

NGOS AND HUMAN RIGHTS

SIMONA SAPIENZA

Simona Sapienza was educated at the Sawyer Business School (Pittsburgh, US), at the University of Rome «La Sapienza» where she received her MA in Law and PhD.

Ms Sapienza has held various academic positions in Italy and has been legal counsel for the Italian Institute of Research for the international protection of human and civil rights. She has been actively engaged in supporting NGOs projects associated with the Department of Public Information of the UN and in inter-cultural projects promoted by the EU Commission.

Ms Sapienza is currently Senior Associate in the International Capital Markets department of Allen & Overy (Rome), which she joined in 2000.

Among her publications: The English Legal System; European Community Law as source for the law of contracts; Laws and Regulations of Italian Hedge Funds. Ms Sapienza has also written extensively on Geopolitic and Islamic/sharia compliant financial transactions, among others The financing of international terrorism; Bahrain: F1 circuit of the Islamic financial system and Keeping money out of terrorist hands.

Ms Simona Sapienza is a Board member of the Spanda Foundation.

THE ROLE PLAYED BY NGOS IN the advocacy and protection of human rights as well as in the international campaigns against their violations can hardly be over emphasized. The relationship that NGOs have established with the United Nations has seen unthinkable changes over the last fifty years, and United Nations officials and member states have gradually come to recognise that international discussions and policy making to advance human rights presently cannot be legitimate or exhaustive without the participation of NGOs.

Dates and figures speak clearly: while NGOs were instrumental in achieving the inclusion of human rights standards in the *Charter of the United Nations* in 1945, they were very few in number as well as influence at that time. Only 41 NGOs held consultative status with the United Nations Economic and Social Council (ECOSOC)¹ in 1948 and fewer yet focused exclusively on human rights issues and could participate in the strenuous process of preparing and achieving the passage of the *Universal Declaration*

*of Human Rights*². It was at the end of the Sixties, when approximately 500 NGOs were granted the consultative status with ECOSOC that they started to enjoy easier access to social and political processes taking place at the international level. However, it is only since the end of the Cold War that the number of NGOs permitted to participate in international conferences and related preparatory meetings has increased over 1000, and their influence both nationally and internationally has grown exponentially. To date there are 3172³ NGOs which, when appropriate, may interact with ECOSOC and its subsidiary bodies, this demonstrates that NGOs have now become a recognized integral part of the procedures and structures of global governance. Indeed NGOs have played “a decisive role in transforming the phrase *human rights* from but a Charter provision or a Declaration article, into a critical element of foreign policy discussions in and out of governmental or intergovernmental circles⁴.” Since the *Universal Declaration of Human Rights*, NGOs have pressured their national governments to sign and ratify any treaties that embody human rights norms, and

have worked to increase the use of those mechanisms necessary to make sure that states comply with these treaties. Despite the remarkable results achieved during the years in the field, problems still do arise with human rights NGOs that criticise specific governments and denounce violations and abuses. The governments being criticised tend to respond by denying the right of any outsiders to interfere in their internal affairs thus generalising their hostility to the activities of human rights organisations in the UN system.

The term *non-governmental organisation*, or *NGO*, was first used within the United Nations system in 1945 with its inclusion in Article 71 of the *Charter of the United Nations* that set the basis for future consultations and interactions between NGOs and ECOSOC⁵. Over the years, some major international NGOs⁶ requested broader access to the UN System. Supported by a substantial number of states,

→ | OVERVIEW

“ The majority
has the might
– more’s the pity –
but it hasn’t
right...
The minority is
always
right. ”

HENRIK IBSEN

ECOSOC in the early Nineties⁷ decided to clear the way for intergovernmental negotiations in order to expand NGOs' rights. To this aim, and to review the arrangements for consultation that had been established in 1968⁸, in 1996 ECOSOC passed Resolution 1996/31 which, in implementation of art. 71 of the *Charter of the United Nations*, formalised and defined the consultative relationship between the UN and NGOs.

