1977

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The Role of International Nongovernmental Organizations in the Implementation Of Human Rights

DAVID WEISSBRODT*

One reads of at least 35,000 political prisoners in Indonesia,\(^1\) at least 10,000 in forced labor camps in the Soviet Union,\(^2\) mass arrests in Chile,\(^3\) torture in Brazil,\(^4\) Spain,\(^5\) and the Philippines,\(^6\) killings in Belfast\(^7\) and

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Uganda,8 suppression of speech in nearly every country of the world,9 mistreatment of the mentally ill and retarded in the United States,10 the violation of cultural and religious rights in China,11 Hungary,12 or Zaire,13 apartheid and racial oppression in South Africa,14 Namibia,15 and Rhodesia,16 and discrimination against women in every country.17 Then one learns of the Inter-

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nongovernmental role in human rights, the international convention on the elimination of all forms of racial discrimination, other multilateral treaties and declarations for the protection of human rights, and the development of procedures for implementing those many transnational norms. One is left with the question, "What can I do?" There are probably as many answers to that question as there are people willing to ask.

Unfortunately, far too many people are unwilling even to ask. They have been nurtured on the idea that international law is useless, that efforts to change the actions of governments are doomed to failure, and that there is no point in trying. This view leaves lawless governments with the freedom they desire to remain lawless and to scoff at the efforts of international bodies which barely continue to exist with the minimal resources and personnel they possess.

There are others, moreover, who construct visionary plans for international criminal courts and world governments, who fail to see the real limitations which the nation state has placed upon nearly all international bodies, and who, in short, provide support for the majority who believe that there is no point in trying.

What are International Nongovernmental Organizations?

Between the above mentioned extremes lies the work of international nongovernmental organizations for the protection of human rights. Most of


20. See e.g., U.N. Doc. ST/HR/1, supra, note 18, at 29-104.


them, known in the trade as "NGOs," have consultative status with such
tergovernmental bodies as the UN Economic and Social Council (ECOSOC), \(^2\) the International Labor Organization (ILO), the UN Edu-
cational, Scientific and Cultural Organization (UNESCO), \(^4\) the Council of Europe, \(^25\) and the Organization of American States (OAS). \(^26\) Although they
are founded upon a membership of people, rather than of governments, NGOs are most often structured so that there exists an international secre-
tariat which more or less represents national sections in various countries. \(^27\)


23. As of July 1974 there were over 600 nongovernmental organizations with
accredited relationships to the UN Economic and Social Council. Twenty held Consultative Status I; 192, Consultative Status II. In addition, over 400 were listed with the Office of Public Information by action of ECOSOC (86) and of the Secretary-General (27), and by virtue of their status with other UN bodies or specialized agencies. U.N. Doc. E/INF/144 (1974). The 1974 Yearbook of International Organizations lists over
4,000 international organizations, most of which are nongovernmental, and also suggests a definition, at 15, which supplements the distinctions between NGOs in Category I, Category II, and on the ECOSOC Roster, as set forth in E.S.C. Res. 1296, 44 U.N. ESCOR, Supp. (No. 1), at 21, U.N. Doc. E/4548 (1968).

Nongovernmental organizations are specifically recognized by art. 71 of the UN


27. *see B. STOSIC, Les Organisations non gouvernementales et les Nations Unies 21-120 (1964); L. WHITE, INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS; THEIR PURPOSES, METHODS AND ACCOMPLISHMENTS (1968); see also Potter, Non-Governmental Organizations Viewed by a Political Scientist, 14 INT'L ASS'NS 403
National sections often vary considerably. For example, the International League for Human Rights has its secretariat in New York City near the UN building and counts among its sections the National Council for Civil Liberties in the United Kingdom, the Canadian Civil Liberties Association, the Moscow Human Rights Committee, the American Civil Liberties Union, and the New Zealand Democratic Rights Council.²⁸ P.E.N., which is an international association of poets, playwrights, essayists, editors, and novelists, and which possesses a total world membership of some 10,000, has its headquarters in London, and also has an American Center on Fifth Avenue in New York City.²⁹ The International Commission of Jurists has national sections of lawyers and judges in over 50 countries.³⁰ The Commission itself is comprised of about 40 distinguished jurists from many nations in Africa, Asia, Western Europe, and the Americas with a Secretariat in Geneva and an office in New York City for its representative to the U.N.

One of the largest and newest of the nongovernmental organizations concerned with human rights is Amnesty International.³¹ There are Amnesty sections in under 30 countries, but the main working arms of Amnesty International are the Secretariat with its researchers, a small legal office, a campaign against torture office in London and the approximately 1,600 groups located in Western Europe, the United States, Canada, Japan, and elsewhere, each group working for three adopted prisoners of conscience or on urgent appeals for prisoners in imminent danger of torture or execution.

Considering what needs to be done, none of these organizations is very large. With rare exceptions the central offices are staffed by only a handful of people. Almost all the organizations rely heavily upon voluntary work by members and subsist on meager budgets.

What Do International Nongovernmental Organizations Do?

Most governments seem to be incredibly sensitive to any criticism by these organizations. It is not at all clear why the U.S.S.R. has been so concerned about discussion concerning the emigration of Jews or the imprisonment of Ukrainians, Baptists, and Russian human rights leaders. Neither is it evident why Iran has been at times so sensitive to criticism of torture, imprisonment, and killing of students, intellectuals, and religious leaders,³² nor is it clear

³¹ Id. at 29.
³² AI, Briefing on Iran (1976); W. BUTLER & G. LEVASSEUR, HUMAN RIGHTS AND THE LEGAL SYSTEM IN IRAN (1976); See Iran, 8 REV. INT'L COMM'N OF JURISTS 5.
why the United States has considered very delicate its image in the world community with respect to the treatment of its black citizens and its indigenous peoples. Most countries are proud of the humanitarian ideals which form one basis for the legitimacy of the nation state. Almost every country's constitution prominently sets forth the fundamental rights of its citizens. If a government—whether democratic or dictatorial—acts tyrannically towards its citizens, it violates the basic trust which permits it to continue ruling. It appears that even most dictatorships attempt to show at least a facade of democratic trappings or an appearance of enlightenment.

