The Rohingya are a minority ethnic group in western Myanmar. As Muslims with a distinctive language, Rohingya have faced persecution since the country was founded in 1947. The government does not recognize the group as a legitimate ethnic minority; the Rohingya lack citizenship rights and are considered foreigners in their own land. In the mid-2010s, militants escalated the violence against the Rohingya, leading hundreds of thousands of Rohingya to flee the country. With thousands of Rohingya killed, villages torched, many raped, and half a million living precariously as refugees, the Rohingya crisis became one of the world’s defining human rights crises.

Human rights groups documented and condemned the violence. The United Nations (UN) High Commissioner for Human Rights, who is one of the key human rights actors in the UN system, deplored the violence as a “textbook example of ethnic cleaning.” In a collaborative
report with the Asia–based human rights organization Fortify Rights, the U.S. Holocaust Memorial Museum issued a detailed report that pointed to “mounting evidence of genocide.” And through satellite imagery, Human Rights Watch, an international human rights organization, recorded before and after pictures, clearly and powerfully showing the razing of Rohingya villages.

The documentation and condemnation of the atrocities brought new attention and visibility to the Rohingya crisis. Leaders at the UN, in global civil society, and in several governments around the world called the violence “unacceptable.” In doing so, they drew on human rights norms and law. Various human rights instruments were the benchmark against which various international actors assailed the mass human destruction—even though the violence happened at the hands of a foreign country. At the same time, the documentation and condemnation did not stop the violence or magically improve the lives of the hundreds of thousands of Rohingya refugees who fled the violence.

The Myanmar example shows both the promise and the limits of human rights. Human rights capture many of the loftiest ideals in the contemporary world. Human rights cover a broad range of issues, including mass violence, as in Myanmar, repression, and torture. Human rights also include commitments to a decent life, through education, health, and even access to clean water. Underlying these diverse areas is the core concept that every person anywhere in the world, irrespective of citizenship, has some basic, inalienable rights. That they are “inalienable” means that people anywhere in the world, no matter their country, their age, their gender, their ethnicity, their income level, their religion, or their profession, are born with rights that are necessary for a life with human dignity. By virtue of being human, people have such rights. Governments like those in Myanmar cannot wish them away, even if they would like to.

Human rights are meant to apply globally. Human rights activists seek to ensure that rights apply in practice to all people everywhere. In condemning the violence in Myanmar, Human Rights Watch drew on international standards of how governments must treat their citizens. On those grounds, the organization called on the United Nations to take various actions, including the imposition of economic penalties.

In these and other ways, human rights are fundamentally about international interactions. As the Myanmar case shows, they involve violations in one country, documentation by organizations in other countries, and condemnations by the United Nations and other organizations. More generally, human rights have been spread through a global circulation of ideas, standards, and laws. Human rights norms, initially promulgated at the global level, in turn shape how people think and act at the local level; human rights frame what is considered acceptable and unacceptable behavior. In that way, human rights operate from the outside-in.

By the same token, people in all countries—whether leaders, activists, or ordinary citizens—draw on the language of human rights to name their oppression and press for change and remedy. In this way, human rights operate from the inside-out; they provide local level tools. In much the same way, domestic courts draw on global human rights standards and judgments in other countries to adjudicate cases in the countries where the court cases are heard. Diplomats furthermore intervene routinely on human rights grounds, leveraging global standards and norms against states that commit human rights abuses. All of this constitutes a complex web of interaction between ideas and people, between different governments, and between the international and the local.

Human rights are also the source of tensions. Human rights inspire contestation and disillusionment. There are many who believe that human rights mark a false promise. Human rights aspire to protect all people from abuse and to guarantee a minimum standard of living. But the reality is that
human rights are not a firewall against tyranny or deprivation. Human rights offer a language and tools to challenge oppression, but they do not guarantee such freedom or protection. How much difference did the global outcry over the violence in Myanmar make? The human rights work shamed the government; they made the international community uncomfortable. But as of this writing, the violence continues and the refugees number in the hundreds of thousands.

Moreover, many around the world claim that human rights represent the core values of the Global North and the wealthy. Such people dispute the idea that human rights are, in fact, truly universal. They view the imposition of a global value system as an exercise of power that runs contrary to their own values and culture. They argue that human rights norms should not take precedence over their norms and values, which they say run contrary to those represented in the major treaties. Human rights in this way are a source of global tension. Most people in Myanmar appear to resent the defense of the Rohingya as unwanted interference. Indeed, a government commission dismissed the UN’s allegations, calling them untrue and an effort to “tarnish the image” of Myanmar.5

This chapter provides an introduction to international human rights. The chapter begins with a discussion of the foundations of human rights and then explores how human rights ideals were translated into formal documents, treaties, and institutions. The chapter in turn examines how human rights systems work at a regional level and the centrality of nongovernmental organizations, like Human Rights Watch, to the function of human rights. The chapter closes with a discussion of different arguments about the relative power of human rights, and last, it shows how human rights intersect with the global forces that are central to this book.

WHAT IS THE HUMAN RIGHTS REGIME?

Many argue that the world’s major religions form the foundation for human rights. Human rights are, after all, the idea that all people are endowed with dignity and worth. That idea is similar to the idea that all people are created in the likeness of God, which is common in most world religions. Major world religions also codify the spirit of help to strangers and charity, ideas that resonate with the human rights mandate to advocate on behalf of people around the world. Human rights are also grounded in core philosophical traditions that espoused an ideal “state of nature” in which rights exist, notably the ideas of John Locke, Jean-Jacques Rousseau, and Hugo Grotius. These ideas inspired the American and French revolutions of the 19th century, which later became models for the human rights movement. In these ways, the idea of human rights is old.

The specific, modern human rights regime that encompasses a set of declarations, laws, and dedicated institutions, however, is a fairly recent development in world history. Prior to World War II, the idea that all people were invested with certain basic rights was primarily a national concern. That is, states determined citizenship, and through citizenship, individuals were eligible to have certain rights. That was the core innovation in the American and French revolutions, even if in the United States and France the revolutions did not immediately translate into voting or other rights for women, people of color, non-landowners, and others. But the concept was that states protected and guaranteed people’s rights. States, in short, were sovereign with respect to the governance and rights of citizens.

