**NGOs and Human Rights**

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](http://www1.umn.edu/humanrts/instree/aunchart.htm). 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 1296](http://www.globalpolicy.org/ngos/ngo-un/info/res-1296.htm) and [ECOSOC Resolution 1996](http://www.un.org/esa/coordination/ngo/Resolution_1996_31/Part_1.htm), which outlines 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 influence 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. Approximately 500 NGOs held consultative status with ECOSOC in 1968; this number had increased to over 1000 by 1992. As the [World Bank](http://www.worldbank.org/) has noted, total development aid disbursed by international NGOs increased ten-fold between 1970 and 1985. The World Bank estimates that the number of national NGOs in developing countries is between 6,000 and 30,000.

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

NGOs work to advance international human rights around the world principally by setting standards, documenting violations and lobbying for effective enforcement. First, NGOs have been instrumental in setting international human rights standards. "Standard-setting" is "the establishment of international norms by which the conduct of states can be measured or judged." *From* William Korey, NGOs and the Universal Declaration of Human Rights 3 (1998). For example, NGOs were instrumental in achieving the passage of the Universal Declaration of Human Rights. In addition, NGOs have pressured their national governments to sign and ratify the treaties that embody human rights norms and have worked to increase use of the complaint mechanisms of these treaties. NGOs also had a significant impact at the 1993 World Conference on Human Rights in Vienna. The conference was attended by over 800 NGOs, two-thirds of which were grass-roots organizations. As the Office for the High Commissioner for Human Rights explains, the search for "common ground" on the agenda issues at the Vienna 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 world." *From* OHCHR, [World Conference on Human Rights](http://www.ohchr.org/EN/ABOUTUS/Pages/ViennaWC.aspx). Women's NGOs were a particularly prominent force at this conference and in pushing for the inclusion of groundbreaking language in the conference document. NGOs have continued to play critical roles in advancing the agenda at subsequent United Nations conferences. *Adapted from* James A. Paul, [NGOs and Global Policy-Making](http://www.globalpolicy.org/component/content/article/177/31611.html) (2000); William Korey, NGOs and the Universal Declaration of Human Rights 3 (1998).

Second, NGOs work to document violations of human rights standards. Investigation and documentation by NGOs have been vitally important in bringing human rights abuses to the attention of the United Nations, the international community and the public at large. Dorothy Thomas explains this process as follow:

Human rights practice is a method of reporting facts to promote change. The influence of nongovernmental organizations is intimately tied to the rigor of their research methodology. One typical method of reporting human rights violations in specific countries is to investigate individual cases of human rights violations through interviews with victims and witnesses, supported by information about the abuse from other credible sources.

Third, NGOs work to create and support enforcement mechanisms. As international human rights standards gained prominence, NGOs began "spurring the creation of special UN mechanisms" to enforce these standards while also "providing those [UN] instruments with the assembled documentation to make their investigations productive." Some of the UN mechanisms that have been created in part because of NGO lobbying include the [thematic and country mandates](http://www2.ohchr.org/english/bodies/chr/special/index.htm) under the Office of the High Commissioner for Human Rights. These include Working Groups on issues such as disappearance and detention; Special Rapporteurs on topics such as torture, arbitrary and extrajudicial killing, violence against women, and racism; Special Rapporteurs on particular countries, such as Cuba, Sudan, Burma (Myanmar), Burundi and Rwanda; and Special Rapporteurs or Representatives on groups of countries, such as the UN Special Rapporteur for Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (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). NGOs were also the impetus behind the creation of the UN High Commissioner for Human Rights. *Adapted from* William Korey, NGOs and the Universal Declaration of Human Rights 9-11 (1998).

The role of NGOs within the United Nations system will continue to evolve. In a 2002 report to the United Nations, the Secretary General emphasized the importance of the role played by NGOs in the United Nations system, noting that the "formal deliberations and decisions of many such meetings [of intergovernmental organizations] are now often enriched by the debates carried out in non-governmental forums and events held in parallel with the official conferences." The report discussed developments in the relationship between NGOs and the United Nations, such as new procedures that allow NGOs to give testimony to Security Council members on certain issues, and efforts by NGOs to present collective views. Finally, the Secretary General noted the need for reforms, such as the need for clarification of the NGO accreditation process, and created a panel to review these issues. *Adapted from*[Strengthening of the United Nations: An Agenda for Further Change](http://www.un.org/events/action2/A.57.0387.pdf), U.N. Doc. A/57/387; Global Policy Forum, [NGOs and the United Nations: Comments for the Report of the Secretary General](http://www.globalpolicy.org/ngos/docs99/gpfrep.htm) (1999).

The Role of NGOs

NGOs play a crucial role in enabling people to recognize, articulate, and struggle to realize human rights within their own governments and societies. NGOs do this not by a theoretical presentation of human rights so much as by enabling people to speak and act together on publicmatters through which they learn for themselves both their own worth as persons and the treatment and opportunities they, their families, and their fellows deserve so as to live decent lives. NGOs offer the means for research on, witness to, and advocacy for human rights enforcement within concrete social contexts.NGOs can help people to discover their rights through helping them to comprehend their plight and to act for their common betterment. There is no blueprint on how an NGO works to further the acknowledgement and realization of human rights within a society and by a government. NGOswork this out for themselves within the specific conditions of their society. Some NGOs devote themselves directly to the problem of rights.

The role of governments with regard tohuman rights is a complex one. On one hand, human rights are limitations upon governmentswith respect to their own people. On the other, human rights can be protected and enforced onlyby governments themselves. Here we to argue that rights come from governments, as somewriters do (Pollis and Schwab, 1979, p. 13), we would transform human rights—entitlementsthat are ours because we are human beings—into privileges permitted us by the state. It is farwiser to entrust the formulation of human rights to the people themselves through theirassociations in civil society and, then, to charge government with protecting those rights.

