

HUMAN RIGHTS: THE STRUGGLE FOR INTERNATIONAL JUSTICE

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Summary

Almost all countries have endorsed the UN Declaration of Human Rights and the international agreements and conventions, which followed. The extent to which their governments have legally enforced their articles is clearly limited, even in the oldest western democracies. While essentially, political matters, all human rights goals, from freedom from slavery to prevention of genital mutilation of women, in some way conflict with established social and cultural norms. Their achievement may be impeded by other factors, including national economic status, level of political development, and internal and transboundary conflicts.

While there is much overlap among human rights issues, the core issues generally fall into two primary categories. One is concerned with the preservation of political and civil rights embodied in a commonly accepted rule of law, and the other with the achievement and preservation of rights which support economic, social, and cultural equality. Each of these two categories divide into a large number of separate issues.

The ideal and actual roles of national and international nongovernmental groups (NGOs and INGOs) as they seek to influence national and global policies, are analyzed and their goals, strategies, resources, and achievements considered with reference to economic and political status and other factors. Specific examples of the need for and level of activist intervention in three countries are a major feature of the analysis. Conclusions focus on a suggested rationale for INGO and NGO goals and strategies facilitating the transition from rhetorical support for the rights guaranteed in UN agreements to their implementation.

1. Introduction: Human Rights Issues Post-Second World War

The UN Charter, whose framers were reacting to the horrors of the holocaust and the multiple atrocities of the Second World War, set standards for human rights to be applied nationally and internationally, emphasizing goals for their achievement and preservation. Mandates were reaffirmed and steps provided to implement them in the Universal Declaration of Human Rights adopted by the UN General Assembly in December 1948, and at subsequent international human rights sessions (see *The UN and Human Rights on the Eve of the 21st Century*). An increasingly vigorous global civil society has supported the adoption of protective laws among and within countries in the post the Second World War years. Networks of nongovernmental organizations (NGOs) allied with international groups (INGOs) responded to a complex set of human rights issues, growing in size and strength as they urged reforms and monitored successes and failures in UN programs and in individual countries.

1.1 The Declaration and Global Standards

While almost any issue implies a “human rights” issue, a safe environment, for example, is considered by many to be a basic human right; more precise definitions facilitate an understanding of the historic backgrounds and current status of national and international issues. Activists supporting the protection and expansion of human rights in the post-Second World War years could trace their roots to nineteenth century

movements for universal suffrage, the abolition of slavery, and the relief of suffering during war. The Declaration's global standards sought to atone for and prevent "crimes against humanity," and derived primarily from the Nuremberg trials' testimony following the Second World War. It introduced and re-enforced the concept that acts which, on an interpersonal level, were considered to be criminal, could not be practiced by a government against any segment of its citizenry. The Declaration rested on international law and thus such acts could no longer be considered the sole business of the government in authority.

The Declaration articles identify specific categories of rights. Political and civil rights belong to all persons "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." These rights applied regardless of the "basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty." The "will of the people": is the basis of government authority, which must be enabled by universal suffrage, the secret ballot, and other democratic instruments. Civil rights include equality before the law; an independent judicial system, right to a fair and open trial for criminal and civil offenses, privacy, freedom of movement, marriage with the free and full consent of both partners, freedom of thought and expression and religion, and to own property. Slavery, torture, arbitrary arrest, detention or exile, are all prohibited.

The International Covenant on Economic, Social and Cultural Rights, adopted in December 1966 by the UN General Assembly, sought to implement Declaration articles which identified an adequate standard of living as a right. The latter included the availability of food, clothing, housing and medical care and necessary social services, as well as a free education, at least in the elementary stages. Elementary education was declared compulsory. Economic equality was to be assured through guarantees of the right to work, with provision for just and favorable working conditions, equal pay and protection against unemployment, and the right to form and to join trade unions. The granting of periods of rest and leisure are also supported, including reasonable limitation of working hours and periodic holidays with pay.

