



## THE ROLE OF NGOs IN ENFORCING HUMAN RIGHTS

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*Human rights law is an important area of international law, one that is core to the mission of the UNO and the number of NGOs. NGOs have played a key role in the development and execution of International Human Rights Law and bringing understanding of it to the public. NGOs often serve as watchdog organizations for human right violations, monitoring activities within national and international perspectives. They may serve as legal representatives to those whose rights are violated, or they may simply bring the world's attention to such violation, pressurizing a nation to reform its own standards or to enforce laws that are already a part of the constitution. The NGOs have taken many measures to protect human rights. They have provided assistance to the victims of human rights violations and have taken the matter to national and state human rights commissions for a better solution to the problem. The NGOs have approached the judiciary whenever violations occur. The NGOs have filed writ petitions and public interest litigations on behalf of victims and have been successful in getting justice and compensation to the victim. The involvement of NGOs in human rights can be traced back to the 19th century, with early examples including anti-slavery and women's suffrage movements. However, the modern rise of NGOs as central actors in the human rights domain began in the aftermath of World War II. The atrocities committed during the war, especially the Holocaust, prompted a global reckoning with the need to safeguard basic human dignity. This led to creation of the United Nations in 1945 and the adoption of the Universal Declaration of Human Rights (UDHR) in 1948.*

It is commonly believed that all humans have some basic rights. However, there is no widely accepted definition of rights. Thus, the problem of what the rights are and of who exercises them has always been underway throughout history. Culture, custom, religion and lifestyle, along with many other variables, have affected the perception and definition of rights.

Therefore, the rights to be recognized and the way in determining the possessors of these rights have varied significantly from one society to another one. The term of right still cannot be clearly defined. Due to this lack, political discussions concerning rights are generally made with almost no attempt to define them.



Human rights are basic rights and freedoms that all people are entitled to regardless of nationality, sex, national or ethnic origin, race, religion, language or other status.”

These rights are inherent in our nature and without which we cannot live as human beings. Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other’s needs. They are based on mankind’s increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.

Many international conventions have been signed to promote, protect and enforce human rights. Especially after the formation of the United Nations Organization it became one of the purposes to achieve the inclusion of human rights standards. The United Nations' adoption of the Declaration on Human Rights is a remarkable achievement. The adoption of the Universal Declaration of Human Rights in 1948 marked a new era for recognizing and protecting the inherent dignity of all people. By reaffirming the most fundamental rights and freedoms of each individual, the Universal Declaration served as an important inspiration for subsequent human rights standards at the international, regional, and national levels. Today, all states in the world have agreed to be bound by at least one of the six major international human rights treaties.

However, a major gap still remains between the letter of these treaties and actual human rights protection at the domestic level. Domestic implementation of human rights standards largely depends on the ability of individuals and groups to promote and protect human rights and to pressure their governments to live up to their legal obligations. While the state remains the major protectors and the abuser of Human Rights NGOs have emerged as central players in the promotion of Human Rights round the world. The term "nongovernmental organization," or "NGO," was first formalized within the United Nations system in 1945 with its inclusion in Article 71 of the United Nations Charter. Article 71 provides the Economic and Social Council (ECOSOC) of the United Nations with the power to "make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence." The relationship between ECOSOC and NGOs was further formalized in ECOSOC Resolution and ECOSOC Resolution 1996, which outline criteria for NGO consultative status with ECOSOC. While NGOs were instrumental in achieving the



inclusion of human rights standards in the United Nations Charter in 1945, they were few in number and influential at that time. Only forty-one NGOs held consultative status with ECOSOC in 1948 and fewer yet focused exclusively on human rights issues. Since the 1960s, however, the number of NGOs and their influence both nationally and internationally has grown exponentially. As the World Bank has noted, total development aid disbursed by international NGOs increased ten-fold between 1970 and 1985. The World Bank estimates the number of NGOs in developing countries is 6,000 to 30,000.

Human rights NGOs have also gained influence, nationally and internationally. NGOs "played a decisive role in transforming the phrase human rights from a Charter provision or a Declaration article into a critical element of foreign policy discussions in and out of governmental or intergovernmental circles."

The fact that NGOs are highly differentiated and lack governmental support does not necessarily mean they are weak and ineffective. On the contrary, diversity is their advantage in effectively addressing human rights issues. "Decentralized and diverse, they proceed with a speed and decisiveness and range of concerns impossible to imagine for most of the work of bureaucratic and politically cautious intergovernmental organizations." Thanks to their independent and private status, they can act free of political control. Furthermore, since they do not have a variety of foreign policy concerns, they can focus their attention on a particular subject. In such a case, the possibility of obtaining satisfactory results is quite high. As a matter of fact, their recognition by the UN depends on the fact that they operate free of political effects of governments.

