

Role of NGOs in Promoting Human Rights

Tushar Kant*

*[*Tushar Kant is a Senior Research Scholar in Latin American Division, Centre for American and West European Studies, School of International Studies, Jawaharlal Nehru University, New Delhi, India.]*

In the post-Second World War era non-governmental organisations (NGOs) have occupied a prominent place in the international politics and are considered influential actors in the global governance activities. Today, if human rights get prominence in international politics, then the credit goes to the NGOs. In fact it was largely due to the efforts of the non-governing actors that the phrase “human rights” became a core element of the United Nations Charter in 1944. They even pressed for the Universal Declaration of Human Rights, which was adopted three years later. Today NGOs such as Amnesty International, Human Rights Watch, and the International Commission of Jurists, CARE, International Federation of Red Cross and Red Crescent, Catholic Relief Services and a number of other national and international NGOs are playing important role in advancing the principles of human rights. They not only mobilise the public opinion but also lobby the government, international organisations, international financial agencies and media to promote human rights. Article 71 of the UN charter that provide formal status to the NGOs in the United Nation Economic Council (ECOSOC) is a result of the work of NGOs coalition.

Today the scope of human rights is limited not only to civil and political rights but also encompasses number of issues such as genocide, refugee rights, racial discrimination, minorities, rights of disabled people, rights of women, rights against torture and inhuman treatment, rights of the child, rights of migrant workers, rights of indigenous people, and so on. Hence, a number of NGOs have come up to champion these causes.

Types of NGOs

On the basis of their status and structure, NGOs can be broadly classified into three types, GONGO, QUANGO and DONGO. GONGOs or Government Organised NGOs were mostly the ones set up by Communist Governments during the Cold War. There were also organisations in the USA, which are known as QUANGO (Quasi-nongovernmental organisation). Many Nordic and Canadian NGOs some US and the International Committee of the Red Cross (ICRC) received the bulk of their resources from the public coffers. DONGOs or Donors-organised NGOs are created by donors and they work according to the principles laid down by them.[1]

On the basis of the geography or area of functioning the NGOs can be divided into local or grass root NGOs, national level NGOs and international NGOs. International NGOs have their national chapters in various countries. They bring together individuals and associations from different countries and their interests extend beyond national level.

NGOs' Approach to Functioning:

NGOs' support of the development of the UN system of human rights can be summarized by three functions: standard setting, monitoring and implementation or enforcement.

NGOs are classified according to their operation, function and substantive orientation. The primary goal of human rights NGOs is "monitoring and reporting of government behaviour on human rights, particularly violations, building pressure and creating international machinery to end the violations and hold governments accountable".[2] One of the most effective human rights NGOs has been Amnesty International (AI), which was formed in London in 1961. Its research department is unmatched in accumulating data on violations of human rights. Paralleling the shaming technique, Amnesty began adopting victims of state repression as "prisoners of conscience." In 1974, Amnesty disclosed that 61 regimes were engaged in torture, and its reports spelled out the horrors that were perpetrated. Revelations about military repression in Latin America were especially effective and resulted in the organisation being awarded the Nobel Peace Prize in 1977.[3]

NGOs are identified by their issue-based orientation such as women, environment, human rights, etc. But now the issue-oriented distinction is being gradually eroded due to interaction between various NGOs. These interactions are made through conferences and coalitions worldwide like interaction between environment and human rights NGOs.

Another approach for classification of NGOs is to choose between 'operational' and 'advocacy'. Operational NGOs provide social services such as education, health, water or calamity relief. Advocacy NGOs lobby government and international organisations. The advocacy methods include international networking, conferences and protests. From a general human rights perspective, the operational aspects of NGO work are as much an articulation of the promotion of universal human rights as advocacy; for example, lobbying the president of the European Bank for Reconstruction and Development (EBRD) to consider peoples' participation in EBRD-supported projects in Eastern Europe and the former Soviet Union. Advocacy and operations are perceived as two sides of the same coin; human rights NGOs like development NGOs can no longer be solely labelled as "human rights advocates" or "human rights practitioners".[4]

NGOs are even classified on the basis of their level of operation such as international, national, and local or community based NGOs. With increasing globalisation, inter-national NGOs are tying up with other NGOs, which are working at local level in developing countries. NGOs strengthen the voice of local organisations by supporting them financially, suggesting advocacy method or providing information, which would not have been otherwise available. NGOs also expose the wrongdoings of governments at international levels, such as at UN or World Bank meetings or in international media. In many cases, NGOs achieve some degree of pressure with an amalgamation of domestic and international strategies.

