

A woman in traditional Indigenous attire, wearing a blue dress with a sequined skirt and a patterned headband, is captured in motion, dancing with colorful feathers. The background is dark and blurred, emphasizing the movement and vibrant colors of the feathers and her dress.

4

Rights and justice

Learning outcomes

In this section, you will learn the following:

- the contested meanings of rights, political justice, social justice, liberty and equality
- interactions of political stakeholders and actors in rights and justice
- the nature, practice and study of rights and justice
- debates on rights and justice.

Key questions

- To what extent is there agreement on what constitutes human rights and justice?
- How are the limits to freedom agreed upon? What political impact does this have at a local, national, regional, international and global level?
- In what ways is equality a desirable goal for societies and humanity? To what extent is it possible to realize this goal?
- How do state and non-state actors deliver rights, justice, liberty and equality? To what extent are these effective?
- To what extent have we advanced human rights in global politics? What is “left to do”? Is there a risk of “backsliding”?
- To what extent is the complexity of human rights enforcement a hindrance to achieving universal human rights?
- Are there alternatives to universal human rights?
- How can international law be enforced without a world government and an international police force? In practice, what ways are there to protect rights?
- Why do states consent to and comply with international law? What happens if they do not consent and comply?
- What are the reasons why rights might not be protected, despite the best intentions?
- How effective is the monitoring of rights and justice? How can we assess if justice has been achieved?

Introduction

The ideal society, or a perfect world, has been envisioned by thinkers across the ages and from every corner of our planet. These hypothetical creations make assumptions about what humans are like, how we should be ruled (if at all), what we should be allowed to do and what is just and fair. These ideas compete with each other, contradict one another, and come in and out of fashion depending on the needs of the society in that specific location and time.

As a result, when you look at global politics case studies, these different ideas on rights and justice appear as perspectives. These differing perspectives critique ideas and approaches which might be viable and acceptable in one time and place but contested and rejected in another. Unpacking the reasons behind political decision making and perspectives is a challenging task. You must consider how history has shaped the political actions taken, and whether the impact and results achieved the desired aims or caused unintended consequences.

You should also consider how other structures, such as intergovernmental organizations (IGOs), non-governmental organizations (NGOs), and legal frameworks work to enhance rights and justice or restrict them.

An interdisciplinary approach is needed for the study of rights and justice, using methods and knowledge from geography, history, politics, religions, psychology, law, environmental studies, sciences, mathematics and more. For example, analysing a violation of rights may include historical factors, such as colonial rule, but knowledge from a study of religions may also be applied to understand the moral rules applied by the actors involved.

It is important not to oversimplify the discussions on rights and justice globally, regionally, nationally and locally. There is never a single motivating factor or strict adherence to a theoretical perspective that motivates political actions. As layers of political issues related to rights and justice appear concurrently, and sometimes interact, isolating single causal factors has limited grounding in reality. Case studies help us seek out the nuances to claims on rights and justice in a specific context. It is important to conduct further research to support your case studies, and to find exceptions in approaches to rights and justice.

Objectivity in the study of rights and justice is difficult to achieve as we need to remove ourselves from our own worldview, biases, and cultural experiences, at the same time as understanding the extensive range of international agreements related to rights and justice which suggest more consensus than difference. However, engaging in the process will lead us to a better understanding of what factors will result in successful outcomes in the field of rights and justice.

ATL Thinking and communication skills

Before you start your study of rights and justice, consider the following:

1. Write down as many rights/human rights you can think of without referring to anything. For each right, state how you know it is a human right, that is, what evidence can you provide that humans can use/defend this right?
2. Write down as many ways to seek and achieve justice as you can think of. If you have any real-life examples of these, write them down.
3. Think of 10 states and rank them in order of best to worst for human rights without referring to any sources. How did you decide which states to choose and how to rank them?
4. Share your ideas with your peers. Try to agree how states should be ranked according to their human rights.

4.1 Contested meanings

If you asked people from all over the world to define rights, justice, liberty and equality, it is likely that they would give different answers. Although these terms often have a specific origin, there are many competing theories which challenge the original definitions. In addition, these terms are used and applied in many different contexts, which means there is likely to be a wide range of different interpretations based on factors such as geography and local culture.

Theories influence how we view and understand the world. Individual or group experiences lead thinkers to challenge the content of theories, add to them or construct new ones. This makes contested terms a “moving target” rather than a fixed idea against which to test real-world situations. This provides many opportunities for finding different perspectives about how to view and interpret the world.

Concept: Liberalism, realism, feminism and Marxism

Broad theoretical perspectives (such as liberalism, realism, feminism and Marxism) contain assumed definitions relating to rights, justice, liberty and equality. For example, liberals believe in the equal moral worth of each person, and this often leads to a focus on legal and political equality. In realism, equality of power between different political **actors** is “unnatural” and unachievable in the international system. Feminists predominantly believe in equal rights between men and women. For traditional Marxists, equality is predominantly viewed in economic terms.

Therefore, if you view the world through any of these theoretical lenses, this is likely to lead to disputes over the meaning of rights, justice, liberty and equality. These differences are in addition to contextual or experience-derived perspectives. If your personal definition of key terms overlaps with theoretical positions on the terms this does not necessarily make you a follower of that theoretical perspective. It is possible to have a “pick and mix” approach, resulting in a personalized selection of definitions or understanding of key concepts.

Key term

Actors: those with some political power and/or authority who engage in activities that can have a significant influence on decisions, policies, media coverage and outcomes.

TOK

From your Theory of Knowledge lessons, you will be familiar with the exploration of knowledge questions. These are contestable questions about knowledge itself, such as: “What counts as good evidence for a claim?” During your subject studies, you are able to collect specific examples in order to help furnish your arguments from different points of view.

There are usually multiple plausible answers to a question, or competing interpretations and expectations. For example, if we pose the question “Should women have equal economic rights to men?”, people could give a variety of answers such as: “yes”, “sometimes”, “never”. Whether or not you personally agree with these points of view, it is important to acknowledge that there are different perspectives and examine the basis on which these claims are justified or unjustified. This should also lead you to question your own beliefs and the basis on which you justify your claims.

It might seem convenient to have one definition or application of an idea, but this is not practical in the diverse, changing and complex world of global politics.

Key terms

Individual rights: the rights needed by each individual to pursue their lives and goals without interference from other individuals or the government.

Group or collective rights: rights held by a group rather than by its individual members.

Civil liberties: freedoms from interference in the lives of individuals by other individuals or the government. These freedoms are often detailed in the constitution.

Civil rights: specific rights which are guaranteed by legislation, for example, a law making it illegal to discriminate against job applicants based on gender.

Codification: the process by which laws are collected and arranged in an orderly way to form the basis of rights in a society.

Morals: the value judgements and principles about right and wrong with respect to people's behaviour. They can be decided by individuals or society.

Norms: the standards of appropriate behaviour. There is no value judgement by the individual as there is with morals. Instead, society dictates what is acceptable.

4.1.1 Rights

When most people consider rights, they closely associate them with freedom and law. Different states grant different rights to their citizens. Rights can apply to an **individual** or to a **group**. Rights inform the structure of governments, the content of laws and people's ideas about morality. Therefore, accepting a set of rights means that you are endorsing a specific view of what may be done, what must be done and what must not be done in the context of a given society.

Rights include the freedoms entitled to individuals or groups to act in certain ways, which are sometimes called **civil liberties**. For example, many states have the freedom of assembly, whereby people have the right to gather to express, promote, pursue and/or defend common interests collectively. Rights also include the protection of individuals or groups from certain acts, also known as **civil rights**. For example, in some states people are protected from being arrested if there is insufficient evidence that they have committed a crime, or people are protected from being imprisoned without a fair trial.

In a society, there are laws to protect these rights and compensate people if their rights are violated. Rights can also be protected through an overarching state constitution. This is called **codification**. People in a position of authority within society, such as elected politicians and civil servants, choose the rights in a society through laws and the state constitution. Laws and interpretations of state constitutions can be challenged in court by members of civil society.