1.2 Categorizing and Defining "Human Rights"

The general development of the issue in the last 50 years shows some progress in problem identification but seemingly little in the actual protection of minorities, women, children, and the disabled, or in the treatment of political dissidents. Many countries classified as developed both politically and economically, do not meet the standards established by the Declaration or their respective constitutions. Violence on a vast scale continues to endanger not only liberty, but lives and the resources to sustain them. International policy has nevertheless continued to respond to obvious violations of the Declaration as INGOs and their allies within countries have supported and monitored the pursuit of its goals.

"Human rights" is a broad category with numerous sub-categories. Sub-issues such as equality of educational opportunity have generated separate networks of INGOs and

NGOs actively pursuing goals in a number of policy arenas. For the purposes of this article, two primary divisions in the issue area will be assumed: political and civil on the one hand and economic, social and cultural, on the other. Relevant policy sub-issues in each group will be tracked. There is an obvious relationship between the two categories, since a responsive political system should necessarily protect the rights in both categories. A closer look at the current status of specific issues in selected countries will provide information on political and economic status, the effect of regional and international conflicts, current government policies, and the activities of INGOs and NGOs, as they try to influence public policy. Conclusions will be directed toward ways to evaluate the effectiveness of the latter, which can be broadly, if not universally, applied.

2. The Role of Human Rights INGOs in Theory and Practice

2.1 Theoretical Applications

Articles in the Declaration, which refer to democratic governance, imply the need for vigorous civil societies within all countries to support the adoption and implementation of specific human rights goals. Democratic global governance requires the support as well of an international civil society guided and activated by INGOs. Achievement of the ideal goals stipulated by the Declaration and subsequent meetings and agreements depends as well on the policy decisions of individual national governments. Theoretically, NGOs along with other extra-governmental organizations such as the media and political party organizations, constitute a national civil society with a specific role in the political process. All parts of the civil society will function best if they are external to government and free from its control. Their leaders respond to and represent individuals and organizations supporting improved national human rights standards. NGOs can help to institutionalize, democratize, and protect public participation in the political decision process. Governments in transition from authoritarian rule and regulated economies to democratic political and economic systems will replace single with multiple political parties, and grant greater freedom to the media and to NGOs which may have been identified with interests and clientele but did not truly represent them.

NGO activists supporting the absorption of human rights standards into their nation's legal system need responsive constituencies, effective political strategies, and financial resources. They need to identify key decision makers, the nature and timing of the decision process, and optimal presentation of NGO goals to influence the process. They may make personal contact with decision makers and other forms of direct lobbying, provide public education, and sponsor public demonstrations that may involve civil disobedience.

In practice, of course, a very large number of variables are beyond the control of organizations and individuals. The same applies to INGOs, which may operate both on national and international decision fronts. They seek to influence the policy processes of the various UN organizations and programs established to implement human rights goals, and work within countries as well, frequently allied with NGOs, to influence national policies. The Internet has brought change to activist strategies, enhancing the

use of traditional tactics, and introducing new ones. Relatively new transnational networks of INGOs work with expatriates from countries with authoritarian governments to raise the status of human rights abuses higher on national and international agendas. Emphasis on planning and communications among groups can draw attention to general goals but achievement of policy changes within countries must take the usual route.

2.2 Practical INGO Support for UN Declaration Mandates

A number of organizations, governmental and non-governmental, agreeing on broad definitions but disagreeing on emphasis and expectations, monitor the progress of international human rights. They track the actions of the UN and its international programs and the records of individual countries as they succeed or fail in the observation of human rights identified in declarations and treaties.

