

# Applications: Human Rights

# Outline

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- ▶ Defining human rights
- ▶ Why do states violate human rights
- ▶ How does respect for human rights improve?

# Definition of Human Rights

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**Human Rights:** Rights possessed by all individuals by virtue of being human.

Enlightenment (Locke) → French and American revolutions

Holocaust → UN charter

## “International Bill of Rights”

- ▶ Universal Declaration of Human Rights (1948)
- ▶ International Covenant on Civil and Political Rights (1966)
- ▶ International Covenant on Economic, Social, and Cultural Rights (1966)

# Definition of Human Rights

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Treaty	Date Signed/ In Force	Brief Description
Universal Declaration of Human Rights (UDHR)	1948	Outlines basic human rights.
Convention on the Prevention and Punishment of the Crime of Genocide	1948/1951	Bans acts committed with the intent to destroy, in whole or part, a national, ethnic, racial, or religious group.
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	1965/1969	Bans all racial discrimination, with particular attention to policies and practices of apartheid.
International Covenant on Economic, Social, and Cultural Rights (ICESCR)	1966/1976	Details the basic economic, social, and cultural rights of individuals and nations.
International Covenant on Civil and Political Rights (ICCPR)	1966/1976	Details the basic civil and political rights of individuals and nations. Optional protocol (1966/1976) permits petitions from individuals. Second optional protocol (1989/1991) commits state parties to abolish the death penalty.
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	1979/1981	Bans discrimination against women, focusing on education, employment, health, marriage, and the family. Optional protocol (1999/2000) permits petitions from individuals.

# Definition of Human Rights

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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1984/1987	Bans torture under all circumstances. Optional protocol (2002/2006) establishes regular visits to monitor state practice.
Convention on the Rights of the Child (CRC)	1989/1990	Details the special rights of children. Optional protocol (2000/2002) bans children in the armed forces from participating in hostilities. Second optional protocol (2000/2002) prohibits the sale of children, child prostitution, and child pornography.
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	1990/2003	Details the special rights of workers outside their country of origin.
Convention on the Rights of Persons with Disabilities	2007/2008	Mandates equal status and treatment for individuals with disabilities. Optional protocol (2007/2008) permits petitions from individuals.
International Convention for the Protection of All Persons from Enforced Disappearance	2007/2010	Prohibits arrest, detention, or abduction of individuals without acknowledgment by the state.

# Definition of Human Rights

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... Which rights are most important?

Treaties clarify **nonderogable** rights:

- ▶ personal integrity (torture, etc)
- ▶ freedom from cruel punishment
- ▶ recognition as a person before the law
- ▶ freedom of thought, conscience, religion

Why are these things controversial?

sovereignty, Western origin, different societal norms, perceived utility of torture

# Definition of Human Rights

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International definitions may be oriented to Western norms.

- ▶ Right to family? Right to work? Right to health?

This is at the core of the two main binding agreements

1. International Covenant on Civil and Political Rights (ICCPR)
2. International Covenant on Economic, Social, and Cultural Rights (ICESCR)

US finally ratifies ICCPR in 1992. US has never ratified ICESCR.

# Definition of Human Rights

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Vague consensus on rights masks major differences in definition



# Definition of Human Rights

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Protesting the execution of Troy Davis in Georgia in 2011.

# Definition of Human Rights

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Vague consensus on rights masks major differences in definition



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Protesting the execution of Troy Davis in Georgia in 2011.

# Definition of Human Rights

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Weaker states may see foreign efforts to promote individual political rights as a means of increasing Western influence.

# Why do states violate human rights?

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A variety of reasons and strategies. . .

# Why do states violate human rights?

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# Why do states violate human rights?

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# Why do states violate human rights?

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- ▶ Lack of capacity
- ▶ Foreign or terrorist threats
- ▶ Economic benefits
- ▶ To maintain power
- ▶ To reshape society

# Why do actors legally commit to improving human rights?

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Also a variety of reasons and strategies. . .

- ▶ Moral and philosophical commitments
- ▶ Democratic Lock-in
- ▶ Rewards (accession to the EU, foreign aid, investment, praise)  
→ but see Nielsen and Simmons (2015)
- ▶ Self-interest (labor unions demanding human rights clauses in trade agreements)

# Committing to human rights agreements is not enough

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Revisiting the debate about whether international law is effective:

- ▶ Yes: Most states comply most of the time
- ▶ Yes: Noncompliance often a matter of capacity
- ▶ Yes: International law mobilizes domestic stakeholders
  
- ▶ No: Self-selection of which states ratify
- ▶ No: Autocrats ratify and then torture more
- ▶ No: measures of human rights not improving

# Are human rights improving?

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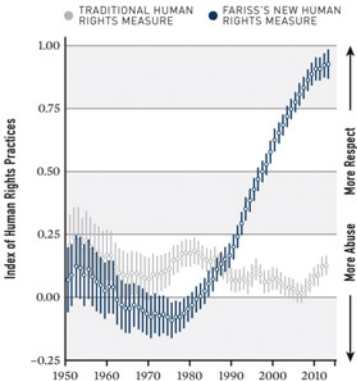
Data on human rights violations worldwide.

Coded from State Department or Amnesty International reports

# Are human rights not improving?

... but Fariss (2014) argues that the measurement standard is changing.

FIGURE A *Estimates of Human Rights Practices around the World, 1946–2015*



Source: Christopher J. Fariss, "Respect for Human Rights Has Improved over Time: Modeling the Changing Standard of Accountability," *American Political Science Review* 108, no. 2 (2014): 297–318. Updated to 2015 by Christopher Fariss.

# When do states take action on human rights?

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- ▶ Domestic: Increased capacity
- ▶ Domestic: International pressure (sanctions, etc.)
- ▶ Domestic: Change in domestic politics or economy (including revolution)
  
- ▶ International: Domestic pressure
- ▶ International: Boomerang effect (e.g., from Amnesty International reports)
- ▶ International: Self-interest (Nielsen 2013)
  - ▶ When effects of violations flow across borders (e.g., refugees)
  - ▶ When violators are not allies

# New Developments

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## Transitional justice

- ▶ Truth and reconciliation (amnesty for perpetrators?)
- ▶ *lustration*: political limits on previous regime members

## Individual Petition

## International Criminal Court (Rome Statute, 2002)

- ▶ controversial
- ▶ effect is unclear and strategy is complicated
- ▶ US “unsigned” and urging countries to sign Article 98 agreements.

Human rights provisions in Regional Trade Agreements.

# Conclusion

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Human rights is hard problem

- ▶ sovereignty
- ▶ moral obligations and self-interest are poorly aligned
- ▶ international law lacks teeth

Substantial role for technology, both good and bad!



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