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THE ROLE OF INTERNATIONAL NON GOVERNMENTAL ORGANIZATIONS IN THE
PROTECTION OF HUMAN RIGHTS AND THEIR RELATIONS WITH
GOVERNMENTS

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Abstract

The idea of human rights has wings. It has found its way around the globe and everyone is reminded often of its importance. The concept of human rights has become part of global law and morality. Human Rights came of age as a legitimate international concern with the close of World War II, the founding of United Nations and the adoption of Universal Declaration of Human Rights by the UN General Assembly in 1948. During this period there has been an explosion of local, national and international voluntary organizations working for the promotion and protection of human rights on every continent and in almost every country in the world. Today most of them are widely known as International Non-Governmental Human Rights Organizations.

The purpose of this paper is to explore the role and importance of INGOs in current world order. As well as the paper analyzes the influence and authority that these INGOs have on states. Mainly it investigates the functioning of INGOs, their report creating mechanisms. Moreover, the policy paper with the case study of Armenia will show the importance of communication between INGOs and a state.

List of Abbreviations

AI – Amnesty International

FR – Freedom House

HRC – Human Rights Council

MFA – Ministry of Foreign Affairs

HRW – Human Rights Watch

INGO – International Non-Governmental Organization

MCA – Millennium Challenge Account

NGO – Non-Governmental Organization

UN – United Nations

Introduction

Non-Governmental Organizations (NGOs) play an important role as actors in civil society by creating an organized link between individual citizens and the government. The significance of human rights INGOs has increased tremendously, with growing awareness about human rights. Human rights INGOs are recognized as legitimate players in civil society and their role to put pressure on governments has come to be widely accepted. They carry out a variety of functions, such as advocacy, human rights education, publication of matters relating to human rights, exposing instances of human rights violations, and putting pressure on governments to implement human rights. They are also important for the role they play in creating and expanding the human rights discourse, by taking into consideration the various types of human rights violations around the world. INGOs also have made their presence felt all over the world, by being able to apply sufficient pressure on governments around the world. Although INGOs have made achievements of note in the human rights movements, critics have pointed out several shortcomings in their manner of functioning. Possibly the two most severe types of criticisms leveled against them relate to the lack of transparency and accountability.

Therefore this internship policy paper seeks to explore the phenomenon of INGOs participating in the human rights movement – at a global level. Also the paper delves into the manner of functioning of human rights INGOs. The research will include the analysis of the three prominent Human Rights INGOs: Freedom House, Amnesty International, and Human Rights Watch.

The Freedom House is an independent non-governmental organization that supports the expansion of freedom in the world. Currently its particular importance for the developing countries is rooted in the fact that its reports serve as the basis for establishing country

indicators in the Millennium Challenge program.¹ Amnesty International (AI) is an international non-governmental organization with the stated purpose of campaigning for internationally recognized human rights. Human Rights Watch is a United States-based international non-governmental organization that conducts research and advocacy on human rights. All above mentioned international organizations have their annual human rights reports on countries all over the world including Armenia.

The second part of the paper is a case study of INGOs influence on Armenia, mainly by their annual reports. As the purpose of this research is to study the reports and work of international non-governmental organizations in the sphere of human rights protection the paper will also study the activities of Ministry of Foreign Affairs of the Republic of Armenia (MFA) concerning its actions on the reports of INGOs. Armenian Ministry of Foreign Affairs, particularly the Department of International Organizations, is responsible for the communication between Armenian Government and INGOs. The Department is entitled to react on the reports received from different organizations including non-governmental ones. It also should give comments on those reports. It should discover how the reports were complied, for example through representatives or just from non-official sources. Consequently another task of this paper is to find out whether this communication is present within the framework of MFA, and if it is, whether that communication has outcomes that are expected or not.

Literature review

The literature concerning INGOs' role, importance, as well as their criticism is very rich. In every study of the human rights can be noticed chapters mentioning about the importance of NGOs and their role in the protection of human rights. Michael Freeman has

¹ The Millennium Challenge Act of 2003 set up a new entity, the Millennium Challenge Corporation, to implement a major new development assistance program for developing countries including Armenia.

published extensively on political theory, human rights and democratic theory, as well as on Asian values and human rights. However his book Human Rights: An Interdisciplinary Approach (2002) is very useful study for the researchers on human rights. He studies the evolution of INGOs and the new role that they play in world politics. It is a valuable study that shows the increasing role of human rights throughout the new era of globalization. He considers human rights NGOs as constant part of the human rights protection. Another very precious study for human rights researchers can be a book by Richard Pierre Claude and Weston H. Burns (1992) Human Rights In the World Community: Issues and Actions. There is a whole chapter where authors describe and present the whole history of human rights NGOs, meanwhile they point out not only the importance of their works but also weak parts and limitations. Particularly they generate the importance mentioning:

By and large, NGOs have been significant catalyst as regards the promotion and protection of internationally recognized human rights. For sustained pressure indeed, human rights group have come to be essential. In trying to influence governments to rectify human rights violations, NGOs characteristically fight an uphill battle in which human rights values often are sacrificed by government officials to real politic: the need for economic markets, favoring military allies or preserving entrenched elites. (Claude and Weston 1992, 150)

