



Role of International Non Governmental Organisations in Promotion & Protection of Human Rights

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ABSTRACT

Fundamental questions relating to the concept of human rights today are, whose rights do we talk about- of the individual or of the society? Who gives, protects and promotes human rights? It must also be noted that the issue of human rights arises only when there is a denial or violation or imminent infringement of such rights. As it is evident human rights received much attention after the Second World War, where millions of people lost their lives. The devastation of life caused by the Second World War made members of the United Nations (UN) to take necessary measures to prevent such recurrence of human rights abuse. Ever since, human rights has over the years become an important issue in the international community as well as in the political discourse of almost every nation in the world. In this context understanding the role of human rights nongovernmental organisations (HRNGOs) in protecting and promoting human rights is important.

KEYWORDS : Human rights, Individual, Society, Non-Governmental Organisations, United Nations.

NGO'S & Human Rights – An Overview:

An NGO is a private, independent, non-profit, goal-oriented group not founded or controlled by a government. The broad term "NGO" may encompass research institutes, churches and other religious groups, cooperatives, literary or scientific organizations, credit unions, foundations, girl and boy scouts, sporting groups, service organizations, neighbourhood associations, consulting firms, political parties or other political groups,² educational and training institutions, and trade unions and other professional associations. Goals of these groups could be equally as broad and could include protecting business interests of the group's corporate members,³ protesting corporate behavior,⁴ promoting sports, promoting political candidates or policies, promoting the interests of a specific industry, education and training, disseminating news, or generally protecting international human rights.

NGOs in the field of human rights are of two types which may exist in a country. They are human rights international non-governmental organizations (HRINGOs) and local or regional human rights non-governmental organizations (HRNGOs). These organizations take their cue from the most widely endorsed international declarations to promote and protect human rights. Some HRINGOs are the Amnesty International (AI), the Human Rights Watch (HRW), Minority Rights Group (MRG), the Anti-Slavery Society (ASS), the International Committee of Red Cross (ICRC), the International Commission of Jurists (ICJ), etc. These groups have a specific objective to protect human rights. There are also HRNGOs whose human rights concerns are more general. Some of these groups are International League for Human Rights, International Commission of Jurists, etc. These NGOs work to uphold those rights which are listed in the International Covenant on Civil and Political Rights (ICCPR). Amnesty International concentrates on activities to promote freedom from torture and the death penalty. The International Committee of Red Cross is concerned with rights in armed conflicts and with the rights of political prisoners. Non-specialist organizations like the international commission of jurists have also been primarily concerned with civil and political rights. The commission's dedication to the universal acceptance of justice has meant that the procedures associated with the Rule of Law, might be held to be more substantive to notions such as distributive justice⁸. HRNGOs have been instrumental in the global expansion of human rights issues in the post World War II scenario.

Activities (Selected) of Human Rights NGOs in the International and Domestic Arenas :

Illustrating comprehensively the wide variety of human rights NGO types and the wide range of activities in which they engage, would require substantially more space than this Article permits. Thus, this section of the Article will merely identify and examine a somewhat random cross-section or sampling of activities engaged in by a selection of human rights NGOs that operate in the international and

domestic arenas. Highlighted are human rights NGOs participating in the U.N. system,⁵ including NGOs participating in U.N. conferences, NGOs submitting "shadow reports" and making oral presentations to U.N. treaty bodies about human rights violations in different countries, human rights "major groups" operating in the U.N. Forum on Forests, and NGOs participating in international complaint mechanisms. Also discussed are academic institutions engaging in human rights promotion and protection, and human rights NGOs operating outside the United Nations and inter-governmental human rights systems.

1. NGOs Participating in U.N. Conferences

Since the 1945 San Francisco conference, in which NGOs played a major role in influencing world powers in shaping the United Nations, NGOs have continued to play a major role in U.N. conferences and have made substantial contributions to the work of the United Nations in many areas, including development, peace, nutrition, health, rights of women and children, international crimes, racism and race discrimination, global finance, and human settlements — all of which directly or indirectly concern international human rights issues.⁶

2. NGOs Presenting Shadow Reports to U.N. Treaty Bodies

Pursuant to various U.N. international human rights law treaties, states party to the treaties are required to report periodically on how the states are complying or not complying with the human rights mandates incorporated into the treaties.⁷ States submit their reports to U.N. treaty bodies, which are groups of U.N. independent experts who review the states' reports and render "concluding observations" on whether the states comply or fail.⁸ Human rights NGOs have, through express treaty language or by practice of treaty bodies, been permitted to participate in this process by, for example, submitting "shadow reports" that are "alternative to" and that counter states' own reports, and then travelling to the United Nations in New York or Geneva and orally presenting the reports to the U.N. treaty bodies.⁹ Human rights NGO shadow reports have positively impacted the work of the treaty bodies, whose members have, for example, referred to shadow reports when posing questions to or raising issues with government representatives who appear for treaty body hearings. Sometimes treaty body members raise these issues during the formal, on-the-record hearings, and other times they may raise the issues informally with government representatives outside of meetings. At times, the treaty bodies incorporate into their concluding observations recommendations raised by NGOs in the NGO shadow reports. NGOs are a valuable resource for information for U.N. treaty bodies.¹⁰ Human rights NGOs can facilitate states' treaty compliance by urging states to include the citizenry in the compliance process. Human rights

NGOs can encourage states to disseminate copies of the relevant human rights treaties, to disseminate draft government periodic reports,

to worldwide consultative sessions, to permit NGO and other feedback, to fund NGO participation at treaty body hearings in New York or Geneva, and to disseminate widely any treaty body's concluding observations. Also, NGOs

can encourage states to withdraw any treaty reservations and to submit overdue periodic reports. Furthermore, NGOs can urge states to encourage other states similarly to comply with treaty substantive and other rules.

