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Matter of justification

A study on how Human Rights NGOs interpret, prioritize
and justify human rights

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Abstract

The emergence of Human Rights NGOs continue to influence the practice of human rights domestically and internationally. In connection with this development, as scrutinizers of human rights and human rights violations, the Human Rights NGOs must in turn be scrutinized.

Guided by a theoretical framework consisted of theories of justification by Rainer Forst, Martha Nussbaum and Michael Ignatieff, a critical analysis of how Amnesty International and Human Rights Watch reveal the state of human rights in the respective annual report of 2017 is carried out. The aim is to scrutinize how the Human Rights NGOs interpretation, prioritization and justification of human rights affect the validity of human rights. The validity of human rights in turn, argues the thesis, presupposes that we must assess whether these strategies are reasonable.

The thesis finds that human rights are understood as universal claims for the respect and protection of the underpinning values of human rights: dignity, freedom and equality. Human rights, interpreted in this sense, must have an abiding effect and protect human rights, but also to hold human rights violations accountable through means of justice. Accordingly, justice has a double meaning for the purpose of human rights in the sense that it firstly set out conditions for when human rights are protected and secondly, make this task possible.

Keywords: Human Rights NGOs, Rainer Forst, Justification of human rights, Interpretation, Martha Nussbaum, Prioritization, Michael Ignatieff

Sammanfattning

I ljuset av framväxten av icke-statliga människorättsorganisationer och deras betydande inflytande på de mänskliga rättigheterna, syftar denna uppsats till att studera deras förståelse och tolkning av dessa rättigheter.

Med hjälp av ett teoretiskt ramverk bestående av teorier om rättfärdigande av mänskliga rättigheter av Rainer Forst, Martha Nussbaum och Michael Ignatieff, genomförs en kritisk analys av hur Amnesty International och Human Rights Watch årliga rapporter om de mänskliga rättigheternas status ser ut. Syftet med denna analys är att kritisk granska hur organisationernas tolkning, prioritering och rättfärdigande av mänskliga rättigheter påverkar rättigheternas validitet. Validiteten i sin tur, förutsätter att en kritisk analys av dessa strategier förhåller sig till huruvida dessa är förnuftiga och godtagbara.

Uppsatsen kommer fram till att mänskliga rättigheter förstås som universella anspråk vars syfte är att respektera och skydda de underliggande normerna av mänsklig värdighet, frihet och jämlikhet. Mänskliga rättigheter måste således ha en varaktig effekt för att skydda människor, men även för att kunna ställa brott mot mänskliga rättigheter inför rättvisa. Följaktligen har rättvisa mer än ett syfte, nämligen att först staka ut de förutsättningar som krävs för att respektera och skydda mänskliga rättigheter, och för det andra att göra detta möjligt.

Nyckelord: Icke-statliga människorättsorganisationer, Rainer Forst, Tolkning, Prioritering, Rättfärdigande, Martha Nussbaum, Michael Ignatieff

INTRODUCTION

As internationally recognized, human rights play a considerable role in today's national and transnational relations. They provide standards to which states must conform when dealing with their citizens. Transnational cooperation concerning human rights, commonly known to take place between state actors, is however changing. Contemporary globalizations processes and extensions have had a major impact on the development of transnational relations and the rise of non-state actors in transnational cooperation. These non-state actors, from multinational companies to non-governmental organizations (NGOs), influence world politics in the sense that they interact with both states and international organizations and are significant transnationally as well as domestically. Among those influential actors in transnational relations are Human Rights NGOs.

The rise of Human Rights NGOs, taken together with a growing global consciousness and morals of human rights, require us to consider these actors as significant strategic ones who renders a global echo of these morals. In this sense, this study argues that Human Rights NGOs have a decisive discursive power and as such, it is particular important to observe how these actors espouse a far-reaching human rights language and at the same time aim to be particular in practice. Thus, it is important to acknowledge that it exist certain demands that particular values and traditions should be observed domestically, and simultaneously corresponds to the demands that cultural and political autonomy be respected.

Their ability to effectively communicate their aim of a more just society together with their discursive power to validate it, makes these organizations important to critically review. As Human Rights NGOs continue to challenge the monopoly of the state's conduct of international and national affairs in guaranteeing and validating human rights, it becomes increasingly important to consider and critical review how it effects the rights. While human rights are internationally recognized, this thesis claim that they tend to be interpreted and justified differently by different actors. Justification of human rights defines the main features of human rights such as their nature and their high priority.

Thus, how human rights are justified are essential for how and to what extent they are being recognized as valid. As strategic actors with discursive power, Human Rights NGOs influence on the human rights discourse and practice will most likely continue to increase in the wake of the globalization. For that reason, it becomes important to study their understanding of the objective of human rights. Particularly since no studies have contributed to how these

organizations' understanding of human rights affect how they are justified. This thesis aims to make a contribution on this understanding, which will be contextualized in how Human Rights NGOs interpret, prioritize and justify human rights. These concepts will be discussed in the following chapter.

OBJECTIVE OF THE THESIS

The objective of this thesis is to critically analyze how Human Rights NGOs understand human rights. From this understanding, a critical analysis of how Human Rights NGOs interpret, prioritize and justify human rights will be carried out. In this thesis, their interpretation, prioritization and justification are characterized as strategies. Further, it is necessary to delimit the aim since the topic of this thesis is rather broad. First of all, this thesis can be understood to be a pilot study aiming at assessing the feasibility of this approach. Second, since the topic is rather broad this thesis will emphasize how the organizations interpret, prioritize and justify *human rights* when violated or constrained. To clarify, this study will therefore not address their interpretation of the situations in which violations of human rights occur.

In order to scrutinize the strategies of human rights, a theoretical framework is needed. In this thesis, the theoretical framework includes three theoretical perspectives on the justification of human rights, that of Rainer Forst, Martha Nussbaum and Michael Ignatieff. These theoretical perspectives will guide the analysis of the research material from the Human Rights NGOs. By utilizing the theoretical perspectives in a theoretical framework, the aim is to distinguish differences in the organizations' strategies, making them visible and assess whether they are reasonable. With reasonable, this study aims to assess and scrutinize whether we can accept the strategies of the human rights NGOs.

By examining a delimited aim within this topic, this study aims to make a contribution to the contemporary theoretical human rights discourse. Hence, the assessment of the theoretical perspectives seeks to nuance whether these perspectives may bring some new light to the human rights discourse. Thus, I aim to pursue a double aim with the thesis: firstly, to critically analyze how Human Rights NGOs interpret, prioritize and justify human rights and discuss whether they are reasonable, secondly, to make an assessment of the theoretical perspectives within this context. The purpose of making an assessment of the theoretical perspectives is to discuss and conclude over whether they are valuable in understanding the Human Rights NGOs strategies. The research questions which will guide the analysis will

therefore serve as a theoretical vision for the objective of the thesis. The research question is the following:

How do Human Rights NGOs interpret, prioritize and justify human rights and are these strategies reasonable?

With interpretation the study refers to the meaning of their understanding of human rights; prioritization designates what is worthy of special attention; and justification is understood in terms of actions of or results of viewing something to be just, right and reasonable. Contextualized in this study, these strategies define human rights NGOs' main features of human rights such as their character, high priority and purpose.

It could be argued that a reading of the Human Rights NGOs' interpretation of human rights is easily spotted in their respective statute or in previous research. However, contextualized in this study an interpretation as a strategy is more complex. It is not solely a question of the meaning of their understanding of human rights as such, instead it needs to be understood in the context of the other strategies. Thus, that an interpretation of human rights could lead to a specific prioritization of them. In environments where there is a strong deterioration of human rights, the documentation and monitoring of human rights might lead to a situation in which the organizations have to prioritize some rights over others. It is thus an interpretation of the context in which the human rights operate, in which some rights could be more at stake than others and thus a different interpretation and prioritization could be actualized. Consequently, whether they need to justify this prioritization.

Although the overall aim of this study is to explore the justification of human rights by Human Rights NGOs, the justification contextualized in this study also need to explore under which circumstances something is understood or viewed to be just, right and reasonable; particular to this circumstance. For this purpose, the strategies must be interpreted both separately and collectively. Separately to simplify the ways of making them visible, and collectively as they are interconnected and must thus be understood as such.

DISPOSITION

The thesis is divided into five chapters. The introductory chapter establish the topic and the contributions, clarifies key concepts and defines the scope and aim of the study, and discusses methodological considerations and material. To further motivate the objectives of the thesis, the introductory chapter presents relevant previous research. The second chapter set out the theoretical frameworks that will guide the analysis of the collected research material, operationalize them and discusses its strengths and challenges. Further, chapter three presents the reconstruction of the results from the primary material and is followed by the analysis in chapter four guided by the theoretical frameworks. Finally, concluding remarks will be presented in chapter five.

THEORY AND METHOD

A substantial part of this study is composed by theories on justifications of human rights which will be presented and discussed in chapter 2. In order to answer the research questions, the theories of Nussbaum, Forst and Ignatieff will be utilized as theoretical tools, who I argue provide different models for scrutinizing how human rights are interpreted, prioritized and justified. Going back to the objective of the thesis, the aim of utilizing these theories is not only used in scrutinizing the Human Rights NGOs strategies, but also to make an assessment about the strengths and weaknesses of theories of justification contextualized in this study.

Before analyzing the organizations strategies, a collection of the research material followed by an interpretation of it, will be carried out. First, the totality of the material will be reviewed and interpreted, which will create a framework for a narrower reading and interpretation. Through this framework, I will look more closely into particular parts of it: firstly, in specific countries where a deterioration of human rights has occurred and secondly, I will review and interpret how the organizations illustrate human rights when violated. The review and interpretation of the material will not account for numbers of actors, violations etc., nor on the detailing on the situations in which the violations occur. The collected material, from the organizations' documentations of their aim to particular parts of the annual reports, will then make up the research material that are to be analyzed. In order to analyze the material, a reconstruction of the material need to be done. This reconstruction will enable this study to distinguish the significant content from that of no importance. The main challenge here is to identify and interpret what kind of content is mostly tenable for pursuing the aim of the study

and its research questions. A reconstruction I will elaborate on more thoroughly in the forthcoming.

The research material consists of documents by Amnesty International and Human Rights Watch. Amnesty International and Human Rights Watch are the two most prominent non-governmental human rights organizations internationally and I thus presume and argue for their weighty influence on the state of human rights and further the significance of their discursive power. With the significance of their discursive power I refer to their influence on the international community and states regarding the observance and conduct of human rights. Thus, how the organizations monitor and address human rights will have influence on not only the international community's conduct and protection of human rights, but also the rights' validity. In other words, how they address human rights through their discursive power will influence the perception of human rights' and role both domestically and internationally.

Amnesty International and Human Rights Watch have record of accomplishments meaningful for the purpose of this study. They are both the highest funded, and more importantly, most influential among contemporary Human Rights NGOs. They both promote a broad range of human rights and at the same time give particular weight on specific rights that must be protected.¹ Still, some differences between the organizations are significant to emphasize: Amnesty tend to have a rather narrower rights-focus than Human Rights Watch, while Human Rights Watch on the other hand cover a smaller number of countries than Amnesty.² However, through field missions and centralized research and editorial operations, their greatest aim is to document abuses. The documentation of human rights will be this thesis' focus. More precisely, I will look at their documentations of their objectives and their respective annual world reports from 2017. The documentations of their aim constitute an important part of the material, since it presumably mirrors their report on human rights the world reports. These world reports analyze and summarize the state of human rights and its variety of issues worldwide.