In particular, Resolution 1996/31 sets out three different types of consultative relationships that ECOSOC may establish with NGOs, depending on the nature and scope of each organisation, and on the assistance that each organisation may be expected to provide to ECOSOC itself or to its subsidiary bodies⁹. In brief: a *general consultative status* may be recognized to those NGOs that are concerned with *most* of the matters falling within the competence of ECOSOC¹⁰. A *special consultative status* may be granted to those NGOs having *specific* capacity in, and concerned specifically with, *some* of the matters of competence of ECOSOC¹¹. NGOs which have neither general nor consultative status, but which can contribute occasionally and positively to the work of ECOSOC, may be included in a roster and, accordingly, are referred to as being *on the Roster* NGOs¹².

Resolution 1996/31 also sets out certain conditions for the interaction of NGOs in consultative status both with ECOSOC itself¹³ and with the Committee on Non-Governmental Organizations¹⁴, as well as covers the delicate issue of the participation of NGOs in international conferences convened by the United Nations and in their preparatory process. Although a strong culture of participation has emerged throughout the past years, Resolution 1996/31 grants member states the power to decide whether or not NGOs may participate in particular meetings. It is worth noting that the decision is taken by member states on a case-by-case analysis, and that in the event NGOs have been invited to participate, their participation "although welcome, does not entail a negotiating role¹⁵." More in particular, only if member states decide so, NGOs might be given "an opportunity to briefly address the preparatory committee and the conference in plenary meetings and their subsidiary bodies" and "to make written presentations during the preparatory process in the official languages of the United Nation as they deem appropriate¹⁶." Furthermore, "those written presentations shall not be issued as official documents except in accordance with United Nations rules of procedures¹⁷." At this point it is evident that, despite the formal status that may be recognised to NGOs, their material participation in the United Nations

system still very much depends upon the extent to which member states are willing to limit their own powers in crucial international debates.

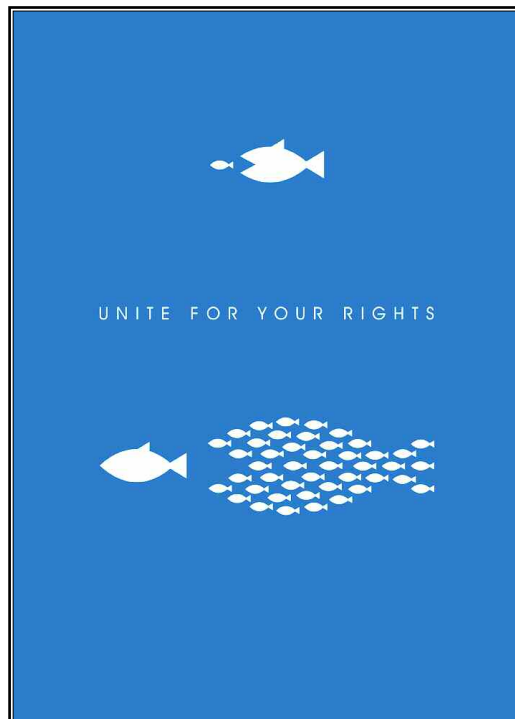
There is no doubt that NGOs have worked and are still working hard to advance international human rights around the world. To do so their activity is focused on documenting violations, setting standards¹⁸ and lobbying for effective enforcement.

Investigation and documentation by NGOs has been vitally important in bringing human rights abuses to the attention of the UN, the international community, and the public at large. Through reporting facts they are able to promote changes. It is clear that the influence of NGOs is intimately tied to the rigor of their research methodology. A typical method used by NGOs to report human rights violations in specific countries is to investigate individual cases of violations through interviews with victims and witnesses, supported by information about the abuses from other credible sources. The negative media exposure generated through the publishing of such reports has proven fruitful in the past and can definitely still serve as a useful shame sanction in working to increase a government's compliance with international human rights norms.

The importance of the commitment of NGOs in documenting violations of human rights and enhancing their protection can be seen in the role played by Amnesty International¹⁹ when, in

1972, it launched its first worldwide campaign to abolish torture, through the issuing of a groundbreaking report that shocked the world. Refuting claims that torture was a thing of the past, Amnesty revealed that governments of all types, everywhere in the world were using torture, often in routinely institutionalised ways, like the political psychiatric prisons of the Soviet Union. This approach created the first storm of controversy in 1966 when Amnesty reported on the torture of detainees by British officials in Aden, and exposed the Brazilian authorities' use of torture. Within a few years of continuous reporting activity, Amnesty members had succeeded in making governments listen and respond²⁰. Human rights were attracting the world's attention and the *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, adopted in 1984²¹, may well be considered among the most important results achieved by the international community thanks to the impetus of a NGO.