Governments do not wish to be reminded that they are ignoring the fundamental rights of their citizens. They particularly do not like to be criticized in the openness of international debate. Also, the International Bill of Human Rights has attained such broad acceptance in the international community that a government cannot violate basic human rights without some fear of exposure. The pointed finger of shame, particularly when directed by an organization with some appearance of impartiality and political independence, has caused executions to be stayed, death sentences to be commuted, torture to be stopped, prison conditions to be ameliorated, prisoners to be released, and more attention to be paid to the fundamental rights of many citizens.

(1972); AI, Iran: Trial Procedures for Political Prisoners (1972); Y. BAUDELOT, PRISON CONDITIONS FOR POLITICAL DETAIN EES IN IRAN (1974); see also Simons, Shah's 'Phobia' Pushes Iran, Washington Post, May 27, 1974, at A1, col. 2, at A20, col. 1; More Executions in Iran, 1 MATCHBOX 13 (Spring/Summer 1974); transcript of Columbia Broadcasting System interview with the Shah of Iran on February 2, 1975.


35. For examples, hesitant internal political liberalization and international human rights pressure apparently have resulted in the release of some political detainees after others were executed. Morocco, 13 REV. INT'L COMM'N OF JURISTS 19 (1974); AI, Morocco Background Paper (1974); AI, Recent Developments in Morocco (1974); H. Woesner, Report on Mission to Morocco (1973). Shortly after the International Commission of Jurists article (cited in note 1 supra) appeared in December 1974, the Indonesian Government freed some of the 42 detainees mentioned in the article. Cf. Amnesty Welcomes Commutation of Death Sentence of Pole, AI News Release, Jan., 23, 1973. A Bulgarian economist was allowed to leave his country in August 1974 after AI joined a worldwide campaign for his release from a death sentence. Spetter Thanks Amnesty, 1 MATCHBOX 26 (Winter 1975); cf. AI Appeals to India to Release 30,000
Although not all countries are as sensitive as others and some resist pressure for many years, even then the pressure has some effect. The racist governments of South Africa and Rhodesia are isolated from the world community. They are not asked to participate in international sporting events. They are subjected to trade sanctions and arms embargoes. Their citizens often are shunned or questioned when they travel abroad. For a time Greece was morally, economically, and politically isolated from European allies because it tortured and illegally imprisoned its citizens. Many people began to ask why the United States was supplying the support which Europe refused Greece. People now ask why the United States, to some extent, supports South Korea, Indonesia, Spain, Chile, Brazil, and South Africa. Both the isolated country and to a lesser extent its supporters suffer opprobrium in the eyes of world opinion—directed by the news media, international governmental organizations, and in considerable degree by international nongovernmental organizations.

In some ways nongovernmental organizations are far more free to criticize, where criticism may be due, than are governments or international bodies. Most governments are concerned with keeping their bilateral relations on a friendly basis. Even where relations are quite close, or perhaps because they are close, governments hesitate to criticize one another. Governments do make diplomatic interventions in issues relating to human rights (and should be doing much more in this respect), but presently they act on human rights questions infrequently and with exaggerated circumspection.

Although the setting of international governmental organizations permits somewhat greater scope for forthright discussion of human rights problems, governments remain reluctant to talk about such issues openly. When they detainees during Strike Crisis. AI Newsletter, June 1974, at 2; India Frees Rail Strike Leaders, AI Newsletter, July 1974, at 2.


do mention human rights issues, they are often accused of political bias. For example, the United States may mention violations of human rights in Eastern Europe. The U.S.S.R. and Arab countries insist upon debate concerning human rights in Israel.

In most circumstances, nongovernmental organizations are more independent of political forces and thus are able to identify and criticize human rights violations wherever they may occur. NGOs do not need to wait for the coming into force and active enforcement of international conventions or the development of acceptable implementation procedures in the UN Human Rights Commission or other international governmental organizations. When those principles and procedures are available, the NGOs will make use of them, but there is already an ample delineation of human rights standards in the International Bill of Human Rights for much NGO activity.

Investigation and Selection of Human Rights Violations

Amnesty International, the International Commission of Jurists, the International League for Human Rights, the Commission of the Churches on International Affairs of the World Council of Churches, the Pontifical Commission Justice and Peace, the International Committee of the Red Cross, and other international NGOs gather information in more or less the same way. At their international centers they collect information about human rights problems from newspapers, magazines, professional journals, UN publications, members, relatives of prisoners, escaped or freed victims, expatriot groups, disgruntled public officials, incidental travelers and also from each other. The reports are of widely varying reliability, though some care is taken to check sources and contradictions. The older organizations may have clipping files and dossiers about human rights violations going back ten or twenty years. Thus, for example, the treatment of Jehovah’s Witnesses in Malawi, Kurds in Iraq, Iran, and Turkey, ministers and priests in Poland, Afghanistan, and China, and of the indigenous peoples in Australia, New Zealand, Norway, Canada, Brazil and the United States raise recurrent problems.39 Often it is very useful to see the newest outbreak of oppression or violence in the light of previous incidents and the governmental responses to them.