In the area of Human Rights Promotion and protection, NGOs have performed and continue to perform a myriad roles and functions. The following are their roles or functions in the promotion and protection of Human Rights:

a. **Agenda setting:** Both historically and contemporaneously, NGOs have played a major role in bringing items for action on to the international agenda. NGOs played a major role in getting the slavery inscribed into the international agenda. Prominent among these were the antecedents of the London based NGO now called Anti-slavery: the Anti-Slavery society founded in 1838 and the Aborigines Protection Society founded in 1837. Likewise, protection of the wounded on the battle field, which then led to the elaboration of the entire body of



Humanitarian Law was conceived of and shaped by The International Community of Red Cross and subsequently the Red Cross movement. Furthermore, it was NGOs that got Human Rights inscribed into the United Nations Charter. With the onset of the cold war, the United Nations spent the first two decades exclusively on drafting of international standards (one of them being the Universal declaration of Human Rights while denying it had the authority to act in violation. It is now widely recognized that it was largely a result of the pressure of these Human Right NGOs that in late 1960s that states began to move from promotion of Human Rights to protection of Human Rights with emphasis on enforcement and implementation.

b. **Fact finding or Info gathering:** - Perhaps the most important function that NGOs perform in the protection and promotion of Human Rights is that of information gathering, evaluation and determination. Accurate and timely information is the main currency of Human Rights NGOs and the basis of their legitimacy. Amnesty International led the way by developing a research department to underpin all campaign works. The NGOs began to document violations committed by governmental forces but also violations committed by the insurgents in the Mid 80s during civil war in El Salvador thus documenting violations of humanitarian law and those of international Human Rights.

c. **International Solidarity and support to Human Right Defenders:** A strategy of international solidarity and humanitarian relief has been evolved to provide protection to victims and potential victims under repressive governments or regimes, and especially to Human rights defenders at risk on the front lines of the Human Rights struggle. It is the NGOs which have assisted victims or their friends and relatives in preparing cases brought before intergovernmental Human Rights bodies (The Inter - American and European Commissions and Courts and the Human Rights Committee). The importance of such acts of international solidarity should not be underestimated. While oppressive governments are usually overthrown or eroded from within, such international solidarity helps keep alive the indigenous leaders who are the only real hope for transformation.

d. **Human Rights Education:** - This function has particularly become relevant to societies in transition from authoritarian or dictatorial to democratic rule but which is important for all societies, is Human Rights Education. Individuals and communities cannot protect their rights if they do not know them. While Human Rights education tends to be the primary



responsibility of National NGOs since they can best interpret international standards in the local context, in the recent years international and regional NGOs have also begun to play an important role in this area. To further such efforts, a number of educational clearing houses have been established. For example, an Asian Regional Resources centre for Human Rights Education has existed in Bangkok since 1992.

e. **Expertise and Policy analysis:** This function has only recently become evident in the Human Rights sphere - namely, providing expertise to the United Nations and to other intergovernmental organizations or to governments to enable them to implement their programs. Similar to the way in which the NGOs have assisted the United Nations in drafting international legislations, at the national level they have assisted governments in bringing their legislations into line with international Human Rights standards. Today Human Right NGOs or at least some of them are being cast in the implementing UN policies to assist governments. This is a major shift in perspective, with considerable implication for them.

e) **Keeping the political system open:** Freedom of Association and Access to the United Nations.: - An important function not frequently discussed is the function that NGOs perform in the promotion and protection of Human Rights is one that is critical - namely keeping the political system open to other elements of civil society. In working for freedom of association, freedom of opinion, freedom of expression and freedom of assembly, Human Rights NGOs make it possible for civil society to function, they create political space for democratic forces and therefore for democracy. .

NGOs are influential because of their expertise and their access to important sources of information. As a result, a significant share of development aid and humanitarian relief is now channeled through such organizations. In some cases, however, the sheer number of NGOs and their diversity makes it difficult for them to develop a coordinated approach to certain problems. Another factor that tends to limit their effectiveness is their perceived lack of representativeness. Many international NGOs, for example, claim to speak for the peoples of Africa, Asia, or Latin America, though their leadership is drawn almost exclusively from Europe or North America. Since the late 20th century, some governments have reacted to the growing power and influence of NGOs by accusing them of being undemocratic and accountable only to those who provide them with funding. Other governments have



attempted to prevent certain NGOs from attending international decision-making forums. Despite these difficulties, NGOs continue to play an important role in developing global norms and rules on a wide range of transnational issues.

The Nobel Prize for Peace has been awarded to several NGOs, including the International Committee of the Red Cross (1917, 1944, and 1963), Amnesty International (1977), International Physicians for the Prevention of Nuclear War (1985), the International Campaign to Ban Landmines (1997), and the Intergovernmental Panel on Climate Change (2007). Today, NGOs function in every state across the world, they are not only observers of government actions but diligent participants in framing the international standards on human rights. NGOs are instrumental in providing humanitarian relief and help the communities to claim human rights. In conclusion, NGOs remain the driving force that keeps governmental and intergovernmental bodies accountable and responsible

### **References**

Dr. Myneni S.R., Human rights, Asian Law house, Hyderabad, 2012

Dr. Anand V.K., Human Rights, Allahabad Law Agency, Faridabad, 2008

Dr. Chandra U., Human Rights, Allahabad Law agency, Faridabad, 2008

Dr. Aggarwal H.O., Human Rights, Central Law Publications, 2006

UDHR 1948

Amnesty international

Human Rights watch

<https://www.un.org>

[www.humanrights.com](http://www.humanrights.com)

[www.alternativesjournal.net](http://www.alternativesjournal.net)

[www.indianexpress.com](http://www.indianexpress.com)