NGOs had also played a significant impact at the World Conference on Human Rights held in Vienna in 1993. As explained by the Office for the High Commissioner for Human Rights, "the search for common ground" on the



issues on the agenda at the Conference “was characterized by intense dialogue among governments and dozens of United Nations bodies, specialized agencies and other intergovernmental organizations and thousands of human rights and development NGOs from around the world²².” NGO Forum organisers reported that 2721 representatives of 1529 NGOs attended the three-day meetings. Of these, the largest group of 426 organisations was from Western Europe, next came 270 groups from Asia, 236 from South America, 202 from Africa, 179 from East and Central Europe, 178 from North America and 38 from Australia/Oceania²³. Despite the aversion of some Asian states against certain requests advanced by NGOs during the Conference Preparatory Meetings, especially the formal request advanced by Amnesty International for the establishment of a high commissioner for human rights, and the request advanced by the International Commission of Jurists that proposed the formation of an international criminal court; and despite all the limits and restrictions imposed on the participation of the NGOs at the meetings of the Drafting Committee, their success in obtaining the recognition of the universality of human rights is unquestionable.

This is seen in the insertion of Paragraph 1 in Section 1 of the *Vienna Declaration and Programme of Action* which states that “All Human Rights are universal, indivisible and interdependent and interrelated²⁴.” The establishment of The High Commissioner for Human Rights and the UN General Assembly’s adoption of the Statute of the International Criminal Court are also amongst the most evident results of the great steps made by the global community in the field of human rights thanks to non-governmental actors²⁵. At the Vienna Conference the so-called *Paris Principles*, which were defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights in 1991, were also negotiated. They were then subsequently adopted in the UN Human Rights Commission Resolution 1992/54 of 1992 and by General Assembly Resolution 48/134 of 1993. In particular, the *Paris Principles* lay down a set of minimum standards for the establishment of national Human Rights Institutions and put the basis for their cooperation with NGOs.

They list a number of responsibilities for national institutions that, according to the principles, shall monitor any situation of violation of human rights and shall be able to advise their governments, parliaments and any other competent bodies on specific violations as well as relate to regional and international organisations educating and informing them in the field of human rights.

NGOs’ activity has been also crucial to the creation of special UN mechanisms to enforce international standards. Some of the UN mechanisms, which have been created in great part because of NGO lobbying, include the thematic and country mandates under the United Nations Commission on

Human Rights, now United Nations Human Rights Council, like the Working Groups on disappearance and detention; the Special Rapporteurs on torture, arbitrary and extrajudicial killing, violence against women, and racism; the Special Rapporteurs on particular countries, such as Cuba, Sudan, Burma (Myanmar), Burundi and Rwanda; and the Special Rapporteurs or Representatives of groups of countries, such as the UN Special Rapporteur for Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia²⁶.

To call *crucial* the role played and to be played by NGOs as that of human rights *defenders* is simply not sufficient. They are integral and indispensable. The first major acknowledgement in this respect is the adoption by the United Nations in 1998 of the *Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally recognized Human Rights and Fundamental Freedoms*²⁷, also referred to as the *Declaration of Human Rights Defenders*, which lays down a set of principles and rules to insure the freedom of action of human rights activists by offering them an exhaustive framework to promote and reinforce the implementation of human rights and fundamental freedoms, as well as to safeguard and strengthen democracy and democratic institutions and processes through investigating and bringing abuses to light.

It is true that primary duty to promote and protect human rights and fundamental freedoms lies with states²⁸. However, thanks to the Declaration, it is now formally

QUICK FACTS

HUMAN RIGHTS NGOS MAIN ACHIEVEMENTS

- ✓ Inclusion of art. 71 in the *Charter of the United Nations*, which opens access for NGOs to the UN system.
- ✓ Establishment of the Committee on Non-Governmental Organizations as a permanent standing committee of the ECOSOC.
- ✓ Adoption of the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.
- ✓ Inclusion of Paragraph 1, in Section 1 of the *Vienna Declaration and Programme of Action*, which formally recognises the universal nature of human rights.
- ✓ Establishment of the High Commissioner for Human Rights.
- ✓ Adoption of the Statute of the International Criminal Court.
- ✓ Appointment of UN Working Groups and UN Special Rapporteurs with specific thematic or country mandates to investigate, monitor and recommend solutions to specific human rights issues.

recognized that non-governmental organizations «have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities²⁹.