The idea of human rights is different. In human rights, people do not access rights through states but by virtue of being human. That idea formally took shape in the aftermath of World War II. Until that point in history, the idea of international relations and international law was primarily about the regulation and management of interstate behavior, of protecting one state’s rights against another state’s rights.
World War II was a turning point for two main reasons. First, in combating fascism in the war, the United States and Britain in particular used the language of rights and freedom as an ideological tool; they claimed that the fight against fascism was fundamentally about rights and freedom. Those claims created expectations, and once the war ended, states and citizens pressured the dominant powers to make rights and freedom central to the postwar order. Second, the specific experience of the Holocaust during World War II—the systematic destruction of six million Jews, hundreds of thousands of Roma and Sinti, and millions of Polish citizens, among other victim groups—showed the dangers of deferring to state sovereignty. In that case, deference to state sovereignty meant that outside powers did not have a strong rationale to intervene to protect civilian populations under Nazi control. In other words, the Holocaust played a very important role in making it clear that human rights did belong, at some level, beyond the sovereignty of states.

At the same time, the powerful players in the international arena still believed in sovereignty and still insisted on sovereignty. Britain maintained a network of colonies. The United States had entrenched practices of racism. Neither country wanted to invest an outside body with the power to force change in their domestic space (see Figure 8.1).

**Human Rights at the UN Level: Roots of the Tension Between Universal Rights and State Sovereignty**

These tensions are embedded in the Charter of the United Nations, which as discussed in Chapter 3 lays the foundation for order in the world since World War II. The Charter itself is not a human rights document but a wide-ranging treaty that establishes the architecture for peace and shared governance. The Charter, however, does recognize human rights as a central principle of the new international order. The Charter links human rights to international peace and security, and the Charter pledges all member states to achieve “universal respect for, and observance of human rights and fundamental freedoms without distinction as to race, sex, language, and religion.” These are significant statements that structure human rights into the postwar global order.
But the Charter also clearly recognizes the importance of state sovereignty. Article 2, for example, states, “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.”

This tension between a commitment to universal human rights and deference to state sovereignty is baked into the architecture of the international system. That tension both inspires and weakens human rights action. On the one hand, the United Nations stands to “promote” and “encourage” human rights, which is the language of Article I of the Charter. Indeed, human rights is central to the organization, and the United Nations (from the Secretary-General through to many specialized agencies) remains one of the most central actors in the human rights domain. We saw, for example, how UN officials were at the forefront of the condemnation of Myanmar’s treatment of the Rohingya. On the other hand, the UN Charter does not “guarantee” human rights, and the specific concrete action that the United Nations can take to enforce human rights is limited. With some exceptions (discussed later in this chapter), the United Nations does not have the authority to interfere directly to protect people from human rights abuse or to punish human rights offenders. In the human rights world, this is known as the enforcement problem—the structural obstacles to enforcing human rights rules and norms. This too is amply evident in the Myanmar example, where the ability of the United Nations did not directly change the situation or stop the violence.

Despite the inherent weakness of human rights protections, the UN Charter did create a mandate to promote human rights. But what exactly are human rights? To what was the UN committing itself? To answer those questions, in 1946, the United Nations established a Commission on Human Rights that was tasked with drafting a substantive declaration on human rights. That Commission was chaired by Eleanor Roosevelt, the widow of President Franklin Delano Roosevelt, and a major proponent of human rights. The resulting document was the Universal Declaration of Human Rights (UDHR), which is a statement that defines what human rights are. Today, even though the document is not law, the UDHR towers over a crowded field; the UDHR is widely recognized as the touchstone, the foundation, for defining human rights.
The Universal Declaration of Human Rights

To create the UDHR, Eleanor Roosevelt assembled a team of lawyers, philosophers, and jurists from around the world, who in turn collected petitions from other scholars around the world. That consultation is important. One of the persistent critiques of human rights is that they represent a “Western” or Global North perspective on political and social values. Yet in the drafting of the document, Roosevelt and her team explicitly solicited the views of scholars, jurists, competing political ideologies, and religious authorities from around the world. In the end, the UN General Assembly approved the document in December 1948, and Roosevelt called the UDHR the “international magna carta of all men everywhere.”

The UDHR contains 30 articles as well as a preamble, which calls the declaration a “common standard of achievement for all peoples and all nations.” Broadly speaking, the UDHR brings together five major categories of rights:

1. Protection of individuals’ physical integrity, as in provisions on torture, arbitrary arrest, slavery, and life.
2. Procedural fairness when government deprives an individual of liberty, as in provisions on arrest, trial procedure, and conditions of imprisonment.
3. Equal protection norms defined in racial, religious, gender, and other terms.
4. Freedoms of belief, speech, and association, such as provisions on political advocacy, the practice of religion, press freedom, and the right to hold an assembly, form associations, own property, or participate in politics.
5. Economic and social rights, such as provisions on a decent standard of living, food, education, leisure, health, social services, culture, and the development of personality.

The rights set forth in this document remain highly influential; they concisely carve out a human rights space, defining what human rights are and shaping the agenda on human rights. For these reasons, the UDHR is a major achievement and speaks to the ways in which intergovernmental organizations shape and diffuse norms and values, which is the key to the constructivist account of intergovernmental organizations, as discussed in Chapter 3.

United Nations Human Rights Treaties

The UDHR is a statement of principles, not a legally binding instrument. It defines human rights. In its wake, creating binding international treaties became the primary way that the UN and member-states advanced human rights. Over time, the effort has yielded dozens of treaties. A treaty is different from a declaration. A treaty is a binding formal agreement that establishes obligations between two or more subjects of international law. In this way, treaties are core tools in the global governance structures described throughout the book. They establish rules, create mechanisms to monitor enforcement, and empower institutions to issue guidelines on compliance.

In the human rights field, the two most important treaties are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Together with the UDHR, these three documents constitute what
some call the “International Bill of Rights.” The two treaties represent different versions of rights. The first, the ICCPR, concerns core civil and political rights issues, such as freedom of worship, speech, and assembly; protection against gender or race discrimination; and freedom from torture. The ICCPR represents a classic liberal view of human rights, represented in documents like the U.S. Constitution and the Bill of Rights. Many label such rights negative rights in that they protect individuals from harm, violation, and interference. In essence, they encapsulate the first four categories of rights described earlier. By contrast, the ICESCR represents a more developmentalist approach to rights, one that comes primarily out of socialist political thought. Many label such rights positive rights in that they represent rights to things. These include the rights to decent living conditions, food, basic healthcare, social security, and education—those rights included in the fifth category described earlier.

Although the ICCPR and the ICESCR are the most important and comprehensive human rights treaties, there are several other core treaties. These include but are not limited to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (CAT); the Convention on the Rights of the Child (CRC); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICPRMW).

In each issue domain—racism, women’s issues, the rights of children, torture, and migrant workers—these treaties are essential instruments. They are definitive in terms of identifying the problem (i.e., how do you define discrimination against women), they delimit the scope of the issue (i.e., in what issue areas do children’s rights surface), and they establish a space for action on the part of human rights institutions and organizations (i.e., in creating the authority to call attention to a particular problem and to hold states accountable for their action). In these ways, the human rights treaties are major components of global governance.