The UN General Assembly followed up the initial Declaration with a conference on human rights in Tehran in 1968. The conference, with the participation of a number of INGOs, had two important results (see *The UN and Human Rights on the Eve of the 21st Century*). It supported the institutionalization of identifiable human rights norms, and at the same time recognized the great gap between such norms and the actual behavior of governments and societies. Growing pressure to redress violations, which continued in the 1970s and 1980s in countries throughout the world, sometimes on a grievous scale, led to the UN's 1993 World Conference on Human Rights in Vienna. Some 5000 delegates from 171 states participated; 2000 individuals representing 841 accredited NGOs also took part. Following a practice, which had become common, a parallel meeting of non-accredited NGOs provided limited opportunities for influencing the course of the session. Covenants were endorsed by the official meeting on civil and political as well as economic, social, and cultural rights issues.

A resurgence of interest in the general pursuit of human rights outlined in the Declaration occurred in the late 1960s and early 1970s. The Helsinki accords of 1975, affirming “the right of the individual to know and act upon his rights,” captured global interest and helped to initiate human rights movements in the Soviet Union and Latin America. INGOs and NGOs began to develop, at a slower pace, in Africa and the Middle East. Much of Asia in the 1990s has also experienced a similar increase in national and international human rights interest.

2.3 Impact on Countries

For the most part, the national standards, which must be legally and institutionally supported by governments, have been elaborated by the UN through the Declaration and sessions like those mentioned above. Individuals and organizations seeking to support the adoption of these standards and their full enforcement have had a difficult time in most countries.

Authoritarian countries may sign and ratify agreements to permit freedom of association and speech but the control their governments exert on all or most NGOs deprives them of a significant role in government decision making. Authoritarian governments may

ban NGOs which criticize repressive policies, or they may require licenses and thereby control them. Religious and educational institutions are frequently monitored as well, and their commentary and activities censored, if they investigate or in other ways challenge government and military leaders.

Governments, which have ratified international conventions, have been slow to guarantee the implementation of these rights through official government action. NGOs and INGOs monitoring compliance report a large number of human rights abuses in developing and developed countries, both authoritarian and democratic, and tolerance of transgressions in many cases. In Central and South America, and in large parts of Africa and Asia, rampant human rights abuses have generated the organization of independent NGOs, despite government censure, imprisonment, and even murders of their leaders. Many groups act in secrecy in fear of retribution from the state. Church groups have been intimidated and government officials ready to take steps to correct abuses have had to flee their countries in the face of death threats. In the developed democracies of Europe and North America, there are numerous examples of NGOs and INGOs, which have mobilized informed constituencies and exerted long campaigns to achieve human rights goals. Their progress, as objectively reported, has been slowed by hostile economic, political, and cultural traditions.

2.4 Major International Groups

Some INGOs have been active in all major human rights issue areas. Amnesty International (AI), Human Rights Watch (HRW), among others, investigate and survey abuses in a number of countries, releasing yearly and special reports on them. They may also have chapters within countries and help with individual national human rights campaigns. Some groups have responded directly to pressing social and economic concerns, in some cases replacing the role of the government in the delivery of services. *Medecins San Frontieres*, for example, has gained international prominence for providing help to the sick, basing its efforts on the doctrine that humanitarian organizations possess a “right to interfere” in countries in order to save lives, regardless of the wishes of governmental authorities.

AI, formed 40 years ago, reports that it has more than 1 million members, subscribers, and regular donors in more than 100 countries and territories. AI’s primary mandate, as described in its literature, is to free prisoners of conscience, ensure fair and prompt trials for political prisoners; abolish the death penalty, torture, and other “cruel, inhuman, or degrading treatment of prisoners...” Prisoners of conscience are defined as people who have not used or advocated violence but who are detained anywhere in the world as a result of their beliefs or because of their ethnic origin, sex, color, language, national or social origin, economic, birth, or other status.

AI conducts yearly campaigns to focus its activities on a specific human rights issue or on human rights issues within a specific country. An Urgent Action Network of some 80 000 volunteers in 85 countries can be mobilized, via electronic mail, fax, courier, express, and airmail, to send written appeals for those at risk. AI produces and issues reports on human rights violations worldwide, and sends delegations to discuss its human rights concerns with government authorities, as well as observing political trials

and conducting on-the-spot investigations into human rights abuses.