As set out in the *Declaration on Human Rights Defenders*, NGOs have «[...] a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized³⁰.

If government institutions are responsible for respecting, protecting and promoting human rights, Human Rights, Law-related and Socio-Economic NGOs, together with community organisations, schools, indigenous people's organisations, women's advocacy groups and the media, now also play a crucial role in the sector. The Programme of Action, suggested in the *World Conference against Racial Discrimination, Xenophobia and Related Intolerance (WCAR)*, held in Durban under the auspices of the UN in 2001 may be taken as a cornerstone in this respect. It urged the member states to provide an effective environment to enable NGOs to function freely and openly within their societies in order to make an effective contribution to the elimination of racism, racial discrimination and related tolerance throughout the world and to promote a wider role for grass roots organisations. In particular, according to the Durban official Programme of Action, States were called upon to “strengthen cooperation develop partnership and consult regularly with non-governmental organizations³¹.

It has to be noted that, the Conference dealt with several controversial issues, including compensation for slavery and the actions of Israel. This is why the language of the final Declaration and Programme of Action produced by the Conference was strongly disputed in these areas, both in the preparatory meetings in the months that preceded the Conference and during the conference itself.

Parallel to the Conference, was a separately held NGOs Forum that also produced a declaration and programme of its own, which was not an official Conference document and contained language relating to Israel in particular, that the WCAR had voted to exclude from its Declaration, and that appeared to commentators as being the result of every lobby putting its aversions in. It described Israel as a “racist, apartheid state” that was guilty of “racist crimes including war crimes, acts of genocide and ethnic cleansing³²”. The document was not intended to be presented to the Conference, although a copy of it was aimed to be handed over at the conclusion of the Forum, as a symbolic gesture, to the Secretary-General of the Conference³³ who, however, refused to accept the document, expressing her concerns over its language. In a later interview she said of the whole Conference that “there was horrible anti-Semitism [...] particularly in some of the NGO discussions”³⁴.

The NGOs Forum also called upon the United States to ratify all major human rights treaties, including the *UN Convention on the Elimination of Racial Discrimination*, which the US had ratified in 1994, however attaching a reservation that its ratification did not accept treaty requirements that were incompatible with the Constitution of the United States³⁵. The NGOs, demanded that US drop its reservations and complied in full with the treaty. The US Department of State had noted specifically that the restrictions imposed by the Convention were incompatible with the First Amendment to the US Constitution. Incompatibility of the treaty with national constitutions was also noted by many other states including the Bahamas, Barbados, France, Guyana, Jamaica, Japan, Nepal, Papua New Guinea, Switzerland, and Thailand. Furthermore, France, Ireland, Italy, Japan, Malta, Monaco, Nepal and the United Kingdom noted that they considered the provisions of the treaty to be restricted by and subject to the freedoms of speech and assembly set out in the *Universal Declaration of Human Rights*.

The Declaration and Programme of Action produced in Durban by the NGOs Forum parallel to the Conference shows that NGOs may have, in certain contexts, a disruptive role. The action taken by extremist and radical NGOs, which usually do not speak out for the global community but represent the interests of a group of states, are only some examples of how certain NGOs, in certain cases, may be an obstacle to international negotiations, and that the reservations expressed by states over their participation and negotiating role at international conferences are not always completely illegitimate or ungrounded.

We hope that the 2009 Durban review conference will effectively contribute to the global fight against racism in all countries and continents, and that NGOs will not blame exclusively western racism, as they did during the 2001 Conference, but speak for the victims of racism and discrimination all around the world bringing forth a meaningful contribution.

Despite any aversion, legitimate or not, against NGOs, their role in supporting certain governments in recognizing and promoting human rights is out of question. The remarkable results that NGOs have achieved in their struggle can be also explained from another perspective. NGOs can carry on their policies and actions on a continuous basis while organisations belonging to the public sector³⁶ depend too much on the policy appraisal agenda. NGOs can adjust quickly and are more flexible in the implementation of their plans and policies while for public sector organisations it may take too long to decide on appropriate strategies or possible changes in the middle of a project, and they have to wait for instructions and green-lights from *above* which may take weeks, months, or years.