Quite frequently, the NGO must first determine whether it would be useful to intervene in a particular situation in which human rights are being vio-

lated. Might intervention help or hurt the victims? What sort of intervention would be most effective? Have interventions with this country or with respect to this type of problem been successful in the past? Are the personnel of the country receptive to initiatives from outsiders? Are the facts sufficiently well established to permit diplomatic intervention or publicity? Which NGO would be most effective in raising the issue?

The standard of care of the various organizations differs considerably. Also, limited resources of the organizations require allocation of effort. There is sometimes a risk that an NGO will choose to investigate and pursue a particular violation only because the nation is an easy target. NGOs may avoid pursuing violations because that might upset influential friends, sources of financial support, friendly governments, etc. The possibilities for abuse in the selection of test cases are legion. It is a tribute to most of the organizations that they do remain remarkably independent despite their small size and impecunious position.

To a degree the nongovernmental organizations concerned with human rights remain subject to anachronistic Cold War differences.40 The International Association of Democratic Lawyers (IADL), the World Peace Council, and the World Federation of Democratic Youth find the large part of their members and support in socialist countries and in allied groups in nonsocialist nations. In the United States, for example, the National Lawyers Guild is affiliated with the International Association of Democratic Lawyers. The International Commission of Jurists and Amnesty International find most of their strength outside of the socialist countries. Thus, in the United States, the American Bar Association has a Committee of its International Section for cooperation with the International Commission of Jurists.

With the advent of detente, joint action among the various organizations has grown and has sublimated many earlier differences. In fact, one of the clearest signs of detente came in late 1971 when the nongovernmental organizations traditionally associated with socialist countries began actively to participate in international nongovernmental conferences on issues of common concern.41 However, even to this day the IADL is more restrained in criticism of human rights violations in socialist countries than is the International Commission of Jurists.42 Amnesty International, the Commission of the


42. Le Congrès de l'Association internationale des juristes démocrates est marqué par l'entrée en force des pays du tiers-monde, Le Monde, April 8, 1975, at 13, col. 3.
Churches on International Affairs, the Friends World Committee for Consultation, the Pontifical Commission Justice and Peace, Pax Romana, and the World Conference on Religion and Peace are far more willing to discuss such issues as conscientious objection and religious freedom than are the World Peace Council and the World Federation of Democratic Youth.

Diplomatic Intervention and Missions by NGOs

Having investigated and selected a case, the NGO may decide to seek a visit with representatives of the government concerned. Unless there is need for immediate cessation of the human rights violation, e.g., torture or impending execution, the initial contact may only apprise the government that a violation has been noted and the NGO may propose inquiry by appropriate officials. Such contacts generally are made discreetly, i.e., with no publicity. Often the NGO functions as a much needed intermediary between the highest officials in a government and human rights victims. In the absence of an effective right of habeas corpus, a free press, and/or an ombudsman, high officials may not know what is happening within their own prisons or may try to avoid knowing. But once an NGO brings a problem to the government's attention it becomes more difficult to ignore human rights violations. Also, interventions are made mostly with diplomatic personnel who have little to do with prisons or secret police and who are familiar with the governing international standards of conduct. When made aware of the problem and the possible risk of embarrassment, these diplomatic officers may take steps to help remedy the situation.

In addition, the NGO may offer or ask to send a mission to the country, to interview alleged victims, lawyers, and government officials, to witness trials or attempt to mediate disputes. Some countries are sufficiently concerned about their image (or sufficiently confident that the accusations are unfounded) that they accept NGO visits. For example, Iran in 1972 received several visits from distinguished lawyers representing the IADL, the


44. Somewhat similar observations might be made about the Cold War origins and changing relations of the International Confederation of Free Trade Unions (ICFTU), on the one hand, and the World Federation of Trade Unions, on the other. Cf. Boggs, The ILO's Rocky Road, Free Trade Union News, Sept. 1974, at 1, 11-12.

International Federation of Human Rights, and the International Commissi-
on of Jurists.\textsuperscript{46} Chile in 1973 and 1974 received missions from Amnesty
International and the International Commission of Jurists.\textsuperscript{47} Amnesty Inter-
national sent an observer to a post-trial hearing in North Carolina in 1974.\textsuperscript{48} South
Korea received an Amnesty International representative in 1974.\textsuperscript{49} South Africa
has accepted International Commission of Jurists observers for
trials for over ten years. The International Commission of Jurists sent a
mission to a Greek trial and prison camp in 1972.\textsuperscript{50} The International
League for Human Rights sent observers to trials in Yugoslavia during 1975
and in Spain during 1973. However, Brazil has refused to accept a mission
to investigate well-documented evidence of a pervasive practice of torture.

The International Committee of the Red Cross (ICRC), as one of the old-
est and largest of the nongovernmental organizations concerned with human
rights, has the most extensive program of visiting places of detention with
the permission of the respective governments.\textsuperscript{51} The ICRC is composed ex-
clusively of Swiss nationals; its international character is based on aims and
activities which include visits to prisoner of war and civilian internment
camps pursuant to the four Geneva Conventions of 1949.\textsuperscript{52} For example,
in 1973 the ICRC visited prisoners of war in Israel, Egypt, Syria, Jordan,

