
ROLE OF NON-STATE ACTORS IN PROMOTING HUMAN RIGHTS

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ABSTRACT

The rise in the importance of non-state actors has caused a significant shift in the landscape of human rights advocacy. This essay offers a thoughtful analysis of the many contributions non-state actors have made to the worldwide advancement of human rights. It investigates how various non-state actors, such as non-governmental organizations (NGOs), civil society organizations, multinational corporations, and grassroots movements, contribute to the promotion and protection of human rights across diverse contexts by drawing on a wide range of case studies and theoretical frameworks.

The paper explores how non-state actors monitor human rights breaches, push for legislative reforms, influence policy, offer humanitarian aid, and promote public awareness and education. It also evaluates critically the obstacles and limitations—such as lack of funding, political persecution, and problems with legitimacy—that non-state actors encounter while pursuing human rights.

This article also looks at the changing dynamics of collaborations in furthering human rights agendas between non-state actors and state institutions, international organizations, and other stakeholders. It draws attention to the conflicts and opportunities that these partnerships present and looks at ways to make them more accountable and productive.

This study intends to contribute to a fuller understanding of the complex processes influencing modern human rights advocacy and governance by shining light on the many roles and implications of non-state actors in advancing human rights internationally. It emphasizes how crucial it is to promote inclusive and cooperative strategies that use the combined efforts of many players to realize the goals and ideals of universal human rights.

Introduction

It has long been believed that nations have the authority to promote and defend human rights. On the other hand, the advent and growing power of non-state actors has significantly changed the terrain of human rights advocacy. Global human rights advancement now heavily depends on non-governmental organizations (NGOs), civil society organizations, grassroots movements, multinational enterprises, and other organizations not affiliated with political institutions. This change is indicative of a growing understanding of the shortcomings of state-centric strategies and the need for a more inclusive, varied approach to the advancement of human rights.

Non-state actors advance human rights advocacy with special skills and capacities. Because they are not subject to governmental authority, they can function freely and quickly, taking on structural injustices and reacting quickly to human rights emergencies when they arise. Furthermore, non-state actors frequently have specialized knowledge, tools, and networks that allow them to address certain human rights challenges than governments alone more effectively and precisely. Many interrelated issues, including globalization, technical improvements, civil society mobilization, and corporate social responsibility, have contributed to the emergence of non-state actors in the promotion of human rights. These elements have made it easier for many players to interact and work together, which has increased their overall influence on human rights agendas. Furthermore, the spread of social media and digital technology has democratized communication channels, enabling non-state actors to rally popular support for human rights concerns and reach larger audiences.

Notwithstanding their noteworthy contributions, non-state actors encounter obstacles and constraints in their pursuit of human rights. Their efficacy and durability are hindered by challenges with accountability, political repression, limited resources, and worries about legitimacy. Furthermore, there are instances when the varied goals and objectives of non-state actors cause friction and disputes within the human rights community.¹

However, given the complicated and linked world of today, the role of non-state actors in advancing human rights is still essential. Non-state actors contribute to a more diverse and

¹ Andreopoulos, George J., Zehra F. Kabasakal Arat, and Peter H. Juviler. *Non-state actors in the human rights universe*. Kumarian Press, 2006.

participatory human rights governance framework, promoting better accountability, transparency, and justice for everyone, by balancing and occasionally opposing state-centric methods.

Non-state Actors:

Organizations or entities that function without direct government authorization or control are referred to as non-state actors. These organizations function in the social, political, cultural, and economic domains of society in a variety of ways. Local, national, and international politics can be greatly impacted by non-state players. Typical instances of non-state actors are as follows:²

Non-Governmental Organizations (NGOs): NGOs are non-governmental organizations that are privately owned and run without interference from the government. They frequently seek to solve certain social, political, or environmental challenges and promote a range of causes, such as humanitarian aid, environmental preservation, and human rights.

Civil Society Organizations (CSOs): Community-based organizations, advocacy groups, professional associations, and grassroots movements are just a few examples of the diverse spectrum of organizations that make up CSOs. They are essential in advocating for citizens' interests and concerns, encouraging democratic engagement, and maintaining the accountability of governments and other institutions.

International Organizations: International agreements and treaties form international institutions, including the United Nations (UN), World Bank, and International Monetary Fund (IMF). They function autonomously from specific governments and frequently strive to tackle worldwide issues, encourage collaboration between nations, and offer help for development and humanitarian causes.