William Korey through his book NGO's and the Universal Declaration of Human Rights: "A Curious Grapevine (1998) illustrates the whole history of NGOs and their relation with Universal Declaration of Human Rights, explores each decade and important dates when NGO's role increases day by day. Particularly he mentions that NGOs have operated on several levels including standard settings and fact-finding. Later, they would serve as a kind of ombudsman intervening on behalf of "prisoners of conscience" or on behalf of the oppressed. (Korey 1998)

Though the literature about Human Rights NGOs are very rich and is continuing to grow day by day, the same can not be said about the literature on fact-finding mechanisms of INGOs and their methodologies. Also difficulty rises with the literature about the

communication between INGOs and Governments. A very perfect example on the work of INGOs' gives David Weissbrodt and James McCarthy in their article "Fact-Finding by International Nongovernmental Human Rights Organization" (1981). Though it is a rather old publication it gives really very useful information and suggestion how is the work of INGOs are being done. Another article by Laurie S Wiseberg "Human Rights Nongovernmental Organizations" (1992) also can be considered as one of the rarest work where it can be found the analysis of INGOs work, as well as the criticism of them.

From the recent publications an article by Jan Wouters and Ingrid Rossi "Human Rights NGOs: Role, Structure and Legal Status" (2001) can be very useful for the researchers on NGOs role and importance. The authors clearly separate the role that INGOs play in world community, also showing what their status is in international community, as well as giving the criticism that they very often face. Taking all these information into account and realizing the growing importance of Human Rights INGOs in the world this policy paper tries to answer to the following research questions:

1. What is the role of International Non-Governmental Organizations in the field of Human Rights Protection?
2. How, in general, international non-governmental organizations are preparing their Human Rights reports (fact-finding mechanisms)?
3. Is it important the existence of communication between Governments and International Human Rights NGOs?
4. Is there any communication between Government of Republic of Armenia and INGOs?

Methodology

The study is done by detailed investigation of official documentation in the MFA, as well as study of databases in the MFA's Department of International Organizations in the Human Rights Division. For the purpose of the internship project the content analysis of the internet publications and annual reports of international NGO's was conducted. For collecting other necessary data, interviews were conducted with the relevant experts from the staff of the Department of International Organizations of MFA, as well as, other human rights specialists who are specialized in this field.

International Non-Governmental Organizations in the Human Rights Protection

NGOs in International Community

At the beginning of this study, it is essential to explore the role of non-governmental organizations (NGOs) and international non-governmental organizations (INGOs), as well as, understand their significance in the human rights movement. Moreover, before delving into a study of the work done by INGOs, a word must be said about the role of the United Nations in introducing the concept of human rights through the Universal Declaration of Human Rights, which has become a starting point for virtually all INGOs and NGOs activities in the field.

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10 December, 1948. Article 1 of the Declaration emphasizes the equality of all human beings, with respect to dignity and rights (Article 1). It further highlights on each person's entitlement to all the rights and freedoms laid down in the Declaration without there being any distinction of race, color, sex, language, religion, etc. (Article 2) It prohibits slavery (Article 4), and declares cruel, inhuman or degrading treatment or punishment to be violations of human rights (Article 5). Arbitrary arrest and detention constitute a violation of essential human rights, as per the Declaration (Article 9).

United Nations human-rights institutions were suspicious of NGOs at first, but gradually made increasing use of them (Freeman 2002). The result was the participation of NGOs in the activities of the United Nations which is granted in article 71 of the UN Charter, which states that: "The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence" (UN Charter, Chapter X, Article 71). It is hence only with the Economic and Social Council (ECOSOC) that NGOs have this charter-based right of consultation, whose

modalities were laid down by ECOSOC in several resolutions, the latest of which is ECOSOC Resolution 1996/31, still in force today (ECOSOC Resolution 1996/31).

The consultative status allows NGOs to be "consulted" by ECOSOC or its subsidiary bodies on matters falling within their competence. Among the ten functional and five regional ECOSOC commissions, the Commission on Human Rights² is certainly the ECOSOC subsidiary body where NGOs have been able to gain over the years most of their influence and credibility. This is certainly due to the peculiar nature of human rights, the promotion and protection of which would be unconceivable without the active participation of individuals – the rights-holders – and their associations vis à vis the States, that are at the same time the standard setters in international human rights law and the main duty-bearers. It's mainly independent NGOs that can, together with independent experts raise the concerns of the victims before the international community. Hence, NGOs have also played an increasingly important role in UN conferences (Freeman 2002). Moreover, many international human rights NGOs attend and often participate in the meetings of UN human rights bodies (Claude 1992).

NGOs' Role and Importance

The significance of NGOs and their role in international relations are mentioned in various studies and are met in the publications of different authors. Therefore to give some opinions and estimations about International non-governmental organizations' role is vital for the current study. Non-governmental organizations are very diverse and represent a variety of interests. It is extremely difficult to subdivide them on the basis of the interests they defend, or the scope of their activities. This is true even with respect to human rights NGOs. According to Wouters and Rossi (2001), it is difficult to describe NGOs as representing a

² On 16 June 2006 General Assembly Recommends that the ECOSOC request the Commission on Human Rights to conclude its work at its sixty-second session, and decides to establish new body of Human Rights Council (Webpage http://www.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf)

global civil society with uniform goals and values. Nevertheless, NGOs, with their achievements in the international sphere have come to prove that they play an important role in global governance. Collaboration and partnership with NGOs has proved to be efficient for Inter-Governmental Organizations (IGOs) and States. In particular, IGOs have come to realize that partnership with NGOs contributes to more efficient project implementation and a lower rate of failure; a better public image and more political support. In addition, NGOs are considered as providing additional channels for popular representation, thus creating a “fairer” distribution of power through the international system (Wouters and Rossi 2001).