\textsuperscript{46} See note 32 supra. The International Federation for the Rights of Man,
centered in Paris, has also sent numerous missions to Iran.
\textsuperscript{47} See Human Rights in Chile, Hearings Before the Subcomm. on Inter-American
Affairs of the House Comm. on Foreign Affairs, 93d Cong., 2d Sess. at 1, 2-28, 51-84
(1974). The International Association of Democratic Lawyers, the International Asso-
ciation of Catholic Lawyers, and the International Federation for the Rights of Man also
sent a combined mission to Chile in Fall 1973.
\textsuperscript{49} During 1974, Amnesty International sent a U.S. attorney to observe trials and to
investigate the situation of political prisoners in South Korea. Human Rights in South
Korea: Implications for U.S. Policy, Hearings Before the House Subcomm. on Asian
and Pacific Affairs of the House Comm. on Foreign Affairs, 93d Cong., 2d Sess. 28-50
(1974). The observer's findings of widespread political repression, torture and impris-
onment may have caused some shift of U.S. policy to encourage the South Korean
Government to respect human rights and caused the release of some students and some,
at least temporary, amelioration in the draconian emergency decrees. Id. at 282-83; but
see Oberdorfer, South Korea Bans Dissent, Curbs Travel, Washington Post, May 14,
1975, at A1, col. 1, A12, Col. 4; see also U.S. Bureau of Public Affairs, Department of
\textsuperscript{50} AI and the International Commission of Jurists also sent a Swiss lawyer to
sent a Dutch legal observer to a trial in Yugoslavia. AI Observer at Yugoslav Trial, 1
MATCHBOX 27 (Winter 1975). In September 1973 AI sent an observer from Japan to a
trial in Taiwan, 1 AI-WEST COAST U.S.A. 14 (Jan./Feb. 1974).
\textsuperscript{51} See T. BISSELL, THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND THE
PROTECTION OF HUMAN RIGHTS (1968); A. MILANI, LES ORGANISATIONS NON GOUVERN-
MENTALES DES NATIONS UNIES 63-78 (1952).
\textsuperscript{52} International Committee of the Red Cross, Activities, Principles, Organization
(1971); see J. MOREILLON, LE COMITÉ INTERNATIONAL DE LA CROIX ROUGE ET LA
PROTECTION DES DÉTENUS POLITIQUES (1973).
India, Pakistan, Bangladesh, and South Vietnam. In 1973 the ICRC also visited a number of persons detained for offenses or reasons of a political nature in South Africa, Angola, Rhodesia, Mozambique, and Chile. Some twenty-five African, eight Asian, two European, and eighteen South American nations permitted the ICRC missions to visit places of detention in 1973.

The ICRC provides detailed findings of its missions only to host governments. Because of its considerable resources and reputation for independence it has less difficulty in obtaining permission to send missions than do other nongovernmental organizations. In cases where the governments misrepresent the findings, the ICRC reserves the right to release its results. Such was the situation with respect to the ICRC visits to Greek places of detention in 1969. But the ICRC annual reports also reveal very significant information about the prisoners visited.

The recommendations of the nongovernmental organization missions—particularly the ICRC missions—have substantial impact upon the treatment of political offenders. With the partial exception of the ICRC, most nongovernmental organizations publicly report the results of their missions and thus provide invaluable first-hand information about violations of human rights.

Public Discussion of Human Rights Violations

Publicity is clearly an important factor in the implementation of human rights law by nongovernmental organizations. For example, in December 1971, the International Commission of Jurists issued an article entitled “Condemned without hope in California” on the use of indeterminate sentences in that state. The article was the result of a visit by a representative of the Commission and was distributed to the justices of the California Supreme Court. They probably were a bit dismayed to find California discussed in the same journal with Guinea, Greece, Northern Ireland, Paraguay, Spain, Taiwan, and the U.S.S.R. Certainly the article drew international attention to California’s sentencing practices and added to the growing criticism of the indeterminate sentence law and of the California Adult Authority which administered the law. The indeterminate sentence law has been repealed in California and questioned elsewhere. It is worthy also of note that the Supreme Court of California has recently made at least one decision declaring the law cruel and unusual punishment as applied.

54. Id. 1973 at 30-40.
55. Id. at 41-50; id. 1974, at 38-56 (1974).
57. In re Lynch, 8 Cal. 3d 410, 438-39, 503 P.2d 921, 940 (1973) (citing International Commission of Jurists article). The California legislature has now abol-
Similarly, Amnesty International’s 1972 report on Allegations of Torture in Brazil contains a listing of more than one thousand torture victims and demonstrates a consistent pattern of gross violations of human rights in Brazil.\textsuperscript{58} P.E.N. has issued reports on the suppression of writers and intellectuals in Czechoslovakia.\textsuperscript{59} The International Commission of Jurists in 1974 issued thoroughly researched reports on violations of human rights in Uganda,\textsuperscript{60} Uruguay,\textsuperscript{61} and Chile.\textsuperscript{62} In addition, the Commission produces a Review twice each year which describes and comments upon human rights problems throughout the world. The International League for Human Rights has recently produced reports on Burundi, Greece, the U.S.S.R., Northern Ireland, and Yugoslavia. Although less publication-oriented, the ICRC and Amnesty International produce annual reports and some individual reports, which, taken together with the Review of the International Commission of Jurists, constitute an illuminating picture of human rights problems for each year.\textsuperscript{63}

Often, press releases and other statements are issued jointly by nongovernmental organizations. For example, in March 1971 Amnesty International, the Commission of the Churches on International Affairs, the Committee on Society, Development and Peace (SODEPAX, a joint organization of the World Council of Churches and the Pontifical Commission Justice and Peace), the International Federation of Human Rights, the International Association of Democratic Lawyers, the International Commission of Jurists, the International Student Movement for the United Nations, the Women’s International League for Peace and Freedom, the World Federation of Trade Unions, the World Muslim Congress, and other nongovernmental organizations made a united appeal to the Brazilian government to end the detention

\textsuperscript{58} AI, Report on Allegations of Torture in Brazil (1972).

\textsuperscript{59} P.E.N. American Center, Country Report #1, Czechoslovakia (1973).