Multinational Corporations (MNCs): Multinational corporations (MNCs) are private enterprises that function across borders and frequently wield substantial economic and political sway. They are essential for stimulating economic growth, generating jobs, and promoting

² Schmitz, H.P., 2014. Non-state actors in human rights promotion. *The SAGE Handbook of Human Rights, 1*, pp.352-71.

trade and investment, but they may also come under fire for their effects on the environment, their treatment of workers, and their influence on public policy.

Social Movements: Social movements are the result of organizations or people working together to influence society, politics, or culture. They can organize people around certain causes or concerns, such as environmental sustainability, racial justice, or gender equality, and they frequently utilize a variety of strategies, such as community organizing, advocacy campaigns, and protests.

Transnational Criminal Organizations: Crossing national lines, transnational criminal organizations engage in illicit operations such as drug trafficking, smuggling, and terrorism. Examples of these groups include drug cartels, people trafficking networks, and terrorist organizations. They provide serious obstacles to both international security and state authority.

Media and Information Networks: If one wants to influence public opinion, spread knowledge, and hold governments and other institutions responsible, media outlets, internet platforms, and information networks are essential. They can act as watchdogs by offering unbiased reporting and analysis on a range of topics, but they may also run into difficulties due to censorship, governmental control, and false information.

History of non-state Actors in Promoting Human right

Non-state actors have a long and rich history of advancing human rights; it has developed over centuries in reaction to shifting political, social, and economic environments. Although the Universal Declaration of Human Rights was adopted in 1948 during World War II, non-state actors have long been involved in the advancement of human rights, dating back to previous historical times. Here's a brief overview :³

- **Enlightenment and Abolitionist Movements:** Early human rights scholars emerged during the Enlightenment in the 17th and 18th centuries, challenging established ideas of absolute monarchy and promoting ideals like freedom of expression, equality before the law, and the eradication of slavery. These concepts were articulated and promoted

³ Jochnick, C., 1999. Confronting the impunity of non-state actors: new fields for the promotion of human rights. *Human Rights Quarterly*, 21(1), pp.56-79.

by non-state actors including writers, philosophers, and social reformers, who laid the foundation for later human rights campaigns.

- **19th-Century Reform Movements:** The abolitionist movement, the women's rights movement, the labour rights movement, and humanitarian movements were among the many social reform groups that arose in the 19th century with the goal of resolving injustices and inequities. Human rights advocates, including activists, philanthropists, and religious groups, spearheaded attempts to promote human rights objectives by promoting legislative changes, social reforms, and the safeguarding of marginalized communities.
- **Interwar Period and League of Nations:** The League of Nations was the first international body devoted to advancing security and peace when it was founded after World War I. Although the League was primarily an intergovernmental organization, it also gave non-state players, such as NGOs and civil society organizations, a forum to participate in humanitarian and human rights initiatives, such as supporting the rights of minorities and refugees.
- **Post-World War II Era:** The acknowledgment and Defence of human rights on a global scale underwent a sea change following World War II. The United Nations Commission on Human Rights discussions were influenced by non-state actors, including members of advocacy groups and civil society organizations, which helped shape the 1948 Universal Declaration of Human Rights.
- **Civil Rights Movement and Decolonization:** Strong social movements that opposed institutional racism, colonialism, and discrimination began to emerge in the middle of the 20th century. Examples of these movements include the American civil rights movement and the anti-colonial movements in Africa, Asia, and Latin America. Non-state players were crucial in rallying public support, planning protests, and promoting legislative reforms. Examples of these actors include human rights advocates, religious leaders, and grassroots organizers.⁴

⁴ McBeth, A., 2008. Every organ of society: The responsibility of non-state actors for the realization of human rights. *Hamline J. Pub. L. & Pol'y*, 30, p.33.

- **Post-Cold War Globalization:** Globalization and the end of the Cold War presented both fresh possibilities and difficulties for the promotion of human rights. In order to address new human rights issues like environmental degradation, globalization, and corporate accountability, non-state actors—including NGOs, advocacy networks, and social movements—expanded their reach and influence through transnational collaboration, new communication technologies, and engagement with international institutions.