Furthermore, public employees and personnel of NGOs have a very different level of international motivation. Government officers *are told* to do things in which they may have very little enthusiasm. They often have no sense of mission or a specific target to achieve. It is the opposite for NGOs. There is no doubt that a major role for NGOs lies in educating the global community in understanding human rights. Ignorance is a constant threat to NGOs as it

breeds discrimination, intolerance and prejudice. NGOs that are committed in the fight for human rights must fight ignorance in all its forms. The best way for them to do this is through education. “Law cannot teach a person to be compassionate, caring, and sensitive to other people’s sorrows and joys and human rights cannot be secured in a society where these qualities are weak³⁷⁷”.

There can be no true enjoyment of human rights by all where some are excluded by discrimination and prejudice or disadvantage and under development. NGOs must receive all necessary support to make human rights a reality for everyone everywhere. The significant capacity that NGOs have acquired in promoting and supporting the effective recognition of human rights, and the different roles that NGOs may play in this respect suggest that their interaction with international and national governmental institutions is now desirable and inevitable to avoid the fact that millions of men, women and children around the world are born, live, and die without knowing that they possess human rights.

Equal society and human rights need us to interact with NGOs to make them powerful, effective and people oriented. The twin pillars of equality and non-discrimination need NGOs to become the concrete expression of international, national, and local voices and stand up for those who cannot speak for themselves.



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¹ The United Nations Economic and Social Council (ECOSOC) was established under the United Nation Charter as the principal organ to coordinate economic, social, and related work of the 14 UN specialised agencies, functional commissions and five regional commissions. The Council also receives reports from 11 UN fund and programmes, ECOSOC serves as the central forum for discussing international economic and social issues, and for formulating policy recommendations addressed to member states and the United Nations system. It is responsible for: i) promoting higher standards of living, full employment, and economic and social progress; ii) identifying solutions to international economic, social and health problems; iii) facilitating international cultural and educational cooperation; and iv) encouraging universal respect for human rights and fundamental freedoms. It has the power to make or initiate studies and reports on these issues. It also has the power to assist the preparations and organization of major international conferences in the economic and social and related fields and to facilitate a coordinated follow-up to these conferences. With its broad mandate the Council's purview extends to over 70 per cent of the human and financial resources of the entire UN system. In carrying out its mandate, ECOSOC consults with academics, business sector representatives and more than 3,100 registered ... The Council holds a four-week substantive session each July, alternating between New York and Geneva. The session consists of the High-level Segment, Coordination Segment, Operational Activities Segment, Humanitarian Affairs Segment and the General Segment. See: www.un.org/ECOSOC.

² Although the term *human rights* was introduced in modern language at the end of 17th century by the 1688 *Germantown Quaker Petition Against Slavery* which is the first public document that declared equal rights for all humans, the *Universal Declaration of Human Rights* adopted by the UN General Assembly with Resolution 217 A (III) on 10 December 1948 unquestionably represents the first worldwide charter of rights, proclaimed *Universal* and *Fundamental* freedoms, which transcend national, religious, cultural and ideological factors.

³ See <http://www.un.org/esa/coordination/NGO>. Last visited: 4 March 2009.

⁴ KOREY W., "NGOs and the Universal Declaration of Human Rights: 'a curious grapevine'", St Martin's Press, New York 1998.

⁵ According to art. 71 of the *Charter of the United Nations* adopted in San Francisco on 26 June 1945 and in effect as of 24 October 1945, the ECOSOC may "make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned."

⁶ The World Federation of Trade Unions (WFTU), the International Cooperative Alliance, the International Association of Democratic Lawyers (IADL) and the Women's International Democratic Federation (WIDF) are only some of the NGOs which played a major role to open up NGOs access to the UN system.

⁷ *ECOSOC Review*, E/1993/80 of 30 July 1993.

⁸ Economic and Social Council Resolution 1296 (XLIV) of 23 May 1968.

⁹ *Consultative Relationship between the United Nations and non-governmental organizations*, Resolution 1996/31, United Nations Economic and Social Council, 49th Plenary Meeting of 25 July 1996.