**How Human Rights Treaties Come Into Being**

Human rights treaties are the product of a complex process. The first step is drafting and negotiating the language of a treaty. The second step is that the executive branch of a state signs a treaty; in so doing, a state indicates its general agreement with the treaty’s principles. The third step is that a country’s legislative body ratifies the treaty. In most states, ratification is the crucial step; ratification makes the treaty legally binding within those states. Finally, human rights treaties establish a UN treaty committee, which monitors the implementation record of compliance of a particular country. In so doing, the committee enters into dialogue with a country, whereby the country reports on its record and the committee issues a response, followed by the state’s response. For example, there is a Committee on the Elimination of Discrimination against Women, which monitors whether countries around the world are doing what they said they would do when they ratified the CEDAW treaty.

Each of these steps represents different examples of interaction. The clearest case is the interaction between state representatives and the treaty committees. Here states directly engage with an intergovernmental organization; states review their record of action in their domestic space, which they then summarize for the international body. The latter in turn scrutinizes the report and makes recommendations on how the state may improve its domestic record. In addition, individuals and nongovernmental organizations (NGOs) have the right to petition a treaty committee to register...
a complaint about human rights violations in a particular country. In these different ways, we see how information, rules, ideas, and specific instances of human rights abuse circulate between local, domestic, and international spaces.

The human rights treaty system is indeed global. Most states have ratified most core human rights treaties, and some treaties enjoy near-universal ratification, as shown in Figure 8.2.

**FIGURE 8.2**
Ratification of Key Rights Treaties

There are a couple of points to underline in these figures. First, the number of countries that ratified major human rights treaties sharply increased after the end of the Cold War in the early 1990s. This is part of a general trend. During the Cold War, the United Nations and even the idea of global governance remained a hostage to the superpower rivalry between the United States and the Soviet Union. With the end of the Cold War, more countries invested hope in the United Nations to manage international problems, and the overall prominence of international issues that were not strictly about national security and economic interests gained prominence. Indeed, the greater visibility of global governance and nontraditional international issues—whether for human rights, global health, the environment, food, water, and other topics—is part of the reason why international studies took off as an area of study. International studies is designed to bring these issues to the fore and to take a multidisciplinary approach to such topics.

The other point to note is that the United States is not party to some major human rights treaties. Of the four graphed, the United States has ratified only the ICCPR. Such behavior is puzzling to many students. On the one hand, the United States is a beacon for human rights in the world; since its beginning, the United States has stood to promote freedom within its own boundaries and the world—even if at different points in history, the United States legalized slavery, prevented women from voting and holding office, and otherwise undermined the idea of equality and freedom. On the other hand, the United States has a complex relationship with global governance that scholars often refer to as American exceptionalism. As a general statement, the United States has promoted global governance institutions that support U.S. interests and values, whether in areas of trade, security, or human rights. But the United States has been wary to subject itself to those same global governance institutions. In the realm of human rights, with regard to specific treaties, different U.S. governments have advanced a variety of reasons. But typically the arguments boil down to the claim that the United States believes its own record on human rights issues is exemplary, that U.S. legal institutions are so powerful that the country should not ratify treaties with loose language, and that the United States does not want foreign oversight of its governance practices. To some, such exceptionalism undermines the whole global human rights project; to others who are wary of global governance, such behavior is not only warranted but wise.

**American exceptionalism:** idea that the United States is special and distinct and should not subject itself to human rights global governance, even as it promotes human rights for other countries.

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**IS From the Outside-In and the Inside-Out**

**HUMAN RIGHTS AND ABORTION IN IRELAND**

A good example of the complex interactions in the human rights system comes from a case in Ireland. In November 2013, Amanda Jane Mellet, an Irish national who was represented by an Irish NGO, the Center for Reproductive Rights, submitted a complaint to the Human Rights Committee in regard to Ireland’s alleged violations of the International Covenant on Civil and Political Rights (ICCPR). Ireland has ratified the ICCPR and is therefore party to the treaty. The Human Rights Committee is the treaty committee of the ICCPR.

In November 2011, Mellet was 21 weeks pregnant when her doctor informed her that the fetus had congenital heart defects and that the fetus...
“would die in utero or shortly after birth.” Irish law criminalized abortion, even in instances when the fetus was likely to die of natural causes. Given the circumstances, the doctor informed Mellet that she could continue her pregnancy until the fetus died of natural causes, or “travel.” By “travel,” the doctor implied that Mellet could terminate her pregnancy in a foreign country where abortion in her situation was legal. Due to the complexity of Irish abortion law, the doctor did not provide any other information. Mellet decided to travel to England to receive the necessary medical procedures to terminate the pregnancy. Deprived of financial assistance, the process was financially draining, prompting her to travel alone and to leave the hospital early. The trauma was furthered by denied access to psychological counseling and the social stigma attached to her situation.

Mellet claimed Ireland’s abortion law had violated her rights as protected under the ICCPR. Specifically, she argued that it violated article 7 by subjecting her to “cruel, inhuman and degrading treatment and encroached on her dignity and physical and mental integrity”; article 17 by infringing on her right to privacy; and article 19 by hindering the availability of vital information; articles 2(1), 3 and 26 on equality and nondiscrimination by rejecting services unique to women’s health. The State rejected all of Mellet’s claims.

In June 2016, the UN Human Rights Committee issued a comment in favor of Mellet. The committee concluded that the State should financially compensate Mellet and provide her with psychological treatment. Furthermore, it urged the Irish government to “prevent similar violations occurring in the future . . . [by] amend[ing] its law on voluntary termination of pregnancy, including if necessary its Constitution, to ensure compliance with the Covenant, including ensuring effective, timely and accessible procedures for pregnancy termination in Ireland, and take measures to ensure that health-care providers are in a position to supply full information on safe abortion services without fearing being subjected to criminal sanctions.”

The comment was controversial in Ireland, but it renewed calls in Ireland to change the Constitution and to relax the laws on abortion. In the wake of the UN treaty comment, some domestic NGOs, political figures, and media reiterated that the government should hold a referendum to amend the constitution and provide greater abortion rights. Those voices grew louder after a second UN human rights committee comment in 2017 similarly found Ireland’s restrictions on abortion to be at odds with human rights.6

In May 2018, Ireland held a referendum on whether to repeal the 8th Amendment of its constitution. The amendment conferred “equal right to life” on the fetus and the mother; it effectively criminalized abortion in almost all circumstances. With the amendment repealed, the Irish government took steps to make abortion legal in the country in the first 12 weeks of pregnancy.

