society’s very reproduction by having children. At the Tribunal, activists highlighted the campaign’s central achievements: between 6,000 and 7,000 people nationwide had signed a proposal denouncing pregnancy screening. The overwhelming number -- 78% of those surveyed -- opposed the practice. Activists shared findings from more than one hundred additional cases of pre-hire pregnancy discrimination and five cases of outright firing for pregnancy, nationwide; nine women affected by pregnancy screening shared their personal stories at the Tribunal itself.

73 Among those interviewed for this dissertation, members of Factor X and Yeuani (in Tijuana); Casa de la Mujer and Mujeres en Accion Sindical (in Hermosillo); and CFO (in Piedras Negras, Reynosa, and Matamoros) helped compile signatures for the national petition circulated by the 1998 campaign. As Elsa Jiménez-Larios of Yeuani explained: “it served me very well to jump into the [1998] national campaign. Because I didn’t have resources for a campaign -- I never did…So I grabbed onto the campaign as best I could; I used the things that they did…” Elsa Jiménez-Larios, interview by the author, in Tijuana, Baja California, 9/26/01.

74 Velasco, Diana. “Despidos por embarazo en la mujer, no se denuncia en 90% de los casos,” El Día, October 21, 1998. As Velasco reported, participants in the Tribunal argued “women should be able to count on social guarantees so that they go through maternity not as a punishment but in the exercise of their full liberty and responsibility, shared with society.” The law should “protect the right to equality of opportunity, and should establish prohibitions, with sanctions, on violations.”

75 Martínez, Fabiola. “Convoca a foro de conciliación entre la maternidad y el trabajo,” La Jornada, October 22, 1998.

76 Some 567 people were informally surveyed; 51% of those responding were women, 49% men. Martín, Monica. “Iniciativa para evitar que el embarazo sea causa de despido,” source unavailable, October 22, 1998. See also: Salazar, Miguel Angel. “Denuncian aplicación de examen de no gravidez en mujeres recién contratadas,” El Sol de México, October 22, 1998.

77 Martínez, Fabiola, op cit. Women nationwide were interviewed and in some cases, went to the Tribunal to testify. Among the states covered were Baja California, Chihuahua, Sonora, Coahuila, Tamaulipas, Campeche, Puebla, Jalisco, the state of Mexico and Mexico City. See “Resumen de casos presentados en el
At the conclusion of the Tribunal, women legislators from across the ideological spectrum called upon the Mexico City legislature to support the campaign (though differing on recommendations for reform). Throughout 1999 activists involved in the national campaign continued to meet with national-level policymakers. Their efforts dovetailed with the next phase of the Human Rights Watch campaign, which was then unfolding.

**Phase IV: Human Rights Watch Report 1998 and aftermath to Submission 9701.**

Although the United States called for bilateral consultations on Submission 9701 in January 1998, it took nearly 10 months for them to occur. On October 21, 1998 bilateral consultations between the US and Mexican governments took place – the day prior to the national Tribunal hosted in Mexico City. At the bilateral meeting, the Mexican Government continued to resist acknowledging that pre-hire pregnancy testing was discriminatory. Human Rights Watch moved into high gear thereafter, releasing a second report in December 1998 that noted the inadequate response to Submission 9701 on the part of both Governments. The 1998 report criticized Mexico’s unwillingness to recognize pre-hire pregnancy screening as discriminatory and the United States’ reluctance to challenge this position. Once again, the annex included copies of responses from various companies contacted directly in conjunction with the report; many denied the practice of pregnancy screening or pregnancy related firings happened in their factories.

The United States and Mexico moved forward with plans for a join “outreach session” on Submission 9701, to be hosted in early March 1999 at Mérida, Yucatán (Mexico). In advance of the meeting, heads of the NGOs that had filed Submission 9701 wrote to the US Secretary of Labor, criticizing the selection of Mérida as the venue. They pointed out its inaccessibility to NGOs based on the Northern border and argued that the Yucatán is a sub-region with few maquiladoras and little local activism on workers rights. Hence “the Mexican government will be able to deny, unchallenged, its responsibility under the labor rights side agreement to NAFTA to enforce the anti-discrimination provisions of its labor law and to make labor tribunals available to those with grievances.”

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marco del Tribunal de Conciliación entre la Maternidad y el Trabajo,” unpublished collection of testimony presented 10/22/98, compiled by Mujeres Trabajadores Unidas, AC/Mujeres en Acción Sindical (MUTUAC/MAS); DIVERSAS; the Centro de Investigación y Estudio de la Sexualidad (CISEX); Equidad y Genero; and Grupo de Información en Reproducción Elegida (GIRE).