*NGOs in International Organizations:*

Many international organizations have detailed procedures ensuring the involvement and active participation of NGOs into their operations. For example, Amnesty International (AI) actively participated in the deliberations and discussions of such intergovernmental organizations as the United Nations (UN), the Council of Europe and Organization of American States (OAS) (Cassese, 1990: 204). Perhaps among the international organizations, the UN is the first one having permitted the NGO participation. The first draft of the UN Charter did not make any mention of establishing cooperation with civil and private bodies. However, many groups from the US and other parts of the world pressured to rectify that in San Francisco Conference. As a result, they succeeded to include provisions, which define the procedure of cooperation with NGOs (Willetts, 2003). Article 70 is as follows:

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies (http://www.un.org, 2003a).

The rights that NGOs have as consultative bodies include “to receive the provisional agenda of ECOSOC or its subsidiary bodies and to propose the inclusion of new agenda items”, “to attend public meetings of ECOSOC”, to “submit statements and have them circulated to ECOSOC” and “to make oral statements before ECOSOC” (Wouters and Rossi, 2001: 8). Their consultative status has permitted NGOs to actively participate in drafting discussions. They have the right to propose ideas for inclusion and why those ideas are worth being incorporated into the text under discussion (Steiner and Alston, 1996: 478).

NGO consultative status was extended by ECOSOC in 1946. ECOSOC Resolution 288B adopted in February 1950 classified NGOs as A, B and C. Those under the categories A and B were a kind having the capacity to affect the deliberations in ECOSOC. They were allowed to submit written statements, and make oral presentations, whenever necessary. In that sense, their authority was so extended that they were able to affect decision making (Korey, 1998: 52). In recent years, Article 71 has been interpreted broadly, allowing an increasing number of NGOs to actively get involved in the activities of UN bodies concerned. Such bodies as the Committee on Economic, Social and Cultural Rights (CESR), the Committee on the Rights of the Child, and the Committee Against Torture permit NGOs to make formal interventions concerning human rights matters within those bodies. Women’s human rights groups have taken action for monitoring procedure before the Committee on the Elimination of All Forms of Discrimination against Women, even though no formal permission to do so has ever been granted (Mertus, 2002: 22).

The Council of Europe has established well-detailed procedures ensuring the participation of NGOs in standard setting processes (Donnelly, 1998: 70). The Council is of great importance, as it operates the most influential and effective human rights protection system all around the world. The System for the protection of human rights has well-established institutions and well-defined processes (Steiner and Alston, 1996: 563). The Council of Europe, the intergovernmental organization established by ten Western countries in 1949, is the major constituent of the system (Buergenthal et al., 2002: 133). The leading goal of the Council is “to defend and reinforce the principles of human rights, pluralist democracy and the rule of law.” (http://www.mfa.gov.tr, 2003).

Under the European Social Charter, which is a component of the regime established by the Council of Europe, an important role is given to NGOs. The provision concerned states that NGOs provide input when contracting parties report on the implementation of the Charter. “The 1995 Additional Protocol to the European Social Charter Providing a System of Collective Complaints includes as sources of such complaints those international NGOs in consultative status with the Council of Europe listed for this purpose, as well as national NGOs if the State in question has made a declaration to this effect when becoming a party to the Additional Protocol” (Wouters and Rossi, 2001: 9).

NGOs, under the European Convention System for protection of human rights, have the right to be present as *amici curiae* in the hearings of the European Court of Human Rights (Wouters and Rossi, 2001: 10), which is the main component of the system. Individuals under the jurisdiction of the Court are allowed to file petitions against the violator state with the Court. Although not as parties, that NGOs can participate those kinds of cases is worth mentioning; because the verdicts of the Court, over the time, have become a source of international law.

In accordance with the commitments spelled out in the official document mentioned above, the European Union made efforts to promote the involvement of NGOs in the activities concerning human rights. Those include “efforts to foster the role played by NGOs in human dimension activities of the OSCE and in the Stability Pact for South-Eastern Europe, and the EU’s not negligible financial support for the participation of NGOs in regional preparatory conferences to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, and the Conference itself” (Wouters and Rossi, 2001: 3-4). Chapter B7-70 of the EU budget is specifically allocated to a range of human rights NGO activities. In addition, some NGOs limit their activities to their own country, while some others extend their activities to several countries and known as international NGOs. “The main difference between these two types of NGOs is that international NGOs base their advocacy more consistently on international law” (Wouters and Rossi, 2001: 6). They may also differ in terms of structure and configuration. For example, Third World NGOs employ domestic governmental officials. However, First World NGOs are very decisive not to admit members with government connections (Wouters and Rossi, 2001: 7). Furthermore, those so-called First World NGOs are more concentrated on “civil and political rights”, committed to “fair (due) process”, “individualistic rather than group or community” oriented, and believe “in a pluralist society functioning within a framework of rules impartially applied to protect individuals against state interference” (Steiner, 1991: 15-16).

However, the fact that NGOs are highly differentiated and lack governmental support does not necessarily mean they are weak and ineffective. On the quite contrary, the 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” (Steiner and Alston, 1996: 456). Thanks to their independent and private status, they can act free of political control states. Furthermore, since they do not have a variety of foreign policy concerns, they can focus their attention to a particular subject (Donnelly, 2003a). In such a case, the possibility to obtain satisfactory results is quite high. As a matter of fact, their recognition by the UN depends on that they operate free of political effects of governments.