Amnesty International's reports, *The State of the World's Human Rights*,³ covers 159 countries and analyses of the state of human rights in the world. Human Rights Watch's reports, *World Report*,⁴ is their annual review of human rights practices around the world and

¹ Extensively elaborated on in Part 1. Civil and Political Rights: The "Classic" Northern Paradigm. In *NGOs and human rights: promise and performance*. University of Pennsylvania Press. Welch E. Clause (red). 2001

² Amnesty International. *Amnesty International Report 2017/2018: The State of Human Rights*. 2018; and Human Rights Watch. *World Report*. 2017.

³ Amnesty International. 2018

⁴ Human Rights Watch. 2017

summarizes key human rights issues in more than 90 countries worldwide. These annual world reports provide a comprehensive source of reports worldwide and are for this reason meaningful for the purpose of this study. They are meaningful in the sense that the organizations in these world reports account for different regions and a range of human rights matters. For this reason, the study will interpret and analyze reports in each region where there has been a deterioration in human rights and its safeguard and where the abuses have been carried out by both state and non-state actors. More precisely, the study will focus on the reports in Turkey, Myanmar, Venezuela, Central African Republic and Yemen. These countries all account for deteriorations in human rights, varying from state of emergencies, armed conflicts and ethnic cleansing.⁵ Thus, they account for many possible aspects and set of human rights.

As noted above, one challenge in analyzing the research material will be to identify and interpret what kind of content is mostly tenable for pursuing the aim of the thesis. Furthermore, as political actors another challenge for the analysis is to consider and have in mind that the material is political as well.

To sum up, this thesis is a critical analysis of how Amnesty International and Human Rights Watch interpret, prioritize and justify human rights. The approach of the collected material will constitute the descriptive part, mapping the tendencies of how human rights are interpreted by the Human Rights NGOs. In the analysis the theoretical framework will be linked to the findings in the research material and an analysis of their interpretation, prioritization and justification will be carried out. The analysis will then be concluded on in the concluding remarks, in able to contribute to an assessment of the theoretical perspectives and hopefully to the human rights discourse.

PREVIOUS RESEARCH

The following chapter is a brief introduction to previous research on Human Rights NGOs, its liaison to human rights and the international human rights discourse. The research on NGOs within the field of human rights are extensive, therefore this introduction will not address the whole scope (varying from their organizational structures, membership and activities, usage of communication outlets such as Internet, to their management of and relations with civil society etc.). This brief introduction to previous research of the emergence of Human Rights NGOs and their practice and goals, it set out to present both contributions to this field but also to

⁵ Amnesty International. 2018: 12-13; and Human Rights Watch. 2017: 1, 5-6, 7-8, 10

position this thesis' objective. After having presented some previous research and detailing on my own contribution, I proceed to the theoretical perspectives that will guide the analysis.

This study focuses on a specific non-state actor, namely NGO. The term can be applied to many different actors, ranging from coalitions of activists to well-funded and organized organizations. Kathryn Sikkink (1998) demonstrates how the growth of influential NGOs has enabled them to assume a persistent and significant role in international relations and its functions, as they extend beyond state interests to pursue changes. Human Rights NGOs are especially important as they reach beyond policy transformation to advocate and initiate changes in the institutional and principles basis of international interaction.⁶ As demonstrated by Peter Willets (2011), NGOs have become key players in global politics. Taken together with their engagement in policy making, Human Rights NGOs works within several areas, from standard setting for human rights, an area traditionally exclusive for governments, to extensive lobbying.⁷ That is, Human Rights NGOs introduce ideas, provide information and lobby for policy changes. They have and continue to play an important role both domestically, internationally and in global politics overall. Relatedly, Ann Marie Clark (1995) elucidate how Human Rights NGOs cope different levels, challenging areas of traditionally state concerns. The concern with upholding states' obligations to protect the human rights of their citizens, taken together with Human Rights NGOs commitment to focus set of concerns in contrast to the wider obligations of states, have allowed them to gain influence on policy issues.⁸

By advancing this reasoning, Wong (2012) argues that some claim that it is the lack of consensus of states regarding human rights that has allowed non-state actors such as NGOs to make substantial contributions to human rights politics, both in terms of definition and spread and applicability across different contexts.⁹ These organizations are spreading their visions through advocacy and are generating both local and international support for their agendas. In that way, they represent central shifts in the politics of human rights. Some presuppose that this support requires that NGOs address how, in order for them to be influential, they must balance the control over their own agenda with the fact that change arises from within.¹⁰ For this reason,

⁶ Sikkink, Kathryn. *Activists beyond borders: Advocacy Networks in International Politics*. Cornell University Press. 1998: 2

⁷ Willets, Peter. *Non-Governmental Organizations in World Politics: the construction of global governance*. Routledge. 2011: 63; and Welch, E. Clause. Introduction. In *NGOs and human rights: promise and performance*. University of Pennsylvania Press. Welch, E. Clause (red). 2001

⁸ Clark, Ann Marie. Non-governmental Organizations and their Influence on International Society. *Journal of International Affairs*. 1995: 510

⁹ Wong, H. Wendy. *Internal affairs: How the Structure of NGOs Transforms Human Rights*. Cornell University Press. 2012: 2

¹⁰ Wong. 2012: 2

NGOs must “navigate what we can term a transnational dilemma: appealing to broad-based principles while acknowledging local differences.”¹¹

Hence, in Michael Ignatieff’s words, the emergence of Human Rights NGOs has called forth an advocacy revolution that puts serious pressure on states to practice what they preach and are thus challenging the state’s monopoly on the conduct of international and national affairs on human rights.¹² Welch (2001) however argues that despite their influence on government actions with respect to the area of human rights among others, human rights NGOs cannot expect to rival states completely in terms of their impact on countries’ citizens.¹³ At the same time, Welch too argues that Human Rights NGOs have emerged as central players in the promotion of human rights globally and have thus gained influence over human rights practice of government and the perceptions of human rights.¹⁴ In *NGOs and Human Rights: Promise and Performance* (2001) several authors elaborates on the influence of Human Rights NGOs. Further, Welch discusses the chief goals of human rights NGOs; what strategies are utilized to achieve these goals; what resources are necessary to implement them successfully; and how success or effectiveness is defined and determined by the NGOs.¹⁵ It is a thorough review of Human Rights NGOs’ work and goals. While Welch scrutinize how NGOs translate broad goals or objectives into specific campaigns or actions, this thesis aim is to scrutinize how the Human Rights NGOs interpret and prioritize the [human] rights.

Since their founding, significant human rights groups such as Amnesty International and Human Rights Watch have by a wide range of substantial documentation of abuses established their credibility. What governments deny, NGOs can demonstrate.¹⁶ Despite the optimistic approaches of human rights NGOs and their influence on the conduct of human rights, other tend to be more critical of the emergence of Human Rights NGOs. According to Mutua (2001), many influential Human rights NGOs are conventional doctrinalists who are marked by a heavy reliance on positive law in treaties and other sources of international law,¹⁷ and as such, they stress a narrow range of civil and political rights.¹⁸ By focusing on a set of rights, violations of social, economic and cultural rights are seen as a rather direct and

¹¹ Wong. 2012: 4

¹² Ignatieff, Michael. *Human Rights as Politics and Idolatry*. Princeton University Press. 2001: 8

¹³ Welch. 2001: 86

¹⁴ Welch. 2001

¹⁵ Welch. 2001: 1

¹⁶ Welch. 2001: 9

¹⁷ Mutua, Makau. Human Rights International NGOs: A Critical Evaluation. In *NGOs and human rights: promise and performance*. University of Pennsylvania Press. Welch, E. Clause (red).2001: 151

¹⁸ Mutua. 2001: 155

immediate product of a violation of a civil and political rights.¹⁹ Thus, as the philosophical roots of their human rights' activism lie in international human rights documents they are deemed to have a Western, liberal perspective. As Human rights NGOs deploy jurisprudential arguments developed in the context of Western liberal democracy, their organizational mandate promotes liberal ideas and norms.²⁰ Mutua goes on to question the political character of Human Rights NGOs and addresses the aspiration to characterize themselves as above partisan politics and thus as political. Despite their aim at detaching themselves from the political character, they are still political organizations who justifies political and moral principles characterized by states.²¹

To understand the rise of influential Human rights NGOs, and also the critique against them, one must acknowledge how they pursue a variety of strategies. In Welch's own words, I too argue that documentation undoubtedly is their underlying strategy.²² However, the strategies elaborated on by Welch do not account for the human rights as such, but instead focus on the goals and effectiveness of the NGOs. Thus, this thesis set out to show how Human Rights NGOs interpret, prioritize and justify human rights by looking at how they document human rights and violations against them. By addressing these strategies, this study makes each one of them a single topic, and further, putting these strategies in a context of comparable environments, this study contributes to a deeper understanding of Human Rights NGOs and how their influence on human rights practice affect the rights and thus their validity. Furthermore, by assessing a theoretical framework on these strategies, the thesis can theorize whether these strategies can be utilized in forthcoming research.

¹⁹ Mutua. 2001: 155-6

²⁰ Mutua. 2001: 153

²¹ Mutua. 2001: 157

²² Welch. 2001: 111

JUSTIFICATIONS OF HUMAN RIGHTS

A MINIMALISTIC JUSTIFICATION OF HUMAN RIGHTS

For a pragmatic and minimalistic approach towards human rights, the purpose of human rights is to protect individuals' moral agency. For Michael Ignatieff, human rights should thus be limited to the protection of agency and based on a thin conception of moral reciprocity, which rest upon the idea that others should be protected from the pain and humiliation that we would not have inflicted on ourselves.²³ In this sense, human rights protect the core of negative liberty. Agency then, is understood in accordance with this negative liberty, more specifically, the capacity of each individual to achieve rational intentions without let or hindrance. By rational Ignatieff mean those intentions that do not involve obvious harm to other human beings.

By thinking of human rights as the protection of individuals' moral agency and thus their negative freedom, or put differently negative liberty, human rights are “a tool kit against oppression, a tool kit that individual agents must be free to use as they see fit within the broader frame of cultural and religious belief that they live by”.²⁴ From the standpoint of protecting human rights, one can build the support for human rights on the basis of what such rights actually do for human beings.²⁵ Human rights are morally universal because they declares that all human beings need certain specific freedoms from; it does not go on to define what their freedom to should consist in: “it articulates standards of human decency without violating rights of cultural autonomy.”²⁶ Human rights can thus decide on universal consent solely on the basis of a theory of what is right, built upon a set of minimum conditions for any kind of life at all.²⁷

This pragmatic justification of human rights acknowledges that there exists an overlapping consensus – a minimal standard of moral – that everyone agrees on. It is a liberal understanding of human rights, universally independent, that defend human agency. Rights are accordingly to this notion universal because they define “the universal interests of the powerless.”²⁸ A justification of human rights do not need to appeal to any idea of human nature,

²³ Ignatieff, Michael. *Human Rights as Politics and Idolatry*. Princeton University Press. 2001: 95

²⁴ Ignatieff. 2001: 57

²⁵ Ignatieff. 2001: xvii

²⁶ Ignatieff. 2001: 75

²⁷ Ignatieff. 2001: 56

²⁸ Ignatieff. 2001: 68

nor the idea of the human good. Human rights frame what is right, not what is good.²⁹ Human rights are not moral trumps that are above politics but are the continuation of politics. They are a part of compromises, not constituting moral agreement. People can agree that everyone need human rights because without it human beings would lack agency,³⁰ and not because it constitutes a notion of what is good or what a good human life should be. Therefore, grounding the belief in human rights protection is safer than a (contestable) foundation for human rights belief.³¹ The protection of human rights is furthermore compatible with moral pluralism, which makes it possible to maintain human rights protection in a variety of civilizations, cultures and religions.³² As different civilizations, cultures and religions nonetheless can agree on what is insufferable wrong (but not necessarily what constitute the good or the good life), the universal notion of human rights can be compatible with these variations.

