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**IN BRIEF**

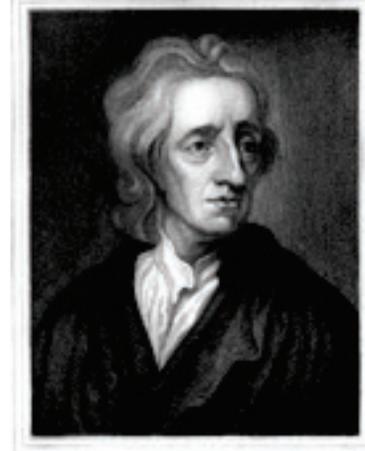


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# Human Rights In Brief

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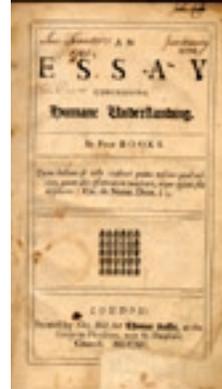
British philosopher John Locke personified the 17th century Enlightenment. He was one of the first to suggest that individuals have “natural” rights, and that government should serve the public good.

**D**eep in the mind and spirit of human beings lies the conviction that each and every person has rights, including a right to freedom from oppression, freedom to make reasonable choices, and freedom from cruelty. Nearly everybody feels this way, instinctively, even if they do not believe such rights are easy to obtain.

Most societies throughout history granted rights only to the lucky few. In the 18th century, in Europe, there arose the concept of “natural law”—based on a universal order — that outlined such rights for all. This philosophy had an enormous effect on the American Revolution of 1776, and on the concepts embedded in the U.S. Constitution, which is still the document that governs all American law.

In all civilized nations, attempts are made to define and buttress human rights. The core of the concept is the same everywhere: Human rights are the rights that one has simply because one is human. They are universal and equal. Human rights are also inalienable. They may be suspended, rightly or wrongly, at various places and times, but the idea of inherent rights cannot be taken away. One can no more lose these rights than one can stop being a human being.

## CENTURIES OF PROGRESS



Locke's "An Essay Concerning Human Understanding" asserted the importance and complexity, and thus the dignity, of the subjective self.

**T**raditionally, all groups of humans, from clans of forest dwellers to urban sophisticates, have had notions of justice, fairness, dignity, and respect. However, the notion that all human beings, simply because they are human, have certain inalienable rights they may use to protect themselves against society and its rulers was a minority view in the era before the 1500s.

Many pre-modern societies believed that rulers had an obligation to govern wisely and for everyone's benefit.

However, this obligation was believed to come from divine commandment or from tradition. It did not rest on a concept of personal human rights that ordinary

people could call on to defend themselves against unjust rulers.

### ***A Theory for Some***

The first person credited with developing a comprehensive theory of human rights was British philosopher John Locke (1632-1704). Locke wrote that people form societies, and societies establish governments, in order to assure the enjoyment of “natural” rights. Locke defined government

as a “social contract” between rulers and ruled. Citizens, he believed, are obliged to give allegiance only to a government that protects their human rights. Those rights may even have precedence over the claims and interests of the government. Government can only be legitimate when it systematically honors and protects the human rights of its citizens.

However, there were limitations to Locke’s theory. He did not consider the claims of all people, even though the language of his writing speaks in universal terms. His actual focus was the protection of the rights of European men who owned property. Women, along with indigenous peoples, servants, and wage laborers, were not recognized as full rights-holders. Nevertheless, the thinking of Locke and others of his time was an important breakthrough.

### ***Expanding Rights***

Many of the great political struggles of the past two centuries have revolved around expanding the range of protected rights. This has included extending the right to vote to all citizens, permitting working people to lobby for improved pay and working conditions, and eliminating discrimination based on race and gender.

In all of these situations, dispossessed groups used their limited freedoms to press for legal recognition of the fundamental rights still denied. In each case, the essence of the argument was that “we,” no less than “you,” are human beings.

As such, we are all entitled to the same basic rights as well as to equal concern and respect from the state. The acceptance of such arguments has led to radical social and political changes throughout the world.