Rights reflect the **morals** and **norms** in a society. This means that they vary from state to state.

Although there are a lot of similarities between rights in different states, there are some large differences. For example, the right to keep and bear arms in the US is a fundamental right protected by the Second Amendment to the US Constitution: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

However, in countries such as China, Cyprus and Malaysia there are strict laws to regulate the manufacture, sale, transfer, possession and modification of small arms. In many cases, only the military and police have the right to bear arms. Carrying a weapon (except in very rare cases) is a criminal offence. There are severe legal repercussions if you are caught with a gun, regardless of whether you say it was for your own protection or you were carrying it for someone else.

Human rights are considered to be universal rights, which means that, regardless of nationality, sex, national or ethnic origin, colour, religion, language or any other status, they apply to all humans at all times. They are also inalienable, which means that they should not be taken away, except in specific situations and according to due process. They are also indivisible and interdependent. This means that one set of rights cannot be enjoyed fully without the other. For example, making progress in civil and political rights makes it easier to exercise economic, social and cultural rights.

All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

Vienna Declaration and Programme of Action, UN World Conference on Human Rights, 1993

Individuals, groups or governments from one part of the world can use these basic rules to criticize the standards followed by other governments or cultures. People within a state can use human rights to criticize their own government or those with power in their society. This process can help to achieve justice.

There are many influences which helped to create what we now term "human rights". Developments from ancient civilizations, such as the Babylonians, Mesopotamians, Egyptians, Indians, Chinese, Andeans, Greeks and Romans, as well as religious texts and practices, all contain references that have similarities to the human rights we recognize today. However, the term "human rights" as it is applied to contemporary politics and society is relatively recent. It came into common use in the 1940s, after the Second World War and as a result of the United Nations' Universal Declaration of Human Rights (UDHR). Before these events, the term was rarely used and there were no social movements that invoked human rights as their organizing principle.

Activity

- Locate and download a copy of the UDHR and also download a translation in your language.
The UDHR is the most translated document in the world. How many languages is it available in?
- Watch a video on the history of human rights.
In which national-level document do human rights often appear?
What has happened at a national and regional level as a result of the UDHR?
- Discuss one of the following questions in a group of four:
Can you think of any ways in which you have defended or promoted human rights during your lifetime?
Every year on 10 December, the world celebrates Human Rights Day, the anniversary of when the United Nations General Assembly adopted the UDHR in 1948. How could this day be marked where you live?

As the popularity of the UDHR increased outside the confines of the United Nations, various **stakeholders** and organizations—both government and non-government organizations (NGOs)—saw a need to add rights that could relate to all the world's peoples. Social movements began to grow in the 20th century, with goals such as achieving equal participation by women in society and defending cultural rights for social groups. These social movements campaigned for the inclusion of their ideals in the declaration.

Key term

Stakeholder: a party with an interest in or a concern about something.

ATL Research and thinking skills

We commonly see references to human rights or criticisms of a lack of adherence to human rights principles in the real world. Link the issues shown in figures 1 to 8 to an article in the UDHR. Find real-life examples of these in different contexts.



▲ Figure 1 Workers protesting about working conditions in the US



▲ Figure 2 Students demanding cancellation of student loans in the US



▲ Figure 3 Minority religious group protesting for equal rights to practise their religion in Ethiopia



▲ Figure 4 Low-income urban dwellers appealing against the destruction of their homes in India



▲ Figure 5 Girls and women demanding equal access to education in Afghanistan



▲ Figure 6 Prisoners protesting the conditions of their incarceration in the Philippines



▲ Figure 7 Climate change activists using disruptive methods to protest in the UK



▲ Figure 8 Intolerance of LGBTQ+ related issues in the US

Concept: Perspectives

Since academics come from all over the world, their perspectives may be influenced by a variety of cultural, social and religious factors and backgrounds. Being aware of different perspectives, and most importantly what grounds these perspectives, is key to engaging in analysis and evaluation. Cases should be analysed to avoid a superficial, anecdotal or journalistic narrative on issues.

What different perspectives on the claims on human rights in the research task can you identify? What do the perspectives draw on to justify these claims? You could think about social and religious norms, historical precedents, legal precedents and theoretical positions.

In 1979, the Czech human rights official and Law Professor Karel Vašák proposed the division of human rights into three categories that correspond with the three prominent features of the French Revolution: liberty, equality and fraternity. Vašák suggested this would produce a set of principles that could be applied universally, and include all peoples regardless of religion, culture, location, gender or government. This takes us back to the fundamental aspect of rights: that they are part of each individual, cannot be differentiated by access to resources, or bought and sold, and that they are indivisible.

First-generation rights, or civil and political rights, correspond to the concept of "liberty". These rights are grounded in the freedom of the individual to have opinions, to act politically, to engage in religion and, importantly, to assemble without interference. These also include freedom from torture and slavery, the violation of which is still common in all parts of the world.

Second-generation rights are the economic and social rights that correspond most closely to the concept of "equality". These include the right to work, access to healthcare, a roof over one's head, and food. They are sometimes referred to as "security-oriented rights" as they give individuals the security to live, work and support their families and communities.

Third-generation rights are sometimes referred to as cultural rights, corresponding to the concept of "fraternity". These include the right to live in a reasonable environment, political rights and economic development. Third-generation rights most clearly include collective as well as individual rights, especially the formation of political parties and of economic development on all geographic levels.

A criticism of Vašák's generations is that rights should be indivisible and that separating them into generations causes contradictions. Instead, rights are said to be interrelated and interdependent, and thus cannot be separated out according to the situation in which they are applied. It could also be argued that the rights are not universal, depending on the form of government or stage of industrial development. For example, some argue that the second-generation rights reflect socialist principles, which not all states subscribe to. Generally, a key issue is that human rights are defined as universal rights, but rights are mainly protected at a national level, and issues of justice are addressed at a national level. This means that the experience of human rights in different contexts is hugely varied.



Assessment advice

We use examples in global politics to illustrate points in paper 2 essays, or in short-answer questions when an example is required in paper 1. They are brief and do not require a depth of understanding of the issue. They have a focus on "what". Case studies are an in-depth inquiry and they have a greater focus on "why". These are more likely to be used in paper 3 responses or when a more in-depth response is required in paper 2.

The rights promoted by the French Revolution were specifically aimed at existing states and politics that have radically changed since then. Therefore, many debates look beyond Vašák's generations and specifically consider rights that apply to current situations, such as climate change and pollution. For example, states in the developing world could argue that they should have the same rights to pollute the atmosphere as the industrialized countries had. It could also be argued that a fourth generation of rights is required to address issues with rights in the digital era. Access to the internet in the modern world, and how lack of access may impact an individuals' or groups' ability to secure other rights, is a subject of debate. There are also debates around freedom to pursue and utilize scientific developments such as genetic engineering. The interaction of technology, governance and human rights is an unfinished project and therefore warrants discussion.

ATL Communication skills

1. Discuss the values and limitations of adding a fourth generation to human rights.
2. To what extent is adding to existing generations of rights practical and necessary?

TOK

With what certainty can we claim that human rights exist?

Concept: Power, sovereignty, legitimacy and interdependence

The idea of human rights, and the practice of working to achieve these rights, interacts with the four key concepts in global politics: power, sovereignty, legitimacy and interdependence.

Here are some questions to consider about these key concepts.

- In what ways can powerful states help and hinder the enforcement of human rights?
- When can state violence against civil society organizations be legitimate?
- How can we differentiate between legitimate state action in its own interest and abuse of human rights?
- How effective is mutual reliance between states and other political actors in helping to achieve universal human rights?

4.1.2 Justice (including political and social)

TOK

To what extent is it possible to know what is fair?

Justice is one of the most important moral and political concepts. It is at the heart of many political issues, and it has been a catalyst for change in the past and will be in the future. There are many claims regarding justice, and there are disagreements about what is fair, what is right and how justice should be achieved. The concept of justice is applied to individual actions, to laws and to public policies.