3. U.N. Bodies & "Major Groups" — U.N. Forum on Forests — Example of NGOs Working Within the U.N. System

The U.N. Forum on Forests (UNFF)¹¹ is one of many U.N. bodies reaching out to NGOs and other non-state actors for participatory guidance and consultation. The UNFF is charged with protecting the world's exhaustible forests from environmental sustainability and human rights perspectives. The UNFF identified a range of forest-related stakeholders, called "major groups", who participate in UNFF proceedings as a key component of the body's work. NGOs are one of nine major groups¹² that are encouraged to participate actively in virtually all aspects of UNFF work.¹³ The major groups are invited to full-day, multi-stakeholder dialogues as part of UNFF regular sessions, are entitled to submit statements for the record, and can intervene orally at UNFF meetings. Human rights fall within the competency of the UNFF as governmental and non-state actor policies and practices regarding forests may threaten economic, social, cultural, civil, and political rights of poor and marginalized indigenous forest-dependent peoples.¹⁴ The UNFF is charged with ascertaining how climate change and other forces deprive peoples of their human rights. Just like NGO stakeholders in cases involving human rights violations related to natural resources (such as conflict diamonds or conflict timber),¹⁵ NGO stakeholders working on forest issues play a vital role in identifying those human rights violations, violators, and remedies.¹⁶

4. NGOs Participating in International Complaint Mechanisms

International human rights law treaties that permit individuals or states to file complaints include: the International Covenant on Civil and Political Rights; the Convention Against Torture; the Women's Convention; the Race Convention; the European Convention on Human Rights; the American Convention on Human Rights (Pact of San Jose);¹⁷ and the African Charter on Human and Peoples' Rights.¹⁸ Essentially three types of complaints have been used in the context of human rights treaties: (1) interstate complaints, (2) individual complaints against a state, and (3) inquiries.¹⁹ Generally, NGOs may file on behalf of themselves as aggrieved parties, or on behalf of individual or group victims. Furthermore, human rights NGOs may serve as legal advisors, experts, or *amicus curiae* in these cases.

5. Academic Activities to Promote Human Rights

Increasingly, academic institutions are promoting and protecting human rights through incorporating human rights research, teaching and service into their mission statements, and creating programs and centers to further those goals.²⁰ Law schools that have created human rights programs or clinics with these objectives include Indiana University School of Law — Indianapolis, Harvard Law School, Colum-

bia Law School, DePaul College of Law, University of Buffalo School of Law, University of New South Wales, the University of Hong Kong (HKU) Faculty of Law, and others in the U.S. and other countries.

6. Human Rights NGOs Outside the U.N. and Other Inter-Governmental Systems

Many thousands of local human rights NGOs in many different countries have no relationship with and seek no involvement with the United Nations or any other inter-governmental body. Those local NGOs may or may not use the language of "rights," "human rights," or "international human rights law," though the local issues fall squarely under conventional and customary international human rights law. These groups engage in international human rights endeavors, working at the domestic level. An example of a human rights NGO that focuses on domestic issues is the Indiana Coalition Against Domestic Violence (ICADV), based in Indianapolis, Indiana, U.S.A. The mission statement of ICADV states, "ICADV is committed to the elimination of domestic violence through: providing public awareness and education; advocating for systemic and societal change; influencing public policy and allocation of resources; educating and strengthening coalition members; and, promoting the availability of quality comprehensive services."²¹ The ICADV works to protect domestic violence victims' internationally recognized human rights, such as the right to bodily and mental integrity, the right to health and the right to security. However, it tends to work on these issues through a domestic U.S. and Indiana lens, by referring to local criminal law or local social services, rather than referring to international human rights law, 77 even though the United States is bound to comply with the ICCPR and other international human rights law instruments and norms. Domestic violence implicates not only domestic law, but it also implicates the internationally recognized rights to life, liberty, security, integrity, health, and a wide range of other international law protections. The nature of a group as a human rights NGO is not negated simply because that group may not adopt the moniker "human rights NGO" or may not use "international human rights law language." Local private social service agencies and other similar groups are "human rights NGOs" whether or not they identify themselves as such.²²

CONCLUSION:

This project has shown that human rights NGOs — as defined herein as private, independent, non-profit, groups not founded by or controlled by a government, which have as a goal the promotion and protection of internationally recognized human rights — share common characteristics that help render them effective at carrying out their respective missions. Although sixty years have passed since the Universal Declaration of Human Rights was promulgated, it remains undisputed that successful, effective human rights NGOs play an instrumental role in helping to eradicate human rights abuses in every corner of the globe. It is unfortunate that some human rights NGOs fail, but it is encouraging that many more human rights NGOs succeed, at least in part. These successful, effective human rights NGOs can and should be models for all human rights advocates and defenders, who struggle with great sacrifice for others to enjoy the human experience.

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