

Human Rights NGOs on the Ground and Victim Support in International Human Rights Litigation

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Access to Individual Communications?

How do victims of human rights violations learn about the individual communications procedure, and do they use it to file a complaint against the government that violated their human rights?

Human Rights NGOs and International Litigation

NGOs can:

- ① educate domestic populations on the existence of human rights, their government's record of human rights compliance (Davis et al., 2012).
- ② educate about the availability of international instruments, such as individual communications to the UN treaty bodies (Smith-Cannoy, 2012).

Human Rights NGOs and International Litigation

NGOs can:

- ① support victims by acting as representatives of individual petitioners, or de facto filing the communication for the victim, and being directly involved in the communication procedures (Lintel and Ryngaert, 2013; Schoner, 2018; McGaughey, 2021).
- ② act as the entities submitting the communication on behalf of the victim in cases of the victim's inability to do so themselves due to their death, disappearance, or similar circumstances (Sekowska-Kozlowska, 2014; Schoner, 2018).
- ③ submit communications on their own behalf or act as third parties in individual communications (Sekowska-Kozlowska, 2014; McGaughey, 2021).

Hindrances to Accessing International Litigation

Barriers to access:

- ① a lack of funds for litigation (Shikelman, 2018; Schoner, 2018) or the requirement to exhaust domestic remedies to be able to submit an individual communication (Shikelman, 2018; McGregor, 2012).
- ② a lack of procedural and legal knowledge and legal representation (Shikelman, 2018).
- ③ language, since communications can only be filed in one of the six official languages of the UN (Shikelman, 2018).
- ④ no access to NGOs for underserved communities, locations often only in capital cities (Jensen et al., 2017), or strategic support only of promising cases (Jensen et al., 2017; Shikelman, 2018; Mc-Gaughey, 2021).

Theory and Research Question

My theory:

- human rights NGOs on the ground educate victims of human rights abuse about the option to file individual communications at the UN treaty bodies to seek redress for human rights abuse and can provide procedural support.
- a larger presence of human rights NGOs within a country can reach more victims of human rights abuse.

How does the number of human rights NGOs on the ground influence the number of victims who file individual communications and gain access to international litigation?

Hypotheses

H1: Countries with a greater number of human rights NGOs that have ratified the individual communications procedure to the core UN human rights treaties are more likely to have a higher number of communications than countries with a lower number of human rights NGOs.

H2: The effect of the number of human rights NGOs on the number of individual communications to the core UN treaty bodies will be stronger in autocracies than in democracies.

Research Strategy

Data:

- Murdie and Davis (2012)'s cross-sectional time series dataset at the country year level from 1976 to 2008. I extend the data to include:
- country year counts of individual communications to the UN treaty bodies since the introduction of the procedure in 1976.
- ratification country years for all core UN human rights treaties and optional protocols providing for individual communications per country (data filtered to include only country years with ratified individual communications procedure).

Research Strategy

Independent Variables:

- Number of NGOs with domestic members or supporters (all for H1 /autocratic regimes for H2), lagged by two years.

Controls:

- Democracy level, GDP per capita, Population size, Internal armed conflict, PTSS (PTSA), lagged by two years.

Research Strategy

Dependent Variable:

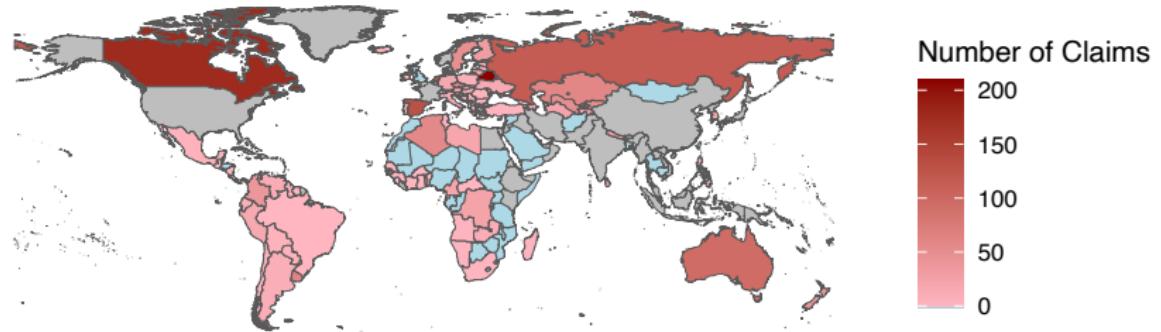
- Number of individual communications to the UN treaty bodies (all for H1 / autocratic regimes for H2).