HUMAN RIGHTS AND THE INDIVIDUALISTIC BIAS

Human rights are the language of individual empowerment, and empowerment for individuals is desirable because when individuals have agency, they can protect themselves against injustice. Equally, when individuals have agency, they can define for themselves what they wish to live and die for. In this sense, to emphasize agency is to empower individuals, but also to impose limits on human rights claims themselves.³³

As a language of empowerment, it further concerns individual freedom, to treat human beings as moral equals. However, empowerment and freedom are not neutral in terms of value but have an individualistic bias.³⁴ In that way, it expresses a liberal individualism.³⁵ It expresses ethical commitments under which the language of rights provides argument for individual and their interests and protection. Rights language thus presumes moral individuals and is according to Ignatieff nonsensical outside that assumption.

Besides the moral notion of human rights, rights are also political. Political in the sense that they imply conflict between and meaningfulness of rights. Rights are also political because they imply a conflict between a rights holder and a rights with-holder. They are meaningful in the sense that they give entitlements and immunities to individuals and can consequently be

²⁹ Ignatieff. 2001: 55

³⁰ Ignatieff. 2001: xvii

³¹ Ignatieff. 2001: 55

³² Ignatieff. 2001: 56

³³ Ignatieff. 2001: 57

³⁴ Ignatieff. 2001: 73

³⁵ Ignatieff. 2001: 67

enforced against institutions like the family, the state and the church.³⁶ Therefore, agency itself requires protection through internationally agreed standards and these standards thus entitle individuals to oppose and resist unjust laws and order within their own states.³⁷

By viewing human rights as minimal in the sense of not being too numerous and demanding, it suggests that those rights should be concerned with avoiding the worst rather than achieving the best. In other words, by emphasizing how to deal with and preventively avoid the worst kind of crimes against human beings. A way of understanding this according to Michael Ignatieff is through the protection of individuals' moral agency. Human rights are from this perspective individualistically justified in the sense that it puts individuals in the center of the pursuit of protecting them against injustices. That individuals are free from external restraint is thus a precondition in order to define for themselves what is rights, and this is where human rights make the greatest contribution. In this way, citizens can speak up against injustice in the capacity of their human agency.

Another dimension worth taken into account is that agency itself, according to the theory, requires protection through internationally agreed standards, and that these standards should entitle individuals to oppose and resist unjust laws and orders not just within their own states but also to other peoples, nations, and international organizations for assistance in defending their rights. Accordingly, that individuals are free to exercise and manifest their rights in a manner in which they can protect themselves or be protected by others against what is insufferable wrong and unjust. Ignatieff's liberal understanding of the universality of human rights, founded in human beings' moral agency, constitute a critical perspective in making the strategies visible by focusing on the protection of moral agency internally within states and externally by international organizations and other states. When weighing questions of international justice, one way of interpreting Ignatieff is thus that humans have obligations to each other that stretches beyond states' boundaries.

However, Ignatieff's conceptualization of agency is troublesome. If an agent is a being with the capacity to act, then agency denotes the exercise of this capacity. Regarding Ignatieff's understanding of this agency, I argue that negative liberty cannot in an adequately way define nor constitute the protection of moral agency. Due to that agency ought to depend upon more than those rights which protect our choice in terms of freedom from. If individuals cannot access basic humanitarian needs, how is it then possible to empower oneself and speak up against injustice. This individualistic conception of agency does not necessarily generate or

³⁶ Ignatieff. 2001: 66-7

³⁷ Ignatieff. 2001: 55

enhance it. At least not in the social and political sphere, such as a political environment, but rather within each individual's sphere.

Further, the pragmatic approach lacks a strong foundation for justification. Most importantly, we need to consider what kind of implications Ignatieff's argument "people may not agree why we have rights, but they can agree that we need them",³⁸ have for the validity of human rights. Issues over human rights and violations of these are likely to be strongly impoverished if we do not engage with questions concerning the nature of the rights. I question the existence of an overlapping consensus, as consensus on moral matters are problematic since human rights could be supported for diverse moral considerations. If we would argue in accordance with Ignatieff on this matter, one would confuse justificatory minimalism with the substantive, thus the content of human rights rather than the nature of them.

A TRULY HUMANLY JUSTIFICATION

According to Martha Nussbaum, to be fully human is to be capable of living a life in dignity, a life defined or constituted by our capabilities.³⁹ For example, engaging in dignified labor, loving others, participating in a society's cultural life, to engage in social interactions, be secure against violent assault, including sexual assault and domestic violence, to imagine, think and reason, and many other capabilities.⁴⁰ The understanding of a dignified life derives from the principles of each persons' capability.

The individual's possibility for self-fulfillment is thus a central thesis in Martha Nussbaum's reasoning, and she argues that an accurate understanding of wellbeing starts in the idea of an authentic human life. It concerns the fundamental functions for a human life and focuses on outcomes, namely, the capabilities each citizen has for certain forms of valuable human functioning.⁴¹ These capabilities are part of a minimum account of social justice, therefore, citizens are treated as fully human beings when their fundamental capabilities are at least minimally protected, promoted or nurtured by states.⁴² The approach is based on a

³⁸ Ignatieff. 2001: 54

³⁹ Nussbaum, Martha. *Women and Human Development: The Capabilities Approach*. 2000.

⁴⁰ *Life; Bodily Health; Bodily Integrity; Senses, Imagination and Thought; Emotions; Practical Reason; Affiliation; Other Species; Play; Control Over One's Environment*. See complete list in *Women and Human Development*. 2000.

⁴¹ Nussbaum, Martha. Capabilities as Fundamental Entitlements: Sen and Social Justice. *Feminist Economics*. 9(2-3), 2003: 36

⁴² Nussbaum. 2000

universalist account of central human functions.⁴³ It is fully universal, as the capabilities accordingly are important for each and every citizen, in each and every nation, and each capability is to be treated as an end and not a means.

The capabilities include many of the entitlements that are stressed in the human rights movement, such as political liberties, the freedom of association and a variety of economic and social rights, and as such, they have a very close relationship to human rights as understood in contemporary international discussions. Further, they play a similar role, providing a basis for cross-cultural comparison and philosophical underpinnings for basic constitutional principles.⁴⁴ That is, basic constitutional principles that should be respected and implemented by the governments of all nations, as a bare minimum of what respect for human dignity requires.⁴⁵ According to Nussbaum, the best way to secure fundamental rights is to think of them in terms of capabilities. She puts it accordingly:

The right to political participation, the right to religious free exercise, the right of free speech – these and others are all best thought of as secured to people only when the relevant capabilities to function are present.⁴⁶

In other words, to secure a right to citizens in these areas is to put them in a position of capability to function. To the extent that rights are used in defining social justice, we should not grant the society as just unless the capabilities have been achieved.⁴⁷ That is, people have really been given a right only if there are effective measures to make people truly capable of political exercise and further that securing a right to someone requires more than the absence of negative state action.⁴⁸

The theory portrays an idea of claims based upon justice in a way that governments must protect, promote or create conditions necessary for citizens to possess these fundamental capabilities for a society to reach minimum account of social justice.⁴⁹ And if one is to judge arrangements of whether a society are just, one need to explore what lives the citizens of that particular society are able to lead. Her model thus specifies certain basic requirements of justice

⁴³ Nussbaum. 2000: 5

⁴⁴ Nussbaum. 2003: 36

⁴⁵ Nussbaum. 2000: 5

⁴⁶ Nussbaum. 2003: 37

⁴⁷ Ibid.

⁴⁸ Nussbaum. 2003: 38-9

⁴⁹ Nussbaum. 2000.

and contends that these are what governments and other relevant actors should endeavor to make present in the life of every human being. In this way, capabilities are a demanding notion.

The core idea behind the approach is that of the human being as a dignified free being who shapes his or her own life, rather than being shaped or shoved around by the world. Thus, the level at which a person's capability is worthy of a human being, a dignified life. The approach views "societies in which individuals are treated as each worthy of regard, and in which each has been put in a position to live really humanly", that is, that every individual is a bearer of value and an end in themselves.⁵⁰

Nussbaum starts from a notion of human dignity, where individuals within societies are treated as each worthy of regard and in which everyone live really humanly. That is, that human beings are dignified and free to shape their lives and for themselves decide what kind of life to lead. Capabilities are therefore essential in order to prevent lives so impoverished that they are not worthy of the dignity of a human being. As a critical perspective, the theory emphasizes the fundamental functions for a human life, that is, the capabilities each citizen has for certain forms of valuable human functioning. In order to secure human rights, they must not only be put in a position of capability but require to be effectively achieved. For that to happen, effective measures to make people truly capable of exercising their human rights must be incorporated. While Ignatieff presuppose negative freedom as a requisite, Nussbaum argues that exercising our human rights require more than negative (state) action. Thus, Nussbaum, who holds that societies should guarantee every individual a threshold level of central human capabilities, thereby stresses basic requirements of justice.

While addressing a universal consent of human capabilities, Nussbaum holds that it is pluralistic applicable. Despite her aim, she neglects how variations in the interpretations, contextualization and application of human rights can emerge across self-governing polities.⁵¹ Although differently from Ignatieff who emphasize an overlapping consensus of human rights, it still avoids an open valuation scrutiny in order to contextualize social and political judgements. Judgments concerning human rights or capabilities cannot be claimed to be equally constituted or defined by social, moral or political interests and principles. Although both of them bring about a demanding notion of rights and capabilities, the questions of whether these judgements should be left to moral and political considerations of every society remain. That is, whether individuals themselves within a specific society decide what functions or rights to

⁵⁰ Nussbaum, Martha. Capabilities and Social Justice. *International Studies Review*. Vol 4(2) 2002: 130

⁵¹ Benhabib, Seyla. Is There a Human Right to Democracy? Beyond Interventionism and Indifference. 2012: 201. I *Philosophical Dimensions of Human Rights: Some Contemporary Views*, Corradetti, Claudio (red). 2012

claim and hold desirable. These can be both positive and negative, but these markers are not exhaustive and thus we cannot necessarily lock them within these, but instead judge them within a given context.