Over the last 57 years an almost explosive growth of NGOs for the promotion and the defense of human rights have taken place. At the time of the drafting of the Universal Declaration of Human Rights, some 15 NGOs with consultative status were involved in this process (Klaus 2005). As Freeman (2002) notes, in recent years non governmental organizations (NGOs) have played an increasing role in human-rights politics at local, national and international levels, and very recently the serious study of these organizations has begun. The same author made the chronological development and appearance of the INGOs. He estimates that in 1953 there were thirty three human-rights INGOs, and in 1993 there were 168. In the same period, the number of development INGOs increased from three to thirty-four, and the number devoted to women's rights from ten to sixty one. He continues identifying 1600 NGOs registered in the economically developed countries in 1980, a figure that rose to 2970 in 1993. In 1909, there were 176 INGOs; in 1993, there were 28,900. The organizations that took part in the early years of the UN were religious, business, trades-union and women's associations (Freeman 2002).

After the end of the East-West confrontation, the 1990s became the decade of the NGOs; they moved out of the shadows of the Cold War, entered the mainstream of engagement of civil society and have been become well-known organizations having

influence and power (Klaus 2005). During the cold war, NGOs were not viewed favorably by the communist or third world states, and most international NGOs were based in the West. The very idea of independent citizens' organizations seemed to belong to the Western, liberal-democratic tradition, and was inimical to the authoritarian statism of the communist and third-world societies (Freeman 2002).

Tujil (1999) claims, that human rights NGOs play an important role in upholding human rights, as envisaged under the United Nations Declaration of Human Rights and other human rights instruments:

They also perform the task of creating awareness about these human rights. Through their activities, they are also successful in setting human rights standards. INGOs are often very large and influential bodies, capable of exercising international pressure. Due to this characteristic, they compel the governments of countries across the world to enforce human rights in their respective countries and be vigilant in order to prevent infringement of these rights. Since these INGOs are autonomous of the government, they are often useful owing to the fact that they can resort to the use of informal channels to disseminate information about human rights even in countries where the government regime is repressive (Tujil 1999, 5).

Symonides (1998) through his studies on human rights and globalizations claims that numerous human rights problems are exacerbated or caused by globalization as well as the structural adjustment programs of the international financial institutions, yet non-governmental human rights organizations have been insufficiently active in focusing on these problems. By and large, however, after that globalization boom started it has been the same non-governmental organizations which started actively to carry out projects in developing countries, and have been most sensitive to problems arising from the same globalization. The author adds that the strength of non-governmental human rights organizations lies in their ability to mobilize public opinion, disseminate information and pressure governments to conform to international human rights standards (Symonides 1998). The varied role of this NGOs Wouters and Rossi (2001) summarize as follows: 1. Agenda setting in which NGOs play a crucial role in the creation of the political atmosphere and context to stimulate action

in the field of human rights by governments and intergovernmental organizations (IGOs). They contribute to drawing the attention of world public opinion to human rights issues, influence the setting of the public agenda in this respect and help governments and IGOs to identify and prioritize key human rights issues. 2. Enforcement in which NGOs help to safeguard human rights against government infringement through techniques such as diplomatic initiatives, fact-finding missions, reports, public statements and mobilization of public opinion. These techniques have proven successful, since in most circumstances, NGOs are more independent from political forces than States or IGOs and thus are more able to identify and criticize human rights violations. Once NGOs bring a problem to a State's attention it becomes more difficult to ignore human rights violations (Wouters and Rossi 2001).

Participation of NGOs in Country Reporting

Main functions of INGOs

Before examining one of the important functions of human rights NGOs – information gathering, reporting and disseminating – it will be more appropriate to look also on other functions. After many years of extensively study of human rights NGOs, as well as, publishing numerous profiles and analysis of them, experts on human rights such as Claude and Weston (1992) state that human rights INGO practices perform one or more of six functions: 1. information gathering, evaluation and dissemination; 2. advocacy; 3. developing human rights norms and lobbying; 4. legal aid or humanitarian relief; building solidarity; 6. moral condemnation and price (Claude and Weston 1992).

The functions of international NGOs include investigating complaints, advocacy with governments and international governmental organizations, and policy making. Local activities include fundraising, lobbying, and general education (Durham 2004). Although they do not have the authority to implement or enforce international law, NGOs have several

advantages to state organizations in the human rights system. Much of their work includes information processing and fact finding, in which NGOs educate people about their human rights and gather information regarding human rights abuses in violating countries (Claude 1992, Durham 2004). In this process NGOs have the benefit of access to local people and organizations and are often able to get direct and indirect access to critical information about current human rights violations (Durham 2004). Once they gather information, NGOs can design campaigns to educate the international community of these abuses. A key function of NGOs is advocacy — urging support for human rights and attempting to influence governments or international groups with regard to specific actions. Advocacy involves education, persuasion, public exposure, criticism and provoking specific responses to human rights abuses (Claude 1992). They provide information about human rights situations through their reports and testimony. They shape the agendas, policies, and treaties of the UN through participation and lobbying (Korey 1998).