Across the globe, regimes that denied basic human rights to their citizens have lacked long-term stability. A significant cause of the collapse of the Soviet Union was the growing unwillingness of citizens in the Communist-bloc countries to accept the systematic denial of internationally recognized human rights. In South America and Central America, repressive military governments fell throughout the 1980s. In Asia and Africa, liberalization and democratization have been more irregular but nevertheless real. South Korea and South Africa, for example, are two outstanding examples of human rights progress.

The lesson of the recent past is that, wherever people are given the chance to choose, they choose internationally recognized human rights. And despite shortcomings, we live in a world in which fewer governments dare to deny their people that free choice.

## **HUMAN RIGHTS AS AN INTERNATIONAL ISSUE**

**T**oday, nearly all states in all regions of the world, at all levels of development, proclaim their commitment to human rights. A government that engages in a



Following the bloodshed of World War II, a global charter for human rights took on a new urgency. Here, Eleanor Roosevelt, widow of President Franklin D. Roosevelt, holds the United Nations Universal Declaration of Human Rights.

consistent pattern of gross human rights violations is widely considered to be illegitimate.

This was not always the case. A nation's progress on human rights — or lack of it — has been an established subject of international relations for only about half a century. Prior to World War II, massacres of ethnic groups within a country were met with little more than polite statements of disapproval. Less flagrant violations were not even considered a fit subject for diplomatic conversation.

How a government treated its own citizens in its own territory was considered to be a matter of its sovereignty — that is, the supreme power it had over its internal affairs. In fact, other states and the international community were considered to be under an international legal obligation not to intervene in such matters.

### ***Shock of Holocaust***

In the Holocaust during World War Two, Nazi Germany and its collaborators systematically murdered millions — European Jews, Roma, homosexuals — including men, women, and children. The revulsion at this inconceivable brutality caused an extraordinary intellectual change. The sense of responsibility for the Holocaust generated the pledge that its cruelties should never be repeated. Human rights entered the mainstream of international relations. Prior to the Holocaust some countries had used the excuse that a state's treatment of its own citizens was a domestic affair. The massacre of one's own citizens was not an established international legal offense.

The Nuremberg War Crimes Trials in 1945 helped to change the situation. The



This picture shows Eleanor Roosevelt (right) discussing a draft document with the United Nations Commission on Human Rights. An outspoken humanitarian, Eleanor Roosevelt helped shape the liberal intellectual climate of the times.

trials, at which high-level Nazis were held to account for their actions, introduced the idea of crimes against humanity. For the first time, officials were held legally accountable to the international community for offenses against individual citizens. It was in the United Nations, however, that human rights really emerged as a subject of international relations.

Human rights have a prominent place in the U.N. Charter adopted in 1945. On December 10, 1948, the U.N. General Assembly adopted the Universal Declaration of Human Rights. This comprehensive list of rights declared that the way in which states treat their own citizens is a matter of legitimate international concern and subject to international standards.

### ***Effect of the Cold War***

However, not everything proceeded smoothly. In the years following World War II, an intense ideological struggle broke out between Communist and capitalist nations, which had repercussions around the world. The “Cold War” lasted until the collapse of the Soviet Union in 1991. Just as the United States was sometimes willing to ignore human rights lapses in “friendly” anti-Communist regimes, the Soviet Union was ready to use force when necessary to assure “friendly” totalitarian regimes in its sphere of influence.

Furthermore, few states were willing to allow even multilateral monitoring of national human rights practices, let alone international implementation or enforcement. The United

Nations is not a world government. It can do nothing that its members — sovereign states — do not authorize. During the first two decades of the Cold War, neither bloc was willing to allow the United Nations to do much at all in the field of human rights.

By the mid-1960s, though, the Afro-Asian bloc had become the largest group in the United Nations. These countries, which had suffered under colonial rule, had a special interest in human rights. They found a sympathetic hearing from the Soviet bloc and some countries in Europe and the Americas, including the United States. The United Nations thus once again began to attend to human rights.

This led, most significantly, to completion of the International Human Rights Covenants in December 1966. Along with the Universal Declaration, these treaties provide an authoritative statement of internationally recognized human rights.

The comprehensiveness of the Covenants, however, demanded that the United Nations shift its human rights work from setting standards to monitoring how states actually follow those standards. This was an area where the organization had made virtually no headway in its first two decades.