78 Ana Luisa Cárdenas of the Partido Revolucionario Democrático (PRD) and Angélica Luna Parra of the Partido Revolucionario Institucional (PRI) called, respectively, for legislative changes and for private sector incentives to end pregnancy screening. See Alcantara, Liliana. “Se unen legisladoras al apoyo a trabajadoras embarazadas,” El Universal, October 22, 1998.

79 The bilateral consultations are referenced in a report by the NAO-USA, “Status of Submissions under the North American Agreement on Labor Cooperation,” updated November 1, 2000: 4; available from the US-NAO in photocopy form. Text of the implementing agreement reached by the US and Mexican Governments is available in the appendix to the HRW *A Job or Your Rights 1998*, op cit: 79. Notably, the implementing agreement commits Mexico only to address “post-hire” pregnancy discrimination.


81 Letter dated 2/23/99, from Regan Ralph (Human Rights Watch), Pharis Harvey (International Labor Rights Fund), Oscar Alzaga-Sánchez (Asociación Nacional de Abogados Democraticos) and José Miguel Vivanco (HRW) to Alexis Herman (United States Secretary of Labor).
Nevertheless the March 1999 outreach session took place at Mérida, paralleled by a process of ministerial consultations, at which the Government of Mexico finally acknowledged that pre-hire pregnancy testing is discriminatory and illegal. The United States Government promised to release a report on related policy resolutions -- but has not done so to date.\(^{82}\) Human Rights Watch ended its campaign on Submission 9701 after mid-1999, but national-level activism on pregnancy screening continued within Mexico for the rest of that year and into the following.

In May 1999 Mexico’s National Union of Educational Workers (SNTE) negotiated an agreement with the country’s Secretary of Education to prohibit the practice of requiring teachers to present pregnancy certificates.\(^{83}\) In September 1999 Mexico City’s then-mayor, Rosario Robles (PRD) signed into force a law that criminalized the practice of employment-related pregnancy screening within the Federal District two days after she took office.\(^{84}\) Legislators across the political spectrum picked up on gender themes and introduced a range of legislative initiatives in the national Congress – often goaded by the same NGOs that had taken part in the 1998 campaign.\(^{85}\)

Yet from the perspective of some of the local activists involved in the Human Rights Watch campaign, there were indeed costs to following the cumbersome NAFTA-related process. Mexican activists involved in the campaign on Submission 9701 criticized the overall lack of impact it had on the lives of people at the grassroots level. As Elsa Jiménez-Larios, a Tijuana-based activist argued, “there wasn’t a follow-up strategy,” nor a focus on grassroots-level dissemination and implementation. Marcia Contreras Lopez, an activist in Hermosillo, noted that people at the local level often participate in surveys or are interviewed for studies – only to have researchers or activists fail to share results of their efforts. “Increasingly, people at the grassroots level cynically ask NGO representatives, ‘Why should we bother to participate in international campaigns, etc.? The people involved never tell us what happened.’”\(^{86}\) The only way around the problem, she argued, is for activists to link their policy agenda explicitly to grassroots advocacy strategies. Then transnational campaigns can serve as a “trampoline,” that propels marginalized people into the political process.

**CONCLUSION.** The two cases discussed in this paper offer insights into the dynamics of norms evolution from field-based experiences at the receiving end of transnational advocacy campaigns. Among the key “lessons learned” are the following:

\(^{82}\) NAO-USA, “Status of Submissions under the North American Agreement on Labor Cooperation,” updated 1/11/00: 4; available from the US-NAO in photocopy form.


\(^{85}\) For a summary of related legislation, see Consorcio para el Dialogo Parlamentario y la Equidad. “La equidad de género en la LVII legislatura,” *Agenda Afirmativa*, undated summary and analysis of 49 bills presented from 1997-2000, six of which focused directly on pregnancy-related discrimination.

\(^{86}\) Marcia Contreras-Lopez, interview by the author, in Hermosillo, Sonora, 11/1/01.
1) Assess the opening normative positions of different actors in a given network or campaign: where is there convergence – or difference?

2) Determine whether accepting (or rejecting) particular norms is tied to concrete incentives and/or sanctions (i.e., carrots or sticks)? If so, how and why?

3) Assess what a norms shift implies in concrete terms. Who benefits (or loses) from a change in the normative framework of a campaign?

4) Be sensitive to how grassroots people are affected by shifts in norms discourse. Are they aware of (or involved in) setting the terms of the debate? If not, why not? If so, how?

5) Prepare for the unintended consequences of transnational activism; are the intended beneficiaries worse or better off after outside intervention. Why and how?

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