Issues and obstacles faced by non-state entities in advancing human rights internationally

Global human rights advocacy is greatly aided by non-state actors including grassroots movements, advocacy groups, and non-governmental organizations (NGOs). However, they often face numerous issues and challenges in their efforts:⁵

Limited Resources: Many non-state actors work with tight budgets and resources, which might limit their capacity to successfully advance human rights, carry out extensive research, and carry out large-scale program implementation.

Political Opposition: Governments, influential people, or entrenched interests who view non-state actors advocating for human rights as a danger or in opposition to their interests may oppose and obstruct these efforts.

Legal Constraints: Non-state actors that support human rights may run against legislative or regulatory obstacles in some nations, such as stringent regulations about the freedom of assembly, association, and speech, which limit their capacity to function freely.

Security Risks: Human rights advocates and campaigners frequently face violence, threats, harassment, and intimidation from both state and non-state entities that are against their activities. This has the potential to instill fear and discourage people from taking up human rights activity.

Cultural and Linguistic Barriers: Non-state actors working to advance human rights in a variety of situations may face difficulties due to linguistic, cultural, and societal norms.

⁵ Cardenas, S., 2003. Emerging Global Actors: The United States and National Human Rights Institutions. *Global Governance*, 9, p.23.

differences; these factors call for tact and cultural competency in their methods.

Co-option and Instrumentalization: Since external players, including governments or corporate interests, may co-opt or influence non-state actors for their own goals, non-state actors may find it difficult to retain their independence and integrity.

Capacity Building: Although it can take a lot of time and resources, developing non-state actors' capacity is crucial, especially in the areas of organizational management, advocacy, and comprehension of human rights concepts.

Sustainability: It can be difficult to guarantee the long-term viability of human rights programs and organizations, particularly in situations where financing is erratic or unpredictable.⁶

Role of Human Rights NGOs in International Human Rights Protection

As they began to play a worldwide role, NGOs have had a tremendous effect on bringing human rights issues to the attention of regional and international audiences. Most non-governmental organizations supported applying international human rights protection norms. They created new ideas and suggestions for their application, as well as the appropriate structure for the creation of such standards. I'm quite sure we're all aware of the numerous, diverse, and highly influential nongovernmental contributions that have gone into the creation of human rights standards. Notable examples of these kinds of organizations are the International Labor Organization, the Council of Europe, and the Organization of American States. Around the world, some NGOs are fighting for the protection of human rights and the abolition of injustices. These groups include, but are not limited to, Amnesty International, Children's Defence Fund, Human Rights Action Center, Human Rights Watch, National Association for the Advancement of Coloured People, and Simon Wiesenthal Center. These organizations push governments to behave in accordance with human rights principles, support the growth of human rights organizations, and campaign for the outlawing of discrimination.

Many human rights NGOs participate in information dissemination and public education campaigns through training, sensitization, and skill-building efforts. To increase awareness, events like conferences, seminars, training sessions, and workshops can be held. Many human

⁶ Lagoutte, S., 2021. The Role of State Actors Within the National Human Rights System. In *The Domestic Institutionalisation of Human Rights* (pp. 13-30). Routledge.

rights NGOs do both qualitative and quantitative research and disseminate their results. Advocacy initiatives are based on studies of this kind. Research studies may also involve gathering facts, reviewing human rights verdicts and legislation, and examining present practices (Uma, 2013). Regionally, NGO effectiveness has also started to rise. Foreign governments and other aid providers began providing support to African human rights groups (NGOs) in the early 1970s. The reason was that African governments were ineffective in delivering even the most basic services. As a result, NGOs might readily supplant such governments. As a result of the African governments' declining efficacy, regional and global NGOs started to play a bigger and bigger role across the continent. (Welch, 1995). Finally, I think that NGOs frequently push for reform and the repeal of harmful laws. Anti-Slavery International's attempts to abolish slavery had an impact on the League of Nations.

International Legal Frameworks and Norms for Human Rights

The foundation for the worldwide preservation and advancement of equality, human dignity, and fundamental freedoms is provided by international legal frameworks and human rights principles. These frameworks cover a wide range of legal documents, including declarations, treaties, conventions, and customary international law principles. They also provide legally enforceable responsibilities for governments, as well as standards for the upholding, defence, and realization of human rights. The following are some essential elements of the global human rights legal frameworks and standards : ⁷

Universal Declaration of Human Rights (UDHR): The Universal Declaration of Human Rights (UDHR), which was ratified by the UN General Assembly in 1948, is a seminal text that lays out a thorough framework of essential human rights and freedoms, encompassing civil, political, economic, social, and cultural rights. The UDHR has been a fundamental text for later human rights treaties and declarations, although not legally obligatory.