A CRITICAL THEORY OF JUSTIFICATION

In contrast to the other theories who put forth a universal claim of the justification of human rights, Forst bridges this gap between the universal claim and the particularistic concerns of human rights. Rainer Forst argues for one basic human right to justification which refer back to a single root. That is, that the various aspect of justice in social and political contexts refer to one normative core, a singular conception of justice.⁵² There can be many explanations of what kind of fundamental impulses that runs counter to injustice. One is that of wanting to no longer be oppressed, harassed or have one's claims and basic right to justification ignored.⁵³ A right which expresses the demand for all human beings not to be subject to political norms and institutions that cannot be justified to those affected by them.⁵⁴

The demand for justice is one characterized by emancipatory demands, connected to the claim to be respected as an agent of justification. That is, in one's dignity as a being who can request and provide justification. This interpretation views human beings as justificatory beings, whose human practices we conceive as practices bound up with justifications. All norms meant to be enforced, such as human rights, must then be reciprocally and generally justifiable.⁵⁵ Reciprocity means that the author must not assert a claim that is denied to others, and generality refer to that all affected parties of a norm must be able to equally share the reason for the norm.⁵⁶ It concerns internal political processes, defined by and constituted of autonomous beings, who:

... formulate their moral and political judgements independently and critically evaluate them with the practice; at the same time, they are also required to justify those judgements,

⁵² Forst, Rainer. *The Right to Justification*. Columbia University Press. 2007: vii

⁵³ Forst. 2007: 2

⁵⁴ Forst, Rainer. The Justification of Human Rights and the Basic Right to Justification. A Reflexive Approach. 2012: 82. In *Philosophical Dimensions of Human Rights: Some Contemporary Views*. Claudio Corradetti (red). Springer. 2012

⁵⁵ Forst, Rainer. The Basic Right to Justification: Toward a Constructivist Conception of Human Rights, *Constellations*, vol. 6 (1). 1999: 82; and Forst, Rainer. *Justification and critique. Towards a critical theory of politics*. Polity. Cambridge. 2013: 140

⁵⁶ Ibid.

to collectively deliberate about all of their consequences for those affected in politically relevant ways. The first task of justice is to make this possible.⁵⁷

It is a conception of human rights understood as an intersubjective, discursive construction of rights claims that cannot be reciprocally and generally denied between persons who respect one another's right to justification.⁵⁸ We can thus stress that human rights have a moral life since they express urgent human concerns and claims that cannot be violated or ignored. As a whole, this constitutes the core of what one might call moral constructivism.⁵⁹ This moral constructivism must be accompanied by political constructivism, meaning that human rights must also be justifiable in a political order.⁶⁰ Therefore, we can call a social context political when human beings find themselves in an order of justification. This order of justification consists of norms and institutions that are to govern their lives together in a justified or justifiable way. For this reason, we must understand the concept of justice as the most important normative concept that applies to this order.⁶¹

THE CONSTRUCTIVE AND CRITICAL TASK OF JUSTIFICATION

The constructive and critical task of a theory of justice can be understood as specifying under which normative conditions the basic structure of society can be called justified.⁶² The concept of justice itself implies that a basic structure of society must be justified by principles that all persons can accept. In other words, what can be object of claims to justice by citizens.⁶³ These principles must rest on reasons that are agreed among all the addressees of the principles as equal and free authors of claims and reasons. Where the constructive task is to identify premises, principles and procedures for establishing a more just society, the critical part lies in uncovering false or vague justification for social relations.⁶⁴ The arguments for a basic structure is thus based on a moral right to justification, in which persons have opportunities to determinate the institutions of this structure in an autonomous manner.⁶⁵ Forst's perspective on justification of human rights stresses that the demand for justification and the claims of

⁵⁷ Forst. 2007: 7

⁵⁸ Forst. 2012: 90

⁵⁹ Forst. 2007: 5

⁶⁰ Forst. 1999: 48

⁶¹ Forst. 2007: 1

⁶² Forst. 2007: 116

⁶³ Forst. 2007: 80

⁶⁴ Forst. 2007: 117

⁶⁵ Forst. 2007: 120

individuals needs to be put into the center of the project of justifying justice, starting with the experiences and critiques of legal inequality, social exclusion and political powerlessness.⁶⁶

Claims, who accordingly to Forst, arises from dissents and conflicts internal to a society and culture, needs to be taken into account in order to justify what basic rights can be claimed on its basis. Where internal conflict arises, simultaneously a demand for human rights arises to. It arises from within. To put it more concretely:

The demand springs up where people ask for reasons, for the justification of certain rules, laws and institutions, and where the reasons that they receive no longer suffice; it arises where people believe that they are treated unjustly as members of their culture and society and also simply as human beings. They may have no abstract or philosophical idea of what it means to be a human being, but in protesting they believe that there is at least one fundamental moral demand that no culture or society may reject: the unconditionally claim to be respected as someone who deserves to be given justifying reasons for the actions, rules or structures to which he or she is subject.⁶⁷

This is the most universal and basic claim of every human being: right to justification, the right to be respected as a moral person who is autonomous. Nevertheless, the moral point of human rights does not just lie in the protection of our normative agency, but also in expressing this agency.⁶⁸ The notion of autonomy lays in the center of the human rights discourse. So, what makes human beings autonomous is rationality. Negatively speaking, autonomous persons are those who are no longer ignored or subordinated as the mere means to the preservation of certain institutions and power relations. Positively, to be able to demand justifications for social relations one must be an end and not a means to others.⁶⁹ For this reason, this basic right – the right to justification – does not determinate from the outset which reasons or rights can be demanded, or which institutions or social relationships can be justified, but rather it defines the standpoint of those who demand reasons and rights in particular social and cultural contexts.⁷⁰

Although the demand for human rights arises from within, there is moreover an *external* aspect as human rights are not always claimed from within a state but also from outside. Members of political communities as moral persons must for that reasons also respect

⁶⁶ Forst. 2007: 121

⁶⁷ Forst. 2007: 209

⁶⁸ Ibid.

⁶⁹ Forst. 2007: 211

⁷⁰ Forst. 2007: 212

the rights of others since a horizontal conception of justified rights not end at a state's borders.⁷¹ The claim to external respect however depends on internal respect based on justified acceptance.⁷² It is thus a moral justification of human rights who responds to every human being's claim to be a social and political subject who has a right to justification. The point of human rights is that persons have the right to live in a society where they are social and political agents who themselves can determinate which rights they will claim and have to recognize.⁷³ Claims for justifications can be raised in many languages from within different traditions in which conflicts have arisen, however, these must not lead to interpretations of what kind of respect is owed to those affected by the inequalities and asymmetries that human rights are supposed to correct.⁷⁴ It is based on a fundamental idea of equality, where everyone is entitled justification in a reciprocally and generally manner.

At the same time autonomous human beings formulate their moral and political judgements independently, they are also required to justify those judgements and to collectively deliberate about all of their consequences for those affected in politically relevant ways. They become justified in internal political processes. The point of human rights according to Forst is that persons have the basic right to live in a society where they themselves are the social and political agents who determinate which rights they can claim and recognize. So, even if claims for justification can be raised in many language and from within different tradition in which conflict have arisen, they must never lead to interpretation of what kind of respect is owed to those affected but based on a fundamental idea of equality where everyone is entitled justification in a reciprocally and generally manner. Forst's theory thus serves as a model for idealized demands for justification by individuals subordinated within relations of power, and how these can ground specific rights to relief from and similarly redress injustices and unravel unjust structures.

Nevertheless, Forst's conceptualization of agency is associated with difficulties in taken the rationality of autonomous being for granted. For this argument, I quote Suárez Müller (2013), saying that: "Reason, according to Forst, is inescapable and therefore it is nonsensical to ask 'Why be rational?'. Asking or answering this question already implies a commitment to rationality."⁷⁵ Are human beings as justificatory agents always rational? By taken rationality

⁷¹ Forst. 2007: 222

⁷² Forst. 2012: 93

⁷³ Forst. 2012: 102

⁷⁴ Forst. 2012: 98

⁷⁵ Suárez Müller, Fernando. Justifying the right to justification: An analysis of Rainer Forst's constructivist theory of justice, *Philosophy & Social Criticism*, vol. 39(10). 2013: 1053

for granted, it insufficiently account for what being rational is and thus whether human beings always operate from the principle of rationality. In this sense, Forst do not rationalize the argument of rationality.

However, despite Forst's deficiency in the conceptualization of agency, his idealized demands for justification of human rights, are in my opinion most favorable since it defines a proper understanding of the interlinkage between universal claims and particularistic concerns. A further contribution as a perspective for the justification of human rights, is the discussion about external demands. A discussion that connects how demands for human rights, although rising from within, also can be claimed from the outside. Still the claim to external respect depends on internal respect based on justified acceptance. By viewing Forst extensively, it serves as a critical tool for emphasizing the problems associated with external justification of human rights. As a perspective in the theoretical framework, it thus serves another purpose than the other theories. Instead of making the strategies visible, Forst's theory serves as a critical perspective in finally scrutinizing the Human Rights NGOs strategies. Accordingly, it takes a step back and look at the strategies from a broader perspective.

THREE THEORETICAL PERSPECTIVES

The thesis' theoretical approach consists of three different perspectives on the justification of human rights. To begin with, this study does not claim that the theories alone constitute a sufficient perspective for the purpose of the thesis, nor are they complementary to each other. There might be more appropriate theories of justification suitable for this study. Further, the study does not claim that the perspectives make up adequate and thorough theories of justification. Instead, they constitute the starting point for the analysis of how Human Rights NGOs interpret, justify and prioritize human rights. All perspectives bring to the fore the questions of human rights: their objectives and in which ways and under which circumstances they are justified.

By using different perspectives on justification of human rights, it enables the theoretical guided analysis of the research material to be nuanced and thus shine light on more complex and implicit aspects in the material. Further, since non-governmental human rights organizations are not uniform actors, nor unpolitical, and thus have different interests, aims and ways in which they express these, different perspectives can therefore contribute to a better understanding of their strategies. Additionally, since this study aim to pursue a double aim with the thesis, the critical discussion of these theories serves two purposes: first, to make an

assessment of the theories and central concepts, and second, to create a critical framework to scrutinize how the Human Rights NGOs interpret, prioritize and justify human rights.

The operationalizations of the theories of justification serves as models in making the strategies visible and at the same time as a critical tool for scrutinizing these strategies and assess whether they are reasonable. All theories have considerable appeal but using these theories on justification in this thesis might be associated with problems. First, that the emphasis on justification tend to draw too much attention on the theoretical aspects of human rights rather than their implementation. However, this does not imply that ethical commitments have to be divided between theory and practice. Rather, they are necessary to combine the theoretical search for foundations of human rights with the practical attempt to provide better protection and observance of human rights. Second, that the theories of justification may not capture the strategies of the Human Rights NGOs since they not necessarily proceed their human rights practices from these foundations of human rights. Third, by using many perspectives of justification in the thesis on, the findings associated with these might conflict with one another. That is, by making the strategies visible and scrutinizing these by using more than one theory, the findings may not be compatible and thus it becomes difficult to draw conclusions if the findings are conflicting. However, this thesis argues that 1. A thorough operationalization of the theories might prevent the theoretical perspectives within the framework to conflict, and 2. If they would conflict as a result of not being compatible, it rather indicates something conflicting about the Human Rights NGOs strategies rather than the theoretical perspectives.

THE STATE OF HUMAN RIGHTS

Amnesty International forms a global community of human rights defenders, who upholds the whole spectrum of human rights. Their 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 instruments.”⁷⁶ The organization work alongside the principles of international solidarity, effective action for the individual victim, the universality and indivisibility of human rights, impartiality and independent, democracy and mutual respect.⁷⁷

Our work protects and empowers people [...] We speak out for anyone and everyone whose freedom and dignity are under threat.⁷⁸

In pursuit of this vision, Amnesty International’s mission is to undertake research and action focused on preventing and ending grave abuses of human rights.⁷⁹ This vision is grasped by lobbying governments and others powerful groups, and to make sure that they keep their promises and respect international law.⁸⁰ Publishing the review of human rights abuses annually according to Amnesty International, is one way of holding the authorities committing these abuses accountable. While abuses are carried out and states continued to fight against rights and ignore horrific crimes against humanity, Amnesty International also aim to report of another side to human rights abuses. That is, people coming together to protest, rise up and challenge those in power. To remind them that they are powerful.⁸¹ The report reveals:

The struggle of many people to claim their rights, and the failures of governments to respect, protect and fulfil human rights. Yet there are also glimpses of hard-won progress, demonstrating that the defense of human rights does yield positive developments. [...] In a year when austerity measures and natural disasters pushed many into deeper poverty and

⁷⁶ Amnesty International. Statute of Amnesty International. <https://www.amnesty.org/en/about-us/how-were-run/amnesty-internationals-statute/> (Accessed 2018-05-11)

⁷⁷ Ibid.