Although the core concepts of human rights norms were clarified by the mid-1960s, implementation of those norms remained almost entirely up to the will of individual national governments.

## ***The Carter Revival***

When Jimmy Carter became president of the United States in 1977, he raised the profile of human rights as an international issue. Carter made the theme of universal rights a priority for American foreign policy, encouraging the advocates of human rights throughout the world.

Carter attempted to disentangle international human rights from the East-West politics of the Cold War and from North-South arguments between the industrialized and non-industrialized countries over economic matters. This gave



President Jimmy Carter and Nobel Peace Prize laureate Desmond M. Tutu in 1986. Carter wanted human rights to be a central concern of U.S. diplomacy.

new momentum and increased legitimacy to human rights organizations everywhere.

## ***The Helsinki Process***

The mid-1970s also saw the introduction of human rights into the mainstream of multilateral and bilateral foreign policy. The United States and European countries began to consider human rights practices in their aid policies. And the Helsinki Final Act of 1975 explicitly introduced human rights into the mainstream of U.S.-Soviet relations.

The Conference on Security and Cooperation in Europe (CSCE) began in the early 1970s as a series of talks involving the United States, Canada, the Soviet Union, and almost all the countries of Europe. Discussions focused on resolving issues between the Communist East and democratic West.

The CSCE's final act, reached in 1975 in Helsinki, Finland, and signed by 35 countries, became known as the Helsinki Accords. The accords cited 10 specific principles, including respect for human rights and



Soviet leader Leonid Brezhnev, center left, poses with U.S. President Gerald Ford in July 1975 in Helsinki, Finland. The "Helsinki Process" meetings on human rights issues between capitalist and Communist nations helped undermine the Soviet empire, showing that ideas matter.



Throughout history, tribal and religious hatreds have been the bane of human rights. U.S. President Jimmy Carter (center) considered the 1979 peace treaty between Egypt and Israel a hallmark of his presidency. Yet, its promise foundered on these antagonisms.

By the end of the 1980s the Cold War had come to an end, and on December 25, 1991, the Soviet flag was lowered from the Kremlin. The CSCE, which up to this point had convened meetings and conferences, now took on a greater role—managing the historic change taking place in Europe. Its name changed to the Organization for Security and Cooperation in Europe (OSCE). It is now the largest regional security organization in the world, comprising 56 countries from Europe, Central Asia, and North America. It also has partner states in Asia and the Mediterranean region. Many people see the OSCE as a prototype for other regional cooperative efforts to forge greater respect for human rights in other parts of the world. The Copenhagen Declaration and the Paris Principles of the OSCE have become enormously influential as a measure for human rights performance, including the record of democratic states.

fundamental freedoms such as freedom of thought, conscience, religion, and belief. Many experts credit the Helsinki process with helping to bring about the fall of Communist dictatorships in the Soviet Union and in Eastern Europe.

By the end of the

Within the United Nations, a revitalized Commission on Human Rights, led by Canada, The Netherlands, and others, formulated new treaties on women's rights (1979), torture (1984), and the rights of the child (1989). Experts were appointed to study and report on human rights violations in a growing number of countries.

By the mid-1980s, most Western countries agreed that human rights should be an active concern of foreign policy, and turned to the issues of monitoring and enforcement.

The 1970s was also the decade in which nongovernmental organizations (NGOs) concerned with human rights emerged as a notable international political force. This was symbolized by the award of the Nobel Peace Prize to Amnesty International in 1977 for its assistance to political prisoners. By 1980, there were some 200 NGOs in the United States that dealt with human rights, and about the same number in Great Britain. The emergence of NGOs in the countries of Africa, Asia, and Latin America has been an equally important development. These groups, in addition to their advocacy for victims of human rights abuses, have been important in influencing national and international human rights policies.

### ***The Post-Cold War Environment***

Since the end of the Cold War, international efforts to promote human rights have been further strengthened. An example is the creation of a U.N. High Commissioner for Human

Rights, bringing about increased international monitoring. In most countries, the nature and boundaries of human rights have become more deeply entrenched on the national agenda. As liberal economic ideas have spread through globalization, so have other ideas. Nongovernmental human rights organizations and advocates have become increasingly influential worldwide.