\textsuperscript{63} Nevertheless, an NGO concerned with human rights might well consider the need for a thorough annual or biennial review of the human rights situation in each nation of the world. Compare Amnesty International, Report on Torture (2d ed. 1975); Schaffer & Weissbrodt, Conscientious Objection to Military Service as a Human Right, 9 REV. INT’L COMM’N OF JURISTS 33 (1972); International Commission of Jurists, The Legal Protection of Privacy, 24 INT’L SOC. SCI. J. 417 (1972). AI has begun to fill this need by issuing briefings on various countries. See, e.g., AI Briefing on Taiwan (Republic of China) (1976), Briefing on Malawi (1976).
of political prisoners and the use of torture. The U.S. Conference of Bishops and the National Conference of Brazilian Bishops have made similar appeals to the Brazilian government.

In recent years the World Jewish Congress, the American Jewish Committee, and the American Israel Public Affairs Committee have mounted remarkably successful campaigns with respect to Jews in the Soviet Union, Iraq, and Syria. In 1974, the International Commission of Jurists, the Women's International League for Peace and Freedom, and a number of other nongovernmental organizations obtained the release of a lawyer from a South Vietnamese prison by convincing universities to invite her to teach and by fostering public discussion of her case by the press and by members of the U.S. Congress. The International League for Human Rights was similarly successful in obtaining permission for Valery Chalidze to leave the U.S.S.R. by similar methods. Despite the passing of International Women's Year in 1975, however, no NGO has begun to work particularly and actively for the release of women political prisoners (for example, in Spain) or started to work in the international arena to eradicate more structural discriminations against women.

Reports, studies, bulletins, newsletters, and press releases of such NGOs as the Commission of the Churches on International Affairs, the International League for Human Rights, the Carnegie Endowment for International Peace, the American Committee on Africa, the International Press Institute, Writers and Scholars International, the Minority Rights Group, and P.E.N. are further disseminated by newspapers, magazines, and other media which may report upon human rights violations.

Consultative status permits nongovernmental organizations to contribute to the work of the UN Human Rights Commission and its Sub-Commission.

64. Study of the Situation in Brazil which Reveals a Consistent Pattern of Violations of Human Rights, in International Protection of Human Rights, Hearings Before the Subcomm. on International Organizations and Movements of the House Comm. on Foreign Affairs, 93d Cong., 1st Sess. 673-75 (1971). In order to promote cooperation and coordination among those NGO's particularly concerned with international human rights matters in the UN, about 65 of these organizations meet and work regularly under the aegis of the Committees of NGOs on Human Rights in New York and Geneva.

65. Id. at 671-73.

66. Id. at 675-80; see 11 REV. INT'L COMM'N OF JURISTS 15 (1973).


69. NGOs in Consultative Status I may suggest items for the agenda of the Economic and Social Council and its appropriate subordinate bodies. E.S.C. Res. 1296, 44 U.N. ESCOR para. 23, Supp. (No. 1), at 22, U.N. Doc. E/4548 (1968); U.N. Doc. E/5677, rule 83, at 28 (1975); see Prasad, The Role of Non-Governmental Organizations in the New United Nations Procedures for Human Rights Complaints, supra note 22, at 460 n. 84. Representatives of nongovernmental organizations in category I or II may sit as observers at public meetings of the Economic and Social Council, its committees and sessional bodies. Roster nongovernmental organizations may send
Representatives of Amnesty International, the Commission of the Churches on International Affairs, the International Commission of Jurists, the International League for Human Rights, and the International Student Movement for the United Nations often make written and oral presentations during discussions of human rights issues. Some of the NGO presentations add significantly to the debates. At the 1974 session of the Human Rights Com-

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In 1968 Secretary-General U Thant addressed an NGO Conference convened to commemorate the twentieth anniversary of the Universal Declaration of Human Rights and observed, “This may be an appropriate moment for recalling once again the decisive role of non-governmental organizations in obtaining the inclusion in the United Nations Charter of appropriate references to the international obligation of States to promote...
mission, Mrs. Salvador Allende was able to speak as a special representative of two NGOs.\textsuperscript{72} Her speech along with reports of violations from other NGOs and delegates\textsuperscript{73} prompted an extraordinary telegram from the Commission to the Chilean government.\textsuperscript{74} This then led the Sub-Commission, \textit{inter alia}, to request nongovernmental organizations in consultative status “to submit reliable information on torture and other, cruel, inhuman or degrading treatment or punishment in Chile” so that additional information could be studied by the Commission as a basis for future action.\textsuperscript{76} The great bulk of the documentary information on Chile that was made available to the Commission in February 1975 came from NGOs\textsuperscript{76} Moreover, the Commission directed a working group of five members to mount an official inquiry into the human rights violations in Chile and to report the results of its inquiry.\textsuperscript{77} Indeed, because many national delegations lack the resources to do thorough human rights research, NGOs often provide delegates with information and even draft documentation for use in UN bodies. Hence, NGOs are not dependent entirely upon their rights to make oral and written interventions. Their influence may be felt even more strongly in informal cooperation with governmental representatives. 

Because some of the nongovernmental organizations tend to be activist and because their work often is of uneven quality, some UN personnel and some

\begin{itemize}
  \item respect for human rights through national measures supported and encouraged by the action of the international community, effectively organized for that purpose.\textsuperscript{92}
delegates to the UN share a degree of suspicion about the motives and reliability of nongovernmental organizations. It is very difficult to discern the

78. For example, following a report by the Economic and Social Council, E.S.C. Res. 1225, 42 U.N. ECOSOC, Supp. (No. 1), at 24, U.N. Doc. E 4393 (1967), the Committee of Non-Governmental Organizations of ECOSOC initiated an investigation of NGOs, which focused on covert government financing of NGOs, involvement of NGOs in South Africa, relations of NGOs to Zionism, and criticism by NGOs of human rights violations in socialist countries. On January 22, 1968, the Council Committee on Non-Governmental Organizations adopted a Questionnaire to Non-Governmental Organizations Granted Status by the Economic and Social Council, which inquired into the financing of NGOs by governments and criticism of governments by NGOs. See 44 U.N. ESCOR, U.N. Doc. E/C.2/ST.224 (1968); U.N. Doc. E/2361 (1968).

