

# CAMPAIGNER FOR HUMAN RIGHTS

Mariela Morales Antoniazzi has challenged corruption in Latin America and mobilized its citizens. The Venezuelan-born lawyer is currently conducting research at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg to investigate why human rights are the prerequisite for any democracy – and how to defend them.

TEXT: MARTIN TSCHECHNE

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“There are indeed enough reasons to despair,” says Mariela Morales Antoniazzi. “But who would that help?” The Amazon rainforest is burning. It’s an issue concerning the pasture land and cultivation areas for an agricultural industry that is expanding ever more rapidly. The areas are so vast that they are visible in satellite photos from space. In Argentina, women fall victim to the culture of machismo. Every 30 hours, the authorities report a murder; the perpetrator is almost always a lover or husband. In Mexico, people are demonstrating in memory of the 43 students who disappeared without a trace in the city of Iguala six years ago. They were not the only ones, and they won’t be the last. Die Zeit quotes one observer as saying that the country is “one mass grave.” Nobody knows how many people have been kidnapped and murdered to date. The estimated figure is around 60,000.

Human rights? An opportunity for education and prosperity, for health, participation, freedom of

the press? “There are indeed enough reasons to despair,” reiterates the lawyer. But resignation is just not in her character.

In Chile, police use firearms against demonstrators. The preferred target for the carabineros are the demonstrators’ eyes. In Brazil, President Jair M. Bolsonaro frivolously and cynically plays down the danger of COVID-19. The ‘M’ in his name stands for “Messiah”, but the inhabitants of the densely populated slums of Rio de Janeiro, the favelas, have no chance against the pandemic. In Venezuela, two men are vying for the office of president: the incumbent, Nicolás Maduro, and the opposition leader, Juan Guaidó, who is officially recognized by around 50 states, including the U.S. and the majority of EU countries. Venezuela was once the fifth largest oil exporter in the world. Today it staggers towards ruin; its people are starving. Five million people have already fled, most of them to neighboring countries, where as migrants they are no better off.

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# VISIT TO

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## MARIELA MORALES ANTONIAZZI



PHOTO: KATHARINA DUBNO

A lawyer with an attitude. Mariela Morales Antoniazzi has set herself the task of utilizing her research to improve the living conditions for people in Latin America.



PHOTO: REUTERS / CHRISTIAN VERON

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Protests in Caracas: after Venezuelan President Nicolás Maduro disempowered parliament in March 2017, tens of thousands of Venezuelans demonstrated against an impending dictatorship. The state reacted with reprisals.

Mariela Morales taps her finger on the table to the staccato of her complaints. Colombia, Honduras, Nicaragua. Venezuela is her homeland. She studied there, was politically active, and made a name for herself. She took on the police to break the vicious circle of corruption – quite simply by making them install GPS navigation in patrol cars. From that moment on, civil officials at headquarters would always know where their security forces were patrolling, where they were stopping and perhaps knocking on a back door. She had tough guys in uniforms unburden themselves to psychotherapists about what was weighing on their minds at work. She speaks live on the Internet to 6000 students in Mexico, she distributes her seminars about the human rights system of the Organization of American States online, and she has published books – 24 of them to date – in which she states that political morality in Latin America is in a state of emergency. An entire re-

gion devastated by dictatorship and “hyper-presidentialism”, by mismanagement, drug trafficking, and civil war.

Is that really a topic for academic research? “Certainly,” she says. “An urgent topic even!” Her own journey has been protracted. She has been the Minister of the Interior and the Deputy Minister President of the State of Aragua, Chief of Police, lecturer at the Andrés Bello Catholic University and at the Central University of Venezuela in the capital city of Caracas. She is the founder of a citizens’ movement for nationwide change, an advisor to the government, a campaigner, and a coordinator. Yet, for all her determination and almost defiant courage, in person, Mariela Morales is surprisingly engaging, open, and charming. Sporting a sunflower yellow jacket and butterfly glasses in a retro look, she has decorated the table in the conference room of the Max

Planck Institute for Comparative Public Law and International Law in Heidelberg with flowers and a doily upon which she has placed a self-made flan. “Made with coconut milk,” she explains, beaming. “It’s the secret ingredient that distinguishes Latin American egg custard from its Spanish counterpart. You must try it!”