⁷⁸ Amnesty International. Who We Are. <https://www.amnesty.org/en/who-we-are/> (Accessed 2018-05-11)

⁷⁹ Amnesty International. Statute of Amnesty International

⁸⁰ Amnesty International. Who We Are

⁸¹ Amnesty International UK. The state of the world’s human rights in 2017. 22 February 2018. <https://www.amnesty.org.uk/report-world-human-rights-2017> (Accessed 2018-04-13)

insecurity, this year's report also shines a spotlight on economic, social and cultural rights.⁸²

The work of Human Rights Watch is guided by international human rights and humanitarian law and respect for the dignity of each human being.⁸³ With its foundation in the Universal Declaration of Human Rights, their vision is to uphold human dignity and advance the cause of human rights for all. By research, their aim is to develop an understanding of incidents or rights violation and thus to gain a strong sense of the local political, social and cultural context of the violation. Most importantly, the research must frame the violation as it relates to international human rights and humanitarian law.⁸⁴ Human Rights Watch pursue an advocacy approach, in which their research not only attend to victims and perpetrators, but also determinate who can and should take responsibility to stop rights violations.⁸⁵

When we investigate and expose human rights violations, we seek to hold oppressors accountable to their population, to the international community, and to their obligations under international law. [...] The more tyrants we bring to justice, the more potential abusers will reconsider committing human rights violations.⁸⁶

As the world mark the 70th anniversary of the Universal Declaration of Human Rights in 2018, the best way according to Human Rights Watch is to honor its principles, which is to defend them against those who seek political advantage by depriving marginalized and discriminated groups of human rights. Rights that should be guaranteed for everyone.⁸⁷ Human Rights Watch's world report of 2017 identifies significant human rights abuses, including the number of the people affected and the severity of these abuses.⁸⁸ It reflects the struggle to not only examine the abuses against human beings and the freedom of human rights defenders to conduct their work and monitoring policy developments, but also the struggle to persuade governments and international institutions to prevent abuses and promote human rights.⁸⁹

⁸² Amnesty International. *Amnesty International Report 2017/18: The State of Human Rights*. 2018: ix

⁸³ Human Rights Watch. About. <https://www.hrw.org/about> (Accessed 2018-05-11)

⁸⁴ Human Rights Watch. About: About Our Research. <https://www.hrw.org/about-our-research> (Accessed 2018-05-11)

⁸⁵ Ibid.

⁸⁶ Human Rights Watch. About: Frequently Asked Questions. <https://www.hrw.org/frequently-asked-questions#6> (Accessed 2018-05-11)

⁸⁷ Human Rights Watch. World Report. 2018: Fighting for Rights Succeeds. 18 January 2018.

<https://www.hrw.org/news/2018/01/18/world-report-2018-fighting-rights-succeeds> (Accessed 2018-04-13)

⁸⁸ Human Rights Watch. *World Report*. 2017: ix

⁸⁹ Ibid.

Although Human Rights Watch and Amnesty International share fundamental commitments to improve human rights, some differences figure in the reports. These differences will be discussed throughout this chapter. Moving on to the reports, Human Rights Watch and Amnesty International both demonstrate how deteriorations of human rights in different regions of the world impinge on both civil society and society in general. Venezuela, Myanmar, Yemen, Turkey and the Central African Republic have all seen a deterioration of human rights during 2017, in both different and at the same time related ways. The remaining of this chapter present and discusses how the organizations understand human rights in the light of these deteriorations, by looking at examples from these countries. In order for the study to scrutinize the organizations' strategies, this chapter will elaborate on the most distinguishable tendencies in their reports. In my opinion, these tendencies can be divided into four categories.

THE STRUGGLE TO CLAIM HUMAN RIGHTS

The reports unravel the struggles of people in several contexts to claim their rights. Venezuela, Myanmar, Yemen, Central African Republic and Turkey all represent failing environments in the protection of human rights. States of emergencies, instances of torture, humanitarian crises and armed conflicts pave way for unlawful restrictions on human rights. Amnesty International and Human Rights Watch similarly demonstrates how the consequences of these restrictions of human rights creates environments in which human beings struggle to claim their rights or lack prerequisites whatsoever. Amnesty stress how the humanitarian crises in Yemen, caused by the conflict, simultaneously is contributing to violations of the right to health and to an adequate standard of living, including adequate access to food.⁹⁰ The complicated relation between the humanitarian crisis and the conflict continue according to Human Rights Watch to deteriorate the well-being of civilians as well as the blockades of basic goods and needs that obstruct the supplies of humanitarian aid.⁹¹ The serious human rights abuses carried out are seen both by Amnesty and Human Rights Watch as serious violations of international human rights law and humanitarian law. Violations that continued to heighten an already severe humanitarian crisis, in which the civilian population both suffer from basic humanitarian needs and protection and are also used as strategically means in the conflict.⁹²

⁹⁰ Amnesty International. 2018: 402

⁹¹ Human Rights Watch. 2017: 635

⁹² Amnesty International. 2018: 401-2; and Human Rights Watch. 2017: 633

Similarly, Amnesty express how Venezuela faced its worst human rights crisis in modern history. The state of emergency remained in force providing the government with powers to attend the economic situation in different abusive ways. As a result, there was no concrete progress in advancing human rights issues.⁹³ The year was marked by growing public protests due to rising inflation and shortages of food and medical supplies.⁹⁴ Argued by Human Rights Watch, it created a situation in which many citizens could not adequately feed their families and loved ones, or access basic healthcare. In response to this human rights and humanitarian crises, hundreds of thousands of Venezuelans fled the country. Human rights abuses carried out against the population by government and government forces, violates Venezuelans' fundamental rights.⁹⁵

The renewed armed conflict in Central African Republic (CAR) led according to Amnesty and Human Rights Watch to large-scale human rights violations. Since the escalation of violence, Human Rights Watch stress how the country remains insecure, unstable and beset by severe human rights violations. Civilians continue to “bear the brunt of fighting”⁹⁶, and state and non-state actors are killing without consequences. Civilians are being killed and tortured and villages are burned to the ground.⁹⁷ As armed groups continue to fight for territorial control, Amnesty report that civilians, humanitarian workers and peacekeepers are being targeted and their access to humanitarian assistance is absent. The armed conflict control and limit people's lives and wellbeing. The fighting and attacks by armed groups led thousands of people to flee their homes, only increasing the number or internally displaces people and refugees. As people are struggling to claim their rights to adequate standard of living, food, health care and sanitation, the conflict continue to fuel the systems of humanitarian assistance collapses.⁹⁸

However, the most prominent example of this tendency is the massive human rights and humanitarian crisis in Myanmar, where the human rights situation has deteriorated dramatically. In this human rights crisis, Amnesty report how the Rohingya Muslim population are subjected to a large-scale ethnic cleansing campaign. Those who did not flee to neighboring Bangladesh continue to live under a system amounting to apartheid, restricting “virtually every aspect of their lives and segregated them from the rest of society”.⁹⁹ These wide-ranging human rights violations against ethnic minority civilians include extrajudicial killings, executions and

⁹³Amnesty International. 2018: 393

⁹⁴ Amnesty International 2018: 29; and Human Rights Watch. 2017: 617

⁹⁵ Human Rights Watch. 2017: 619.

⁹⁶ Human Rights Watch. 2017: 125

⁹⁷ Human Rights Watch. 2017: 125

⁹⁸ Amnesty International. 2018: 120

⁹⁹ Amnesty International. 2018: 269–270

other unlawful killings, enforced disappearances, torture and arbitrary detentions, subjecting them to crimes amounting to war crimes.¹⁰⁰ Many displaced people were afraid to return to their homes due to violations and constant threat of violence; the lack of humanitarian access is placing thousands of people at risk; religious minorities, in particular Muslims, continue to face discrimination as the government continues to allow and directly produce hate speech inciting discrimination and violence.¹⁰¹ Further, Human Rights Watch report similarly and stresses how the military and government have denied that the Rohingya are a distinct ethnic group, denying them citizenship and labeling them as foreigners.¹⁰² The crimes against the Rohingya have affected other minorities as well, who are stripped of their dignity. The systematic attacks and violence against civilians only heightens their vulnerability, as they continue to face threats and persecutions.¹⁰³

By unraveling the struggle to claim human rights the reports are mirroring the organizations concern over the respect for human dignity and freedom. Relatedly to this is the matter of vulnerability. Particularly the issue over and whether some people are more restricted to claim these rights. According to the organizations, the answer is yes. More vulnerable than other human beings are internally displaced people, refugees, women, children and ethnic minorities. The vulnerability of these groups and individuals reflect how difficult it is to claim equality for all human beings, when discrimination and dehumanization is carried out by authorities to seek political advantage. Both organizations report of the poor and undignified conditions of displaced people and refugees. Further, both reports demonstrate how the number of people seeking refuge increased due to escalation of violence. Human Rights Watch stresses how internally displaced people and refugees continue to have no or limited access to humanitarian needs, such as livelihoods, housing, food, water and health care,¹⁰⁴ and by giving an example, Amnesty report of accusations against the Turkish authorities of forcing individuals to sign forms agreeing to voluntary return.¹⁰⁵

Human Rights Watch address how women's rights continued to face many challenges. In Myanmar, women are referred to as a vulnerable group, since women and girls are especially targeted in human trafficking, facing horrific abuses.¹⁰⁶ Women in CAR are also systematically targeted sexually, and reports of sexual exploitations and abuses by armed group and

¹⁰⁰ Amnesty International. 2018: 270

¹⁰¹ Amnesty International. 2018: 270-2

¹⁰² Human Rights Watch. 2017: 100

¹⁰³ Human Rights Watch. 2017: 100,103

¹⁰⁴ Human Rights Watch. 2017: 371; and Amnesty International. 2018: 120

¹⁰⁵ Amnesty International. 2018: 371

¹⁰⁶ Human Rights Watch. 2017: 104

peacekeepers continues. Survivors of sexual violence continue to face stigma, rejection and other barriers to accessing essential goods and needs and justice.¹⁰⁷ Further, since the conflict escalated, violence against women has increased and Yemeni women face severe discrimination in both law and practice.¹⁰⁸ Also Amnesty report of the constraints of women's rights as women and girls continued to face entrenched discrimination and other abuses, including forced and early marriage and domestic violence,¹⁰⁹ and at the same time, societal and legal protection mechanisms collapse, leaving women and girls with less protection from and fewer avenues of redress for, sexual and other violence.¹¹⁰ Although more visible in conflict contexts, violence against women and violations of their rights continue to face challenges in many different forms, and consequently hinder women to claim their human rights.

The organizations thus observe that people are being subjected to humanitarian abuses and crimes that violates their fundamental rights, and that the restrictions following these crises and conflict prevent equality, freedom and dignity for all. Where the most prominent one is that of the Rohingya people routinely being demonized and stripped of the basic conditions necessary to live in dignity.¹¹¹ In the reports, there is a wide-ranging tendency of the lack of access to protection for many citizens in different regions of the world. Cases where civilians are subjected to lack of access to protection stretches into the conditions of refugees, internally displaces people, political opponents, ethnic groups and women. They face insufficient access to personal integrity, livelihood, housing, food, health-care and freedom from sexual violence. It is further heightened by the obstruction and interference by state and non-state actors, which is not only affecting the well-being of civilian population, but also the human rights.