The Ireland example illustrates the way in which human rights interactions work and the power that human rights may have, even in the absence of strong enforcement. In this case, we see outside-in global governance at work: A UN committee issued a comment, based on an international human rights standard, which in turn strengthened domestic (inside-out) forces to push forward an agenda that faced significant opposition in a heavily Catholic country. We see here a set of complex interactions between individuals, NGOs, other parts of civil society such as the Catholic Church, states, international law, and a monitoring committee. In addition, we also see how a comment may contribute to change in a country even if that comment is not legally binding; in other words, the enforcement power of the treaty committee is weak, but its normative claim to what is right and wrong, based on international human rights standards, proved influential.7

Reflect
Through what mechanisms do international human rights treaties and institutions, such as the Human Rights Committee, influence outcomes in states around the world?
United Nations Human Rights Institutions

Treaties anchor the global human rights regime, but international law is only one dimension of the human rights regime. Indeed, there are numerous intergovernmental organizations that specialize in human rights, at both the international and regional levels. In addition, nongovernmental organizations and principled actors more generally play very important roles in the human rights field.

Internationally, within the United Nations system, there are several dedicated intergovernmental organizations. One is the Human Rights Council, which is based in Geneva, Switzerland, and has 47 representatives from UN member-states. The mandate for the institution is broad: to address any human rights issue in any country in the world. The Council hears complaints brought by NGOs and by individuals; usually thousands are filed every year. In so doing, the Council essentially serves as a forum for human rights concerns to come to light. In a similar vein, the Council also conducts periodic reviews of all states, which serve as a point of dialogue between an international organization and a government. Finally, the Council also has a special procedure by which it appoints independent experts or working groups to address particular themes or countries. The most common are Special Rapporteurs who conduct country visits, consult with states, provide expert opinion, and publicize human rights issues around the world. There are also Commissions of Inquiry, which are investigative bodies designed to collect evidence and report on a specific human rights situation. A Commission of Inquiry exists for human rights crimes in Syria (see below). A similar, fact-finding mission exists for Myanmar. Pick almost any human rights issue, and there is likely to be a Special Rapporteur or some other special procedure on it. In the mid-2010s, there were more than 40 thematic ones—on everything from people with albinism, to persons with disabilities, to the right to food, to human trafficking, to the right to safe drinking water. Country-specific Special Rapporteurs exist for countries from Syria and Myanmar to Somalia and Haiti.

A related United Nations institution is the High Commissioner for Human Rights, which we saw from the Myanmar example. The High Commissioner is a particular person who travels the world to promote human rights, to draw attention to particular problems, to provide expert information, and to consult with governments. High Commissioners are generally accomplished human rights advocates, lawyers, or diplomats. In recent years, they have come from Jordan, Canada, South Africa, Brazil, and Ireland. Like the work of the Human Rights Council and its special procedures, the High Commissioner and the office attached to the High Commissioner primarily engage in establishing and promoting norms. They are doing the nuts and bolts of global governance—of setting standards, monitoring, and providing authoritative evidence. At the same time, the enforcement power of the institutions is weak. As with the Human Rights Council, the High Commission can issue statements or reports—thereby drawing attention to an issue—and consult with governments. But these bodies lack any real power to impose direct costs on governments or other actors that violate human rights, even on a systematic and large-scale basis.

At the international level, one intergovernmental institution with stronger enforcement power is the International Criminal Court (ICC). The ICC is a permanent standing court that focuses on international criminal justice. That is, the court holds individuals responsible for human rights crimes that they have committed; those individuals are not shielded or protected from the court’s jurisdiction by virtue of serving in an official capacity. Indeed, of the cases that the ICC has investigated, several defendants are former or sitting heads of state. The ICC is a treaty-based court. As with other human rights treaties, states may sign and ratify the Rome Statute, which is the treaty
that establishes the court; the Rome Statute became available for signing in 1998, and the court, which is based in The Hague in the Netherlands, was established in 2002. Although the UN helped establish the ICC, the court is independent of the UN.

The ICC has jurisdiction over only a limited range of the most heinous, human rights crimes: genocide, crimes against humanity, and war crimes, each of which is defined in the Rome Statute. Furthermore, the court practices a principle of complementarity, which means that the court is one of last resort—domestic remedies must be exhausted (or nonexistent) for the court to claim jurisdiction. In reality, that means the court handles fairly few cases. Since its existence, the court has completed only a handful of trials, and there have been less than a dozen situations under active investigation. The majority of those have been in Africa, including cases in Sudan, Kenya, Mali, Côte d’Ivoire, Uganda, and the Democratic Republic of Congo. The Africa focus of the court has prompted some strongly negative reactions to the court from some African leaders and opinion-makers, who accuse the court of acting in a neocolonial fashion. Indeed, that the court at one time had indicted two sitting heads of state—in Sudan and Kenya—smacked of a Europe-based institution infringing on the sovereignty of African countries. At the same time, it should be noted that in the majority of ICC cases, African leaders are the ones who recommended that the court investigate through what is known as a “referral process” (see Figure 8.3). Time will tell how effective and powerful the court will be. For now, it is an institution that embodies many of the international studies themes underlined in this book—varieties of interactions that sometimes inspire conflict and that are part of an increasingly interconnected globe.

The Example of the Commission of Inquiry for Syria. In recent years, the conflict in Syria (which we discuss in more detail in Chapter 10) has ripped that country apart and has created one of the world’s worst humanitarian disasters. Human rights violations have been a constant in the conflict—and on all sides. One of the chief sources for information about those abuses is the Independent Commission of Inquiry for Syria, which was established by the United Nations Human Rights Council. The Commission of Inquiry has released several reports documenting the human rights abuses on all sides of the conflict. In 2016, the Commission issued a report claiming that the Islamic State of Iraq and Syria (ISIS, aka “the Islamic State”), a militant jihadist organization, had committed genocide, crimes against humanity, and war crimes against the Yazidi population. The Yazidis are a religious minority in Iraq and Syria. The report detailed killing, sexual slavery, enslavement, torture, inhumane and degrading treatment, forcible transfer, birth prevention, dangerous living conditions, forced conversion of adults, mental trauma, and forcible transfer of children. The report concluded that ISIS is acting to destroy the Yazidi population, constituting genocide.