¹⁰ With regard to the general consultative status, Resolution 1996/31, Part III, para. 22 provides that: "Organizations that are concerned with most of the activities of the Council and its subsidiary bodies and can demonstrate to the satisfaction of the Council that they have substantive and sustained contributions to make the achievement of the United Nations in the fields set out in paragraph 1 above, and are closely involved with the economic and social life of the peoples of the areas they represent and whose membership, which should be considerable, is broadly representative of major segments of society in a large number of countries in different regions of the world shall be known as organizations in *general consultative status*."

¹¹ According to Resolution 1996/31, Part III, para. 23: "Organizations that have a special competence in, and are concerned specifically with, only a few fields of activity covered by the Council and its subsidiary bodies, and that are known within the fields for which they have or seek consultative status shall be known as organizations in *special consultative status*."

¹² According to Resolution 1996/31 Part III, para. 24 "Other organizations that do not have general or special consultative status but that the Council or the Secretary General of the United Nations in consultation with the Council or Committee on Non-Governmental Organizations, considers can make occasional and useful contributions to the work of the Council or its subsidiary bodies or other bodies of the United Nations bodies within their competence shall be included in a list (to be known as *Roster*). This list may include organizations in consultative status or a similar relationship with a specialized agency or a United Nations body. These organizations shall be available for consultation at the request of the Council or its subsidiary bodies. The fact that an organization is on the Roster shall not in itself be regarded as a qualification for general or special consultative status should an organization seek such status."

¹³ Resolution 1996/31 determines how NGOs can propose items for the Council's agenda, attend meetings, submit written statements and carry out oral presentations to meetings of the Council. The resolution also provides the conditions under which NGOs may participate in international conferences convened by the United Nations and in their preparatory process.

¹⁴ The Committee on Non-Governmental Organizations is a standing committee of the ECOSOC. It was established by Council resolution 3(II) on 21 June 1946. It reports directly to ECOSOC. The current terms of reference of the Committee are detailed in Resolution 1996/31. In its proceedings the Committee is guided by the rules of procedure of the Council. The main tasks of the Committee are: i) the consideration of the applications for consultative status and request for reclassification

submitted by NGOs, ii) the consideration of quadrennial reports submitted by NGOs in general and special categories, iii) the implementation of the provisions of Council resolution 1996/31 and the monitoring of consultative relationship, and iv) any other issues which the ECOSOC may request the Committee to consider. See <http://www.un.org/esa/coordination/NGO/committee.htm> .

¹⁵ Resolution 1996/31, para. 50.

¹⁶ *Ibid.*, para. 51.

¹⁷ *Ibid.*, para. 52.

¹⁸ *Standard Setting* means establishing international rules which make it possible to measure or judge the conduct States.

¹⁹ Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights for all. Supporters are outraged by human rights abuses but inspired by hope for a better world. Amnesty has more than 2.2 million members and subscribers in more than 150 countries and territories. Ever since Amnesty started campaigning in 1961, it has worked around the globe to stop the abuse of human rights. British lawyer Peter Benenson launched the worldwide campaign *Appeal for Amnesty 1961* with the publication of a prominent article, 'The Forgotten Prisoners', in *The Observer* newspaper. The imprisonment of two Portuguese students, who had raised their wine glasses in a toast to freedom, moved Benenson to write this article. His appeal was reprinted in other papers across the world and turned out to be the genesis of Amnesty International. The first international meeting was held in July 1961, with delegates from Belgium, the UK, France, Germany, Ireland, Switzerland and the US. They decided to establish «a permanent international movement in defence of freedom of opinion and religion». On Human Rights Day, 10 December, the first Amnesty candle was lit in the church of St-Martin-in-the-Fields, London. See: www.amnesty.org

²⁰ See: <http://www.amnesty.ca/about/history/historyofamnestyinternational>.

²¹ General Assembly Resolution 39/46, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* adopted in New York on 10 December 1984 and in force as of 26 June 1987. At 17 December 2008 the Convention has been ratified by 146 States. See: www2.ohchr.org/english/countries/ratification/9.htm.

²² High Commissioner for Human Rights, World Conference on Human Rights. Excerpt from DPI/1394/Rev.1/HR-95-93241, April 1995. See: www.unhcr.ch/html/menu5/wchr.htm.