In many developing countries, governments limit the space of NGOs by putting them in the category of social service providers. Even World Bank and IMF have accepted this. But some times government uses this classification politically and whenever NGOs raise issues of political or civil rights they were blamed as a part of the political opposition.[5] NGO networks across

political borders also transfer critical information among themselves and vis-à-vis governments and other policy-making bodies.

Some NGOs have a long-standing engagement with human rights. However, what often starts out as an agency focussed on a single-issue, i.e., human rights, tends to take on a much broader significance among the NGO community. A commitment to human rights is no longer limited to the 'human rights movement'. Generally, human rights language has become a centrepiece of NGO mission statements and global NGO relationships. Classical human rights organisations have gradually come to realise that they can only function as a part of larger trans-national network, including a variety of other NGOs. Development NGOs, or NGDOs, i.e., those working on social service delivery, have come to appreciate the virtue of 'advocacy NGOs' in promoting human rights. By now there will be few (international) NGOs left without a human rights policy, or at least a reference to human rights in one of their principle statements.[6]

Standard Setting: NGOs have played active role in treaty making. Some NGOs have contributed considerably to international agenda setting, as at the San Francisco conference in April 1945, where NGOs played a pivotal role in securing the inclusion of human rights language in the final draft of the UN. They were active since the middle of the 19th century at each stage in the evolution of international protection of human rights. NGO also influence governmental policies. Many American NGOs encouraged a military action to restore the elected government of the Rev Jean-Bertrand Aristide in Haiti. In France, NGOs have been successful in launching and sustaining an activist humanitarian policy, for example, it was at the insistence of French NGOs that le droit d'ingérence, became the official policy of the Mitterrand government and its minister Bernard Kouchner, and has continued to exist even after their departure.[7] The core human rights principles are championed by NGOs and they conform to truly established global standards which are formally embraced by a number of nations. The ratification of the Covenant on Civil and Political Rights by China in 1998 is a good example of the gradual progress in ratification. Even the efforts to apply human rights standards specifically to non-state actors are taking shape. NGOs can claim credit for having raised the responsibility, especially of large MNCs to observe human rights criteria (as well as environmental standards).[8] NGOs regularly offer theoretical insights, examples, draft language and other advice to the UN human rights programmes.

Monitoring: NGO networks have constructed large webs of relationships and information exchange on human rights, capable of reaching out and calling upon the responsibility of governments even in remote corners of the world. The capacity to collect and publicise credible information on human rights violations is among the most important contributions of NGOs to establish a global culture of human rights. Many countries have established national-level Human Rights Commissions (NHRCs) and entered a domain of human rights monitoring which used to be covered by NGOs alone. Some NHRCs have been established with the purpose of breaking the monopoly of NGOs on credible human rights information. For example, before the existence of NHRC in India, the then Indian Home Minister had stated that the purpose of the Commission would be to counter the false and politically motivated propaganda by foreign and Indian civil rights agencies. Sometimes these commissions criticise the authorities that established them or even help to open up space for NGOs to talk openly about human rights. The traditional NGO strategy is to use the exposure of human rights violations as a means to call

upon other countries, international organisations and western donor agencies to put political pressure on the country responsible for violation. Thus, human rights monitoring by NGOs through an increased use of the information assembled tends to work as an important means for and the promotion of human rights.[9]

Enforcement: The human rights enforcement has two aspects: firstly, the formal recognition of human rights by states and then work towards their translation into national legislation. NGOs have made a significant contribution to create a global culture of compliance with human rights principles. As far as the implementation of human rights standards is concerned, states rarely enforce them strongly, and this is where NGOs are playing a significant role in identifying the lacunae in policies of the state and building up pressure on state to enforce human rights norms more effectively. NGOs are working on setting up enforceable legal standards which would be binding on the states. As such the International Criminal Tribunal has come into existence, but the progress is slow.[10]

Activities of Human Rights NGOs

Human rights NGOs use several means to protect the rights of individuals, such as, by exposing the abuses, mobilising popular opinion and creating popular awareness through public advocacy; by communicating with decision makers at both national and international level; by delivering services such as legal aid, training in public advocacy skills and education services.