After the responses to the questionnaire were received, the Council Committee on Non-Governmental Organizations considered the responses and decided which organizations should be accorded consultative status. See U.N. Doc. E/C.2/R.38, Add. 1 & 2 (1968); U.N. Doc. E/C.2/R.39, Add. 1-11 (1968). Al, for example, was maintained as a Category II organization by a vote of eight for, none against, with four abstentions. U.N. Doc. E/4647 (1969). The International Commission of Jurists was accorded Category II status by a vote of nine for to two against. Id. The consultative status of one organization—the Co-ordinating Board of Jewish Organizations—was particularly attacked for its relation to Israel, 46 U.N. ESCOR, U.N. Doc. E/SR.1593-95 (1969), but was ultimately maintained. U.N. Doc. E/4799 (1970); U.N. Doc. E/SR.1691-92 (1970). No NGOs were deprived of their status as a result of this investigation, but several of the more active NGOs, including the International League for Human Rights and the International Commission of Jurists, faced attempted exclusion by governments that had previously been criticized for human rights violations. S. Liskovsky, The U.N. Reviews its NGO System (unpublished manuscript 1970); see also Ascher, The Economic and Social Council Reviews Consultative Status of Non-Governmental Organizations, 20 INT'L Ass'NS 27 (1968). The investigation may have made several of the NGOs somewhat more cautious in criticizing governments—at least for a time. S. Liskovsky, NGO's and Human Rights 55 (unpublished manuscript 1974).

factual basis for these suspicions, and despite the undercurrent of doubt, the UN and its members constantly rely upon NGOs for input of information and for dissemination and implementation of UN decisions. The doubts and political opposition to the work of NGOs have, however, created some limitations on the contributions NGOs may make to the consideration of issues in UN bodies.

The NGO Contribution to International Investigative Procedures

Nongovernmental organizations also have used the developing procedures for individual communications about human rights violations in the UN Human Rights Commission, the International Labor Organization, the Inter-American Commission on Human Rights, and the European Commission on Human Rights.


81. One of the challenges immediately ahead will be the determination of what role, if any, NGOs might play in the enforcement of the two most recently activated safeguards for international human rights: The International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. See Al, Memorandum NS 60/76 (April 9, 1976); but see U.N. Doc. E/5764 (1976). For the text of the Covenants as well as the text of Optional Protocol to the Covenant on Civil and Political Rights, see Human Rights, A Compilation of International Instruments of the United Nations, U.N. Doc. ST/HR/1, at 1-17 (1973). For example, Article 2 of the Optional Protocol establishes procedures for the receipt of communications from "individuals who claim that any of their rights enumerated in the Covenant have been violated." Just as with the European Convention on Human Rights, this language does not appear to give scope for direct NGO communications. But there does not appear to be any reason why the Human Rights Committee could not utilize NGO information in considering communications under the Optional Protocol. NGO's may also wish to represent and assist human rights victims in preparing communications.
The procedures of the Sub-Commission on Prevention of Discrimination and Protection of Minorities state that "communications may originate from a person or group of persons who, it can be reasonably presumed, are victims of the violations . . . , any person or group of persons who have direct and reliable knowledge of those violations, or non-governmental organizations acting in good faith in accordance with recognized principles of human rights not resorting to politically motivated stands contrary to the provisions of the Charter of the United Nations and having direct and reliable knowledge of such violations." The International League for Human Rights submitted in 1976 a communication to the Sub-Commission on the widespread suppression of press freedoms and other violations of human rights in India. The International Commission of Jurists has submitted a communication on Uganda. In 1972 Amnesty International, the International Association of


Democratic Lawyers, the International Commission of Jurists, the International League for Human Rights, and the International Federation for Human Rights, as well as several individuals, submitted communications to the Sub-Commission with respect to violations of human rights under the Greek colonels.85

Nongovernmental organizations also have the right to and sometimes do contribute to special studies on various human rights issues conducted by the United Nations, as well as to the periodic reporting system on human rights established by the Human Rights Commission.86 In addition, NGOs are entitled to submit written or oral communications in other UN bodies87: the Trusteeship Council,88 the Special Committee on Apartheid,89 the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,90

85. Since the Human Rights Commission has not yet initiated even one thorough study or investigation as a result of a Resolution 1503 communication, the effort of NGOs to utilize this procedure may not have been worthwhile. Furthermore, the secrecy of these procedures lessens their publicity impact. Nevertheless, accused nations seem to have taken the communications quite seriously and sufficient information has informally been revealed about communications to have made some incremental impact on human rights violations. See U.N. Commission on Human Rights, 16 Rev. Int'l Comm'n of Jurists 24 (1976); Newman, The New United Nations Procedure for Human Rights Complaints: Reform, Status Quo, or Chambers of Horrors? 34 Annales de Droit 129 (1974). In addition, some prisoners may have been released.