Activity

Access to justice, as well as being a central element of SDG 16 (Peace, justice and strong institutions), is crucial to the implementation of many of the other SDGs:

- SDGs 1 (no poverty) and 2 (zero hunger): rule of law and effective access to justice mean that labour contracts and environmental standards are respected which can increase farmer incomes and productivity.
- SDG 5 (gender equality): women, who often face multiple forms of discrimination, violence and sexual harassment, are particularly affected by legal exclusion.
- SDG 14 (life below water) and 15 (life on land): access to legal help can help communities to secure rights over common land, giving them more control over their livelihoods and greater incentives to preserve their environment.

1. What progress has been made with these goals?
2. To what extent does success depend on rights granted at a national level?
3. Does being able to seek justice through the legal system increase success?
4. What barriers, apart from the judicial system, might inhibit progress?
5. What regional issues are preventing the progress towards sustainable development?
6. Is there a right to development?

It is common to hear the phrase “justice has been served” in relation to punishments and fair treatment in the legal system. This is the legal retribution for breaking laws in a society. This phrase is also used by those seeking revenge outside of the legal system. “Restorative justice” is a term associated with a meeting between victims of crimes and those responsible for the crime in order to repair and move forward. It can be used in schools, workplaces and the criminal justice system. As discussed in *2 Peace and conflict*, restorative justice is also used in post-conflict situations to try to “heal” the conflict and promote peace (through reconciliation and forgiveness). In global politics, the focus is on the social and political systems that help or hinder the delivery of justice.

Justice is a moral judgement that suggests that individuals should be treated in a way that is equitable and fair. Justice within a society and political system is often called “social justice”. It involves benefits and rewards being distributed fairly among society. When political practices and institutions reflect and work towards fairness, this is known as **legal justice**. Laws should be written to allow for fair procedures for all citizens, but this does not necessarily guarantee social justice.

- An example of social justice would be women making up 50% of the elected representatives in a government.
- An example of legal justice would be a law requiring employers not to discriminate based on gender.

Key term

Legal justice: justice articulated through the means of laws to ensure fairness in a society.

Political justice comprises fair political rights, such as political participation, and liberties, such as the right to form associations with others who think the same way (even if they threaten established powerful groups). The ability to join, challenge or influence those with political power is a key aspect of political justice. In the US and Europe, civil and political rights evolved in the 18th and 19th centuries (first generation), and economic, social and cultural rights in the 20th century (second generation). Political justice can be interpreted as a necessary step to achieving social justice. If someone thought that some political/ideological ideas should not spread, then it could be said they are working against political justice.

The gap between ideas of justice and the justice experienced by people in the world is wide and uneven. Furthermore, the definition of justice depends on the understanding of other concepts such as equality. If you believe that humans have equal moral worth, rather than believing that some people are just naturally better or more deserving, this will influence your definition of justice. You might believe that we should have equal political and legal rights (to achieve justice), but that society is naturally unequal, and therefore redistributing goods and resources to achieve fairness is undesirable. For example, you might believe that the individual is responsible for things like medical coverage regardless of their income and that it is not the job of the state to intervene.

“Egalitarian justice” is an interpretation of justice that holds equality as the primary route to gaining justice. This is the idea that advantages must be equally distributed in society. It will normally focus on the equality of people’s experiences, but the agency of the individual will also have an impact on their own experience. This way of thinking about justice acknowledges that some lack of equality is unchosen and that to achieve justice these inequalities should be addressed.

Context can affect the outcomes of justice. The specific social, economic, legal and political structure within a state will likely mean that the resulting experiences will be different, even if ideas of justice are applied in the same way.

ATL Thinking skills

1. What is your vision of social justice?
2. Consider your response to the following quotes. What vision of social justice do they suggest?

Justice? You get justice in the next world, in this world you have the law.

A Frolic of His Own, William Gaddis, 1994

The opposite of poverty is not wealth. In too many places, the opposite of poverty is justice.

Bryan Stevenson, 2012

Justice is an approach to life, and fairness is a more tangible manifestation of it. If justice is the tree, fairness is the fruit.

Imam Omar Suleiman, 2021

Equal pay for women is a matter of simple justice.

Mary Anderson, 1950

Equality of opportunity is the essence of social justice.

Tony Honoré

3. What legal and political actions would need to be taken to make these visions a reality?
4. What barriers to achieving these legal and political actions might there be?

Some justice thinkers do not constrain their thinking to individual societies or states. **Cosmopolitan justice** theorists believe that the world constitutes a single moral community and that all people have obligations towards each other. To achieve this, there could be global, institutions, and possibly a world government. However, many cosmopolitan political thinkers still see a separation of authority between global, national and local levels as necessary. Cosmopolitan justice is strongly linked to the idea of human rights, with the belief that all humans have equal moral worth, regardless of where they are.

Our ability to know about peoples in places far away from ourselves, and an acceptance that we are living in a **post-Westphalian** world order, has led to an increase in arguments for cosmopolitan justice. This could be in relation to just conduct in war, globalization, economic integration or climate change. One interesting question posed by thinkers in this area is: "Is world justice possible without a world state?" (*Stanford Encyclopedia of Philosophy*, 2015). The idea that the state is the most important actor in global politics could be challenged by cosmopolitan ideas of justice.

Key term

Cosmopolitan justice: a conception of justice in which everyone is a citizen of the world rather than a citizen of a nation state. All humans have equal moral worth and should enjoy equal consideration of their interests. To deliver justice, this means that we also have responsibilities beyond the state borders in addition to national or local responsibilities.

ATL Research skills

The philosophers John Rawls (figure 9) and Amartya Sen (figure 10) are considered to be two of the most influential thinkers on justice. Read the two extracts below and summarize their positions on justice.

By removing our knowledge of our place in society, natural assets and abilities, intelligence, and strength the principles of justice are chosen behind "a veil of ignorance". The result is that this process guarantees the equal basic rights and liberties and provides fair equality of educational and employment opportunities.



Summary of Rawls' ideas, adapted from *A Theory of Justice*, John Rawls, 1971

▲ Figure 9 John Rawls

The theory of justice must be more concerned with the elimination of removable injustices rather than defining a perfectly just society.



***The Idea of Justice*, Amartya Sen, 2009**

▲ Figure 10 Amartya Sen

The idea of "ecological justice" considers our obligations to future generations, especially in relation to overusing finite natural resources. The idea of justice goes beyond what is right or fair now and considers the long-term negative consequences of actions. In the present day, ecological justice also relates to the negative ecological impacts experienced by specific species, society and groups within society. For example, proponents of ecological justice argue that rich industrialized countries should acknowledge their role in the current ecological crisis and that there is a moral obligation to take drastic and immediate action to remedy their impact.

This raises interesting questions such as whether financial compensation should be paid for past ecological destruction. If a crime is committed in the name of ecological justice, should this be punished? It also challenges those in power to consider the power relations between people who are alive now and the potential inhabitants of our planet in the future. It is an interesting thought experiment to imagine a policy being determined with equal weight being given to its current and future impact. What would be different about policy outcomes?

Key term

Post-Westphalian: the 1648 Treaty of Westphalia is normally accepted as the start of a global system based on the international law principle that each state has sovereignty over its territory and domestic affairs. This principle of non-interference has been altered since the end of the Cold War in the early 1990s, as the US and Western Europe began talking of a post-Westphalian order in which countries could intervene against other countries under the context of human rights abuses.



Activity

Read the extract below from the Bingham Centre.

The importance of access to justice cannot be overstated. Access to justice is fundamental to the establishment and maintenance of the rule of law, because it enables people to have their voices heard and to exercise their legal rights, whether those rights derive from constitutions, statutes, the common law or international instruments. Access to justice is an indispensable factor in promoting empowerment and securing access to equal human dignity. Moreover, a mutually supportive link exists between, on the one hand, improving, facilitating and expanding individual and collective access to law and justice, and, on the other hand, economic and social development. This link is recognised internationally with access to justice likely to be included when the Member States agree on the UN development agenda for 2015–2030.

The International Access to Justice: Barriers and Solutions, Bingham Centre for the Rule of Law Report, 2014

What barriers may exist in a society that restrict access to justice? Try to think of examples of institutional barriers, social barriers and economic barriers.