To be sure, raising human rights issues is sometimes still resented by states, as illustrated by the strained relations between China and its major trading partners in the years following the 1989 Tiananmen Square massacre of Chinese citizens. And most states still refuse to press international human rights concerns strongly enough to satisfy many human rights NGOs.

There are still regimes in power—in Cuba, Burma, North Korea, and elsewhere—that engage in systematic violation of internationally recognized human rights. And, as documented in the reports of the U.S. Department of State and various NGOs, most countries of the world still have significant human rights problems.

Nonetheless, there is a new willingness within the international community to tackle systematic human rights violations. It is regrettable that, in 1994, the United Nations failed to respond to stop the genocide in Rwanda with military intervention. But in El Salvador, U.N. human rights monitors played an important role in reaching a political settlement and demilitarizing the country after a decade-long civil war. In Somalia, when the country descended into warlord politics,

multilateral military forces intervened to save thousands of civilians from starvation. In Cambodia, a massive U.N. peacekeeping operation helped to remove Vietnamese forces and contain the Khmer Rouge, promoting a freely elected government. In Bosnia, the international community, led by the United States, used military force to bring an end to the bloody civil war that had killed some 200,000 people and forced two million others from their homes through systematic “ethnic cleansing.”

Despite the importance of human rights and humanitarian politics, the world community was struggling in the early 2000s to halt vicious, tribal-based strife in the western Darfur province of Sudan. The conflict, characterized as genocide by the United States and many human rights organizations, has taken tens of thousands of lives and forced more than two million people into refugee camps.

African Union Mission troops have been unable to stop the widespread killing and rape, and the United States has urged the United Nations to deploy a large peacekeeping force in the country. At the same time, the



Former South African President Nelson Mandela (right) receives an award in Johannesburg, 2006. The principle of black majority rule (personified by Mandela) — as opposed to white minority rule — for South Africa became one of the major rights issues of the 20th century.

international community, including human rights NGOs, has been engaged in responding to the sharp rise in international terrorism highlighted by the September 11, 2001, attacks in the United States and by other al Qaeda attacks around the world, from Indonesia to Spain. These same observers have also critiqued the responses to terrorism taken by national governments.

## CONTRIBUTIONS BY THE UNITED STATES

**T**he United States has played a special role in the development and support of human rights ideas and practices. The Declaration of Independence, by which the American colonies severed their allegiance to the British Crown in 1776, proclaimed that “all men are created equal.” No less important, the declaration asserted the right of a people to dissolve political bonds that had come to be oppressive.

With the U.S. Constitution and Bill of Rights, the world witnessed the first practical experiment in creating a government that would be judged by the extent to which it respected and protected the rights of its citizens. Rights, thus, are often seen by Americans as a defining feature of their national heritage. The earliest Americans did not speak of “human rights” per se, but they did speak of freedom and liberties. Many of the first colonists came to the New World seeking religious freedom denied to them in 17th century Europe. In forming their communities, they developed over



The American Revolution of 1776 was based on the human rights theories of philosophers, some of them French. By 1789, American revolutionary fervor had spread back to France, and soon destroyed the French monarchy. This etching refers to the passage of a law in France in 1795 guaranteeing freedom of speech and of the press.

time a sense of religious tolerance as well as a passion for self-government. When the time came for the American colonists to break away from Britain, they had a well-established body of law and custom that recognized freedom of speech, freedom of religious worship, and freedom of assembly. To petition





In this painting by John Trumbull, Thomas Jefferson presents the Declaration of Independence to John Hancock at the Continental Congress in Philadelphia, 1776. The drafters knew the document would lead to war with Britain, but could not imagine its philosophic impact.

## **The Bill of Rights**

In 1787, representatives of 12 of the original 13 American states met in Philadelphia, Pennsylvania, to begin drafting the U.S. Constitution. They crafted a document of compromise and representative democracy that has adapted well to changing circumstances for more than 200 years.

There were many who opposed the new Constitution in the beginning. Their consent to the document came only with

the promise that a series of amendments would be added guaranteeing civil liberties—liberties that already were part of most state constitutions. Thus, the 10 amendments below, known collectively as the Bill of Rights, were added to the Constitution in 1791. Since the adoption of the Bill of Rights, only 17 additional amendments have been made part of the Constitution.