Report Creating Methods (fact-finding) by INGOs: importance and criticism

According to Cohen (2006), a major part of human rights work is the production of written reports. The report is usually seen as a means to an end. Information is collected, checked, standardized, and disseminated as part of a wider strategy to prevent violations and implement universal standards. Reporting also may become an end in itself: the belief that even without results there is an absolute duty to convey the truth, to bear witness. The author mentions that there are many types of human rights reports. The major international nongovernmental organizations produce regular and detailed book-length reports. These are the equivalent of social science research projects, giving a comprehensive account of a particular country's current human rights record (Cohen 1996).

Klaus (2005) claims, NGOs are playing a significant role by getting involved in the preparation of a periodic report of a State party. These reports detail either general human

rights conditions within a particular country, or detail the specific plights of certain groups, individuals, or situations in a particular country. Moreover, most NGOs publicly report the results of their missions and thus provide valuable information about violations of human rights. Publicity is an important factor in the enforcement of human rights by NGOs (Wouters and Rossi 2001). Another reason for NGOs publicizing human-rights violations is that it campaigned to persuade governments to refrain from them, and played an important role in UN standard-setting and implementation procedures (Freeman 2002).

As it was mentioned above the chief function of human rights INGOs is the processing of information. Disseminating information about rights includes the publishing of reports regarding rights violations, an activity that involves, as well, the gathering and evaluation of information. Getting the facts straight and analyzing them carefully is an especially serious matter in the human rights field because lives, integrity, and regime legitimacy are all at stake (Claude and Weston 1992). As David Weissbrodt and James McCarthy (1981) have emphasized: “to inspire corrective efforts by governments, human rights organizations must demonstrate that their factual statements are true and thus constitute a reliable basis for remedial governmental policy”. Otherwise, the reports, newsletters, press releases, and “action alerts” that human rights NGOs typically disseminate to stimulate governmental action and upon which the news media commonly rely to document abuses simply will not be believed and access to the corridors of power and to the media will be denied commensurately (Claude and Weston 1992).

According to Shalla (2001), fact finding is the heart of human rights activity. The prescription of human rights norms implies an understanding of the needs to be addressed, which in turn requires an appreciation of factual conditions. Since the application and supervision of human rights norms do not take place in abstracts but in relation to specific circumstances and situations, what people require is an awareness of the factual conditions.

Therefore, all claims, that human rights are, or are not, being respected, or are being violated, turn essentially on the question of fact. And as for all human rights institutions, the success of the difficult task of fact-finding in the field of human rights will depend on people as well as procedures. The author explains this saying that in a divided and distrustful world, and on questions where there exists a profound difference of views, fact-finding itself and the conclusions and recommendations emanating from it are more likely to find acceptance if it is done by impartial persons competently and objectively and without any bias. The entire process should take care against any suppression or distortion to arrive at its findings (Shalla 2001).

Before continuing talking about the importance of fact-finding it will be appropriate to mention about the criticism that NGOs very often face, after they publish their reports. As Wouters and Rossi (2001) declare there is a claim of lack of legitimacy of NGOs to intervene in global governance. This claim generally focuses on four issues: lack of transparency, internal democracy, accountability and accuracy. For the purpose of this research the two of the four mentioned issues are essential. The author talks about accountability arguing that NGO accountability is weak and problematic. There is no single authority to which NGOs must report on their activities. NGO accountability depends entirely on public opinion and self-regulation either through the own structure of the NGO or through a network of NGOs to which the particular NGO is affiliated. Another issue is accuracy because NGOs vary widely between each other; the quality and accuracy of their contributions also varies. While certain NGOs provide valuable and reliable information and expertise, other NGOs have sometimes simplistic and poorly researched positions (Wouters and Rossi 2001). The same concern is mentioned by Claude and Weston (1992), because the reliability of NGOs disseminating human rights information depends on the careful gathering and evaluation of such information, the accuracy and credibility-hence integrity-of NGO fact-finding missions must

be ensured. Cohen (1996) speaks about “ritualistic pattern” of reports. He expresses his distaste for human rights NGOs using a standard pattern in composing their reports. He is of the opinion that the format used by human rights NGOs which involves, in the following order:

...the NGO expressing concern and condemnation for the objectionable practice in question, stating the problem, setting the context of the problem, describing the sources and methods of information obtained by the organization, allegations in greater detail, a statement of the relevant international instruments and lastly, calling upon the government to undertake some action – has become ritualistic. He calls for a change in this pattern. It is submitted that the following such a pattern in a mechanical pattern is likely to portray the NGO in bad light, for it shows a lack of innovation on their part. It is also indicative of the fact that the same format may be applied to dissimilar situations in the world (Cohen 1996, 529).

Having these criticisms in mind and taking into account what consequences inaccurate information may cause Shalla (2005) in his article about the role of human rights organizations mention: “non-governmental organizations (NGOs) engaged in the implementation of human rights profess to function as unofficial ombudsman safeguarding human rights. In this endeavor, these NGOs gather information which can be effectively mustered - either directly or indirectly - to influence the implementation of human rights by governments. In order to inspire remedial action by governments, human rights organizations must demonstrate that their factual statements are true, that is, they constitute a reliable basis for remedial governmental policy”. Since the truth or falsity of any given statement may be very difficult to know, human rights organizations must pursue reliability by using well-accepted procedures and by establishing general confidence in fairness, impartiality and truthfulness (Shalla 2005). In addition to this Wiseberg (1992) concluding his statements about fact-finding mentions that while fact finding with respect to human rights is an area that has been largely neglected by international human rights NGOs, it is an area of prime concern to local and national NGOs, as well. It is also an area that is attracting attention at the

international level³. While fact-finding and analysis are critical preconditions for effective action in the area of human rights, to have a policy impact, that information needs to be disseminated. Writing a report is only part of the task. Seeing that the report gets into the hands of policy makers, opinion leaders, and community organizers is the next vital step (Wiseberg 1992).