Key terms

Positive liberty: the possibility of acting as you wish and have control of your life.

Negative liberty: the absence of barriers or obstacles restricting your ability to act as you wish.

ATL Research skills

Search online for the latest *Human Freedom Index* report. Note how it uses some of the terminology discussed in this chapter to explain the purpose of the report and the methodology used to rank states.

1. Examine the overall rankings. Does the order of states surprise you? Which states have been ranked differently from the last report? What factors changed their ranking?
2. Examine the regional section. Which regions rank highly for freedom? Why? Which regions have low rankings? Why?
3. Examine the country profiles for states you are interested in. What information can you find out about different categories of freedom?

4.1.3 Liberty

Liberty, or freedom, is a central concept to political life and is a popular topic in everyday discussion. The desire to have liberty is very strong. Therefore, the way this term is interpreted and defined can have important political implications. Some claim that freedom is the most important thing to work towards achieving. Whereas others would cite other concepts such as equality.

The terms “liberty” and “freedom” are frequently used interchangeably and, in many languages, the same word encompasses both. Politicians and other political actors use different definitions of liberty and freedom to justify a wide range of policies and political actions. Therefore, it is important to understand some of the terminology and ideas associated with this concept to be able to analyse political actions. You do not need to have an in-depth knowledge of political philosophy and theory, but it is important to understand that this concept has a variety of meanings. Many of these meanings compete with each other. Therefore, you do need to understand and have examples of different ideas about liberty/freedom in practice. It is also useful to know the difference between **positive** and **negative liberty**. Isaiah Berlin is a key political thinker in this area.

We use the negative concept of liberty in attempting to answer the question “What is the area within which the subject—a person or group of persons—is or should be left to do or be what he is able to do or be, without interference by other persons?”, whereas we use the positive concept in attempting to answer the question “What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?”

Two Concepts of Liberty, Isaiah Berlin, 1969

What you are, and are not, free to do is frequently discussed in the media. Sometimes the reason for political parties or NGOs forming is to bring about a particular change in the freedoms allotted to us. Consider recent protests around the world. How many of them were based on a call for action related to freedom or liberty?

"Individual freedom" is the idea that being an individual is more important than belonging to any social group, and freedom to think and act as you wish is an essential requirement to leading a good life. This idea is central to liberalism. However, it is not correct to interpret individual freedom as being able to do whatever you want. Your actions should not cause harm to others, and so there are limits.

Many interpret individual freedom as freedom from interference and intervention from the state. However, other proponents of liberalism (liberals) encourage some state actions in the lives of individuals to help them lead better lives, for example, compulsory education. Interventions like this can enable individuals to obtain freedom and lead a good life. The belief in individual freedom is a modern concept, and many institutions, laws and social practices in societies value it highly, such as in Switzerland, New Zealand and Denmark. However, in some contexts, actions associated with individual freedom are often interpreted as selfish. This can be based on political ideas or on social norms derived from historical conditions. Countries like Iran, Somalia and Saudi Arabia have more emphasis on community and collective rights.

4.1.4 Equality

Definitions of equality are often disputed. Inequality between individuals, groups and states is so common that trying to create equality might be imposing an abstract idea. The idea of equality can be confusing because sometimes we refer to individuals and sometimes to groups. Furthermore, we sometimes mean equality within a single society and sometimes we mean equality across state boundaries.

However, making societies less unequal is an appealing idea to many, and is a central idea in many political ideologies, but the meaning of it is often different. For example, liberals promote legal and political equality, and **equality of opportunity** in which people have the same opportunities to pursue freedom. This is linked to the idea of "meritocracy". In the past, the social strata you were born into determined your life chances. Equality of opportunity means that individuals can go up, or down, in the social hierarchy based on their merits alone. This is sometimes referred to as "social mobility". It often requires significant state intervention in the lives of citizens to achieve. Many states are selective in the areas in which they aim to deliver equality of opportunity.

Many conservative political ideologies contain the idea that humans are all different, and therefore favour social hierarchies and constructs. For example, although conservatives might be in favour of equality of opportunity, they may welcome economic inequality. On the other hand, socialists have a strong focus on social equality, in other words, the **equality of outcome**. Social inequality often requires a high degree of intervention to achieve the same outcome for all groups. Social equality on all levels can be impractical, and so states often choose certain areas for equality of outcome, such as education. Some believe this approach results in the state exerting too much power on the lives of individuals. In extreme cases, states have attempted an equal division of economic goods. Some would argue this outcome disincentivizes hard work and innovation.

ATL Thinking skills

- How are power holders in any given society treated versus those with less power? To give people with less power the same level of freedom, what would need to be changed in the society? Very often, these changes are not attractive to the power holders. Can you think of examples of this?
- Which is stronger, individual freedom or the collective freedom of a group? Why?
- How is liberty measured? Is "the availability of options" a valid way to measure freedoms? Do you actually to "possess" the freedom or just have it available?

Key terms

Equality of opportunity: the idea that the impact of an existing social hierarchy can be mitigated to give all individuals the same opportunities to succeed in life or the same starting point.

Equality of outcome: the idea that everyone should get the same outcomes in a society, or the same end point.



▲ **Figure 11** The symbol of justice, Lady Justice, is often depicted wearing a blindfold to represent the equality applied in most legal systems

In the social and political context, we often think of equality as all parties' perspectives receiving equal consideration, unless special consideration is required. This form of equality is expressed through laws and voting rights. Legal equality is the central political principle behind most modern legal systems (figure 11). Phrases such as "equality before the law" mean that the law will be applied equally regardless of who you are. This process of treating everyone the same is referred to as "formal equality". It is criticized as it often does not take account of the natural inequalities in society or political systems.

The idea of equity means that sometimes people need to be treated differently to provide equality of opportunity. For example, more money might need to be spent on flood defences for a community that is naturally more impacted by the effects of climate change.

These ideas appear in Article 1 of the UDHR: "All human beings are born free and equal in dignity and rights" and in Article 7: "All are equal before the law and are entitled without any discrimination to the equal protection of the law." They also appear in Article 26 of the International Covenant on Civil and Political Rights: "All people are equal before the law and are entitled without any discrimination to the equal protection of the law."

These documents do not include articles that set out material equality (economic equality), although a focus on equal living standards is featured in the UDHR, International Covenant on Economic, Social and Cultural Rights and the UN Sustainable Development Goals (SDGs). Second- and third-generation human rights have a focus in these areas.

Substantive equality is a fundamental aspect of human rights law that is concerned with equitable outcomes, and equal opportunities, for disadvantaged and marginalized people, and groups, in society. Policies, procedures and practices used by states and private actors should address and prevent systematic discrimination to achieve equal results of basic human rights. Substantive equality takes an equality-of-opportunity approach with adjustments that factor in the situation or circumstances of individuals and groups. Theorists, such as Sandra Fredman, propose a four-dimensional approach:

1. **Redress disadvantage.** This starts with acknowledging that the relationships between certain groups in society are not equal. It also has a focus on the disadvantaged group(s) and the detrimental consequences attached to that status. It is a targeted approach to recognizing and addressing disadvantage, rather than starting from a point of neutrality and assuming all are equal or similar to the dominant group in society.
2. **Address stigma, stereotyping, prejudice and violence.** The principle that all individuals are equal is widely accepted and it suggests that you do not need to earn equality, you have it by nature of being human. However, all societies have forms of identifying individuals and groups in a negative way, which is often the root of inequality.
3. **Enhance voice and participation.** Political participation counters political exclusion. If you are not represented in the political system, then your interests may be overlooked and rights to equal concerns violated. A practical way to do this is through quotas for certain groups such as women or indigenous groups. Social participation and inclusion counters social exclusion. A harmonious society will advantage all groups and will enhance the solidarity within a society.
4. **Accommodate difference and achieve structural change.** Social structures need to be changed to accommodate difference. Avoiding change will mean that differences remain detrimental, and equality cannot be achieved. For example, this could be in the form of altering the built environment, changing the working day, acknowledging the festivals of minority religions or teaching in other languages.