**Amendment I** - *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

**Amendment II** - *A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.*

**Amendment III** - *No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.*

**Amendment IV** - *The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. ...*

**Amendment V** - *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury ... nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself,*

*nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

**Amendment VI** - *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.*

**Amendment VII** - *In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. ...*

**Amendment VIII** - *Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

**Amendment IX** - *The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.*

**Amendment X** - *The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*

## **Human Rights Problems**

There are, of course, less attractive sides to the U.S. heritage. Slavery was an accepted practice in the southern states during the first 75 years of the American republic, and racial discrimination in schools, public accommodations, and social practices was the norm for much of its second century. The American Indians, as they were then called, were forced to move westward, losing their homes, their lands, and often their lives. Women were denied the right to vote in elections, the right to serve on juries, and even the right to hold property as a wife. But one of the features of American democracy is that self-



President Abraham Lincoln at the Antietam battleground, 1862. The U.S. Civil War, pitting the non-slaveholding North against the slaveholding South, ended slavery in North America forever, and made human rights concerns a perpetual part of American society and culture.

correcting mechanisms like elections and courts tend to remedy the mistakes of earlier eras. The simple power of the idea of equality has also helped to correct social ills.

During the Cold War, the United States supported some brutal military dictatorships, providing them with financial and military support so long as they supported U.S. economic and geopolitical interests. More recently, the United States has been criticized in the wake of 9/11 for its treatment of some suspected terrorists, as well



This scene by British painter Benjamin Haydon shows a meeting of an anti-slavery society in 1840. In Britain and America, anti-slavery societies vehemently opposed the slave trade — an example of a political movement inspired by conscience.

as for isolated instances of prisoner abuse by the U.S. military during the Iraq War. The boundaries of rights in instances of conflicts involving terrorists — who, after all, are out to destroy everybody's rights — are still being debated in civilized societies.

There are concerns in some quarters about the use of the death penalty and the adequacy of legal representation in death penalty cases, as well as the number of minority males incarcerated in prisons for criminal offenses. There are debates

about the disenfranchisement of convicted felons after they have served their sentence, and discussions about the rights of sexual minorities. Again, one sees that the power of an idea, such as equality, generates a continuing debate.

### ***Positive Actions***

But the United States also has a long record of positive

international action on behalf of human rights.

After World War I, U.S.

President Woodrow Wilson

championed national

self-determination and

protection of minorities by

the international community.

After World War II, the United

States devoted considerable

effort and money to

sustaining and rebuilding

democracy in Europe and

to establishing democracy



President Woodrow Wilson celebrates Armistice Day, 1921. Following World War I, Wilson's idealism led to the founding of the League of Nations (the first attempt to form a United Nations) and to still-prevailing theories of international order.

in Japan. The United States was a leader in decolonization, granting independence to the Philippines in 1946. And with the end of the Cold War, the United States has emerged as a leader in multilateral human rights and humanitarian initiatives in Somalia, Sudan, Haiti, Bosnia, and other countries.

## Keeping Congress Informed

The U.S. State Department is required by law each year to submit several comprehensive reports on human rights to Congress. They include:

- *Country Reports on Human Rights Practices*, a detailed assessment of the situation in countries around the world;
  - *Supporting Human Rights and Democracy*, descriptions of what the U.S. government is doing to address the abuses noted in the country reports;
  - *International Religious Freedom Report*, an examination of the degree to which people are free to worship as they please;
  - *Trafficking in Persons Report*, a survey of modern-day slavery.
- When completed, these reports are delivered to Congress and placed on the Internet for dissemination worldwide.

Abroad, American self-righteousness and an American willingness to act unilaterally have provoked occasional resentment, even among those who have shared the values underlying American policies. It is not difficult to point out where the United States falls short of its ideals. Nonetheless, the United States today, as two centuries ago, is a world leader in the ongoing struggle for human rights. And, while the ideas are widely accepted, the struggle to implement them continues globally.

## INTERNATIONAL MONITORING AND IMPLEMENTATION MECHANISMS



Opening ceremony at the United Nations World Conference on Human Rights, Vienna, 1993. Human rights concerns, if not always implemented, are now an element of the global agenda.

**A**t least theoretically, states are increasingly accountable to the international community for their human rights practices. More than three-fourths of the countries of the world have ratified the International Human Rights Covenants.