The Commission and its reports are a good example of how human rights work, and of how human rights interactions operate. The Commission is doing the stock and trade of human rights work: documentation. It grounds the work, however, on the existence of established human rights treaties—in this case, the United Nations Genocide Convention, as well as on a host of the core human rights treaties discussed earlier in this chapter. With regard to the genocide claim, the Commission also recommended that the United Nations Security Council refer the case to the ICC for investigation. The case again shows how the human rights regime is a system of interlocking treaties and institutions, which involve complex interactions between states and intergovernmental organizations like the United Nations. In this case, those interactions are about global governance in the human rights space.8
The human rights institutions within the United Nations system represent an international approach to redressing violations. Another influential approach is a regional one. Indeed, some human rights advocates and policy makers consider a regional approach to human rights to be more effective than an international one. The main advantages of a regional system are that states within a single region tend to be more like-minded than all states in the world are. In addition, a regional approach provides states with greater control and voice in the direction of human rights policy. In that way, leaders of states usually feel more comfortable committing to the human rights standards outlined in regional systems. Moreover, a couple regional human rights systems have stronger enforcement mechanisms than are found at the international level.

By the same token, however, a regional approach has two main disadvantages. One is that by definition the human rights system is not universal (but regional), which runs contrary to the founding idea of human rights. Two is that the greater control that a regional system provides also could serve as a shield from international criticism. That is, human-rights-violating states can better manipulate a regional system than they can an international one.

The two most developed regional human rights systems are in Europe and in Latin America. A third human rights system exists in Africa. A fourth is in Southeast Asia. As Figure 8.4 shows, there is an inverse relationship between higher risks for human rights and stronger regional human rights systems.

The European Human Rights System

The anchor of the European human rights system is the European Court of Human Rights, which is based in Strasbourg, France. The human rights treaty from which the court derives its jurisdiction is the European Convention on Human Rights, which was signed in 1950 and
incorporates the main civil and political rights outlined in the Universal Declaration of Human Rights. Both the European court and convention operate through the Council of Europe (CoE), which is distinct but related to the European Union (EU). Although the EU’s main function is to harmonize markets, currency, immigration, security, and foreign policy, the CoE’s main function is to promote human rights, democracy, and the rule of law. While the EU has 28 members, the CoE has 47 members, including Turkey and Russia, who have all ratified the European Convention of Human Rights and are subject to the jurisdiction of the European Court of Human Rights.

Any of the roughly 800 million European citizens who live in a Council of Europe country may bring a case to the European Court of Human Rights. The European institution is a court of last resort in the sense that plaintiffs must have exhausted their domestic remedies first. Indeed, in the past decade, the average number of cases brought to the court per year is more than 40,000. Not every one of those petitions is admissible, but the court is indeed quite busy. The court has issued landmark rulings on torture, freedom of expression, gender equality, and LGBTQ rights, among other issues. In recent years, the overwhelming bulk of cases brought to the court concern Russia, Turkey, and Ukraine. Although the European Court and Convention are the main instruments, they are not the only ones in Europe—the EU has some provisions to promote human rights, for example—the Court and Convention are unusual in terms of an advanced machinery for enforcement and the degree of activity.
The Latin American Human Rights System

Within Latin America, the two main human rights institutions are the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. Both institutions are within the Organization of American States (OAS), which is the main regional organization for the Americas. The Inter-American human rights system is different from the European one. The Inter-American Commission, which is based in Washington, DC, conducts investigations and on-site visits, similar to the way that a UN Commission of Inquiry operates. The Inter-American Court, which is based in San José, Costa Rica, gains jurisdiction if states ratify the American Convention on Human Rights. The court only hears cases brought by states against other states or brought by individuals in those countries that have accepted the jurisdiction of the court. For an individual petition to reach the court, however, the Inter-American Commission must deem the complaint admissible.

By and large, the Inter-American system was quiet and ineffective during the periods of military dictatorship in Latin America (in the 1970s and 1980s). The activity and influence of the regional human rights system, however, in particular the court, have grown in the past two decades. Although still less active than the European equivalent, the court has handed down several important decisions for numerous Latin American countries—Honduras, Peru, Brazil, El Salvador, Guatemala, and Chile, among others. Neither the United States nor Canada accepts the jurisdiction of the court by virtue of not having ratified the American Convention on Human Rights.

The African Human Rights System

The next most developed regional human rights system is in Africa. The main regional human rights document is the 1981 African Charter on Human and People’s Rights, which later established a human rights Commission. A subsequent protocol created an African Court on Human and People’s Rights, which came into force in the mid-2000s. The court is based in Arusha, Tanzania. About half of the 54 African countries have accepted the jurisdiction of the court, but less than 10 African states have accepted a protocol that allows nongovernmental organizations and individuals to bring cases directly to the court. That means that for most countries that accept the court, one state party would need to bring a human rights complaint against another state, which has been rare in practice.

The Southeast Asian Human Rights System

The three main regional human rights systems are not the only ones. In Southeast Asia, the heads of state in the Association of Southeast Asian Nations (ASEAN) launched the ASEAN Intergovernmental Commission on Human Rights (AICHR), which coordinates thematic areas of human rights focus for the region and the drafting of a human rights declaration for Southeast Asia.

In short, alongside the international layer of human rights institutions is a complex network of regional institutions and documents, all of which are part of the complex system of human rights interaction around the globe. The regional bodies influence the United Nations ones, and vice versa. States shape and respond to regional and international bodies, and vice versa. In addition, those who suffer human rights abuse or those who wish to advocate on behalf of human rights victims
often work through all of these different institutions—they contact NGOs and media in their own country, they petition domestic courts, and in some cases, they file complaints with regional and international bodies. As in many other international areas, we are dealing here with intersecting networks of institutions and declarations that interact and reinforce each other.

**WHAT ROLES DO NONSTATE HUMAN RIGHTS ACTORS PLAY?**

Nonstate actors are a major force in human rights. Organized citizens and nongovernmental organizations play several different and important roles. They matter for creating human rights standards and laws; that is, they pressure states and international bodies to adopt measures. Examine almost any major human rights law, and behind that process you will find activists and civil society groups that organized, pressured, and contributed to the process of creating the law. Indeed, the human rights field is one of the most visible and active areas for the global civil society actors described in Chapter 4.

Nonstate actors play a critical role in **naming and shaming**. Because in general human rights enforcement mechanisms are weak, human rights work through the politics of reputation and advocacy. Human rights activists play a critical role in that process. They document abuses, they publicize abuses, they call out specific governments or people for responsibility, and they pressure for change. In effect, they traffic in information and use that information to “name” abuses and abusers and “shame” abusers into change, often drawing on international and regional human rights standards. If the international and regional bodies create a common language and common standards by which to hold governments accountable, it falls to the nonstate actors often to use that common language and those common standards to pressure for change.