Case study

Substantive equality in Canada

The territory that is now Canada had been inhabited by indigenous people since around 40,000 years ago (although this is the subject of debate). More recently, other groups have migrated to Canada, including people from Europe, Asia, Africa and the Middle East. Canada is a liberal democracy, so protection of individual rights is a strong feature of the political and legal system. However, collective rights are also protected. The Canadian constitution has provisions for the preferential treatment of underrepresented groups in some cases (for example, guaranteed seats in parliament) and identical treatment of underrepresented groups in other cases to allow them to flourish (for example, state funding for minority schools). You can find the 1982 Canadian Charter of Rights and Freedoms, which forms part of the Canadian constitution, online. This is frequently cited in legal challenges through the court system.

Indigenous groups in Canada (known as the First Nations) have the collective right to fish for food, social and ceremonial (FSC) purposes. This is protected under Section 35 of the Constitution. Licensed indigenous harvesters can catch what is needed for themselves and their community for FSC purposes. FSC fishing rules do not allow fishers to sell what they catch.

First Nations children in Canada have their human rights protected by the child-first principle called "Jordan's Principle". It is named after Jordan River Anderson, a child from the Norway House Cree Nation born with multiple disabilities, who died after federal and provincial governments could not agree on which government should pay for services.



▲ Figure 12 A First Nations man fishing in British Columbia, Canada

Whatever the meaning of equality, it is quite clear that equality existing on paper is very different to achieving it in reality. Equality of capability approaches, such as Amartya Sen's, measure the extent to which an individual has the real opportunity, or capability, to achieve equality. However, it is not always easy to measure these capabilities.

In many cases, we celebrate differences between individuals and groups in a society, and the right to act on these differences could be positive for individual freedom. Protests are often organized in support of individuals and groups who believe they deserve special considerations that are not currently being recognized. Other individuals and groups may end up supporting counter-protests on the grounds that fairness or justice in society would be undermined if such special considerations were granted.

TOK

"When there are competing definitions of concepts (for example, rights, justice, liberty and equality), the most widely accepted definition should be accepted."

Discuss this claim.

4.2

Interactions of political stakeholders and actors

There are a wide variety of stakeholders and actors involved in interactions related to rights and justice.

4.2.1 The state and national governments

The law is a set of rules created by state institutions that apply within the territorial boundary of the state. The laws created have sanctions which are recognized by the state and enforced by state-authorized bodies. Laws and moral values both set out acceptable behaviours within society. However, moral values do not always get transformed into laws. Historically, the moral and religious values of a society influenced the development of law. Today, lawmakers are often elected politicians, although in some places religious leaders or a monarch may also write laws. Table 1 compares laws and morals.

Law	Morality
Sanctions are invariably imposed for the infringement of a legal obligation.	There is no official sanction for immoral behaviour, although society often creates its own form of censorship.
Law is deliberately changed by parliament and/or the courts.	Morality cannot be deliberately changed, rather it evolves slowly.
Legal principles need to incorporate a degree of certainty.	Morality is invariably much more flexible and variable.

▲ **Table 1** Differences between law and morality. Source: *Legals Skills and Debates in Scotland*, The Open University

ATL Thinking and communication skills

1. Can you think of any laws in your area or region that are based on morality?
2. Discuss how and why laws on morality might be problematic.

TOK

Are political judgements a type of moral judgement?

State constitutions and documents, such as a bill of rights, establish the foundation of rights, laws and authority in a state. The process of collecting laws together to form the basis of a constitution is called codification. New laws have to comply with the existing standards agreed in the state constitution. This process has a very long history dating back to 2000 BCE, with the *Code of Ur-Nammu* in Ancient Sumer. Three centuries later, the Babylonian king Hammurabi enacted his own code, which provides some of the earliest examples of the doctrine of “lex talionis”, or the laws of retribution (an eye for an eye). The *Code of Hammurabi* also features one of the earliest examples of the law where an accused person is considered innocent until proven guilty.

The context within which laws are made is very important and this accounts for variation between states. In most states there are several stages in the law-making process. This is to ensure that those in power at different levels agree with the new law, and see it as necessary, workable and compatible with the legal code. Figure 13 shows the process in Egypt.



▲ **Figure 13** The process by which a bill becomes law in Egypt. Adapted from the Tahrir Institute for Middle East Policy (TIMEP)

ATL Research skills

1. What is the law-making process in your area or region?
2. Does your country have a codified constitution?
3. Does your country have a bill of rights?
4. In your country, how long on average does it take for a law to come into force?
5. Compare and contrast your findings with your peers.

Key terms

Citizen: a person within a society of free people, who collectively possess sovereignty.

Subject: one who is under the power of another. Subjects look up to a master who often has a religious and/or hereditary authority.

Rights and justice vary greatly from state to state and region to region. An example of this is whether the people of a state are considered a **citizen** or a **subject**. In some parts of the world, the transformation of a state's people from subjects to citizens is considered an example of gaining rights and justice. Being a citizen of a state means that you have the legal rights afforded by that state and you can seek justice for infringements of these legal rights.

Concept: Legitimacy

When the population of a state agrees with the authority of the state and its institutions, the state has legitimacy. If they agree with the norms (fundamental ideas or basic rules) then this is described as "normative legitimacy". If they agree with the way justice is followed up on, then this is "procedural legitimacy".

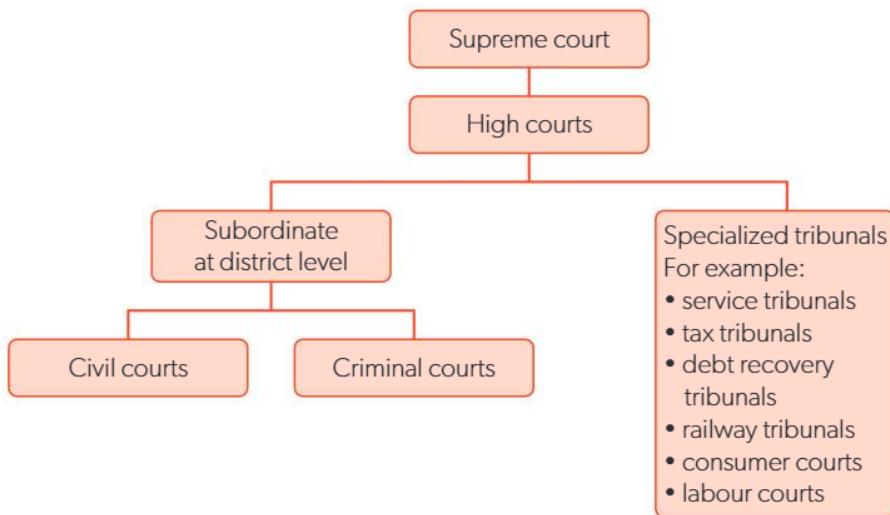
ATL Research skills

Are people in your area or region subjects or citizens? Can you be both? What are the key historical dates in the process?

Compare and contrast your findings with your peers.

Judicial systems

The judicial system is the structure by which violations of rights and laws are addressed in the hope of attaining justice. The structure of the judicial system is different for each state. A common feature is that there is a hierarchical structure and many attempts to prove innocence or guilt. This is to help give legitimacy to the judicial system and ensure fairness (justice) for those engaged with the legal process. Figure 14 shows the system in India.



▲ Figure 14 Hierarchy of the judicial system in India

Justice for the victims and due process for the accused are considered to be important aspects of a fair society. Not many people in the world would claim "I do not want justice". However, the concept of justice is hard to define. The norms in each society vary, and so the outcome of justice is unlikely to be the same for each individual or in each situation. This means that outcome of justice could be very different in different contexts. The easiest way to think about justice might be "fairness in the process of achieving rights". This means that the outcome may not be the same for each individual; however, the process leading to the outcome should be fair within the context. For example, in some US states, justice for victims of violent crime might be **capital punishment** for the offender. However, justice for victims of violent crime in Finland might be the **rehabilitation** of the offender in an open prison.

