

Transnational Politics

Human Rights

The Puzzle

- **Why do states take costly actions to protect the human rights of people outside their borders?**
- **In light of the widespread support for the principle of human rights, why has the movement to protect those rights not been more successful?**

The Argument

- **Countries do not have strong interests in the human rights practices of others.**
- **Leads to inconsistent enforcement, allowing countries to ratify agreements for “expressive” purposes only.**
- **Illustrating the limits of international law, human rights institutions are weak but may become stronger in the future.**

What Are Human Rights?

- **Universal Declaration of Human Rights (1948)**
 - Adopted by United Nations General Assembly; soft law, not binding.
- **International Covenants on Civil and Political Rights (ICCPR) and Economic, Social, and Cultural Rights (ICESCR) (1976)**
 - Somewhat harder law, with some obligation, precision, and delegation (UN human rights committee)
- **Other Human Rights agreements:**
 - Racial Discrimination (1969)
 - Discrimination against Women (1981)
 - Torture (1987)
 - Rights of the Child (1990)
 - Rights of Persons with Disabilities (2008)

Are Some Rights More Rightful Than Others?

- **UDHR includes as rights:**
 - **Marriage, freely entered into, and procreation**
 - **Employment, equal pay for equal work, and just remuneration**
 - **Rest and leisure**
 - **Adequate standard of living**
- **Rights broadly accepted as norms include:**
 - **Freedom from torture and cruel, inhuman, or degrading punishment**
 - **Freedom from arbitrary arrest, detention, and exile**
 - **Freedom of thought, conscience, and religion**
 - **Freedom of opinion and expression**

Why Do States Violate Human Rights?

- **Violations arise from lack of resources.**
 - Not all states can provide free primary schooling.
- **Violations occur in defense of national security or to suppress violent domestic dissent.**
- **Violations are especially likely against individuals or groups feared to be allied with foreign power.**
 - In U.S.: Red Scare (1917-1920), Japanese internment (World War II), second Red Scare (1947-1957), post-9/11 suspensions.
- **Governments violate rights to secure their own rule.**

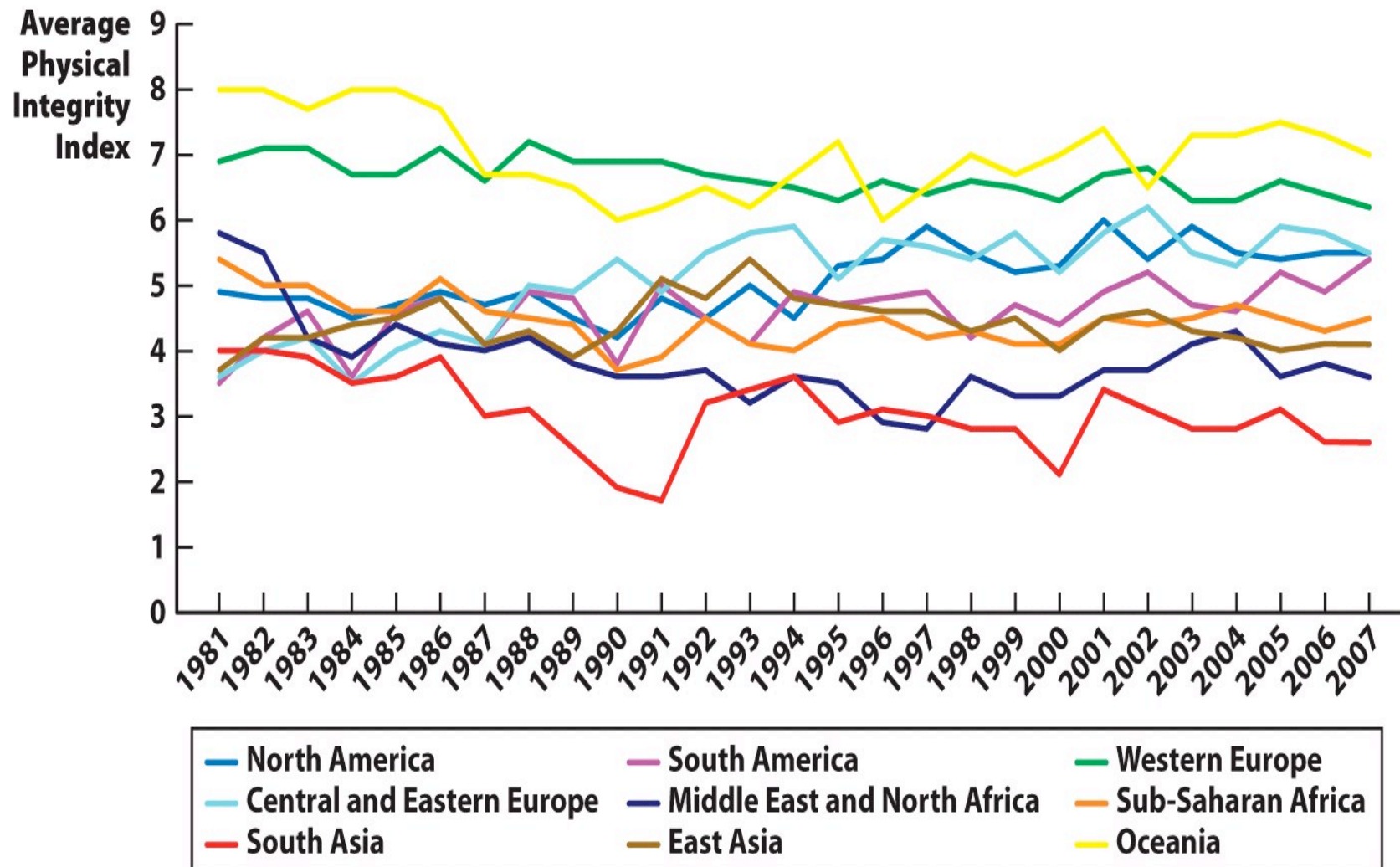
Why Do States Promote International Human Rights?