PERSISTENT EFFORTS TO SILENCE DISSENT

The second tendency in the reports is the emphasis on factors that create conditions in which human rights violations can continue to increase without interference. It was only in the reports of the state of human rights in CAR that the tendency of persistent efforts to silence dissent was not present. In Turkey, the authorities are citing powers under the state of emergency. According to Amnesty, the constitutional amendments carried out granted the office of the

¹⁰⁷ Human Rights Watch. 2017: 125

¹⁰⁸ Human Rights Watch. 2017: 636

¹⁰⁹ Amnesty International. 2018: 400

¹¹⁰ Amnesty International. 2018: 403

¹¹¹ Amnesty International. 2018: 12

president extensive power.¹¹² Further elaborated on by Human Rights Watch, it consolidates the incumbent's hold on power and is a major setback for human rights and the rule of law, as it "lacks check and balances against abuse of executive power, diminishing the powers of parliament and consolidating presidential control over most judicial appointments".¹¹³ Similarly, both organizations address how the justice system in Venezuela continued to be subject to government interferences as well, especially in cases involving people critical of the government or those who were considered to be acting against the interests of the authorities. The executive power furthermore used the judicial system to silence dissents, by using military jurisdiction.¹¹⁴

The broad patterns of efforts in silencing dissent is according to the organizations an alarming setback for human rights. In the reports, the organizations unravel situations in which threats by governments and other state actors are being carried out by using a narrative of national security and stability to legitimate abuses of human rights. During mass protests in Venezuela, protesters, demonstrators and civilians expressing dissent became subject to severe violence and prosecutions, where violent repression became a means for silencing dissent and the crisis.¹¹⁵ Silencing dissent by using civilians as a means was the case as well in Yemen, where civilians, strategically detained, subjected to arbitrary detentions, torture and enforced disappearances, was used as a means in the conflict.¹¹⁶

Human Rights Watch express how the rhetoric of security concerns in Turkey authorized extreme restrictions on human rights.¹¹⁷ Following the state of emergency, people are struggling to claim their rights and express their concerns and opposition. Crackdowns on critical voices continuously violates the right of freedom of expression, association and assembly, and that dissent is ruthlessly suppressed,¹¹⁸ often through often-violent crackdowns on street protests, jailing opponents, and prosecuting civilians in military courts.¹¹⁹ Amnesty too reports of this, for example how suppressing dissent was carried out by excessive force by the police.¹²⁰ Further, how critical voices, such as those of journalists, civil servants, teachers and politicians are alleged and detained for terrorist propaganda and membership.¹²¹ As a

¹¹² Amnesty International 2018: 368

¹¹³ Human Rights Watch. 2017: 560

¹¹⁴ Human Rights Watch. 2017: 393; and Amnesty International. 2018: 634

¹¹⁵ Human Rights Watch. 2017: 393; and Amnesty International. 2018: 634

¹¹⁶ Amnesty International. 2018: 401-2; and Human Rights Watch. 2017: 633

¹¹⁷ Human Rights Watch. 2017: 565

¹¹⁸ Human Rights Watch. 2017: 561-3

¹¹⁹ Human Rights Watch. 2017: 617

¹²⁰ Amnesty International. 2018: 370

¹²¹ Amnesty International. 2018: 370

measure of restricting people's human rights, the organizations describes how those alleged and charged for terrorist propaganda, detained under the anti-terror law, report of cases of torture and ill-treatment in police custody, despite the government's stated zero tolerance.¹²² Amnesty expresses it as following, "people's peaceful exercise of their right to freedom of expression was restricted".¹²³ The measurements of silencing dissent was particularly directed against political opponents, human rights defenders and other individuals who sought justice for human rights violations, who according to Human Rights Watch continued to be subjected to attacks and smear campaigns, in an apparent attempt to halt their human rights work.¹²⁴

Going back to Venezuela, Amnesty report of one of the government's strategies to silence dissent named the Zamora Plan, with the objective to "guarantee the functioning [of the] country [and] its security"¹²⁵ by mobilizing civilians alongside police and military forces to "preserve internal order".¹²⁶ Another strategy is a truth commission that the national constituent assembly appointed to investigate cases of human rights violations during these protests. However, there were serious concerns about its independency and impartiality and further reports of victims being pressured by authorities to testify and agree on facts that could "waive the responsibility of state agents for these violations", as well as obstacles to the work of defense lawyers working with human rights organizations.¹²⁷

Following the severe restrictions of human rights in Myanmar, Amnesty and Human Rights Watch report of people being imprisoned and arrested solely for peacefully exercising their rights. Those speaking out about the situation of the Rohingya, or was a member of an ethnic community, was especially vulnerable to these restrictions and violations.¹²⁸ The organizations describe how authorities continue to use "vaguely worded laws"¹²⁹ to restrict the rights to freedom of expression, association and peaceful assembly. The persistent efforts to silence dissent through political repression, reveal how restricting foremost political rights obstruct both exist and voice for citizens.

¹²² Human Rights Watch. 2017: 565; and Amnesty International. 2018: 367

¹²³ Amnesty International. 2018: 368

¹²⁴ Human Rights Watch. 2017: 563

¹²⁵ Amnesty International. 2018: 396

¹²⁶ Ibid.

¹²⁷ Amnesty International. 2018: 396

¹²⁸ Amnesty International. 2018: 271; and Human Rights Watch. 2017: 101

¹²⁹ Ibid.

IN PURSUIT OF JUSTICE

The language of accountability by bringing those responsible to justice is a common tendency of the Human Rights NGOs. It seems as the conceptualization of justice by the Human Rights NGOs is one of accountability, in which the emphasis on justice by stressing accountability tend to focus on national and international judiciary and how, through judiciary means, impunity can be managed.

Cultures of impunity remained for human rights violations committed, resulting in failures to adequately investigate and hold to account perpetrators of serious human rights violations, including crimes against humanity. Most victims of human rights violations continued to lack access to truth, justice and reparation. Since the conflict began in Yemen, a culture of impunity has remained as well as all parties have committed serious violations of international humanitarian law and violations and abuses of human rights law without any consequences according to Amnesty.¹³⁰ The same account for Venezuela, where most victims of human rights continued to lack this access and violations by state actors were yet to receive justice or reparation.¹³¹ In Turkey, any effective investigation of human rights violations in Turkey by state officials was prevented by widespread impunity.¹³² Despite political pressure, prosecutors and judges were even less inclined than in previous years to investigate alleged human rights violations or bring those responsible to justice. That is, no progress was made to investigate pervasive charges of human rights violations.¹³³

Human Rights Watch demonstrate the same tendency. In Myanmar, the accountability for attacks on human rights defenders remains impeded by the weak rule of law, corrupt judiciary, and unwillingness to prosecute members of the security forces.¹³⁴ Amnesty too report anxiously how most perpetrators of human rights violations in Myanmar, including crimes under international law, still are not held accountable for their actions.¹³⁵ Impunity, as well, remained one of the main challenges in addressing past and ongoing atrocities in CAR, which further fueled instability and the conflict.¹³⁶ Here, impunity was exacerbated by the collapse of the national justice system. Despite the lack of progress of overcoming impunity, fueling instability and the conflict, some progress was according to Amnesty made in CAR in

¹³⁰ Amnesty International. 2018: 402

¹³¹ Amnesty International. 2018: 396

¹³² Amnesty International. 2018: 367

¹³³ Amnesty International. 2018: 370

¹³⁴ Human Rights Watch. 2017: 103

¹³⁵ Amnesty International. 2018: 272

¹³⁶ Human Rights Watch. 2017: 130; and Amnesty International. 2018: 118

operationalizing the Special Criminal Court (SCC) which will try individuals suspected of serious human rights violations and crimes under international law.¹³⁷ However, Human Rights Watch reports that there was no progress in investigating crimes or overcoming impunity.¹³⁸ Instead, the national and international justice questioned as impunity remained one of the challenges in addressing past and ongoing atrocities in CAR.¹³⁹

Thus, the reports of impunity and accountability in the reports mirror the organizations' objectives, such as Human Rights Watch's aim to "hold oppressors accountable to their population, to the international community, and to their obligations under international law",¹⁴⁰ or Amnesty's ambition "that the authorities committing abuses may be held to account".¹⁴¹

UNDER INTERNATIONAL OBLIGATIONS

The emphasis on the guidance of international standard and the influence of international actors was mostly prominent in Human Rights Watch's report. However, guided by international human rights instruments, both organizations stress international actors' monitoring, pressure and commitments to enhancing human rights protection and preventing abuses. In the reports, this tendency of international pressure and obligations are most prominent in their reports of the state of human rights in Turkey.

The lack of international pressure has according to Human Rights Watch enabled the Turkish government to commit large-scale atrocities,¹⁴² in which populist and anti-rights forces prospered.¹⁴³ As the space for civil society continue to shrink in Turkey, Human Rights Watch refer to how United Nations experts of the right to assembly and association, human rights defenders, arbitrary detention, and judges and lawyers, called on the UN Human Rights Council to address the deterioration of human rights in the country. Especially in the light of the increase of arrests of human rights defenders. Human Rights Watch further detail on this issue, citing how the European Union expressed concerns over arrests of human rights defenders, journalists and political opposition members.¹⁴⁴ Further, both the Council of Europe Commissioner for Human Rights and UN special rapporteur on freedom of expression published reports on

¹³⁷ Amnesty International. 2018: 120

¹³⁸ Human Rights Watch. 2017: 125

¹³⁹ Human Rights Watch. 2017: 130

¹⁴⁰ Human Rights Watch. About: Frequently Asked Questions.

¹⁴¹ Amnesty International UK. The state of the world's human rights in 2017. 2018.

¹⁴² Human Rights Watch, 2017: viii

¹⁴³ Human Rights Watch, 2017: 6

¹⁴⁴ Human Rights Watch, 2017: 233

Turkey's deeply problematic record on free speech and media freedom.¹⁴⁵ Thus, the setback for human rights and the rule of law in Turkey, including measures that conflict with their international human rights obligations.¹⁴⁶ Likewise, Amnesty detail on this setback, and expresses how the Turkish authorities denied permission for the European Committee for the Prevention of Torture to publish reports on torture allegations following the coup attempt.¹⁴⁷

Considering the setback of the rule of law in Turkey, Human Rights Watches addresses another interesting tendency relating to their aim, namely how the state of emergency measures has paved the way to excessive concentration of executive power and lack of necessary checks and balances.¹⁴⁸ Other institutionalized causes of the prevention of human rights are found in Amnesty's report, stating that despite the implementation of the Organic Law on Women's Right to Live a Life Free of Violence, violence against women remained institutionalized.¹⁴⁹ And that despite Turkey's ratification of the Istanbul Convention to Combat Violence against Women, its implementation remained flawed and reports of violence against women continued to grow.¹⁵⁰

Amnesty also addresses how the means and need of international pressure and action against human rights abuses became particularly explicit as international human rights monitoring mechanism continued to meet resistance. Further, how the international community henceforth can cope with the general tendency of shrinking space for civil society. For example, similar to Human Rights Watch report on Venezuela, Amnesty report on Venezuela's announcement that it was withdrawing from the Organization of American States (OAS),¹⁵¹ further limiting the protection for victims of human rights violations.¹⁵² Neither were the requirements of investigation and punishment of those responsible for human rights violation by international human rights monitoring mechanism implemented by the end of the year.¹⁵³

In CAR, UN released documentation of serious violations of human rights and humanitarian law. Amnesty stresses how this documentation may aid (future) mechanisms for justice,¹⁵⁴ which reflects their belief that the defense of human rights, through for example documentation, may yield positive developments. Especially since states should keep their

¹⁴⁵ Human Rights Watch. 2017: 567

¹⁴⁶ Human Rights Watch. 2017: 560

¹⁴⁷ Amnesty International. 2018: 370

¹⁴⁸ Human Rights Watch, 2017: 567

¹⁴⁹ Amnesty International. 2018: 397

¹⁵⁰ Amnesty International. 2018: 370

¹⁵¹ And therefore, from the authority of the Inter-American Commission of Human Rights (IACHR).