HRW, another major INGO, conducts systematic investigations of human rights abuses around the world. It began in 1978 in Helsinki, and includes divisions covering Africa, the Americas, Asia, the Middle East, as well as the signatories of the Helsinki accords. It also co-sponsors collaborative projects on arms transfers, children's rights, free expression, prison conditions, and women's rights.

The Lawyer's Committee for Human Rights, founded in 1978, sponsors network coordination to facilitate the development of NGOs within the country, as they monitor and try to influence the policy process. Its witness program, for example, equips NGOs in developing countries with video cameras and fax machines, to record abuses and improve communications within other NGOs and the INGO sector.

2.5 The Need for Coordination

Many INGOs expressed dissatisfaction with the failure to achieve progress in practical applications at the 1993 Vienna conference. In between the Tehran and Vienna meetings, international groups and their national allies developed a networking strategy, which helped to crystallize goals and in particular to question the role of the US in the international drive for human rights. Many believed US policies favored rhetoric over practical aid. Groups were unhappy that the Vienna meeting did not systematically address blatant, serious violations in many countries or create a permanent international court. They pointed out that the international human rights program has been run on a "shoe string." There was a lack of support on the part of the US and other western democracies for increased personnel and money for human rights in the UN system, then at about 1% of the regular budget (somewhere between US\$9 million and US\$12 million, annually). Many INGOs continued to resent their exclusion from the Vienna proceedings.

The complexity of the issues suggests a need for a division of labor within and among groups. Specialized groups within the international organizations, or smaller human rights groups with a narrower mandate, may seek to advance human rights goals in international law, public health, private corporations, and with regard to gender issues and questions about children or gay and lesbian rights. Venues vary as groups seek justice within, for example, army and police forces, private corporations, the media, trade unions, and religious organizations. Inevitably, human rights issues which are thought to be predominantly political, and legal questions overlap with economic and social questions.

INGOs have used occasions such as the World Trade Organization meeting in Seattle in November, 1999, to focus on a large number of human rights and other issues. Coordinated lobbying of international government organizations provides international exposure at reduced costs. Thus, organizations with diverse goals, from banning landmines and chemical weapons to improving international labor conditions, form networks which may wield wide influence. Their operations may be comparable, some say, to the power of individual nation-states, as they spotlight abuses, generate political pressure, and develop structural solutions to global issues. But recent history also

teaches that such networks cannot succeed without the support of governments dedicated to the same goals.

3. Evaluating INGO Performance: an Analytical Framework

A complex set of variables influences the effectiveness of INGOs and their NGO allies seeking to change national and international human rights policies. The UN Declaration and related conventions has established goals for all countries. Most of the human rights INGOs have adapted for their own use, mustering public support issue by issue in tandem with international and national decision processes. Their strategic impact can be measured by policy changes they have effected. In this article discussion of specific examples of human rights abuses and the extent to which public policy on the national level has been affected will be limited to three countries: two in the developing world and one western democracy. The discussion will serve to formulate a policy approach of a general nature rather than to make specific recommendations for national organizational or government action.

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Bibliography

Burgerman S. D. (1999). Mobilizing principles: The role of transnational activists in promoting human rights principles. *Human Rights Quarterly* **20**, 905–923. [Identification of “principles” seeks to identify an NGO sector motivated by questions of morality without considering its various religious and cultural definitions; provides information about activist efforts to help execute the 1996 peace accords in Guatemala.]

Chomsky N. (1999). *The Umbrella of U.S. Power: The Universal Declaration of Human Rights and the Contradictions of U.S. Policy*, 78 pp. New York, NY: Seven Stories Press. [A succinct, well annotated history of US policy practices which go contrary to the Declaration; includes text of Declaration.]

Evans T., ed. (1998). *Human Rights Fifty Years on: A Reappraisal*, 224 pp. New York, NY: Manchester University Press. [Subject matter is covered in-depth by experts in the field; includes article on ethics, international law and financial institutions, and gender issues as well as a review of the relationship between human rights and globalization.]