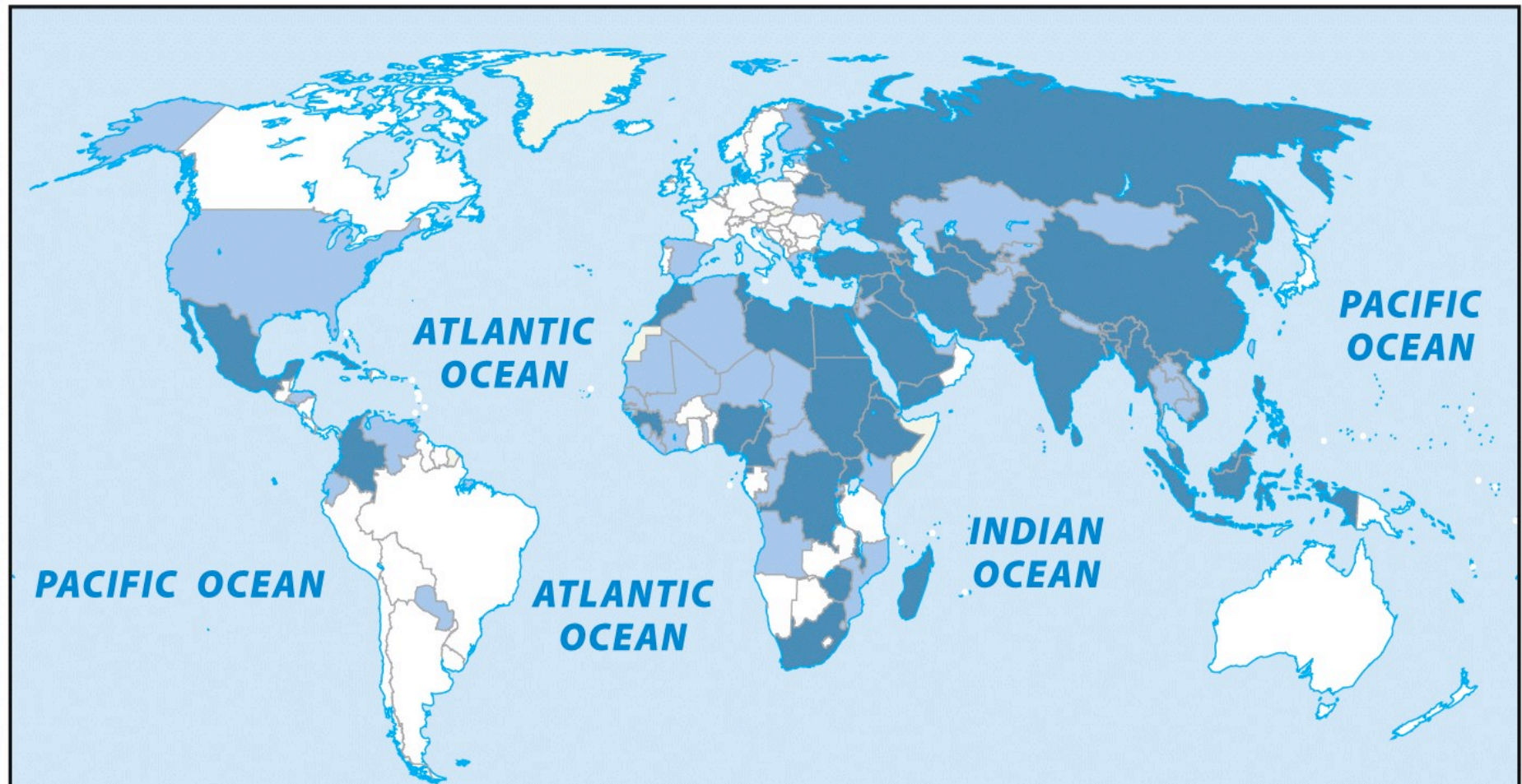
- **To demonstrate the state's own commitment to democracy and political liberalization.**
- **To constrain the human rights practices of others.**
 - **Identify with a common humanity.**
 - **HR at home depend on respect for the individual.**
 - **HR may promote peace and prosperity globally.**
 - **Groups may have instrumental reasons -- HR provisions in trade treaties.**