International Bill of Human Rights: The International Bill of Human Rights is the cornerstone of the global legal framework for human rights. It consists of the UDHR and two legally binding treaties: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). While the

⁷ Brudner, A., 1985. The Domestic Enforcement of International Covenants on Human Rights: A Theoretical Framework. *U. Toronto LJ*, 35, p.219.

ICESCR covers rights like the right to employment, the right to health care, and the right to education, the ICCPR defends rights like freedom of speech, the right to a fair trial, and the prohibition of torture.

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT): The Convention Against Torture (CAT), which was ratified by the UN General Assembly in 1984, is an international agreement that forbids the use of torture and other cruel, inhuman, or degrading punishments or treatments. States parties are required to take decisive action to stop and outlaw torture, look into reports of torture, and prosecute those who commit it.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): CEDAW, a comprehensive convention that aims to end discrimination against women in all spheres of life, including political, economic, social, cultural, and civil rights, was adopted by the UN General Assembly in 1979. States parties are required to take action to guarantee gender equality, get rid of stereotypes, and support women's empowerment.

Convention on the Rights of the Child (CRC): The Convention on the Rights of the Child (CRC), which was accepted by the UN General Assembly in 1989, outlines children's rights to participation, development, protection, and survival. It is the history's most universally ratified human rights agreement. State parties are required to take action to safeguard children from violence, exploitation, and abuse as well as to guarantee that they have access to healthcare, education, and other necessities.

International Labour Organization (ILO) Conventions: To address labour rights and social justice concerns, the ILO has established many conventions and recommendations. These include the freedom of association, the right to collective bargaining, the outlawing of child labour, the eradication of forced labour, and the promotion of decent work conditions.

Customary International Law: Human rights norms and standards are significantly shaped not just by treaty-based responsibilities but also by customary international law, which derives from long-standing state practice and *opinion juris* (the conviction that a specific conduct is legally required). Regardless of a state's ratification of a treaty, customary international law principles—such as the ban on slavery, piracy, and genocide—are regarded as obligatory for all governments.

These international legal frameworks and norms serve as a foundation for international cooperation initiatives, accountability systems, and monitoring systems that aim to advance human rights internationally. They also give states a common framework within which to respect, safeguard, and carry out their obligations under the law.⁸

Conclusion

In the modern global environment, the importance of non-state actors in advancing human rights cannot be overstated. These varied players have been essential in advancing human dignity, equality, and justice throughout history. They include civil society organizations, grassroots movements, multinational companies, and non-governmental organizations. Their initiatives have helped to create a more inclusive and diverse human rights governance framework by supplementing and occasionally challenging traditional state-centric approaches to human rights promotion. The flexibility, knowledge, resources, and networks that non-state actors bring to the forefront of human rights advocacy allow them to effectively and precisely address particular human rights challenges. They are free from governmental interference, which enables them to record violations, gather public support for human rights concerns, and react quickly to developing human rights emergencies. Furthermore, non-state actors are essential in raising public awareness, educating the public, and empowering them; they also help to make governments and other actors responsible for human rights breaches by giving voice to underrepresented populations.

Non-state actors have obstacles and restrictions in their pursuit of human rights, notwithstanding their noteworthy contributions. These include shortages of resources, political repression, difficulty with legitimacy, and accountability. Furthermore, there are instances when the varied goals and objectives of non-state actors cause friction and disputes within the human rights community. However, non-state actors' combined efforts have made a significant contribution to the advancement of human rights around the world, advancing issues like corporate responsibility, environmental justice, gender equality, and indigenous rights. In the future, it will be critical to acknowledge and encourage non-state actors' vital role in advancing human rights while also addressing the difficulties they confront. It is recommended that governments, international organizations, and other relevant entities engage in cooperative

⁸ Meron, T., 1982. Norm Making and Supervision in International Human Rights: Reflections on Institutional Order. *American Journal of International Law*, 76(4), pp.754-778.

efforts with non-state actors, furnish them with essential resources and assistance, and establish conducive conditions for their operations. We can leverage the combined efforts of many actors towards the achievement of universal human rights principles and aspirations, guaranteeing a more fair and equitable society for everyone, by promoting inclusive and collaborative methods to human rights promotion.