Case study

Justice in Finland

In Finland, there is more focus on rehabilitation than retribution. Therefore, for minor crimes, probation and community service are often used as punishments. Sentencing criminals to a closed prison is seen as a last resort. Open prisons, where prisoners have minimal supervision, are favoured. Prisoners usually have to work and be self-sufficient by cooking and cleaning. This is seen as a better way to prepare criminals for when they rejoin society and to prevent them from committing crimes again.

The lengths of prison sentences in Finland are exceptionally short compared to other countries. Life sentences are given for murder, but prisoners are given probation at the earliest opportunity, often after only 10 years. As of 2022, Finland has the lowest incarceration rate in the EU, with an estimated 51 people per 100,000 in some form of prison. This compares with 74 in neighbouring Sweden and

177 in Lithuania, which has the EU's highest rate of incarceration. The most recently available data suggests that the reoffending rate in Finland is also very low, at 38% (United Kingdom was 48%, and in Sweden it was 61%).

Violent crime is relatively rare in Finland, and guns and other weapons are tightly regulated. There have been some isolated attacks involving knives and guns and some terrorist incidents by radicalized individuals. The first recorded terrorist attack in Finland was in 2017. Finland's traditionally soft approach to sentencing criminals has been challenged by the rise in violent extremism. Perceived issues around immigration, integration and security have led to calls for a rethink to the approach to justice. The government response was to launch the "National Action Plan for the Prevention of Violent Radicalisation and Extremism" in 2019.



▲ Figure 15 Suomenlinna Island, Finland, has hosted an “open” prison since 1971

ATL Research skills

1. What is the judicial system in your area or region?
2. Is there a separation between civil and criminal cases? Are there any other types of legal systems?
3. What is the highest court called?
4. How long on average does it take for the legal process to be completed and a defendant to be found innocent or guilty?
5. In your country, what is the outcome of justice (for example, the likely punishment if the defendant is found guilty) area or region for these offences?
 - Murder
 - Bank robbery
 - Accidental killing
 - Breaking labour laws on working hours
 - Racial abuse (verbal abuse)
6. Compare and contrast your findings with your peers.

4.2.2 IGOs

Many intergovernmental organizations (IGOs) were formed on the premise that we need permanent institutions to allow states to work together in solving global problems. Since the end of the Second World War, there has been a growth in the number of IGOs and their scope has widened. IGOs are powerful actors in global politics: they attempt to change global outcomes for the people of the world, regulating the actions of member states by checking that they are following the rules. However, some states or groups of states have more power within IGOs and they are sometimes criticized for using them as an instrument to pursue their own agendas. Some IGOs are issue specific and some have a more comprehensive role.

ATL Social skills

Collaboration when learning broadens your perspectives and makes learning interactive and fun. In this section, there are many ATL activities with a focus on research and communication. Develop your collaboration skills by deciding on a time frame and end product for your learning before dividing the tasks with your peers. After you have all shared your findings, select case studies based on your learning for further research and development.

Concept: IGOs—key concepts and theoretical perspectives

How IGOs interact with other actors and stakeholders in the global political system is linked to the key concepts of power, sovereignty, legitimacy and interdependence. This also has an impact on the pursuit of rights and justice within and beyond the borders of states. Consider:

- the power of IGOs to help or hinder the pursuit of rights and justice
- the issues created with sovereignty if IGOs “overstep” the territory of the state
- the level of legitimacy IGOs have when they are unelected bodies
- the level of interdependence between IGOs, states, and other actors such as NGOs and multinational corporations (MNCs).

You should also think about how IGOs are viewed from different theoretical perspectives, such as liberalism, realism, Marxism and critical theories such as feminism and postcolonialism.

- How does each perspective view IGOs in relation to protecting rights, promoting justice, equality and liberty?
- Link your findings to the key concepts of power, sovereignty, legitimacy and interdependence.



▲ **Figure 16** The ICJ is based in the Peace Palace in The Hague, Netherlands

Websites of IGOs contain up-to-date information on meetings, sessions and their history. They often have downloadable guides explaining their origin, function and current work.

International Court of Justice (ICJ)

The International Court of Justice (ICJ) (figure 16) is the principal judicial court of the UN. It was formed, alongside the UN, in 1945. However, the idea of an international court was not new, and states had previously been held to account in the Permanent Court of International Justice established under the League of Nations. The ICJ is charged with settling legal disputes between states and giving advisory opinions to the United Nations and its specialized agencies.

When the ICJ makes a ruling, the judgement is final without **appeal**. Member states of the United Nations have to comply with the decision of the court in any case to which it is a party. When the ICJ gives advice to other United Nations organizations and specialized agencies, this is not binding. Nevertheless, due to the court's authority and prestige, most advisory opinions are respected by organizations and agencies as if it were sanctioned by international law.

Key term

Appeal: the accused requesting a review of their case and a new decision by the legal authority.

ATL Research and communication skills

1. Research some of the ICJ's current cases and advisory opinions.
2. Write a summary of the ways in which the ICJ might support rights and justice.

United Nations Human Rights Council (UNHRC)

The United Nations Human Rights Council (UNHRC) is an IGO that promotes and protects human rights internationally. It deals with situations in which human rights are violated and makes recommendations for solutions to these situations. The UNHRC meets at the UN office in Geneva (figure 17). It has 47 members elected by the UN General Assembly. Council membership is based on equitable geographical distribution of seats according to the following regional breakdown:

- 13 African states
- 13 Asia-Pacific states
- 8 Latin American and Caribbean states
- 7 Western European and other states
- 6 Eastern European states.

The make-up of the UNHRC reflects the diversity of the UN and gives it legitimacy when speaking out on human rights violations in all countries.



▲ **Figure 17** The 53rd UNHRC session in Geneva, which took place in 2023. The ceiling was painted by Spanish artist Miquel Barceló, inspired by a mirage he saw in the Sahel region of Africa

ATL Research and communication skills

1. The mechanisms used by the UNHRC include the Universal Periodic Review (UPR), the Advisory Committee, the complaint procedure and special procedures. Use the UNHRC website to find out what work they have done recently in each area.
2. View the latest UNHRC sessions by using the tab on its website. What has the focus been for the sessions? What was the outcome?
3. Write a summary of how the UNHRC might support rights and justice.



▲ Figure 18 A child and a tent in a UNHCR refugee camp established following the April 2023 earthquake in Antakya, Türkiye

United Nations High Commissioner for Refugees (UNHCR)

The United Nations High Commissioner for Refugees (UNHCR), also known as the UN Refugee Agency, is a global organization dedicated to saving lives, protecting rights and building a better future for people forced to flee their homes because of natural disasters, conflict and persecution (figure 18). UNHCR was established by the UN in the aftermath of the Second World War to help the millions of people who had lost their homes. It follows and protects the 1951 Refugee Convention and its 1967 Protocol.

ATL Research and communication skills

Normally human rights are guaranteed by states, which protect the physical security of their population within their territorial borders. However, sometimes people are forced to flee because they can no longer rely on their government to protect them, or because their own government is persecuting them. Refugees can be deprived of their fundamental human rights in their homeland, during their flight to safety and while displaced from home.

1. The UNHCR website is a good source of statistical information on refugees, internally displaced people, asylum seekers and where refugees live while displaced. Use the website to research their current work on protection, advocacy, ending statelessness, asylum and migration and public health.
2. Write a summary of how the UNHCR might support rights and justice.

Key terms

Jurisdiction: the official power to make legal decisions and judgements.

Principle of complementarity: the idea that the ICC complements national judiciary systems and that the state level is the most appropriate and effective level to investigate and prosecute crimes.

International Criminal Court (ICC)

The International Criminal Court (ICC) is an independent judicial body with **jurisdiction** over persons charged with four main crimes: genocide, crimes against humanity, war crimes and crime of aggression. The court is based in The Hague, the Netherlands, and was established by the Rome Statute. Despite the Rome Statute being negotiated within the UN, the ICC is independent from the UN.