90. Cf. 17 U.N. GAOR, Annexes, Agenda Item No. 25, Addendum, at paras. 16-
the Commission on Human Rights Ad-hoc Working Group of Experts on Southern Africa,91 and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.92

The International Labor Organization provides the most formal role for nongovernmental organizations of employers and employees.93 They are entitled to receive and to comment upon governmental reports as to the measures taken to comply with the 138 conventions and 146 recommendations which comprise the international law administered by the ILO.94 The ILO also has established a special procedure for receiving complaints alleging infringements of trade union rights; these complaints may be submitted by workers' or employers' organizations or by governments to the Governing Body Committee on Freedom of Association—a tripartite group of representatives from employers, employees, and governments.95 The Interna-


91. See Commission on Human Rights Res. 2 (XXIII), U.N. Doc. E/CN.4/L.908 (1967), 42 U.N. ESCOR, Supp. (No. 6), at 76, U.N. Doc. E/4322 (1967). The Ad Hoc Working Group reported to the Commission on Human Rights in 1970 that letters were sent to various nongovernmental organizations and African liberation movements requesting “relevant information, including the names and addresses of witnesses” and that “the names of most of the witnesses who were heard by the Group or sent written information were communicated by several of these organizations.” U.N. Doc. E/CN.4/1020 (1970).


If the state gives its consent, a complaint may be submitted to an independent Fact-Finding and Conciliation Committee on Freedom of Association. Unlike the Article 26 Commission of Enquiry which deals only with complaints arising under ratified conventions, the Fact-Finding and Conciliation Committee can deal with complaints that trade
tional Confederation of Free Trade Unions and the World Federation of Trade Unions have made use of these procedures.96

Beginning in 1970 several NGOs, principally the U.S. Conference of Bishops and the International Commission of Jurists, submitted communications to the Inter-American Commission of Human Rights with respect to allegations of torture, political prisoners, and political executions in Brazil.97 Brazil refused to permit an on-site investigation but did reply to the complaint. The Commission concluded that “evidence collected in this case leads to the persuasive presumption that in Brazil serious cases of torture, abuse and maltreatment have occurred to persons of both sexes while they were deprived of their liberty.”98 In addition, Amnesty International and the International Commission of Jurists in 1973 called upon the Inter-American Commission to investigate allegations of mass arrests and political executions in Chile. Inter-American Commission experts visited Chile in the summer of 1974 and issued a report in October to the Permanent Council of the Organization of American States, thus providing a thorough documentation of the continuing pattern of human rights violations in that country.99 Also in 1974, the Inter-


Nongovernmental organizations have not been particularly active in fostering individual applications to the European Commission of Human Rights. Amnesty International and other nongovernmental organizations have, however, been relatively active in lobbying for consideration of human rights issues by the Consultative Assembly of the Council of Europe.

Aid and Human Rights

Nongovernmental organizations that have adequate financial resources provide much needed assistance to victims of human rights violations. The ICRC provides medical supplies, blankets, clothing and food to both prisoners and civilians. Both the Program to Combat Racism of the World Council of Churches and the ICRC have given medical and educational assistance and other types of aid to the liberation movements in southern Africa. P.E.N. has a program for the education of inmates in Rhodesian prisons. The World Council of Churches, the League of Red Cross Societies, CARE, Catholic Relief, Caritas, and numerous other organizations provide development, training, educational, and humanitarian assistance. International Defense and Aid for Southern Africa and the Africa Legal Assistance Project of the Lawyers’ Committee for Civil Rights Under Law have provided assistance to the families of prisoners, to the victims of oppression, and to the legal defense of persons accused under the racist laws of South Africa, Rhodesia, etc.
Namibia, and the areas of southern Africa previously occupied by the Portuguese.

It is sometimes possible for general aid programs to be coordinated to achieve human rights ends. The assistance and attention given to liberation movements in Portuguese-occupied territories have probably helped to achieve self-determination for Mozambique, Guinea Bissau, and Angola. During 1972 the African Conference of Churches and the World Council of Churches were successful in mediating and helping bring to an end the civil war in Sudan because of the availability of assistance to salve the wounds of war and help foster development.¹⁰³

Work at Local Levels

Because of greater resources, many national sections of international nongovernmental organizations and, indeed, many nongovernmental organizations without any direct international ties succeed in implementing human rights law in ways unavailable to international NGOs.

In the United States there are innumerable organizations which deal with human rights on the domestic level; for example, the American Civil Liberties Union, National Association for the Advancement of Colored People, NAACP Legal Defense and Education Fund, the Lawyers' Committee for Civil Rights under Law, the American Jewish Committee, the Mexican-American Legal Defense and Education Fund and the Native American Rights Fund are a few of the more prominent. Very few of these organizations, however, have recognized international human rights law or attempted to use it in dealing with domestic human rights problems.¹⁰⁴ Since January