¹⁵² Amnesty International. 2018: 396; and Human Rights Watch. 2017: 622-3

¹⁵³ Amnesty International. 2018: 396

¹⁵⁴ Amnesty International. 2018:130

promises and respect international law. Addressing crimes under international law in CAR was also emphasized in Human Rights Watch's report,¹⁵⁵ and the organization also expresses optimism when referring to how a released documentation of serious violations of human rights and humanitarian law by UN may aid future mechanisms for justice.¹⁵⁶ Positively in Yemen, Amnesty finds that the UN Human Rights Council's resolution on mandating a group of experts to investigate abuses, constituted a first step towards justice for victims of human rights abuses and violations of international law. Negatively, there were also reports on how the UN Panel of Experts on Yemen expressed concerns that state-parties in the conflict were shielding themselves from accountability.¹⁵⁷

Considering the claim of international pressure and action in preventing human rights abuses, Amnesty argues that "Despite mounting evidence of atrocities in Myanmar, the international community, including the UN Security Council, failed to take effective action or send a clear message that there would be accountability for the military's crimes against humanity".¹⁵⁸ A message that clearly sends the signal that the international community through diplomatic, political or judiciary means should take effective measures in preventing abuses. To cite the international community or key international actors is further done differently by Human Rights Watch, who critically report of China as a key international actor, who by strengthening its ties with Myanmar shields them from international action and scrutiny.¹⁵⁹ How the Human Rights NGOs thus refer to the importance of pressure and monitoring under international pressure consist of several approaches. In short, the international community by and through international judiciary and political mechanisms compose legitimate measurements for preventing and protecting human rights.

¹⁵⁵ Human Rights Watch. 2017: 118

¹⁵⁶ Human Rights Watch. 2017: 130

¹⁵⁷ Amnesty International. 2018: 402

¹⁵⁸ Amnesty International. 2018: 43

¹⁵⁹ Human Rights Watch. 2017: 105

STRATEGIES FOR HUMAN RIGHTS

After having reconstructed the material of how the organizations address human rights in the previous chapter, this chapter is set out to, guided by the theories, scrutinize how they interpret, prioritize and justify human rights. Firstly, the reconstruction and interpretation of the material indicates that very few differences between Amnesty International and Human Rights Watch can be found. When scrutinizing the strategies, it will therefore be difficult to separate the organizations. Second, none of the Human Rights NGOs expresses what human rights are, but instead what human rights do. Thus, the material indicate that human rights serve many purposes and that those purposes can be expressed in several ways.

THE PROTECTION OF FUNDAMENTAL RIGHTS

For Amnesty and Human Rights Watch, human rights play a crucial role in the lives of human beings. Therefore, they must not only be respected but also protected. As people are struggling to claim their human rights, this thesis finds that protecting human rights are accordingly enhancing the basic values underpinning human rights such as human dignity, freedom and equality. Guided by the rights enshrined in the Universal Declaration of Human Rights, Amnesty and Human Rights Watch operates through a principle of reciprocity. That is, that no harm should be done to anyone since it is universally enshrined that we must mutually respect each other's right to live free from violations of our human rights. Approaching this interpretation on the basis of the theoretical framework, it indicates that the Human Rights NGOs interpret human rights as the protection of human beings' dignity and freedom.

The guidance of the Universal Declaration further suggest that the Human Rights NGOs view human rights as universal applicable, which will be elaborated on in the forthcoming. Contextualized in this study, protecting human being against abuses is amplified since the deterioration of human rights creates environments in which fundamental human rights are threatened. Thus, the persistent lack of access to protection of human rights suggest an interpretation of human rights as not only the protection of human rights, but the *respect for and protection of fundamental rights*. By communicating human rights in a rather minimum sense, it implies that human rights are concerned with avoiding the worst rather than achieving the best.

The thesis' analysis of an interpretation of human rights as elaborated on above, is foremost found in the detailing of the humanitarian crises. In these, people are being stripped of their most fundamental rights. The Human Rights NGOs report on the situation in Myanmar, where the Rohingya Muslim population are being routinely and systematically subjected to abuses that amount to crimes against humanity and where virtually every aspect of their lives is being restricted, their interpretation of human rights is closely related to the understanding of human nature by Nussbaum. Her understanding, stating that lives without basic capabilities are so impoverished that they are not worthy of the dignity of a human being and so impoverished that it lacks valuable functioning of a human life, reflects this interpretation as the organizations are unraveling conditions under which human lives lack the most fundamental needs and claims. An interpretation, contextualized in humanitarian crises, is thus that when human rights are neglected or missing to this extent they account for a life where dignity is either deficient or nonexistent. The respect for and protection of fundamental rights is thus a prioritization of the Human Rights NGOs interpretation of human rights.

To name a few other examples, this interpretation is further revealed in Yemen where civilians strategically are used as means in the conflict by actors aiming at gaining political advantage; in Venezuela where hundreds of thousands fled the country due to the lack of access to basic healthcare or food; in Turkey where civilians detained reported of cases of torture and other ill-treatment; in CAR where women are being systematically targeted sexually and are being subjected to sexual exploitations and abuses by armed group and peacekeepers. By interpreting human rights as the protection of fundamental rights and further give them the highest of priority, the organizations are recognizing the worth of the inherent dignity and of the equal rights for all human beings. Thus, the Human Rights NGOs emphasize human rights that are given priority and should be given priority in national and international policy. Nevertheless, these fundamental rights are closely related to particularly civil, political and social rights. From this point of view, the prioritization of fundamental rights form an essential precondition for the protection of all human rights. These fundamental rights are held to the highest regards and they in this thesis argued to be founded in the principles of reciprocity and universality, further that a prioritization of this kind is a reasonable strategy.

Before proceeding to further interpretations, some clarifications are needed. First, this thesis argues that how the Human Rights NGOs use concepts and terminologies impact the strategies. This concern is further one of the dividing lines between Amnesty International and Human Rights Watch. In Amnesty's research material, they address human rights by stating that they should be *respected*, *protected* and *fulfilled*. I argue that this terminology is

problematic since it enhances an eclectic thinking of human rights. An eclectic thinking that rather influences the Human Rights NGOs' interpretation of human rights largely, a critique which I will elaborate on more in forthcoming discussions. As stated in the analysis above, this thesis finds that respecting and protecting are reasonable concepts, since respecting refers to that concerned subjects either do or refrain from doing what the norms prescribe or prohibit, and that protecting implies ensuring that all concerned subjects respect the rights. The concepts are in that sense interconnected and according to this thesis not disputable.

What fulfilling human rights refer to, however, is not clear. Further, what implications does it have for the interpretation of human rights? An interpretation of fulfilling human rights in this thesis is that it is an active commitment and practice that implies that concerned subjects, whomever they might be, implement the content of these norms. Fulfilling human rights could therefore concern the obligations of actors to carry out laws or norms in accordance with an international undertaking of human rights. The concern with fulfilling as part of a terminology is the uncertainty it brings to the fore. Consequently, questions of how and who: how this implementation will be carried out and who has agency; how we can decide on which implementations and who are the subjects of this implementation. As a concept within a judiciary terminology, it might shield itself from a critical review. Nevertheless, which concepts we decide, intentionally or unintentionally, to accept within the human rights discourse will affect the validity of human rights.

Second, Amnesty's description of human rights as something that empowers people must be critically elaborated on. Thus, the concept of *empowerment*. That human rights are not only something that negatively should be protected from those in power, but also something that empowers people. Echoed by Ignatieff, who writes that to emphasize agency is to empower individuals, Amnesty writes in the report that "our work protects and empowers people"¹⁶⁰ and further how people come "together to protest, to rise up and challenge those in power, to remind them that they are powerful"¹⁶¹. This interpretation of human rights as something that empowers people to resist oppression, relates to the conception of individual empowerment such as that of Ignatieff, in which individuals can speak up against injustice in capacity of being moral agents. By which they can decide what is insufferable wrong and escape the chains of external restraint. Empowerment as a concept of human rights is ambiguous and at the same time vague. Further, as argued in the discussion of Ignatieff, if individuals cannot access basic humanitarian need, nor exit and voice, how can individuals become empowered to speak up

¹⁶⁰ First quotation in chapter The State of Human Rights

¹⁶¹ Cited in The State of Human Rights, second paragraph

against injustices. While Human Rights NGOs such as Amnesty and Human Rights Watch creates avenues for emphasizing injustices or whether they acknowledge present avenues, it is still a vague conceptualization of agency and thus we cannot accept it as part of the human rights discourse.

JUSTICE AS A NORMATIVE CONCEPT

Throughout the reports, the Human Rights NGOs raises questions over how atrocities and violations of human rights can be managed. This thesis argues that justice as a normative concept of human rights lies at the center of the Human Rights NGOs' interpretation of human rights. The emphasis of accountability as a means to overcome resistant impunity suggests that justice as concept is both decisive since it is closely related to the protection of human rights, and normative since it is an object in leading a human life, unfettered by past abuses. Derived from the theoretical perspective of Ignatieff, by enhancing human beings' agency, they will be able to protect themselves against injustices. Human rights, then, enhances our agency. However, if abuses of human rights are not held accountable, nor will our agency be protected.

Justice as a feature of protecting human rights is thus met providing that violations against human rights are held accountable, by domestic judicial system and through international judicial and political mechanisms. As Venezuela withdraws from OAS, the organizations describe it in terms of further limiting the protection for victims of human rights violations. The analysis that justice serves as a decisive and normative concept is further supported as the Human Rights NGOs interpretation of human rights as guided by norms enshrined in international monitoring mechanisms. Human rights interpreted through international standard, intend to both describe existing moral and political concerns and to address the resistance towards these norms. For example, the reports on Yemen stresses that violations of human rights should be understood as enshrined in international human rights law and humanitarian law. As an object in leading a good life unfettered by past human rights abuses, justice is essential in order to hold states accountable for their population. Justice interpreted this way, are similar to Nussbaum's understandings. For Nussbaum, citizens are treated as fully human when capabilities as a minimum account of social justice are protected, promoted or nurtured by states.

Accountability as a means for justice is thus perceived on judicial frameworks and norms that states have accepted. However, it might be a strategy subjected to difficulties, since

the countries reviewed in this study, torn by conflicts and humanitarian crises, are far less likely to respond to this pressure by human rights NGOs. Human rights, interpreted in this sense, must have an abiding effect and actually protect human beings from not only abuses, but also hold these violations accountable. Justice, accordingly to this analysis, has a double meaning for the purpose of human rights in the sense that it firstly set out conditions for when human rights are protected and secondly, make this task possible. On the other hand, a particular image of justice could represent a particular form of political power. That is, that the organizations conceptualization of justice could represent a biased understanding of what justice is and what the task of justice should be.