Major International Human Rights Non-Governmental Organizations and Their Report Creating Mechanisms

In this part of the research for the full picture of how International non-governmental organizations (INGOs) are functioning, the policy paper will briefly look at the working of three prominent INGOs, namely Amnesty International, Human Rights Watch and Freedom House and will briefly describe how these major INGOs are creating their reports. These INGOs have a large international reach, and conduct independent surveys, publish newsletters and disseminate detailed reports. Moreover their human rights work has taken on a transnational character which gives them more reputation in the world and more influence in states' political atmosphere. As it was already mentioned their participation in UN works is granted by the UN Charter. However by the creation of new standing body - Human Rights Council, NGO's status in this new created body is still in the process of discussion. The participation of NGOs in the Human Rights Council will be based on the arrangements and practices observed by the Commission on Human Rights, including Economic and Social Council resolution 1996/31 of 25 July 1996.⁴ For that purpose many representatives of

³ A very good example of the international attention about fact-finding is The 1991 Declaration on Fact-finding by the United Nations Webpage: <http://www.un.org/documents/ga/res/46/a46r059.htm>

⁴ The decision about the status will be based on the results of HRC sessions: The resumed second and third sessions of the Human Rights Council (HRC) will be held from 27 November to 8 December 2006 in the General Assembly Hall in Geneva. On November 27th, the HRC will resume its 2nd session in order to consider all pending matters relating to the draft resolutions/decisions tabled during the period of 18 September – 06 October 2006, and to adopt its report on the 2nd session. The Council will then open its 3rd session and continue its work until 08 December 2006.

INGOs' are making their best efforts to broaden the role of participation of INGOs in UN Human Rights Council:

NGOs contribute valuable information and ideas, advocate effectively for positive change, provide essential operational capacity in emergencies and development efforts, and generally increase the accountability and legitimacy of the global governance process. The United Nations must strengthen and deepen its relations with NGOs in order to create a stronger, more effective and more legitimate organization.⁵(Stiffing 2006, 45)

Before turning to the description of major INGOs' working methods it will be useful to know how governmental organizations are creating their reports on human rights situation. Mainly how UN Human Rights Commission is assuring the reliability of its working methods. Office of the High Commissioner of Human Rights is developing sub-regional strategies to frame its activities within the region. While the human rights situation differs from country to country and sub-region to sub-region, the Office applies a common methodology in its work: promoting cooperation with the United Nations human rights system, particularly the treaty bodies and special mechanisms of the Commission on Human Rights, strengthening its relation with the United Nations Country Team (UNCT), building the capacities of civil society and other national actors, implementing a human rights-based approach to programming, and linking human rights with the Millennium Development Goals (Annual Appeal 2005). Another constrictive difference between human rights International Organizations and INGOs that International Organizations before publishing their reports send them to targeted countries for the approval and changes if necessary, while INGOs publicize the reports then ask a country to respond.

Amnesty International

Amnesty International stands as one of the biggest and most active human rights INGO in the world. In the year 1999, Amnesty International had more than a million

⁵ Paper on NGO Participation at the United Nations Submission to the President of the General Assembly by: Eurostep, Friedrich Ebert Stiftung, Global Policy Forum, North-South Institute, Social Watch, Third World Institute, WEDO, World Federalist Movement- Institute for Global Policy. March 28, 2006.

members in over 160 countries. It had national sections in 56 of these countries. 320 officials and 95 volunteers work in the International Secretariat, London. Every two years, an International Council constituted by representatives of the Amnesty International movement elects an International Executive Committee, comprising nine members. Amnesty International also has consultative status at the United Nations, and was awarded for its achievements by the United Nations on the 30th anniversary of the Universal Declaration of Human Rights. It was the recipient of the Nobel Peace Prize in 1977.

Amnesty International states its mission as the following:

Amnesty International's vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. In pursuit of this vision, AI's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.”³⁰ Some of the specific violations of human rights that Amnesty International aims to redress are freeing of prisoners detained on the basis of their beliefs, ethnic origin, sex, color, language, etc., ensuring free and fair trials for political prisoners, the abolition of the death penalty and putting an end to the torture meted out to prisoners. (About AI, Webpage: <http://web.amnesty.org/pages/aboutai-index-eng>)

Amnesty International compiles country reports on the basis of surveys of local and international media, field visits to the country, meetings with representatives of civil society, government and particular social groups, international legal documents and other sources. The exact methodology would change depending on the subject of research - for instance methodology in investigating domestic violence might be quite different from investigating discrimination in the education system. The most crucial element in any AI report is that the research is rooted in sources close to the phenomenon being researched - so that the research has authority. (Broers 2006)⁶

The research teams focusing on particular countries investigate reports of human rights abuses, cross checking and corroborating information from a wide variety of sources

⁶Dr. Laurence Broers is research analyst for Amnesty International. (Interview conducted in October, 2006)

and contacts. They receive information from prisoners and their families, lawyers, journalists, refugees, diplomats, religious bodies, community workers, humanitarian agencies and other human rights organizations. They monitor newspapers, websites and other media outlets. AI states that before any statement or report is issued, its text is approved within the International Secretariat to ensure it is accurate, politically impartial and falls within Amnesty International's mandate. Amnesty International is often dealing with allegations rather than undisputed facts. It makes this plain and usually calls for an investigation of the allegations. If Amnesty International makes a mistake, it issues a correction. In conclusion they add that Amnesty International's research is recognized as reliable and is widely consulted by governments, intergovernmental organizations, journalists, scholars, other human rights organizations and campaigning groups.