Time and time again, she has seen that the vicious circle of greed for power and corruption can indeed be broken. She cites the case of Velásquez Rodríguez vs. Honduras – kidnapping and murder by a corrupt regime – and the list goes on: Karen Atala vs. Chile, Maria da Penha vs. Brazil, González and others vs. Mexico. She continues to list the names, each one telling the story of a successful revolt: against the mistreatment and murder of women, against the exploitation of indigenous communities, the destruction of the natural environment, discrimination against homosexuals, African Americans, migrants, and journalists. Against the pervasive practice of kidnapping and

curity was a signal to the people – perhaps even an experiment. It might be said that suddenly being placed in charge of the police, civil defense, and fire departments was a bit overwhelming. After two weeks in office, Mariela Morales was ready to throw in the towel. “You need a politician,” she said to her boss, “not a professor!” Her opponents in the old guard were in complete agreement.

But she stayed. She recognized her opportunity and grabbed it. She had tracking systems installed in police cars, banned public officials from having lucrative side jobs as security advisors, and made sure that staff were better trained. Money wasn’t an issue; thanks to state-owned oil production, it was practically on tap. She overcame resistance with her friendly and cooperative approach. No time today? Tomorrow then, any time! The federal structure of her country was a boon. “The power existed right where it could make a difference,” she says. “Decentralized. And that’s exactly what our goal was: to change things! Transformation.”

## “There’s a world of difference between the constitutional texts and the reality on the ground.”

killing people, against the lack of rights of homeless children, the suppression of ‘undesirable’ judges. “Something can and must be done,” she concludes. “Always! Just think of Alberto Fujimori,” she says triumphantly. The president of Peru was accused of electoral fraud and corruption, of deploying death squads, and of murder. He was made to stand trial. And he is currently serving time in prison for his crimes.

Born in 1962, Mariela Morales Antoniazzi studied law in Caracas. The stance of Catholic liberation theology proponents regarding human rights and justice dominated the discourse at the time. When Carlos Tablante, then Minister President of Aragua, asked her to join his cabinet, Mariela Morales was 31, a young lecturer, married with two small children, dedicated, educated, and full of idealism. Her appointment as the Minister for Internal Se-

Carlos Tablante’s time in office ended in 1996, after two terms. Mariela Morales remained in her post more months – but it was during that time that she began to foster a debate on values like plurality and the rule of law in other forums. She founded a non-governmental organization, held public seminars on democracy, and discovered the Inter-American System for the Protection of Human Rights: the Commissions and the Court. She argued that these are powerful instruments to record and publicize the individual stories of suffering and misery being felt from Mexico to Patagonia, to administer justice on the basis of international treaties, and to bring about political change. From human rights policies based on witnesses and analyses to more than 360 judicial rulings – the lawyer in her never tires of citing from the list: Claude Reyes in Chile, Barrios Altos in Peru, Sarayaku in Ecuador...

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When Hugo Chávez ran for the office of Venezuelan president to implement his vision of 21<sup>st</sup> century socialism, she was skeptical: “A military that a few years earlier had attempted a violent coup d’état cannot govern in a truly democratic manner.” Mariela Morales arrived in Germany with her family on September 30, 1998. A DAAD scholarship gave her the opportunity to obtain her doctorate after years in political office and as an activist. The precise date is significant to her. Three days later, she recalls, she witnessed German Unity Day and was impressed. A democracy that has a reason to celebrate itself. Hugo Chávez did not take office until December 6, 1998, a good two months after her departure. “So I didn’t vote for him,” emphasizes Mariela Morales. She wouldn’t have done so in any case. But she didn’t know at the time that her fears would come true and that she would be unable to return to Venezuela.

After all, hadn’t Hugo Chavez been feted as the shining example of a reformer? “No!”, she contradicts indignantly: “He was no reformer!” Was his successor, Nicolás Maduro, therefore, also a dictator? “Definitely: sí!” Enter stage left Juan Guaidó, would-be liberator of the country, with the support of more than 50 countries, including Germany – but his priority appears to be winning the support, of all people, of the authoritarian Donald Trump. It’s not easy to understand how and why he arrived at his policy. “You don’t understand?” Morales asks sharply. “Neither do I! A year ago, directly after Guaidó’s international acknowledgement, we organized a colloquium in Berlin to discuss the political situation in Venezuela. What’s at stake is the guarantee of human rights. That alone is the basis for my analysis. And I must stress that it is especially difficult for the opposition to make any headway, because the current dictatorship has taken other forms than those in the past. There’s a difference. But it’s still a dictatorship.”