**Domestic Human Rights Organizations**

The range of human rights organizations is broad. Some organizations are domestic. Some are general human rights organizations; they focus on all and every human rights issue in that country. Pick a country, and you are likely to find several domestic human rights organizations. Consider, for example, the Association for Human Rights in Peru (APRODEH in Spanish); the organization investigates human rights violations, publishes reports, and advocates on behalf of victims in that country. APRODEH is a central voice for human rights in that country. Other domestic human rights organizations focus on a specific issue, such as torture, women’s rights, or press freedom. Take, for example, the Egyptian Center for Women’s Rights, which advocates on behalf of women in that country. Many of these domestic organizations play a critical role not only in documenting violations and advocating for victims but also in holding governments accountable. The organizations are often the ones that claim that a government ratified a particular treaty. They in turn leverage those government commitments to pressure for change; in effect, the organizations breathe life into the treaties that governments sign. Given the weak enforcement powers of the human rights system at the international level, these domestic organizations play a central role in pressuring governments to adhere to the rules and standards in the treaties.
International Human Rights Organizations

The same is true for international human rights organizations. Like domestic human rights NGOs, international human rights organizations can be general or specific. The largest general ones are Amnesty International and Human Rights Watch. These are organizations that essentially have a global reach. They are organizations that are well funded, whose staff size rivals and exceeds some United Nations agencies on human rights. There are also more single-issue organizations, such as Article 19 that focuses on press freedom, Anti-slavery International (which caters to issues of slavery), or the Enough! Project, which focuses on atrocity prevention. As with domestic organizations, the international human rights organizations play a central role in shaping public discourse on human rights. They investigate, document, and publicize human rights abuses; they advocate on behalf of victims; and they pressure governments to abide by their commitments. Some human rights organizations also influence the legislative process, offering expertise or leading the charge for a new human rights treaty.

Transnational Advocacy Networks

A central concept for theorists of human rights advocacy is that of a transnational advocacy network (TAN; introduced in Chapter 4). The idea of a “network” is that several different organizations and individuals participate in a shared project. Networks are open; they are places for exchange and interaction. Generally, these networks are voluntary, meaning that people and organizations choose to participate in them. In the human rights realm (or in other areas, such as in healthcare or the environment), the networks are about change. People and organizations come together to raise awareness, spread information, and pressure for change. The networks are also “transnational” in the sense that they bring together people and organizations in different parts of the world; at least, they have that potential. In practice, they often bring together NGOs, foundations, bloggers, editorialists, religious leaders, citizens, academics, unions, and sometimes members of intergovernmental organizations or governments.

The Example of “Save Darfur”. A good example is the “Save Darfur” movement, which was a force on college campuses in the mid-to-late 2000s. The issue in question was the large-scale, state-led violence against non-Arab civilian populations in Darfur (Sudan). The violence ultimately claimed upward of 200,000 civilian lives. During that period, an unusual coalition of forces formed to advocate for policy change. That coalition often organized under the umbrella name of “Save Darfur,” which included student groups, Jewish groups, African American groups, human rights advocates, the U.S. Holocaust Memorial Museum, and dozens of other organizations. The network that focused on Darfur also included celebrities, such as Mia Farrow and George Clooney. In practice, the network sought to raise awareness about the mass atrocities in Darfur; they also pressured governments, elected officials, and intergovernmental organizations to intervene more forcefully in Darfur to stop the violence. They also encouraged a divestment campaign. Save Darfur was clearly a network, in which there was a great deal of interaction between people in different locations and organizations. Save Darfur was also about advocacy: The network existed to raise awareness and pressure for a stronger response to the atrocities. It was also transnational, although more minimally. While Save Darfur was open to international actors, and while it sought to integrate local information from victims and their advocates in Sudan, in practice the coalition was primarily based in the United States.
The point about U.S. dominance of Save Darfur speaks to some common criticisms about human rights NGOs and advocacy networks more generally. One is the question of representation: Whom do these activists and advocates represent? Many of the most influential international human rights NGOs are headquartered in the Global North, and their funding comes primarily from individuals and foundations in the Global North. Even for those domestic NGOs, the heads of organizations are often city-based elites in that society who have extensive connections outside the country. Most domestic human rights organizations are not membership-driven but funded by donors, foundations, or external governments. Do these organizations represent the values and norms of the societies where they operate, or do they represent the values and norms of a global elite, generally rooted in the North? Human rights advocates respond by arguing that human rights are universal; they gain their legitimacy and authority from the treaties and standards to which many nations have agreed. They claim to speak on behalf of those with less power and fewer connections. This is an enduring tension, one that these kinds of global interactions foster.

Another, related concern is about accountability. To whom are these organizations accountable? NGO officials are not elected. If they present information inaccurately, or if citizens do not like how they are represented, what are the consequences for these organizations? The criticism is fair, but in reality, because human rights NGOs traffic in information, they rely on credibility. If the information they supply is false, if they are perceived as overly partisan to one side, or if they are seen to offer poorly thought out solutions and positions, then their influence diminishes. In other words, their power depends on credibility and impartiality. Without those qualities, officials in governments and intergovernmental organizations, which often have the most power to create change, do not take such organizations and advocacy networks seriously (see Figure 8.5).

**The Example of “Kony 2012.”** A good illustration of these concerns is the phenomenon known as “Kony 2012.” The title refers to a short documentary film that three young men made about the devastation that an insurgent organization, called The Lord’s Resistance Army (LRA), wreaked on East and Central Africa. Indeed, the LRA is a devastating rebel group that kidnaps children and forces them into soldiering, sexual slavery, or both. They invade and lay waste to vil-

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**FIGURE 8.5**

Global Forces, Interactions, and Tensions: Accountability and Human Rights Activists

- **GLOBAL FORCES**
  - Global governance: Rooted in international human rights norms and treaties, networks of human rights activists form around a particular issue, such as mass atrocities.

- **INTERACTIONS**
  - Network activists, including citizens, organizations, and celebrities, interact as part of their campaign.
  - Activists pressure governments and international organizations to do more on the issue.

- **TENSIONS**
  - Activists based in one place often speak on behalf of people elsewhere, but should they? Are activists accountable for the actions they take?
  - Activists sometimes promote ill-thought-out policy recommendations or regurgitate stereotypes in their work.
Kony 2012 was part of an NGO called “Invisible Children.” The film is powerful; using the language of universal human rights, and skillfully tugging on the viewers’ heartstrings that implicitly tied the comfortable lives of children in the United States to the devastated lives of children in northern Uganda, the film claims its purpose is to stop the LRA, whose leader is Joseph Kony. The policy approach the film championed was for U.S. military assistance to the Ugandan military to capture Kony and transfer him to the ICC, where he faced an arrest warrant. Their tool was to “shine a light” on the situation of the LRA, to “make Kony famous.”

The film is powerful. It is also simple. One of the narrative plots is for the film’s narrator to explain the problem in northern Uganda to his young son. Indeed, the film went viral, garnering more than 100 million views by 2016 on YouTube alone. The film itself is a good example of the potential power of new media in the hands of human rights NGOs.