The court was established in 2002 and it can only investigate and persecute crimes after that date. As of 2023, 123 countries are parties to the Rome Statute of the International Criminal Court, which means that about 70 countries have not joined. The court has jurisdiction over such international crimes only if they were committed on the territory of a state party or by one of its nationals. However, these restrictions do not apply if a case is referred to the ICC by the UN Security Council, whose resolutions extend to all UN member states. A non-party state can also make a declaration accepting the jurisdiction of the ICC.

The court is intended to complement, not to replace, national criminal justice systems. It can prosecute cases only if national justice systems do not carry out proceedings or when they claim to do so, but, in reality, are unwilling or unable to carry out such proceedings genuinely. This fundamental principle is known as the **principle of complementarity**. This means that most investigations and trials have been for individuals from weak or fragile states.

The ICC does not have its own police force or enforcement body. Therefore, it relies on cooperation with countries worldwide for support, particularly for making arrests, transferring arrested people to the ICC detention centre in The Hague, freezing suspects' assets and enforcing sentences.

ATL Research skills

1. Go to the ICC website and find out what they are currently investigating, who have had arrest warrants issued, what cases are pending or in session and the outcomes of all the past cases.
2. How effective is charging an individual in a criminal court in protecting human rights and achieving justice?

4.2.3 Regional human rights tribunals

Most regions in the world have a layer of monitoring and reporting for human rights issues that is above the state level. The regional approach is encouraged by the UN as an intermediary function to help states meet their international obligations. The aim of these regional organizations is to provide a way for people to pursue justice within a regional context and to establish international human rights norms at a regional level. They can also make recommendations to member states and try to find solutions to regional human rights issues. Some regions also have a judicial body, such as a court that interprets and rules on cases in particular regions.

Different regions have different attitudes towards cooperation and integration, and the power the regional institutions have reflects this. Africa, Europe and the Americas have the most well-established institutions, such as the African Court on Human and Peoples' Rights, the European Court of Human Rights and the Inter-American Court of Human Rights. The Arab and Southeast Asian regions are developing their institutions. The Pacific region does not currently have any regional human rights systems. However, Pacific Island Countries (PICs) have been involved in the UNHRC Universal Periodic Review (UPR) process and have accepted recommendations from the council.

Inter-American Court of Human Rights

The Organization of American States (OAS) is a regional organization that includes states from North, Central and South America. Among their aims are promoting democracy, defending human rights, ensuring security, development and prosperity, and legal cooperation. One of the main bodies of OAS is the Inter-American Commission on Human Rights (IACHR), which was established in 1960. Its main function is to promote the observance and defence of human rights, and to serve as an advisory body.

The Inter-American Court of Human Rights is the judicial body of the OAS. The court was established in 1979 and it is based in San José, Costa Rica. The court follows the American Convention on Human Rights, which is an international treaty that details the rights and liberties that must be respected by OAS member states. The court decides if a state has violated a right in the American Convention or other relevant human rights treaties in the Inter-American System. The court is responsible for monitoring the outcomes of a case, and it can issue **provisional measures** in cases that are serious or urgent. The court also has an advisory function, and it responds to questions posed by OAS member states or other OAS organizations.

ATL Research skills

1. Use the Inter-American Court of Human Rights website to find out about current, past and pending cases in the court.
2. Write a summary of how the Inter-American Court of Human Rights might support rights and justice.
3. Do regional human rights tribunals have a greater chance of success in promoting and protecting human rights than other measures? If so, why?

Concept: Power, sovereignty, legitimacy and interdependence

How regional human rights tribunals interact with other actors and stakeholders in the global political system is linked to the key concepts of power, sovereignty, legitimacy and interdependence. This also has an impact on the pursuit of rights and justice within and beyond the borders of states. Consider:

- the power of regional human rights tribunals to help, or hinder, the pursuit of rights and justice
- the issues created with sovereignty when regional human rights tribunals "overstep" the territory of the state
- the level of legitimacy regional human rights tribunals have when they are unelected bodies
- the level of interdependence between regional human rights tribunals, IGOs, states, and other actors such as NGOs and MNCs.

Key term

Provisional measures: temporary measures granted when cases are serious or urgent to avoid irreparable damage to people. The case will still proceed if there is sufficient evidence.

European Court of Human Rights

The Council of Europe is an international organization founded in 1949 and headquartered in Strasbourg, France. It has 46 member states, serving a population of approximately 700 million. It is not part of the European Union (EU), but no country has ever joined the EU without first belonging to the Council of Europe. Some non-EU states are members such as the UK, Türkiye, Norway and Switzerland. The Council of Europe is an official UN Observer. The Council of Europe cannot make laws, but it pushes member states to enforce existing human rights treaties.

The best-known body of the Council of Europe is the European Court of Human Rights, also known as the Strasbourg Court, which was founded based on the European Convention on Human Rights (ECHR). The ECHR treaty is designed to protect human rights and basic freedoms. In addition to the ECHR, more than 200 international treaties have been agreed within the Council of Europe. Governments, parliaments and courts in each country are mainly responsible for upholding the rights set out in the convention. In contrast to the Inter-American Court, individual citizens can bring human rights complaints against any of the 46 member states to the court after they have used up every possible chance of appeal at a national level.

If the Strasbourg Court finds that the applicant's human rights have been violated, the country concerned must provide justice to the individual. The court may also take steps to make sure that the same thing does not happen again. The actions taken by the national authorities in response to judgements from the court are supervised by the Council of Europe's Committee of Ministers.

Key term

Judicial overreach: court rulings changing the way a law is applied. This is seen as the judiciary going beyond their intended limit. They are just there to apply the law, not to rewrite it or provide alternative interpretations.

ATL Research skills

More than 17,000 cases have been heard in the Strasbourg Court. All the public hearings of the court are filmed and broadcast on the ECHR website, where you can also watch current trials.

1. Using an internet search engine, find examples of criticism of the court's rulings on:
 - the rights of incarcerated people (such as voting, special food and entertainment systems)
 - the religious rights of a minority group.
2. Do regional human rights tribunals have a greater chance of success in promoting and protecting human rights than courts at the national level? If so, why?

The principles of the ECHR and the case law of the Strasbourg Court are considered every day in judgements issued by national courts, legislation passed by parliaments and decisions made by national authorities. These rulings make the ECHR a "living instrument" which can be interpreted to suit the needs of things not anticipated when the original was drafted.

A common criticism of the rulings of the Strasbourg Court is that judges' rulings stray too far into the political sphere and into areas that should be left for elected governments to decide. This is referred as **judicial overreach**. Furthermore, when a ruling is made, this can result in other similar claims being made in other member states. In this way, the judges are creating law rather than just enforcing it. This has led some domestic political groups to suggest that their state withdraws from the ECHR and repeals national laws influenced by the ECHR. This itself has been accused of being politically motivated, and it is often heavily criticized by legal experts as political short-termism versus long-term protection of rights.

Proponents of liberalism believe that the system of liberal democracy adopted by most European countries is effective in protecting the rights of all citizens equally. This assumption is challenged by the number of cases brought to the Strasbourg Court. In 2023, the Commissioner for Human Rights, Dunja Mijatović, said, "Member states should seize the opportunity of the Summit [the 4th Council of Europe Summit in Reykjavik, May 2023] to reaffirm their commitment to the values and standards of the Council of Europe and show resolve to reverse the current backsliding on human rights". This suggests that there are threats to progress in the promotion and protection of human rights.

Case study

Prisoner voting and the UK government

Under UK law, most people over the age of 18 can vote if they are on the electoral register. However, imprisoned people are not legally allowed to vote under section 3 of 1983 *Representation of the People Act*. In 2001, John Hirst was serving a life sentence for manslaughter, and he claimed that section 3 was incompatible with the ECHR. A public chamber hearing was held at the Human Rights Building in Strasbourg on 16 December 2003. It was judged that the ECHR had been violated.

There was serious criticism of the court from the UK government, who claimed that the court was expanding beyond the scope of the ECHR and encroaching on areas which should be left to the discretion of national governments. The UK refused to enforce the ruling from the court and a stand-off between the UK and the court started. During this period Strasbourg formally accepted that member states should be given a wider

"margin of appreciation" in enforcing human rights according to their national justice traditions. In 2010, the UK government announced that it would introduce legislation to comply with the ruling, giving some prisoners the right to vote. However, this legislation was rejected in the House of Commons.