This makes the role of supranational institutions all the more important. So is effective networking with human rights organizations, both regional and international. Constant feedback from state institutions, such as constitutional bodies or courts, is also of great significance. “The principle of democracy is now firmly established in South America,” Morales wrote in the first sentence of her dissertation in 2013. However, six years later, in an article published together with Armin von Bogdandy, the Director of the Insti-

tute in Heidelberg, she declared: “The living conditions for many people in Latin America are unacceptable.”

A contradiction? “Only at first glance,” says Morales Antoniazzi. And therein lies the problem. She begins to expound on the concept of transformative constitutionalism, which she and her colleagues see as the goal of their work: “Constitutions are texts that define our rights. However, there’s a world of difference between what they regulate and what they implement in practice. Above all else, the promise is for equality – but we are the most inequitable region in the world!” When reality and constitutional norms drift so far apart, social change becomes an imperative. This marks the starting point for her academic research.

After all, the principle of democracy has a long history in the region. It begins with its independence, back in the 19<sup>th</sup> century. At that time, the countries of South America were poised for a new beginning. They adopted constitutions that were highly progressive and optimistic. They also enshrined democracy, human rights, and fundamental economic and social rights into law. When the European states followed suit much later, they discovered the South American principles were a valuable template. Similarly, the 1948 Universal Declaration of Human Rights from the United Nations took as its basis the principles of the Pan-American Union founded in 1910 – until everything faded away or was crushed and dissolved in the fury of the military dictatorships in Argentina, Chile, Uruguay, Paraguay, Bolivia, Nicaragua and Peru.

However, unlike in other regions of the world, what remained was a consciousness and a political culture, international connections, vigilant protest movements, and well-established, competent institutions like the Inter-American Human Rights System. “What we are striving for,” says Mariela Morales resolutely, “is an expansive guarantee of the separation of powers, an independent judiciary, and a guarantee of human rights. That applies to elections and freedom of expression and movement, but above all, to health, education, and employment.”

Of course, she sometimes gets a lump in her throat when she hears news from her homeland that shows how far reality is from these lofty goals. But at other times it fills her with righteous fury.

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Charming, but tenacious:  
as Minister for Internal  
Security in the Venezuelan  
state of Aragua, Mariela  
Morales thwarted police  
corruption in the mid-1990s.  
Nowadays, the lawyer lives in  
Heidelberg and follows  
the developments in her native  
country with concern.



PHOTOS: KATHARINA DUBNO

More than 400 lawyers and scholars throughout Latin America belong to her project network *Ius Constitutionale Commune en América Latina*, all of whom are connected to citizens' movements and organizations in their regions. Mariela Morales has organized 211 international colloquia from her home base in Heidelberg, and she considers the availability of online communication platforms – zoom conferences, Skype discussions, webinars – a real blessing. It has never been easier for her to reach so many people and get them talking, to bundle their reports and use them to develop strategies and scholarly concepts.

But it also has never been more urgent. COVID-19 is a disease that first and foremost devastates the poor. 30 percent of the population of Latin America live in poverty, 11 percent live in extreme poverty, and 53 percent work without a fixed contract. The elderly, women, and children are particularly exposed to the threat, along with refugees, marginalized groups, the inhabitants of the

slums, and healthcare workers. “The virus doesn’t discriminate,” Morales quotes a World Health Organization (WHO) memorandum, “but its effects vary greatly. If just one community of indigenous people becomes infected, they all perish.”

For politicians, the epidemic frequently provides an opportunity to restrict fundamental rights, virtually at a single stroke. “So we must be vigilant,” warns Morales. Which rights are being curtailed? On what grounds are restrictions being imposed? For how long? “Human rights are the issue,” she says. They must include medical care and access to clean water, the preservation of the natural environment, as well as education, employment, freedom of expression, political participation, and an independent judiciary.

“And don’t assume,” she adds, “that the issues concern only the corona virus and Latin America. We always keep countries like Poland or Hungary in mind as well.”



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