Kilbourne S. (1999). Placing the convention on the rights of the child in an American context. *Human Rights Spring*, 27–31. [A brief but insightful review of this phase of US human rights policies.]

Korey W. (1998) *NGOs and the Universal Declaration of Human Rights*, 638 pp. New York, NY: St Martin’s Press. [A thoughtful, detailed, well-rounded view of NGO and INGO human rights lobbying and other activities in the decades after the Second World War.]

Leckie S. (1998). Another step towards indivisibility: Identifying the key features of violations of economic, social and cultural rights. *Human Rights Quarterly* **20**, 81–124. [The author urges closer attention to this aspect of human rights violations so that it reaches the same level of attention as that accorded political and civil rights abuses.]

McGrew, A. G. (1998). Human rights in a global age: coming to terms with globalization. *Human Rights Fifty Years on: A Reappraisal*, (ed. Evans T.), pp. 188–208. New York, NY: Manchester University Press. [Explains new trends in lobby against economic globalization including demonstrations against financial institutions.]

Quigley J. (1998). Human rights defenses in US courts. *Human Rights Quarterly* **20**, 555–591. [Review of important human rights cases provides an analytical approach to US policies.]

Smith J., Pagnucco R., and Lopez G. A. (1998). Globalizing human rights: The work of transnational human rights NGOs in the 1990s. *Human Rights Quarterly* **20**, 379. [A survey of international human rights groups, describing new networking strategies; flawed by the failure of the investigators to identify statistically the issue goals of the organizations.]

Thomas C. (1998). International financial institutions and social and economic human rights: an exploration. *Human Rights Fifty Years on: A Reappraisal*, (ed. Evans T.), pp. 161–182. [Demonstrates relevance of financial institutions to the development of this particular aspect of human rights' issues.]

Available on the Internet

Amnesty International, annual and special reports available on the Internet [Detailed accounts of human rights abuses in all countries.] <http://www.amnesty.org>

“An Initial Review of Peace Initiatives, Negotiating Rights and the Guatemala Peace Process” in *Accord*, a journal of events in Guatemala, passim. [Includes detailed and well written articles about all aspects of the period of violence and the Peace Accord signed in 1996; includes texts of the latter and other documents.] http://www.c-r.org/acc_guat/contents.htm

CIA documents now available at George Washington University, Washington, DC. [A vivid account of military action in Guatemala which decimated villages and caused the deaths and disappearance of more than 100 000 civilians, including many who were not participants in the insurgency.] <http://www.gwu.edu/~nsarchiv>

Human Rights Watch, annual and special reports: hrwatchnyc@igc.apc.org

US State Department, *Annual Human Rights Report, 1999* [These reports are developed for countries primarily on the basis of reports in the press and made by US embassies. They are structured and thus can easily be used for comparative purposes.] http://www.state.gov/www/global/human-rights/gghrp_index.html

Biographical Sketch

Dr. Irene Lyons Murphy is an author and policy analyst who specializes in national and international policy issues. She has most recently been a faculty affiliate at Colorado State University and previously was an adjunct professor at George Washington University. In the fall of 1990, she received a Fulbright grant to work at the Bulgarian Academy of Sciences in Sofia, Bulgaria which led to 3 years' work in Eastern Europe, related to the international environment, including public participation in governmental decision making. She has written extensively in the field of national and international policies related to the environment and human rights. She is the author of *Public Policy on the Status of Women*, Lexington Books, 1974; *The Danube: a River Basin in Transition*, Kluwer, 1997. She is the editor of *Protecting Danube Resources: Ensuring Access to Environmental Data and Information*, Kluwer, 1997, and has published a number of articles and monographs on international management of natural resource issues. She has a masters and Ph.D. degree in Political Science from Columbia University and is a graduate of Barnard College. She presently works as an independent consultant in Washington, DC.