¹⁰⁴ The Africa Legal Assistance Project of the Lawyers' Committee for Civil Rights Under Law, in Washington, D.C., the Center for Constitutional Rights in New York City, and the Center for Law and Social Policy in Washington, D.C. are three U.S. NGOs which have undertaken domestic litigation to further international human rights objectives. For example, the Lawyers' Committee and the Center for Constitutional Rights have sought in the New York City Human Rights Commission to restrain the New York Times from advertising job positions in South Africa for which blacks would not be considered. Lawyers' Committee for Civil Rights Under Law, Africa Legal Assistance Project—Interim Report 36-39 (1974); Center for Constitutional Rights, Docket Report 18 (1974). See also ISMUN, The Use of Lawyers in the Struggle against Racist Regimes, U.N. Doc. E/CN.4/Sub.2/NGO/56 (1976). The Council of New York Law Associates in cooperation with the International League for Human Rights is just beginning such a program. Far more such litigation might be possible, for example, to utilize the provisions of the Freedom of Information Act to inquire into U.S. aid to and involvement in nations which violate human rights or to require the State Department to give adequate consideration to human rights violations in determining which nations should receive aid, as required by § 502B of the International Security Assistance and Arms Export Control Act of 1976, 22 U.S.C. § 2304, as amended, Pub. L. No. 94-329 (1976). Indeed, § 502B requires the State Department to consider the findings of international NGOs and the willingness of countries to cooperate with international organizations in foreign aid decisions. See Human Rights and U.S.
1976 about two dozen national and international organizations have begun to cooperate in Washington, D.C. under the name of the Human Rights Working Group in promoting human rights concerns in the U.S. Government. Justice (the British section of the International Commission of Jurists) and the National Council for Civil Liberties of the United Kingdom have been concerned with human rights and have focused to some extent on international principles which might be applicable. In many countries, for example, South Africa, Namibia and Rhodesia, certain Christian churches have performed invaluable work for human rights, while receiving vital encouragement and support from their sister churches abroad—particularly through the World Council of Churches, Lutheran World Federation, and Pontifical Commission Justice and Peace.
Amnesty International’s success in recent years has been due considerably to its ability to mobilize the efforts of local groups who work for the human rights of named prisoners. Normally, each Amnesty group is assigned a prisoner of conscience (selected by the International Secretariat) from one socialist, one western and one Third World nation. (Amnesty International defines prisoners of conscience as those who are imprisoned in violation of their human rights and who have neither done nor advocated violence.) Local Amnesty groups manifest a personal concern for the release of their prisoners and work toward that end by writing letters to prison officials, judges and various government officers of the nation involved, by visiting embassies, and by sending appeals to lawyers and other nongovernmental organizations which might intervene. Also, groups attempt to assist a prisoner by writing letters to him and his family, giving moral support, and providing food and other assistance where possible. Some A.I. groups, in addition, send telegrams and letters for the Campaign Against Torture to protest or prevent imminent torture or executions.

At times the groups give Amnesty International a rather amateurish image, but it cannot be doubted that its person-to-person and energetic approach can be effective when the more professional, sophisticated, better researched, and discreet efforts of the International Secretariat or other international nongovernmental organizations are not successful. Amnesty International’s campaign against the use of torture, begun in 1972, has heightened the sensitivity of nearly all governments to allegations of torture and has made torture one of the most frequently discussed issues with respect to the protection of human rights. Since the organization was formed in 1961, it has been...
estimated that Amnesty International has assisted in the release of thousands of prisoners of conscience.\footnote{111} Often, several nongovernmental organizations work for the release of named prisoners and many political, military, economic, as well as human rights factors may combine to result in the release of prisoners.\footnote{112}

**Conclusion**

Although nongovernmental organizations have achieved some success in implementing human rights, many questions remain. Why precisely have they been successful in some cases and not others? Are they selecting their cases properly? Have they found the most effective way of utilizing the good will and voluntary labor of individuals at the local level? Why have not greater resources been available for assisting in the work? How can they

\footnote{111} Only very fragmentary and inconclusive data on prisoner releases are available. In 1973, *Time Magazine* reported that AI had taken up the cases of some 13,000 prisoners of conscience and as a result of its efforts 7,500 had been released. Time, July 9, 1973, at 27. But the figure of 7,500 is misleadingly high, because many of the prisoners would probably have been released in any case. AI has recently begun an attempt to measure more systematically the effectiveness of its efforts, but there have been no concrete results thus far from its study. It is hoped that AI will be able to distinguish statistically between releases of adopted prisoners caused partially or wholly by AI pressure and those resulting from expiry of sentence, change of government, pardon, health reasons, acquittal at trial, successful appeal, exchange of prisoners, or other outside pressure. See Scoble & Wiseberg, *Amnesty International: Evaluating Effectiveness in the Human Rights Arena*, INTELLECT at 79, 81-82 (Sept. 10, 1976).

\footnote{112} Frequently there is an interaction between international human rights pressure and internal political sentiment to achieve the release of improperly detained persons. For example, Julio Augusto de Pena Valdez was arrested on January 31, 1971, in an apartment in Santo Domingo, Dominican Republic. He was participating in a political discussion, but was accused of harboring weapons in the apartment, although he contended that no weapons were found. Afterward he was sentenced to 3 years in prison and served his sentence. But after the Supreme Court ordered his release the Government refused to release him and the five other persons arrested at the same time. In response all 250 political prisoners at La Victoria Prison went on a hunger strike, which received considerable support among those who were opposing the reelection of the President. In retaliation the Government cut off water, light, and medical services to the prison.

AI volunteers in the U.S. who had been working for the release of Mr. de Pena were alerted by a telephone call from Mrs. de Pena. After a frantic day of telegrams by well-organized volunteers, a television station announced that water and light were being restored to the prison. The AI telegrams and letters gave international credence to the already existing pressure for the release of the prisoners. The relatively free press of the Dominican Republic made the Dominican people aware of the international public opinion expressed by Amnesty International. The President finally announced that the prisoners would be released, and they were released after the election. Some were later rearrested and AI is continuing to work for the release of prisoners at La Victoria. *Dominican Prisoners Freed, Amnesty Action, Nov.-Dec. 1974*, at 3. See also *All AI-Adopted Prisoners in Metropolitan Portugal Freed After Coup*, AI Newsletter, May 1974, at 1; *AI Was 'Light of Hope' to Ex-Prisoners, Portuguese Relief Groups Says*, AI Newsletter, June 1974, at 1.
more effectively influence intergovernmental organizations in protecting human rights?

It is clear, however, that international nongovernmental organizations provide one way by which individuals may become actively involved in the day-to-day protection of human rights. These organizations achieve so very much with their present minimal resources that it is possible to foresee that they could do far more if there were adequate support.