Although the reports of Amnesty International are annual they do not systematically include every country in the world. However they have their explanation to that. For example on the copyright page of the 1998 Amnesty International Annual Report, it is stated that:

This report documents Amnesty International's work and its concerns throughout the world during 1997. The absence of an entry in this report on a particular country or territory does not imply that no human rights violations of concern to Amnesty International have taken place there during the year. Nor is the length of a country entry any basis for a comparison of the extent and depth of Amnesty International's concerns in a country. (Annual Report 1998)

Human Rights Watch

Human Rights Watch is a USA-based INGO, with its headquarters in New York. It is organized on the basis of divisions, representing regional and thematic distribution of work.

Its mandate is described as follows:

Human Rights Watch researchers conduct fact-finding investigations into human rights abuses in all regions of the world... publishes those findings in dozens of books and reports every year, generating extensive coverage in local and international media. Human Rights Watch then meets with government officials to urge changes in policy and practice -- at the United Nations, the European Union, in Washington and in capitals around the world. In extreme circumstances, Human Rights Watch presses for the withdrawal of military and economic support from

governments that egregiously violate the rights of their people. In moments of crisis, Human Rights Watch provides up-to-the-minute information about conflicts while they are underway. (About HRW, Webpage: <http://www.hrw.org/about/howeare.html>)

Human Rights Watch's principal advocacy strategy is to shame offenders by generating press attention and to exert diplomatic and economic pressure on them by enlisting influential governments and institutions. With the help of their significantly smaller membership base, they have also played a key role in building broad coalitions around specific human rights issues (Le 2006)⁷. The same as the Amnesty International Human Rights Watch also does not include every country in its Annual reports. For instance in its introduction to its 1998 annual World Report, Human Rights Watch states that:

This volume...does not include a chapter on every country where we work, nor does it discuss every issue of importance. The failure to include a country or issue often reflects no more than staffing and funding limitations, and should not be taken as commentary on the significance of the related human rights concerns. Other factors affecting the focus of our work in 1997 and hence the content of this volume include the severity of abuses, our access to information about them, our ability to influence abusive practices, and our desire to balance our work across various political and regional divides and to address certain thematic concerns. (HRW World Report 1997).

These both statements by AI and HRW serve as disclaimers of compassion, serving notice to those not included that they are not forgotten. However, they also tell us much more. Amnesty notes that the report represents its work and its concerns throughout the world during the whole year and Human Rights Watch notes that a country's absence or presence may be due to resource limitations. Thus, it is entirely reasonable to believe that the countries included in these reports are those that for whatever reason, received the most attention from these organizations throughout a given year. Thus, over time, a dichotomous variable indicating a country's presence or absence in these reports may be useful in determining the

⁷Lim Le is a Development and Outreach Officer for the Human Rights Watch - Los Angeles (Interview was conducted in October, 2006)

effect of these organizations on the human rights practices of a target government (MFA 2006)⁸.

Freedom House

The third organization that is brought up in this policy paper is different from the above mentioned two ones, mainly because of its working methods. Freedom House is an independent, private organization supporting the expansion of freedom throughout the world. Working directly with people worldwide to support reform efforts in societies where freedom is threatened, Freedom House supports peaceful change through its unique mix of analysis, advocacy and action.

Since 1972, Freedom House has published *Freedom in the World*, an annual survey of political rights and civil liberties in every country of the world. The survey is complemented by an annual review of press freedom, an analysis of transitions in the post-communist world, and other publications. Freedom House seeks to encourage governments and international institutions, to adopt policies that advance human rights and democracy around the world. Freedom House's rigorous research methodology has earned the organization a reputation as the leading source of information on the state of freedom around the globe (About FH, Webpage: <http://freedomhouse.org/template.cfm?page=2>).

The *Freedom in the World* survey provides an annual evaluation of the state of global freedom as experienced by individuals. Freedom House measures freedom according to two broad categories: political rights and civil liberties. Political rights enable people to participate freely in the political process, including through the right to vote, compete for public office, and elect representatives who have a decisive impact on public policies and are accountable to the electorate. Civil liberties allow for the freedoms of expression and belief, associational and organizational rights, rule of law, and personal autonomy without interference from the state. Freedom House does not maintain a culture-bound view of freedom. The methodology of the survey established basic standards that are derived in large

⁸ The statement is taken from the interview conducted with the representatives of MFA officials: Human Rights Division. (Interviews were conducted in September, 2006)

measure from the Universal Declaration of Human Rights. These standards apply to all countries and territories, irrespective of geographical location, ethnic or religious composition, or level of economic development.