Sometimes, National human rights organisations address volatile issues that directly attack the fundamental structure of power relationship in their own societies. In some instances they have raised the issue of upholding the fundamental right to life and dealt with issues like - 'disappearance' political killings, and torture. They have also addressed questions of societal distribution of wealth, services and power. National human rights NGOs have challenged governments on the issue of popular participation in decision-making. Because of the breadth of issues on the human rights agenda-political, civil, social, economic and cultural rights, indigenous rights, collective rights and the right to self-determination etc., nationally based Human Right groups are often viewed as opponents to the government. In many instances human rights groups consist largely of, or be dependent primarily upon, political opponents and exiles from other countries.

Although mentioning specific countries or violations was long forbidden in UN chambers, human rights NGOs called for intergovernmental machinery to combat abuses. At first, they asked for an 'Attorney General' or 'High Commissioner for Human Rights'-a senior official, able to investigate and take action to combat gross abuses. For a long time this idea languished.[11] On 20 December 1993 the General Assembly voted unanimously to create the post of UN High Commissioner for Human Rights.

Sometimes, the UN, as a political body, is perceived as less than neutral. This is because in most of the issues the countries are divided hence decisions are considered biased. In many cases, as such it may be difficult for a UN agency to convince either a government or rebel organisation about its neutrality. In such a situation NGOs take the lead. For example, ICRC is considered such an organisation which is deemed to be neutral in its approach.[12]

Today human rights issues have become non-negotiable because governments or financial institutions connected human rights practices to military and economic aid, or to bilateral diplomatic relations. In the United States, human rights NGOs got leverage by providing policy makers with information that convinced them to cut off military and economic aid.[13]

The NGO-led mobilisation for international action against torture was brought sharply into attention when the Allende Government was overthrown in Chile in 1973 which was followed by large-scale brutality and oppression. The 1974 coup in Portugal is another example, which unveiled astounding evidence of torture and gross human rights violations under the former regime. The events, against the backdrop of NGO campaigning, set in motion a whole programme of standard-setting relating to torture and the protection of prisoners. In Resolution 3218 (xxiv), the 1974 UN General Assembly called the Fifth UN Congress on the Prevention of Crime and the Treatment of Offenders in 1975 to consider rules against torture, safeguards against arbitrary detention, a code of ethics for law enforcement officials as well as principles of medical ethics.[14]

The pressure tactics adopted by NGOs and their policy of agenda setting was evident on the occasion of the Second UN World Conference on Human Rights. An NGO-Forum 'All Human Rights for All' was organized in Vienna from June 10 to 12, 1993. Over 2000 participants representing a total of over 1000 NGOs active in the field of human rights and development attended the conference. The conference emphasized on the universality, indivisibility and interdependence of human rights and stressed that claims of relativism, whether on account of religion and culture or level of development, could never justify violation of human rights. It also recommended the establishment of a UN High Commissioner on Human Rights, of an International Criminal Court to prosecute gross violation, and a special Rapporteur of the Human Rights Commission on violence against women and gender discrimination and integrating women's rights as human rights.[15]

The European Committee for the Prevention of Torture is also dependent on NGOs for information about countries and places of detention and on the basis of the information the committee even visits those places and countries.

In September 2000, World Bank President James Wolfensohn committed Human Rights Watch (HRW) and International Federation of Human Rights (FIDH) to make explicit reference to human rights in the Bank's document. The organizations argued that World Bank and IMF operations should be consistent with international human rights law, to which their shareholder states have committed themselves in ratifying legally binding international human rights treaties.[16]

Role of Human Rights NGOs in the UN:

NGOs have always played a pro-active role in the expansion, proliferation and implementation of human rights issues in the UN. Article 71 of the UN Charter provides that the Economic and Social Council (ECOSOC) may make consultative arrangements with NGOs.