The United Nation's International Covenant on Civil and Political Rights established a supervisory committee of independent experts—the Human Rights Committee—the principal function of which is to review periodic reports submitted by states. Similar committees have been created by international human rights treaties on racial discrimination, women's rights, torture, and the rights of the child, as well as new treaties on the rights of the handicapped and migrant workers.

### ***Incentives for Improvement***

Monitoring and reporting cannot force states to alter their practices. There are, however, other incentives for states seeking to improve or safeguard their human rights records. The process of preparing a report may uncover areas where improvement may be needed. This can be a reminder to officials of their international legal obligations.

The European Commission on Human Rights, which existed within the Council of Europe, had a stronger complaint system. And its successor body, the European Court of Human Rights, has made legally binding decisions in hundreds of cases dealing with a variety of issues, including sensitive questions such as public emergencies. In the European system there has been a partial transfer of authority for implementing human rights from states to a larger, regional political community.

Regional arrangements in the Americas and Africa have

had less success in this regard. The Arab world and Asia do not yet have regional human rights commissions, although the Asia Pacific Forum was created in 1996 with a mission to support regional cooperation in the “establishment and development of national institutions in order to protect and promote the human rights of the peoples of the region.” There are also plans for a new ASEAN human rights commission and a new African Court of Human Rights. The strength and scope of international monitoring procedures rests on the willingness of states to use and participate in them. This situation remains a serious and persistent problem.

### ***Investigative Reporting and Advocacy***

Another set of multilateral human rights monitoring



Local officials in Chiapas, Mexico, welcome a group of international human rights observers, 2002 following years of government clashes with armed rebels identified with indigenous groups.

mechanisms involves investigative reporting and advocacy. The pioneer in this area is the Inter-American Commission on Human Rights. Its reports on Chile in the 1970s and 1980s were an important element in exposing human rights abuses of the Pinochet government, and its 1978 report on

Nicaragua appears to have contributed significantly to the end of the Somoza government.

Over the past two decades, the U.N. Commission on Human Rights has devoted considerable effort to country studies, including such politically prominent countries as Guatemala, Iran, and Burma. Typically, the commission worked through a so-called “special rapporteur”— an independent expert and investigator. The special rapporteur, in addition to reporting formally to the commission, typically attempts to maintain a continuing dialogue with the government in question in order to establish a sustained presence and channel for influence. The U.N. Commission on Human Rights also created rapporteurs or working groups to investigate disappearances, arbitrary executions, arbitrary detentions, religious intolerance, human rights violations by mercenaries, and racism.

In 2006, the Human Rights Commission was abolished in favor of a smaller Human Rights Council. The new Council has had a difficult start. It has been criticized for abolishing special rapporteurs for countries such as Belarus and Cuba without apparent reason. In addition, the Human Rights Council has perpetuated the discriminatory practice of having a permanent agenda item for only one country, namely, Israel, in relation to the Palestinian situation. The new human rights machinery in Geneva also has diminished the role of NGOs in the Council’s formal sessions, and continues to exclude Israel from membership in any of the regional groups that organize the work in Geneva. There is some hope that so-called “universal



The Dalai Lama, the spiritual leader of Tibet, speaks at a human rights conference in New Delhi, India. Tibet, a beleaguered ethnic enclave, has come to symbolize the rights of ethnic minorities.

periodic review” can serve as an incentive for Council members to improve their own human rights practices. Clearly, the moral standing of any rights body has to rest largely on its impartiality.

## **NONGOVERNMENTAL ORGANIZATIONS AND STATES: CONTRASTING ROLES**

**T**he activities of nongovernmental organizations are also important to the politics of international human rights. Amnesty International, Americas Watch, the American

Civil Liberties Union, and several other organizations were important in the debates about Central American policy in the 1980s. And in both North America and Europe, NGOs played a major role in national debates over sanctions against South Africa during the 1980s.

Because of their private status, NGOs often can operate free of the political control of states. And because they do not have broader foreign policy ambitions that may conflict with human rights objectives, NGOs often are better able to press human rights concerns. Being narrowly focused and generally nonpartisan, NGOs can sometimes raise human rights issues within a country that others cannot. This is particularly the case where independent political activity is repressed and civil society is weak.