The survey includes both analytical reports and numerical ratings for 192 countries and 14 select territories. Each country and territory is assigned a numerical rating, which is calculated based on the methodology described below, on a scale of 1 to 7. A rating of 1 indicates the highest degree of freedom and 7 the least amount of freedom. The survey findings are reached after a multi-layered process of analysis and evaluation by a team of regional experts and scholars. Although there is an element of subjectivity inherent in the survey findings, the ratings process emphasizes intellectual rigor and balanced and unbiased judgments. As the representatives of the organization claim the survey does not rate governments or government performance per se, but rather the real-world rights and freedoms enjoyed by individuals. Freedoms can be affected by state actions, as well as by non-state actors, including terrorists and other armed groups. Thus, the survey ratings generally reflect the interplay of a variety of actors, both governmental and nongovernmental.

Communication Between the Governments and International Human Rights NGOs: The Case of Armenia

As it was already been mentioned writing a report and describing the human rights situation is only part of the task of International NGOs. Seeing that the report gets into the hands of policy makers, opinion leaders, and community organizers is the next vital step (Wiseberg 1992). As Freeman (2002) claims, the human-rights component of foreign policy is, a central feature of international human-rights politics. States set up international human-rights institutions, support or resist their efforts to implement human rights, and are the principal targets of those efforts. INGOs have become increasingly important in international human-rights politics, but their importance derives largely from the influence that they have

on the human-rights policies of states. States are often criticized, especially by human-rights activists, for being “inconsistent” about human rights, but this inconsistency may be the result not only of changing perceptions of the national interest in a changing world, but of the selective attention of public opinion to international human-rights issues. That is why, the author continues, that here rises the problem of cooperation between states and International NGOs. There is without any doubt a big influence from INGOs (Freeman 2002). The influence can not be measured precisely, but nearly everyone familiar with human-rights politics acknowledges their influence including many governments whom they have criticized, and this suggests that the influence is significant.

According to the representatives of Armenian Governments NGOs and particularly International NGOs such as Amnesty International and Freedom House, play crucial role in the creation of political atmosphere. They may greatly influence in the creation of opinion about country not only within but also outside the state (MFA: HR Division 2006)⁹. It is often said that INGOs work by “the mobilization of shame” (Freeman 2002). According to Claude and Weston (1992) this may be misleading, however, because human-rights violators may feel little shame, but the publicity that INGOs give to the violation of international norms may damage their standing in the international community. As authors claim states may be seen as concerned with their reputation in the community on which they depend for material and non-material benefits, and their responses to INGO pressures may be motivated by the calculation that this is in their national interest (Claude and Weston 1992). This is also true for Armenia, as for instance the reports of Freedom House are consider among the main indicators of deciding on eligibility for Millennium Challenge Account¹⁰. As not every

⁹The statement is taken from the interviews with officials in MFA: Human Rights Division (Interviews were conducted in October, 2006)

¹⁰The Millennium Challenge Act of 2003 set up a new entity, the Millennium Challenge Corporation, to implement a major new development assistance program. In May 2004 the MCC board, chaired by the Secretary of State (USA), announced the first group of MCA eligible countries (including Armenia). The use of political indicators for selection criteria is frequently touted as a major innovation of the MCA. The “Ruling Justly”

organization (in this case MCA) is well resourced about a human rights situation in a country, they are very often dependent on INGOs reports.

Communication between Ministry of Foreign Affairs and INGOs

Taking into account how important is the reputation of a country in the world community; every country should perform its best in order to keep its standing in a high way. Making co-operation and communication with INGOs is one way of doing it. Another important factor for the establishment of trusted lines of communication with INGOs is that INGOs' data may be referred by foreign governments. For Armenia to have such type of communication is very important as being a member of the United Nations (UN), Council of Europe (CoE), Organization for Security and Co-operation in Europe (OSCE), as well as, having intention to reform its public life in line with European Union (EU) principles and standards, Armenia is entitled to keep its reputation in a high position in the world community. Therefore, Armenia's efforts on improving Human Rights situation in the country should be a priority. Meanwhile Armenia should not disregard also about international non-governmental organizations and their opinion about the country situation.

In Armenia that very imperative role is given to the Ministry of Foreign Affairs, particularly its Department of International Organizations. On occasion, INGOs that publicise human rights violations observe that their responsibility is to provide accurate information. They are not responsible for decisions and actions, taken by others, that are influenced by their information. This position is not always tenable. If information about specific incidents would not have come to light otherwise, the INGO that revealed that information does bear some responsibility for consequences that follow, and its responsibility increases to the degree that those consequences were foreseeable. A big part of the responsibility lies also on

category has six indicators: Voice and Accountability, Rule of Law, Control of Corruption, Government Effectiveness, Political Rights and Civil Rights. For the assessment of the final two indicators MCC uses Freedom House ratings. Freedom House's scoring for "political rights" includes free and fair elections (the core democratic institution), as well as other fundamental political rights (Clark 2005).

a targeted country that receives that inaccurate information from INGOs. Here rises the necessity of communication which will help to assist in clarifying existing uncertainties

In Armenia when such type of information is in place, that is to say when INGOs' reports are not quite accurate, the only body that is responsible to act in response is MFA: Department of International Organizations, Human Rights Division. One of the functions of the Division it is to make communication with the particular INGO and find out their sources of information if the report and incident is not accurate. The feedback process is as the following: first the information about violence is clarified within the governments; official letters are being sent to the particular Ministries concerned by the situation. Then after all the intergovernmental efforts on finding out information source are done, only in that case the Division is requiring the particular INGO to send their fact-finding information or tell about their methodology (MFA, HR Division 2006)¹¹.