²³ GAER F.D., "Reality Check: Human Rights NGOs, Confront Governments at the UN", in *NGOs, the UN, and Global Governance*, (ed. Weiss Thomas, Leon Gordenkes) Boulder, 1996, 51-66.

²⁴ World Conference on Human Rights, General Assembly, A/CONF.157/23, *Vienna Declaration and Programme of Action*, Vienna, 25 June 1993, Section 1, para. 5.

²⁵ The High Commissioner for Human Rights was established by the UN General Assembly on 20 December 1993 with Resolution 48/141. The Statute of the International Criminal Court was adopted in Rome on 17 July 1998 and it entered into force on 1 July 2002. There is no doubt that the NGO Coalition for an International Criminal Court which counted more than 800 NGOs at the time the Diplomatic Conference on the establishment of an international court was open in Rome (15 June 1998), was a strong impetus behind the establishment of the court.

²⁶ Later the Special Representative of the Commission on Human Rights on the Situation of Human Rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia.

²⁷ *Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally recognized Human Rights and Fundamental Freedoms*, adopted by General Assembly Resolution A/RES/53/144 of 9 December 1998.

²⁸ See the *Declaration on Human Rights Defenders*.

²⁹ *Declaration on Human Rights Defenders*, art. 16.

³⁰ *Ibid.* art. 18.

³¹ World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Declaration, para. 210. See: www.unhcr.ch/pdf/Durban.pdf.

³² "The different shades of hatred", article published on the online edition of The Hindu. See: <http://hindu.com/thehindu/2001/09/09/stories/05091344.ht>.

³³ Mary Robinson, High Commissioner for Human Rights (1997-2002), and Secretary General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

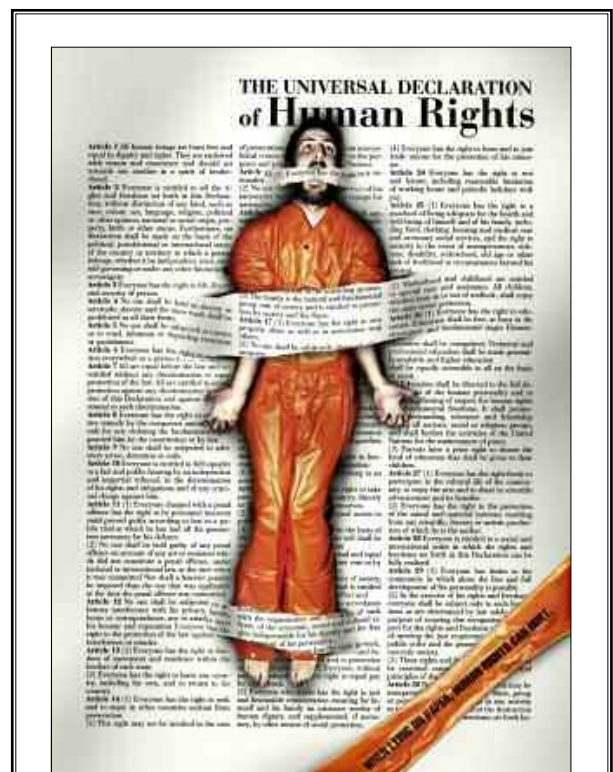
³⁴ BBC News, 21 November 2002.

See news.bbc.co.uk/1/hi/talking_point/forum/1673034.stm .

³⁵ The reservation of the US is due to the Supremacy Clause of Article Six of the United States Constitution, which does not permit treaties to override the Constitution.

³⁶ The public sector is usually composed of organisations that are owned and operated by the government. This includes federal, provincial, state or municipal governments. Organisations in the public sector are usually called public bodies or public authorities. Some examples of public bodies are educational bodies, health care bodies, local and central government bodies and their departments.

³⁷ Abstract from the speech of the Prime minister of India, Atal Bihari Vajpayee, in June 2000 at the presentation of Rotary India award on human rights to justice Venkatchalialah. See: www.indianembassy.org/special/cabinet/primeminister/pmspeeches.htm ■



COME LOVELY AND SOOTHING DEATH,
 ONDULATE ROUND THE WORLD, SERENELY
 ARRIVING, ARRIVING, IN THE DAY,
 IN THE NIGHT, TO ALL TO EACH,
 SOONER OR LATER,
 DELICATE DEATH.

W A L T W H I T M A N