The film, however, also quickly attracted significant criticism. Some challenged the naivety of championing the Ugandan military, which has a poor human rights record; others pointed to the local resistance to the ICC arrest warrant, which some Ugandans claimed was the wrong solution to the problem; others raised questions about the film’s finances, arguing that too much money went to the organization rather than to helping Ugandans; and many others raised concerns about the accuracy of the information in the film and the narrative tactics. In particular, Africans were often presented in simplistic, stereotypical terms—as singularly evil, as helpless victims, or as dependents who were grateful for external assistance. In contrast were the filmmakers and their supporters, who were presented as heroes. These concerns echo those about representation and credibility. Although no one can dispute the extraordinary attention to the LRA that the film garnered, many countered that the attention was in the end not helpful and even reinforced prejudices. Indeed, a few years after the film, the organization disbanded.

**Human Rights Actors Engage Global Forces to Bring About Change**

Human rights organizations—both domestic and international—are a good place to observe some of the key global forces highlighted in the book at work. First, human rights organizations have nongovernmental authority. They trade on credibility and reputation; what they bring to a discussion is their reputation, acumen, and expertise. They are key actors in global governance; they shape the rules and then they monitor them, and those are rules that are meant to apply to all states across the globe. Through their efforts to create rules and to enforce rules through pressure, human rights organizations are prime examples of global governance and how such governance is not located only in intergovernmental organization.

Second, human rights organizations also are communication outfits. They “name and shame.” They document and publicize; as such, new media are often critical to the success of such organizations. The Internet, social media sites, e-mail, and a variety of other new information and communications technology allow human rights NGOs to reach thousands of thousands of people quickly and cheaply. The communications technology amplifies and gives new power to these organizations, as the Kony 2012 example shows.

**DO HUMAN RIGHTS WORK?**

The goals of international human rights are lofty. The rules and standards set forth in the international human rights regime aim to protect people all over the world from abuse and to assure them a minimally decent standard of living. In these ways, human rights capture the aspirations of many.
They represent a global set of ideals and provide the backbone for global governance around issues of human welfare. Human rights are hard to ignore, and the web of human rights instruments create levers that intergovernmental organizations, NGOs, and citizens can pull to create change. All this represents remarkable progress in the human rights field since World War II. What constituted a vague, but essential, idea in the 1940s has blossomed into an elaborate set of treaties, institutions, declarations, and regional systems. Most countries in the world have ratified the most important human rights treaties. None of these developments was a fait accompli; they are the product of deliberate organization and pressure, often from NGOs and transnational advocacy networks.

**Issues of Enforcement**

But skeptics have many good points to make. The reality of the human rights regime is that the enforcement mechanisms are weak. There is no human rights police force to arrest abusers. Although the ICC exists to punish the offenders of the worst crimes—genocide, crimes against humanity, and war crimes—there is no international human rights court as such that deals with the 30 rights outlined in the Universal Declaration of Human Rights. Moreover, even the ICC depends on states to cooperate with its orders; if a state refuses to cooperate with the ICC—say, for example, in handing over a sitting president—the ICC lacks the power to enforce its order. Even though there are effective regional human rights courts in Latin America and Europe (and a burgeoning court in Africa), those courts only cover those regions. For the most part, European states already are committed to human rights (with some countries, such as Russia, as exceptions). So although the court adds value in pushing countries toward greater human rights protections, the court does not in effect create human rights commitments where none existed beforehand, as Figure 8.4 suggests. In Latin America, the court’s power and prominence accelerated only after Latin American countries emerged from dictatorship; in other words, even this court has gained traction only after the countries committed to democratic rule.

The reality is that the power of human rights law and institutions is limited. That is indeed the reality of much international law and global governance; the rules that states create, and the norms that spread, serve as common reference points and shared commitments. The laws clarify what the obligations are. But when states violate international law, the punishment is weak. There is no global body that arrests the violators. There are international arbitration bodies to solve trade disputes, and those bodies can impose fines (as discussed in Chapter 6). In the extreme, the United Nations may impose general or targeted sanctions on a country that systematically abuses its citizens, but such abuse must be construed as a threat to international peace and security. In reality, such moves—international sanctions premised on human rights grounds—are rare.

**Issues of Compliance**

Human rights are also weak in the sense that the incentives for compliance differ from other international issues. In many areas of global governance and international law, states have stronger reasons to act on their commitments because they perceive doing so as in their interests. Scholars point to a mechanism of mutual benefit. Two states or more gain if everyone cooperates with an agreement. In many areas of international cooperation—trade, security, even the environment—the actions of one state affect the actions of another state. Consider the case of agreements to nuclear nonproliferation. If one state violates the terms of the agreement by building nuclear weapons, that action puts the other states at risk. They all have an incentive to abide by the commitment and to
empower an intergovernmental organization to monitor the agreement. That is the theory, at least. But human rights are different because, if a state violates the agreement, those who typically suffer are the state’s own citizens. Torturing a political dissident in one country does not create a security or financial risk, or some other direct harm, in another country that has ratified the United Nations Convention against Torture. In other words, human rights treaties lack a strong mutual benefit mechanism that would incentivize compliance even in the absence of powerful external enforcement mechanisms.

Skeptics emphasize these arguments. They dismiss human rights as “cheap talk” in the sense that countries face limited obstacles to opt into the human rights regime and they pay few costs for not complying with its rules. That many countries have ratified the core human rights treaties does not in fact mean much. Countries can sign and ratify the treaties, but they face few penalties if they fail to abide by the treaties’ terms. Indeed, scholars who measure human rights records in general find that treaty ratification does not improve, and sometimes worsens, the ratifying state’s human rights record. For those that take this position, the human rights regime is deeply flawed; it is weak; it does not serve the purpose of protecting human rights. The human rights regime, in short, is powerless—by design.

The Differential and Indirect Powers of Human Rights Systems

There is an essential truth to this, but some human rights scholars and many advocates would point to the ways in which the human rights system does have power and influence. Its power is differential and indirect. Its power is differential (or conditional) in the sense that the international human rights system has an impact under certain conditions but not others. Its power is indirect in the sense that human rights gain power through intermediaries and over time.

Countries vary in terms of their domestic political and civil society institutions. In some countries, there is a degree of political competition; opposition parties can exist, make noise, and campaign for votes, as we saw in Chapter 7. In other countries, the political space is closed; they are authoritarian systems. Scholars who make claims about the differential effects of human rights point to the ways in which the political opposition can use human rights commitments against a government that violates the human rights of its citizens. If a government has ratified a treaty, and then breaks that commitment, the opposition can use the treaty commitment to mobilize and criticize the sitting government. Here the treaties provide a standard by which to “name oppression” and by which to hold a government accountable. Where an opposition party exists to make that case, the treaty can have an impact. By contrast, in a country where no political opposition exists or is so repressed as to be unable to mobilize and criticize, the human rights treaty has no one to champion and use it. In this example, the power of the human rights treaty system is conditional upon the domestic political environment—here again showing another example of an international–domestic interaction.