Though it seems that the process the MFA implements is reasonable in reality it can be concluded that Human Rights Division of MFA while performing its task pays little attention to the importance of communication with INGOs.¹² According to the opinion of MFA's officials they do not pay more attentions to the INGOs reports explaining that: "being non-governmental type of organizations they perform their work (make reports) based on unofficial sources, mainly mass media, national NGOs, etc." Moreover, instead of reacting and answering to them the Department prefers very often to ignore the inaccurate information on Armenia in the reports. (MFA, HR Division 2006)¹³ The situation is very problematic for a country, mainly because, as it was seen from the description of INGOs, they are all ready to

¹¹ The statement is taken from interviews with officials at MFA: Human Rights Division. (Interviews were conducted in October, 2006)

¹² The conclusion is made from the deep investigation of MFA Documents: during a working year of MFA there have been found only 2-3 cases where such type of communication exists: very often MFA responds or reacts only on those reports which have many inaccuracies or the information given would have influence on country's reputation.

¹³ The statement is taken from the interview with MFA Officials: Human Rights Division (Interview conducted in October, 2006)

cooperate with governments and governmental organizations, also demonstrate their sources of information. On the other hand the representatives of INGOs state that very often the only reaction from governments they are receiving is about being bias towards a state:

It is always important that governments respond to reports prepared by international human rights organizations - since usually the reports are highlighting, directly or indirectly, problems in government policy, it is incumbent upon governments to react. Unfortunately they often react by claiming that Amnesty reports are biased or partial (Broers 2006).¹⁴

During the time when this policy paper was preparing MFA's Department of International Organizations was organizing a working group which was going to include in itself also other departments of MFA (European Department, Policy Analysis Department, Diasposra, etc.), the working group is going to meet regularly in order to discuss the working methods with INGOs, as well as, to organize meetings with representatives of major INGOs. This fact is giving big hope and assurance that problems like this can not be considered as small ones, but should be accepted as one of the important policies that a country is obliged to implement as part of its foreign policy.

Conclusions and Recommendations

As can be appreciated from the different sections of this paper, International non-governmental organizations have succeeded in making their voice heard at a national and international level and have thus become important actors in the protection and promotion of human rights throughout the world. However, the functioning of these agencies has, by no means, been without its share of criticism. Condemnations are mainly about their accountability, responsibility and accuracy. The main concern of this paper was on their report creating mechanisms (fact-finding) and truthfulness of their published results. The paper mentioned also that international organizations working in the field of human rights

¹⁴ Dr. Laurence Broers is research analyst for Amnesty International. (Interview conducted in October, 2006)

should include within all substantial factual reports an account of the methodology and procedures used in making the findings contained in the reports. The later was done by the analysis of three prominent International NGOs namely Amnesty International, Human Rights Watch and freedom House.

In the second part this policy paper examined and analyzed the importance of communication between Governments and International NGOs. Through the analysis it found out the importance and relevance of that communication. Armenian example showed at what condition is the communication between INGOs and Government. With the help of interviews and documentations the paper demonstrated the poor condition of that communication. Meanwhile, it declared about the serious steps that Armenian government started towards development of the new ways for communication. However, while Armenia has established to a certain level communication with INGO, it still pays little attention to its expansion. Armenia lacks the ability to react selectively to INGOs reports, moreover to respond to INGO representatives' letters, which they send after every annual report. On the other hand it should be mentioned that very often the same publications contain many inaccuracies and false fact about human rights situation in Armenia. Moreover the facts that are described have no accurate source of information and the methodologies are not quite clear. There is no doubt about the fact that INGOs need allow for more transparency in conducting their work. Anything short of that would make their credibility in the human rights movement suspect. In order to avoid the criticism about their accountability and accuracy INGOs should pay more attention to their working tactics. To come to this UN's role also will be very useful. UN's new created Human Rights Council should consider criteria of accuracy and accountability as a threshold for granting a status with UN.

Taking this into account the following suggestions are given by many scholars and researchers that are experts in the working methods of INGOs as well as in their fact-finding mechanism:

- The methodological note or the body of the report should contain the terms of reference.
- If witnesses were interviewed, the report should state who generally did the interviews and what the circumstances of the interviews were.
- Government statements or efforts to obtain government materials on the incident under scrutiny should be stated.
- The report should indicate what methods were used for ensuring the reliability of information received.
- The report should specify the national and international substantive legal norms, which it uses to assess the facts found.
- The report should separate the factual findings from any recommendations the organization may wish to make.
- Lastly, the report should state what efforts, if any, were made or will be made, to obtain a government response to the report and any reaction forthcoming.

Another constructive suggestion that can be made is about communication between Governments and INGOs. It is to encourage INGOs and states to enter into a relationship that could lead to better cooperation. Although the goal of INGOs to apply pressure upon the government should not be lost sight of at any cost, it may be more beneficial for the state and non-state actors to enter into a non-confrontational relationship, one that could lead to an improved implementation of human rights. That relationship can be created also with the help of national human rights NGOs. As well as, it will be very beneficial if MFA with its different department will organize frequent meetings with the representatives of INGOs'.

National human rights NGOs should organize seminars and conferences with their international colleagues that will encourage the creation of communication.

Lastly, it must be said that the human rights movement is in a state of constant change, with new doctrines and ideas being added everyday to the human rights discourse. This will doubtless affect the working of the human rights INGOs, moreover national NGOs. Whether it will assist them in developing a more comprehensive mandate or whether it would lead to constant disagreement between them resulting in a weakening of the human rights movement remains to be seen.

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