### ***Strengths and Weaknesses***

However, the power of NGOs is limited. They must rely on the power of publicity and persuasion. Many states have used their powers of coercion against local members of human rights NGOs, turning



Members of rights groups cheer in the Argentine Congress following a vote by Argentina's Senate to revoke amnesty for those who committed human rights abuses in the '70s and '80s. The damage done by such abuses can linger for decades.

them into new victims. Some countries have forbidden external funding of NGOs, or have used onerous registration procedures to hobble their work.

Sovereign states have almost the opposite strengths and weaknesses of NGOs. States must accommodate a wide range of interests in their foreign policies. Governments tend to formulate foreign policy in their national interest, and this means that human rights advocacy may be limited by other objectives. But when states do choose to pursue human rights issues, they typically possess resources, channels of influence, and even publicity capabilities that are unavailable to NGOs.

## **RECENT DEVELOPMENTS**



The United Nations criminal tribunal for the former Yugoslavia, The Hague, 1995. International juridical tribunals have been used to pursue war criminals of failed states, in this instance, the commander of a Bosnian concentration camp.

**T**he 1993 Vienna World Conference on Human Rights helped refocus international attention on human rights in the post-Cold War world. The war crimes tribunals for the former Yugoslavia and Rwanda, established by the U.N. Security Council in 1993 and 1994, have developed the law of



A woman collects signatures for a campaign against domestic violence in Santiago, Chile. The sign on her shirt reads "No more violence against women."

armed conflict and international humanitarian law, seeking to protect civilians and noncombatants in those civil war conflicts. Special tribunals were established for Sierra Leone in 2002 and Cambodia in 2003 to prosecute military and political leaders responsible for atrocities during times of war and genocide. In addition, although the United States has not joined as a treaty party, and has expressed certain reservations about its scope, the International Criminal Court was established in 1998 by the Rome treaty, and has been tasked by the U.N. Security Council

to prosecute human rights violations in the Darfur conflict in Sudan.

The 1995 United Nations Fourth World Conference on Women in Beijing attempted to place women's issues within the mainstream of international human rights discussions. With its emphasis on "good governance," the World Bank highlights important human rights issues. The Council of Europe and the European Union have stressed that countries seeking to join the political structures of Europe must have policies that protect human rights. In 2002, the United States established the Millennium Challenge Corporation to provide economic



A women's group in ex-Soviet Georgia. The concept of women's rights, a largely 20th-century phenomenon, has arisen as concern for human rights in general has risen.



People read about their rights on a wall poster on a municipal building in Albania.

assistance to countries that govern democratically, invest in their people, and encourage economic freedom.

### ***Embarrassing Publicity***

Another positive development is the light of embarrassing international publicity that is increasingly focused on persistent human rights violators. Global, regional, and national groups

have created a web of pressures that make it almost impossible today for states to avoid being held accountable publicly for their human rights practices.

The value of publicizing violations and trying to shame states into better behavior should not be underestimated. Even vicious governments may care about their international reputations. For example, in the late 1970s and early 1980s, the Argentine military regime devoted considerable diplomatic effort to thwart the investigations of the U.N. Commission on Human Rights. Furthermore, publicity often helps at least a few of the more prominent victims of repression regain a measure of freedom and even sometimes avoid execution. The World Wide Web has made it easier for human rights groups to link up and publicize issues.

National and international norms and expectations are being altered for the better. The idea of human rights has a moral force and mobilizing power that is hard to resist in today's world. And as more and more citizens throughout the world come to think of themselves as endowed with inalienable rights,



A man in China surfs the Internet. Modern technology makes it possible for human rights organizations to connect with one another, and share their message with the world.

the demand for human rights continues to cause dictators to flee and their governments to crumble.

The sword may prove mightier than the word in the short run. But the task of human rights advocates, wherever they may be, is the ancient and noble one of speaking the truth of justice to power. And one of the most heartening lessons of much recent history is that truth can triumph.

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*Abridged and adapted, with updates, from the essay What Are Human Rights? by Jack Donnelly, a professor of international studies at the University of Denver. Dr. Donnelly is the author of Universal Human Rights in Theory and Practice, International Human Rights, and numerous articles on a variety of human rights issues.*

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