



The SAGE Encyclopedia of War: Social Science Perspectives

Human Rights Violations and Protections

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Book Title: The SAGE Encyclopedia of War: Social Science Perspectives

Chapter Title: "Human Rights Violations and Protections"

Pub. Date: 2017

Access Date: October 14, 2016

Publishing Company: SAGE Publications, Inc.

City: Thousand Oaks,

Print ISBN: 9781483359892

Online ISBN: 9781483359878

DOI: <http://dx.doi.org/10.4135/9781483359878.n310>

Print pages: 827-829

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The prevention of human rights violations is one of the most important yet most challenging policy aims of many states today, especially in the developing world. The United Nations' adoption in 1948 of the Universal Declaration of Human Rights (UDHR) was succeeded by various forms of international treaties, protocols, and regional institutions that seek to prevent human rights abuses and to promote human rights norms in many areas of the world where they are needed the most. Yet during the Cold War, a large number of human rights violations were committed either by armed nonstate actors or by states. This included numerous extrajudicial killings, enforced disappearances, and torture of unarmed civilians by authoritarian governments supported by either the United States or the Soviet Union. In other words, human rights protection is not an easy task for many countries. This is primarily because there are conflicting overarching strategic goals that have to be judiciously addressed. This was the case especially during the Cold War, when human rights protection and ideologically driven goals of international security constituted an important security dilemma for policy makers in both strong and weak countries.

Nevertheless, since the end of the Cold War, the human rights agenda has been playing a significant role in shaping the foreign policies of powerful states, such as the United States and western European countries; the domestic political behavior of ruling elites in the Global South; and the agenda of global governance institutions, such as the United Nations. Despite the growing importance of human rights, incidents of violent conflict persist, especially within many states in the developing world. In most of these incidents—civil war, riots, violent protests, and so on—human rights abuses were being perpetrated by either state agents or nonstate armed actors. What explains the emergence of human rights violations? Why do states comply with human rights norms? This entry provides an analytical summary of contemporary social science research on the causes of human rights violations and outlines various important pathways and tools in which stronger human rights protection can be achieved.

Contemporary Social Science Research on Human Rights

Scholars of international relations focus on transnational factors in order to explain the variations in human rights practices across various countries. In particular, some scholars argue that transnational and domestic civil society networks form a very influential constituency in pushing abusive states to comply with human rights norms. Amnesty International and Human Rights Watch are prominent examples of influential nongovernmental organizations that form alliances with domestic civil-society groups in many countries in Asia, Latin America, and Africa. These transnational–domestic alliances are important in putting constant pressure upon national governments to comply with various human rights norms, especially in areas where ethnic conflict, civil wars, and other forms of political violence remain endemic. In addition, the UN Office of the High Commissioner and its committees of independent experts rigorously monitor states' compliance with the core international human rights treaties. These treaties refer to several areas of concerns, including the following: elimination of all forms of racial discrimination; civil and political rights; economic, social, and cultural rights; rights of the child; and elimination of discrimination against women, among others. Most importantly, the UDHR, crafted in response to the horrific killings of the Holocaust during the Second World War, represents the earliest worldwide articulation of all the privileges and rights to which all human beings are entitled, regardless of race, sex, religion, or cultural background.

In sum, all of these international and regional organizations and international legal

instruments constitute what we now call today the *global human rights regime*. The mainstream view, often called the *liberal view*, held by many international relations scholars, argues that such a regime is important because it pressures abusive state and nonstate actors to comply with human rights norms. Despite these promising developments, a dissenting view, meanwhile, suggests that the global human rights regime could be a “double-edged sword.” This means that *either* states ratify because it serves their own political purpose of increasing repression while avoiding human rights pressures due to the veiled legitimacy provided by these legal instruments *or* global civil-society networks leverage upon these legal instruments to effectively compel abusers to comply.

In contrast, the *realist view* contends that weaker states’ compliance to human rights norms is an outcome of more powerful state’s interests and foreign policies. For example, since the end of the Cold War, the United States, often referred in the literature as the *hegemonic state*, emerged as the most powerful country in the world in economic and military terms. Consequently, realist scholars argue that all of these global human rights institutions are largely reflective of the long-term strategic interests of the hegemonic state. As the argument goes, this is exactly why U.S. foreign policy that concerns human rights protection varies among its close allies and competitors: Whereas the United States tends to be dismissive of the horrific illiberal policies of Saudi Arabia and Singapore, such a policy stance seems to be the opposite when it comes to Washington’s constant criticism of Beijing’s human rights record. Moreover, realists also argue that states comply with human rights norms not because of an internal realization that such norms do hold an intrinsic moral validity; instead, compliance depends on the need of governments to legitimize their rule and authority both at the domestic and international levels.