Do States Observe Human Rights?

- **“Almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time.” Louis Henkin**
- **“In total, during the first eighty-eight years of (the 20th) century, almost 170,000,000 men, women, and children have been shot, beaten, tortured, knifed, burned, starved, frozen, crushed, or worked to death; or buried alive, drowned, hung, bombed, or killed in any other of the myriad ways governments have inflicted death on unarmed, helpless citizens or foreigners. The dead even could conceivably be near 360,000,000 people. This is as though our species has been devastated by a modern Black Plague.” R.J. Rummel**

Human Rights Practices by Year and Region





-  Many people imprisoned for religious, political, or other beliefs
-  Some people imprisoned for religious, political, or other beliefs
-  No people imprisoned for the above reasons
-  No data available



-  Torture practiced frequently
-  Torture practiced occasionally
-  Torture not practiced in given year
-  No data available

Do Human Rights Agreements Make a Difference?

- **Paradox: states that ratify international human rights treaties are associated with worse human rights records.**
 - Agreements may just not matter.
 - Democratizing states may be more likely to sign, and because of political instability, more likely to abuse human rights.
 - Human rights treaties are “expressive.” Signatories give impression that they protect human rights in principle while continuing to violate in practice.
 - New signatories are monitored more intensively than before.
- **Positive effect may arise only in long term.**

When Do States Act to Promote and Enforce International Law?

- **Human rights have weak reciprocity. Few material interests for punishing violations.**
 - **Costly to enforce (sanctions impose costs on both target and “sender”).**
- **Likely to enforce when:**
 - **Domestic pressure to stop abuses; TANs are important here.**
 - **Serves larger geopolitical interests: pressing human rights issues on Soviet Union during Cold War, China today.**
 - **When enforcement is not inconsistent with principle of sovereignty (anti-colonial struggle and Apartheid).**
 - **Most effective when “special interests” have instrumental reasons (e.g., labor unions and regional trade agreements).**
 - **Improvements in human rights practices tied to material benefits.**

Do the Human Rights TANs Make a Difference?

- **Normative status of some rights rather than others is directly related to activities of human rights TAN.**
 - **Amnesty International has consistently promoted the core normative rights over others in UDHR.**
- **Human rights TANs are the primary monitors of government activity.**
 - **Especially where a free press is lacking, TANs are the only source of public information.**

Will Human Rights Law and Practice Improve?

- **Private or individual petition, found only in the European Convention on Human Rights.**
- **Universal Jurisdiction for crimes against humanity.**
- **International Criminal Court, entered into force in 2002.**
 - **Applies only to member states, or if the U.N. Security Council refers the case to the prosecutor.**
 - **Court of “last resort;” can act only if national authority has not.**
 - **President Clinton signed in 1997 (but did not submit for ratification), President Bush “unsigned” in 2001.**