Modeling Strategy:

- Negative binomial regressions due to overdispersion.
- Poisson regressions as robustness checks.

Total Individual Communications Counts

Communications per Country



Findings

Table 1

	<i>Dependent variable:</i>			
	Individual Communications			
	(1)	(2)	(3)	(4)
HR NGOs (ln)	0.701*** (0.084)	−0.315*** (0.112)	1.204*** (0.403)	0.236 (0.425)
Democracy		0.001 (0.005)		
GDP per capita (ln)		0.570*** (0.062)		1.326*** (0.277)
Population (ln)		0.463*** (0.065)		1.232*** (0.298)
Internal armed conflict		−0.170* (0.096)		−2.797*** (1.078)
PTSS		0.322*** (0.083)		0.518* (0.285)
Constant	−3.139*** (0.291)	−12.390*** (1.064)	−3.314*** (1.057)	−30.980*** (6.080)
Observations	1,650	1,379	148	134
Log Likelihood	−1,390.462	−1,219.210	−161.031	−134.267
θ	0.286*** (0.027)	0.405*** (0.041)	0.210*** (0.050)	0.453*** (0.130)
Akaike Inf. Crit.	2,784.924	2,452.419	326.062	280.534

Note:

*p<0.1; **p<0.05; ***p<0.01



Explanations?

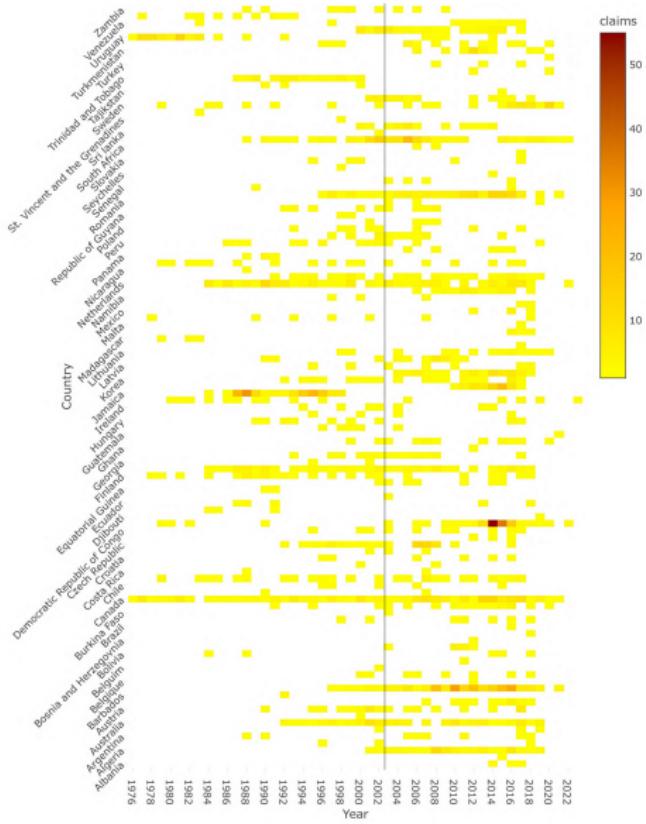
Quality of the data:

- Outdated data, many countries did not ratify until later in the 2000s.

Educating for alternative litigation:

- in democracies, NGOs can empower victims for domestic litigation. If successful: no individual claims.
- alternative instruments of international litigation: ECtHR for Council of Europe countries.

Explanations?



Next Steps

- Extend and update the data (UIA, (WANGO), latent human rights scores (Fariss et al., 2020), autocratic regimes (Geddes et al., 2014), military disputes (Chin et al., 2021; Chin and Kirkpatrick, 2023).

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- Control for judicial independence (V-DEM).
- Subset updated data for hybrid regimes and model relationship.

Thank you!