To sum up, justice performs on different levels. As legal constructs, human rights operate within domestic judicial system and through international judicial and political mechanisms, by both domestic and international actors. Human rights are thus legal constructs with moral implications: for those whose rights have been violated and for the rights as such.

CRITIQUE AGAINST A LIBERAL UNDERSTANDING

As argued initially in this chapter, none of the Human Rights NGOs expresses what human rights are, but instead what human rights do. The thesis has further found that the Human Rights NGOs interpret and prioritize human rights in more than one way. Simultaneously as both Amnesty and Human Rights Watch interpret and thus prioritize human rights as respect for and protection of fundamental rights, they also recognize civil, social and political rights as part of this interpretation. These findings are essential in order to comprehend that human rights contextualized in this thesis finds, nevertheless, that the Human Rights NGOs give particular attention to a set of rights, enshrined in the Universal Declaration of Human Rights. This interpretation and thus prioritization is easily spotted through a conceptualization of human rights through classifications. The substantial coverage of the broad pattern of silencing dissent by several abusive mechanisms reveal that some rights are more elaborated on than others. This is closely related to the categorization of rights, where the focus is on rather civil and political than social, cultural and economic.

This scrutinization of the interpretation and thus prioritization of human rights by the organizations are supported by previous research by Mutua, who argues that violations of social, economic and cultural rights are seen as a rather direct and immediate product of a violation of civil and political rights. I share Mutua's understanding, as both Amnesty and

Human Rights Watch stresses, besides the protection of fundamental rights, civil and political freedoms such as freedom of expression and association, freedom to assembly, prisoners of conscience,¹⁶² pre-trial and arbitrary detentions and judicial independence. These categories of rights emerge in greater length than cultural or economic rights, who are stressed in connection with the protection of social, civil or political rights. By extension, this prioritization also nuances how the Human Rights NGOs view the protection of human rights in terms of negative or positive obligations.

This thesis argues that the interpretations and prioritizations generate a specific understanding of the meaning of human rights, which is closely related to a liberal approach, such as Ignatieff's. Ignatieff argues that human rights are morally universal because they declare that all human beings need certain freedoms from and this negative freedom should therefore be protected domestically and internationally. Approaching the Human Rights NGOs interpretation of human rights from this understanding is plausible, since, 1. they tend to emphasize human rights that negatively protect human beings from abuses, and 2. they stress that human rights require protection domestically and through internationally agreed standards. Thus, protection lies at the center of our freedom, that is, that states are responsible for abstaining from violating human beings' rights in order for each individual to achieve one's own purposes without violent hindrance.

This theoretical perspective, however, is insufficient since the scrutinization of the Human Rights NGOs strategies requires more nuances. While both Amnesty and Human Rights Watch extensively express how human rights negatively protect human beings, the reports also address how they require more than negative state action and thus puts pressure on both domestic government and international actors. An additional nuance of the Human Rights NGOs interpretation is thus that the responsibility to protect human rights are assisted with preventing violations against them. In this way, the protection of human rights is not only freedom from, but also freedom too. Nussbaum states that governments should aim at improving and obtaining conditions necessary in human lives. Such an understanding is complementary to solely the protection of our negative liberty. Particularly since the norms enshrined in international documents to a great extent portrait a dignified life, socially, politically, culturally and economically.

Furthermore, it could be argued that too many interpretations and prioritization of human rights are inconsistent and unsubstantiated. As argued previously, issues over and

¹⁶² Prisoners of conscience is foremost stressed by Amnesty International.

violations of human rights are likely to be strongly impoverished if we do not engage with questions concerning the nature of the rights, or if we accept eclectic interpretations.

EXTERNAL DEMANDS FOR JUSTIFICATION

The analysis of the Human Rights NGOs interpretation and prioritization of human rights demonstrates a liberal understanding of human rights, in which it exists a political consensus about the content and purpose of human rights. Firstly, human rights interpreted by the organizations are universal. Secondly, with the theoretical framework of Nussbaum and Ignatieff we can establish that Amnesty International and Human Rights Watch through their interpretations and prioritization understand human rights in accordance with a terminology of protecting and respecting [and fulfilling] human rights.

With its foundation in a liberal and political understanding of human rights, this study argues that the organizations' interpretations and prioritizations might generate a moral-political justification of human rights. This justification starts, similar to Nussbaum, with the moral notion of human dignity, and similar to Ignatieff addresses a universal and politically consensual understanding of what human rights do for human beings. Interpreted this way, the objective of human rights is to protect human dignity and expresses human concerns that cannot reciprocally be violated. Following this justification, it further enhances a legal perspective as the organizations proceed from international human rights law and mechanisms enshrined in documents such as Universal Declaration of Human Rights.

As political actors who interpret and prioritize human rights within acute political and social settings, the Human Rights NGOs account for what human rights are, at the contemporary national and international level, and as such they are matters of political concerns. Human rights have thus political roles at the national and international level to protect and provide standards for international assessments of how governments and non-state actors treat their population. To summarize, human rights are moral as they express urgent human concerns that cannot be violated; they are political as they express standards of political legitimacy of primarily state actors; and further they are legal in the sense that they are enshrined in international declarations.

This thesis argues that the analysis of the organizations' justification of human rights reveal a flawed and ill-founded structure of this justification. How the Human Rights NGOs interpret, prioritize and justify human rights reflects a multifaceted understanding of the

objective of human rights. Consequently, an ill-founded moral-political-legal justification of human rights mirror how human rights are rather seen as instrumental, that is, what they do for human beings. In that way, it expresses an eclectic way of thinking about the foundation of human rights. This eclectic thinking implies that the justification simply has no foundation. Instead, their way of interpreting and prioritization is rather strategic.

My elaboration of the justification of human rights by the Human Rights NGOs bring to the fore the theoretical perspective of Forst. According to Forst, the idea of human rights are rights that we cannot deny or withhold from each other. Thus, the point of human rights is that people have a right to live in a society where they themselves are the social and political agents who determinate which rights they can claim and recognize. Without agency and social and political avenues, the processes in which human rights are being claimed and recognized are obstructed. Further, where internal political processes disregard citizens or groups of citizens and consequently when everyone cannot either participate effectively or participate at all, grounding specific rights to relief from and similarly redress injustices are hindered as well.

Yet, the strategies of these Human Rights NGOs indicate that we must not only protect human beings from relations of power in which their human rights are violated, but also create conditions in which they through human rights can express themselves and distinguish right from wrong. Since the Human Rights NGOs express human rights in terms of what is to be considered right, just, unjust and wrong, they are consequently expressing external demands for justification of human rights. Therefore, two issues need to be scrutinized. Firstly, whether this external justification itself can be justified. Considering these external demands, can they become justified object of claims based on internal acceptance? Secondly, whether the organizations themselves creates unjust structures by externally justifying human rights. Initially, Human Rights NGOs work both firsthand and behind the desk and thus operate at both grass-root level and in centralized offices. Furthermore, if we are to identify the organizations' premises, principles and procedures for establishing a more just society, then critically analyzing external demands requires more research on Human Rights NGOs justification of human rights. Despite this concern, I will briefly elaborate on these matters.

As Amnesty and Human Rights Watch operate from the commitment that human beings should not have to live under conditions in which their human rights are being violated and that one way of overcoming these conditions is to document these violations and pressure states to practice their obligations under international law, one could argue that their work by expressing external demands is justified. It could also be argued that Amnesty International and

Human Rights Watch from this view understand human rights as something that presuppose internal political processes, but where these fail, international pressure and action are required.

This thesis does not argue alongside this reasoning. Instead, it argues that the way Amnesty International and Human Rights Watch interpret, prioritize and justify human rights itself creates unjust structures, on the basis that they presuppose that human rights are understood in a politically universal way. If a justified structure presupposes internal acceptance from agents who for themselves through a process of reciprocity and generality influence the norms, then external demands for human rights cannot be based on the assumption that everyone is in an agreement with the claims and principles of human rights. This assumption creates on its own unjust and unjustified structures. This analysis draws from the thesis' critique of Nussbaum, namely that variation in the interpretations, contextualization and application of human rights can emerge across autonomous processes. Thus, social and political judgements have to be contextualized within these in a reflective way. However, these judgements might appear in other research material, since the annual reports primarily is the documentation of the state of human rights and not deepened research at the grass-root level.

When discussing whether these strategies are reasonable, I find that it is difficult to decide on whether as strategic and pragmatic actors, they are addressing human rights or just human lives. By operating politically to influence domestic and international actors' human rights practice, they are rather addressing how human lives should be rather than the nature of human rights. Thus, if we interpret human rights as political construct, then perhaps we can argue that we can both be pragmatic and at the same time do not require a foundation for the justification of human rights, but still address them as rights. If not, on the other hand, we need to continue to address how this pragmatic language can challenge the validity of human rights and human rights practice.

CONCLUDING REMARKS

As strategic actors with discursive power, Human Rights NGOs' way of communicating the objective of human rights influence the human rights discourse and the human rights practice. This thesis has argued that how Human Rights NGOs interpret, prioritize and justify human rights influence the validity of human rights. Following the Human Rights NGOs interpretation, as internationally recognized, human rights claim validity everywhere, irrespective of whether they are received as universally recognized or whether they are supported for diverse moral considerations. However, one cannot settle the question of the validity of human rights by appealing to purely empirical observations upon the world. Although documentation of human rights violations as a strategy, as argued by Welch, is approachable, human rights need to be approached as valid norms rather than facts.

How the Human Rights NGOs interpret, prioritize and justify human rights derive from the universal claim that human rights should be respected and protected, as enshrined in international judicial and political mechanisms, and as such, violations of human rights (and thus the underpinning values of dignity and freedom) must be held accountable by judiciary means. This thesis finds that the classification of human rights in terms of universality, categorizations and negative and positive obligations, suggest that the Human Rights NGOs have particular interests and strategies. However, the most salient finding of the Human Rights NGOs' strategies is the pursuit of justice through accountability. Hence, accountability poses an interesting question on the purpose of human rights in terms of what they do for human beings, rather than the nature of the rights. Human rights are moral since they express the principles of equality, freedom and dignity; political since they are enshrined in and must become the foundation of policy-making and practice, domestically and internationally; and legal since they can be enforced against and hold oppressors accountable through judicial mechanisms. Can we accept this focus of human rights? What implications might this focus yield? The most prominent implication, this thesis argue, is that an eclectic thinking could impoverish the validity in human rights if we do not engage in self-critical thinking. In that sense, the strategies of the Human Rights NGOs are still so far not reasonable.

The findings in this study emphasize the difficulties in studying human rights practice by non-state actor guided by theories of justification. Nevertheless, the framework by Rainer Forst, Michael Ignatieff and Martha Nussbaum elucidate a gap between the theoretical conception and the practical implementation of human rights in human rights discourse. It

brings to the fore how we can pursue a critical review of non-state actors such as Human Rights NGOs in the forthcoming research. Moreover, by using Forst extensively this study adds knowledge to how a critical theory can bring perspectives on human rights practice by non-state actors such as Human Rights NGOs.

The forthcoming research could therefore continue to scrutinize how these actors' interpretations, prioritizations and justification affect the validity of human rights. In the light of this thesis, forthcoming research will have to extend the scope of research materials as well as Human Rights NGOs. Since this thesis have focused on how Human Rights NGOs interpret, prioritize and justify human rights given that they are violated, forthcoming research could contextualize this interpretation of human rights in more wide-ranging social, cultural and political contexts as well as comparative studies given time and space.

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