ECOSOC Resolutions 1996/31 and 1296 implementing this article, divide NGOs in three categories: Category I, Category II and Roster. Category I is for NGOs with interest in most of the activities of ECOSOC; Category II is for those with a special competence in a few of the activities of ECOSOC; and the Roster is for all other NGOs that might be consulted on an ad hoc basis. The number of NGOs having consultative status has grown steadily since the creation of the UN Charter. The rights conferred by the consultative status include:

- Agenda: Right to receive the provisional agenda of ECOSOC or its subsidiary bodies and to propose the inclusion of new agenda items (Category I NGOs).
- Attendance: NGOs are entitled to attend public meetings of ECOSOC and its subsidiary bodies (Roster NGOs only in certain cases).
- Written Statements: NGOs may submit statements and have them circulated to ECOSOC and its subsidiary bodies.
- Oral Interventions: Depending on their category, NGOs have the right to make statements before ECOSOC.[17]

UN's human rights treaties, through expert bodies, review the state compliance of human rights provisions. NGOs put forward reliable information, regarding the state violations, to these expert bodies. NGO Group on the Committee on the Rights of the Child issued a guideline for the NGOs preparing complementary information and which invites NGOs to present oral information to a pre-sessional working group of the Committee. NGOs also involved in the Committee on Economic, Social and Cultural Rights.

NGOs are often blamed for their lack of transparency in functioning. This means that some time it seems that somebody else is speaking through NGOs. Other charges labelled against NGOs are; lack of accountability i.e., absence of a single authority to which NGOs report their activities, and absence of internal democracy in their functioning.[18] Even developing countries blame that human rights NGOs follow the yardsticks of developed countries and undermine the socio-economic situation prevailing in developing countries.

Conclusion

Globalisation and interdependence have nullified the claim of state sovereignty over the issues of human rights. Owing to the active NGOs and media reports the states can no longer repress the human rights without being noticed. Despite the criticisms labelled against NGOs for their lack of transparency and accountability, there is no denying the fact that they have made the human rights a significant international issue. The activities of NGOs have made the states sensitive to the issues related to human rights. During Mao's regime in China hundreds and thousands of people were killed and under the Pol Pot rule millions were killed in Cambodia. These incidents went unnoticed by the international community. But today, such incidents cannot go unnoticed. NGOs played active role in the arrest of the former President of Yugoslavia, Slobodan Milošević and also in his trial in the International War Crimes Tribunal at The Hague for atrocities committed during Bosnian War. Chilean dictator Pinochet was arrested in Britain for gross

violation of human rights during his rule. Here too NGOs campaigned actively for his arrest and trial. Thus, the human rights NGOs are playing a valuable role in the field of human rights through drafting of human rights standards, educating people for their rights, lobbying international agencies and forums, agitation and propaganda. Campaigning by NGOs has firmly established human rights as an important tenet of international relations.

Endnotes

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15. Harsh Sethi, "All Human Rights for All: A Report on the World Conference on Human Rights (NGO-Forum)", *Mainstream*, New Delhi, vol. xxxi, no. 35, July 10, 1993, p.8.
16. "NGOs Urge Implementation of Wolfensohn Commitment to Human Rights", Human Rights Watch, <http://www.hrw.org/press/2000/09/prague.htm> (HRW and FIDH recommended, inter alia, that the Bank should incorporate human rights standards among conditionality requirements; Develop internal Bank staff capacity to assess compliance with international human rights conventions and covenants, including in connection with Bank evaluation processes; Integrate reference to human rights law in Bank policies and programs; Strengthen Bank collaboration and coordination with UN agencies that have related mandates (UNDP, WHO, UNCTAD, UNHCR, etc.), and in particular with UN and regional human rights bodies.

17. Jan Wouters and Ingrid Rossi, Human Rights NGOs: Role Structure and Legal Status, *Working Paper No. 14- November 2001*, Institute for International Law, K.U. Leuven, Faculty of Law, p.8 <http://www.law.kuleuven.ac.be/iir/eng/wp/WP14e.pdf>

18. *Ibid.*, p.12.