The same type of argument applies to the domestic civil society space. In some countries, there might exist a somewhat independent media, a somewhat independent judiciary, and several independent NGOs. These different institutions and actors are key players in a domestic civil society. In the same way that the political opposition may mobilize around human rights issues, using the international standards that the treaty system creates, so too may a judge in a court or an editorialist at a newspaper or a domestic human rights organization. Here again the effects are conditional and entail an interaction. They are conditional on the fact that a space for domestic civil society exists;
those actors can, in effect, make noise in the public domain. They can “name” the violation, and they
can “shame” the government by drawing attention to the violation. But the ability to make a norma-
tive argument rests on the prior existence of an international standard, one to which a government
has committed, and that is where the international human rights regime comes into play. Without
those shared norms, the domestic civil society actors have a weaker argument to make. So the power
derives from the interaction between these two sets of actors.14

Some scholars also make the argument in reference to international human rights NGOs. They
argue that where international NGOs have a stronger presence and actively draw attention to human
rights issues in a country, governments will improve their human rights record. The international
NGOs in effect shine a light on abuse, and they derive their arguments and criticisms from the
normative and legal foundation that the treaty system creates.15

The Power of Socialization

Last, some scholars argue that human rights have power through a process of socialization. By
creating normative standards about what is right and wrong, human rights treaties shape people’s
values and expectations. They also create the foundations for public debate and political mobiliza-
tion. Over time, citizens in countries around the world will come to think differently about human
rights issues—torture, the right to food, children’s rights, women’s rights, LGBTQ rights, and so
forth. By setting and promulgating standards, human rights treaties trigger and shape that social-
ization process that ultimately leads to people holding different opinions and values about what is
right and wrong. That socialization process gives human rights power.16

These arguments are not mutually exclusive. They are more subtle claims about how the power
of human rights systems work internationally. The reality is that dictatorships and even some dem-
ocratic governments continue to violate human rights, sometimes on a widespread and systematic
basis. The immediate consequences of such violations are usually negligible because the power to
enforce human rights is weak on an international level. But that does not mean that the human
rights regime has no power, and these latter arguments provide some useful ways to think about how
human rights gain power in indirect and conditional ways.

Human Rights and International Studies Themes

Human rights are one arena in which to observe the interactions that structure the world today.
States and intergovernmental organizations have created both international and regional human
rights systems. Those were the products, in many cases, of pressure from below, from citizens and
nongovernmental organizations. Once established, the international standards and institutions
become reference points, sites of mobilization, and instruments for citizens, domestic civil society
organizations, and international NGOs. We saw that unfold in the Rohingya crisis. Over time, at
least according to some theories, the global standards shape, and in some cases are shaped by, people’s
values around the world.

Human rights are also a source of contestation and conflict. There are many people, civil soci-
ety leaders, and government officials who claim that the human rights system does not represent
their values. They argue that human rights are fundamentally Western and reflect the values of the
wealthy. In some cases, they argue that human rights are a form of imperialistic power; they represent
the values of the West, and through claims to universality, the West is essentially imposing its values
and its priorities on the rest of the world. Human rights claims are also by their nature conflictual. When a human rights body issues a report condemning the practices and policies in another country, those are often fighting words. The named government often resists. In these various ways, human rights seed conflict and contestation, even while they purport to improve human welfare.

The chapter also references different global forces. The international and regional human rights regimes are fundamentally about global governance; the regimes create standards and laws, and they set up institutions to monitor compliance with them. When the High Commissioner for Human Rights condemns the violence in Myanmar or the Human Rights Committee ruled against Ireland’s laws on abortion, those are examples of global governance at work, as is the work of transnational advocacy networks.

Information and Communication technology increases the capacity of citizens and NGOs to communicate quickly and cheaply. Such technology creates risks—sometimes the message and the information are of poor quality. Sometimes people engage in “slactivism,” clicking a “like” button on Facebook instead of engaging in deeper political activism to create change. But information technology clearly shapes the current human rights field. Kony 2012 is an example. With more than 100 million YouTube hits, the video was viral. An issue that had no visibility suddenly had tons. At the same time, the engagement with the crisis was thin and the proposed solutions simplistic.

A third global force represents a critical issue going forward: Will the rising powers embrace human rights? Broadly speaking, China champions a foreign policy that does not interfere in the domestic political affairs of other countries. As such, China is often skeptical of human rights, especially civil and political rights, and moreover some officials argue that human rights reflect Western values. China is the most important supporter of Myanmar, and indeed China has been reluctant to allow the United Nations to take strong action against Myanmar. At the same time, China is an advocate of social and economic rights, and indeed China’s record on poverty alleviation is extraordinary. As you will see in the next chapter, probably no country in the history of the world has brought so many people out of poverty so quickly. Is that a human rights victory?

India is the world’s largest democracy. India also has been a champion of human rights, and India’s Supreme Court has been especially proactive in defending a broad vision of social and economic rights. At the same time, Russia has a very tense relationship with much of the international human rights system. A member of the Council of Europe, Russia has had the European Court of Human Rights issue many rulings against it. Indeed, Russia has threatened and continues to threaten to withdraw from the European human rights system. For their part, Brazil, Indonesia, Mexico, Vietnam, Turkey, South Africa, and the other rising states each has a complicated relationship to human rights doctrine. Their positions across the long 21st century are likely to determine whether human rights become weaker and more marginalized or whether they strengthen and become truly universal.

**SUMMARY**

In providing an overview to human rights, this chapter should give you the foundations to understand how human rights work in our world. The chapter has underlined the various norms, treaties, and institutions that breathe life into human rights. At the same time, the chapter has not shied away from the many shortcomings and problems associated with human rights. Ultimately, you will have to decide for yourself whether you think human rights are a mere paper tiger or represent a real force for bettering the world.
KEY TERMS

African Charter on Human and People’s Rights 222
African Court on Human and People’s Rights 222
American Convention on Human Rights 222
American exceptionalism 216
ASEAN Intergovernmental Commission on Human Rights (AICHR) 222
Association of Southeast Asian Nations (ASEAN) 222
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QUESTIONS FOR REVIEW

1. What are the two broad visions of human rights that are represented in the ICCPR and the ICESCR?
2. What are the main differences between a regional and an international human rights system?
3. What are some of the key strengths and weaknesses of human rights activism?
4. What are the main mechanisms by which human rights have power?

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NOTES