On the other hand, comparative politics scholars focus their attention on factors within the nation-state as a potent source for variables that can explain human rights violations. Because abuses occur at the local level, it is likely the case that their proximate causes can be found within the local domains. Within the comparative politics tradition, there is a systemic neglect of extranational variables as potent explanatory factors for human rights compliance. One of the most influential theses of the comparative politics scholarship with regard to human rights compliance pertains to the issue of state capacities. Accordingly, even if national governments are willing and determined to protect the rights of their citizens, the endemic lack of institutional resources and capacities makes it close to impossible for states to exact compliance from all their agents scattered throughout their territorial boundaries.

Large-scale corruption at all levels of the state bureaucracy, long-standing ethnic conflicts, and pervasively uneven economic development across the state’s territories also aggravate the human rights situation in many developing countries. In other instances, national governments justify their human rights abuses based on other long-term national strategic goals. Such a policy stance is reminiscent of the East Asian debate on the relativism of human rights that emerged in the late 1990s. During that time, East Asian governments argued that the suppression of civil and political rights might be warranted in order to ensure long-term economic development.

Meanwhile, investigating the causal impact of more specific variables is also an emerging research tradition within the human rights scholarship. For instance, structural adjustment programs by the World Bank and the International Monetary Fund were considered responsible for downsizing states’ capacities for public goods provision, thereby increasing the likelihood for violent conflict among the citizens. Likewise, aid recipient countries usually have a bad human rights record, which is why human rights situations continue to aggravate.

This is because aid recipient governments use such aid in order to bolster the capacities of their police and military agencies, which usually have a long-standing history of abusive behavior. The example of aid from the United States to Pakistan after the attacks of September 11, 2001, illustrates how counterterror aid can be used in ways that can reinforce abusive tendencies of the national security agencies, as it was in the case of the Inter-Services Intelligence of Pakistan. In addition, foreign direct investment by Western multinational corporations in developing countries is also pointed out as a potential aggravator of human rights violations, most especially against the economic and social rights of laborers working for these foreign companies.

Finally, recent research also suggests that the type of regime also determines the propensity of states to comply with their human rights commitments. For instance, liberal democratic regimes are more likely to be compliant when compared to communist authoritarian regimes. Such an empirical observation is what political scientist Christian Davenport (2007) calls “domestic democratic peace” (pp. 1–11), which suggests that democratic regimes are more peaceful and more human rights compliant than authoritarian regimes. Because of that, it is also propounded that states escalate the levels of repression upon their citizens when a compelling security threat is perceived. Such a view is what Davenport calls the “law of coercive responsiveness” (p. 7), which posits that the emergence of a threat triggers state repression, thereby increasing the propensity for human rights abuses.

Political Prospects and Tools for Human Rights Protection

In practice, concerned international and domestic stakeholders comply with international human rights norms using two general strategies. The first pertains to a preventive approach to human rights, with the quintessential aim of minimizing, if not totally preventing, abuses. It may include the protection of international and domestic human rights advocates and defenders; the empowerment of vulnerable individuals through capacity-building programs (educational training, job opportunities, and other forms of material assistance); and the prevention of violence in conflict-prone areas. The second, meanwhile, refers to a promotion approach, in which the main goal is to reinforce human rights norms, particularly through the following: human rights monitoring, research, and information dissemination; provision of technical advice to governments; lobbying for pro-human-rights legislation and institution building, such as national human rights commissions and human rights ombudsman offices; and the establishment of transitional justice mechanisms, among many others.

Many of the national governments in the Global South lack the fundamental capacities to fully implement their local laws and international human rights commitments, even if their politicians and domestic constituents want to. Because of that, human rights scholar Emilie M. Hafner-Burton suggests that the focus should shift from international treaty ratification toward a *stewardship strategy*. Such strategy primarily involves the strategic leadership of advanced democracies, such as the United States and the European Union, in which power and law should be judiciously applied in order to achieve concrete results. In particular, the stewardship strategy comprises several strategies, including military and trade coercion for human rights compliance and providing incentives to boost human rights protections. Transnational actors, including *steward states*, should also cooperate with domestic nongovernmental organizations that can effectively “localize,” or articulate and implement human rights policies in various nuanced ways at the local level. Based on such a strategy, the success of a steward state’s human-rights-oriented foreign policy is likely when the target state has few policy options as substitutes to what the former demands or promises.

See also [Crimes Against Humanity](#); [Foreign Policy](#); [Human Rights](#); [Human Rights Watch](#); [National Security](#); [Universal Declaration of Human Rights](#)

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<http://dx.doi.org/10.4135/9781483359878.n310>

10.4135/9781483359878.n310

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