This issue was resolved in 2018 when the UK government agreed to let a small number of prisoners on short sentences vote in elections. They also agreed to make it clearer to those sentenced to prison that they will forfeit the right to vote. The Council of Europe confirmed that the case was closed at its meeting in September 2018. There were wider implications brought about by this case. It promoted an increase in support for the UK leaving the EU. It also has been cited by other Council of Europe states, such as Russia and Türkiye, as grounds for not enforcing other critical rulings.

African Court of Human and People's Rights

The African Union (AU) is a regional organization made up of 55 states in Africa. It was established in 2002 as a successor to the Organisation of African Unity (OAU). One purpose of the OAU was to promote international cooperation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights. At the launch of the African Union, the commitment to human rights was reaffirmed, with the aim to "promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments".

The African Commission on Human and Peoples' Rights (ACHPR) and the African Court on Human and Peoples' Rights (AfCHPR) are the judicial bodies of the African Union. The commission was inaugurated in 1987 in Addis Ababa, Ethiopia, and is now headquartered in Banjul, the Gambia. The court was established and adopted by member states of the then-OAU in Ouagadougou, Burkina Faso, in 1998, coming into force in 2004. Only eight states in the AU fully recognize the competence of the court.

Arab League and Association of Southeast Asian Nations (ASEAN)

The Arab League is a regional organization principally located in northern Africa and the Middle East. The league's charter makes no mention of human rights. However, in 2004, member states created the Arab Charter on Human Rights. This came into force in 2008. There is no effective enforcement mechanism, and the Expert Committee is the only system of monitoring state compliance. Representatives from the UN have stated the charter is incompatible with their definitions of human rights, particularly with respect to the rights of women and children.

The Association of Southeast Asian Nations (ASEAN) is a regional organization. The ASEAN Charter and the ASEAN Human Rights Declaration (AHRD), 2012, recognize that human rights are the fundamental basis for peace, stability and sustainable development. However, many ASEAN member states are under-committed to international human rights regimes. In general, there is a lack of consensus on issues such as the rights of women and children.

TOK

Go to the website for the AfCHPR and navigate to the "cases" tab, then select "statistics".

How useful are statistics in telling us the extent to which human rights are being protected?

Key terms

Civil society: the UN defines civil society as “the associations of citizens (outside their families, friends and businesses) entered into voluntarily to advance their interests, ideas and ideologies”. Civil society consists of a wide range of actors, including non-governmental organizations (NGOs), religious institutions and charitable organizations.

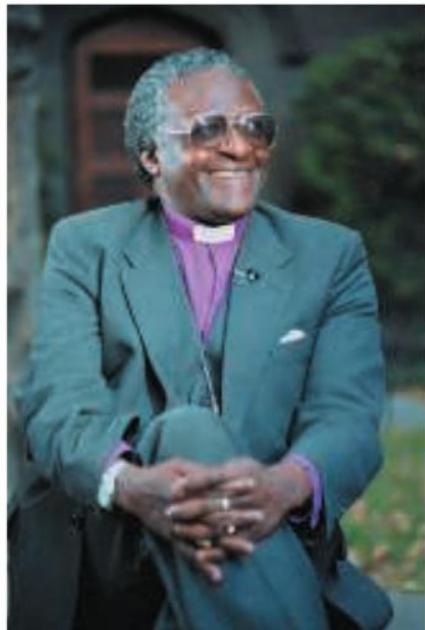
Civil-society organizations (CSOs): a group of people that operate in the community in a way that is distinct from both government and business. They can operate at a local, national or international level.

Advocacy: an action that speaks or argues in favour of a cause, or supports, defends or pleads on behalf of others.

ATL Communication skills

Create a range of responses to the questions posed below. What are the competing perspectives?

1. Regional human rights agreements are negotiated by the states in the region and for the states in the region. Therefore, they should serve to end the debate on “imposition of foreign concepts and values”. To what extent has this been the case?
2. When the regional agreements do not meet the standards set by international law, they are often criticized by civil society organizations, NGOs and states in other regions. How helpful is this in protecting and enforcing human rights?
3. Most regional agreements start by affirming the universality of human rights and their indivisibility. If this is the case, why are these documents created?
4. If non-citizens are not afforded protection by the agreement, what are the implications?
5. National-level laws and articles of the regional agreement should be aligned. If there is a contradiction, how should this be resolved?
6. In some cases, national-level laws already offer more protection for human rights than regional agreements. Therefore, national interest groups pressure the government not to sign the agreement. What does this tell you about how agreements are made between states?



▲ **Figure 19** Desmond Tutu was the Archbishop of Cape Town, South Africa, and a human rights activist. He won the Nobel Peace Prize in 1984 for his work in resolving and ending apartheid

4.2.4 Civil-society organizations (including advocacy)

Individuals can enter into voluntary association with others to protect and advance rights in a society. This is called **civil society**, and is sometimes called the “third sector”—after government and commerce. Civil society has the power to influence the actions of elected policymakers and businesses. **Civil-society organizations (CSOs)** are defined as any non-state, not-for-profit, voluntary entities formed by people in the social sphere that are separate from the state and the market. CSOs are often issue based—that is, they argue in favour of a particular issue or try to gain support for a cause, and ultimately bring about change in this area. This is called **advocacy**.

To me, civil society is at the core of human nature. We human beings want to get together with others [...] and act collectively to make our lives better. And, when we face evils and injustice, we get together and fight for justice and peace. Civil society is the expression of those collective actions. Through strong civil societies, enjoying the freedoms of association and assembly, we encourage and empower one another to shape our societies and address issues of common concern.

Civil Society – Principles and Protections, Desmond Tutu, 2012

CSOs play a crucial role in promoting fundamental rights, and it could be argued that civil society protects rights as much as law. A strong civil society can form when there are limited legal restrictions and regulations such that citizens can freely associate and express their views. CSOs protect and advance rights from the “bottom-up”, as opposed to law, which is a “top-down” approach. Some argue that CSOs should be able to freely operate as they can create a positive political culture within a state or region in which people can interact and work together to bring about positive outcomes without coercion from the state. CSOs encourage leadership and ideas about change from many different parts of society.

CSOs often face challenges in operating freely at a local, national or regional level because of legal and practical constraints, even when the system of governance is democratic. Threats to a strong civil society can be a lack of funding, media manipulation and legal changes that negatively affect civil society. These legal changes could include freedom of assembly restrictions, which are sometimes a by-product of counter-terrorism laws. Some CSOs’ abilities are limited if they threaten the authority of the state, or if their interests, ideas and ideologies are at odds with the mainstream.

Concept: Legitimacy

CSOs raise questions of legitimacy. They are often seen as self-appointed—that is, their leadership is not democratically elected. As a result, some argue their authority to advocate on a particular issue on behalf of a group is diminished. In other cases, they might have power, but lack accountability for their actions, which is at odds with the goal of advancing rights and achieving justice.

In your area or region, find examples of NGOs, charitable organizations and religious organizations which aim to protect aspects of human rights. Rate the legitimacy, authority and efficacy of each. What does this tell you about CSOs as actors in protecting and advancing human rights?



Thinking and communication skills

Civicus is a network of CSOs. It collects data on how free states are in terms of their ability to form civil society associations. Free states are referred to as “open” and less free states are referred to as “closed”.

- Predict the most open and closed states for civil society/space.
Go to <https://monitor.civicus.org/> to check your predictions.
- What general direction is civic space going in globally? Which regions are improving and getting worse? What methodology is used to construct the rating for states? Do you agree with the current rating for your country?

ATL Research skills

Here is a selection of international human rights NGOs. Many of them produce newsletters which you could sign up for to get current information on their activities.

- Human Rights Watch
- Amnesty International
- Child Rights International Network
- International Federation for Human Rights
- Civil Rights Defenders
- Human Rights Without Frontiers (HRWF)
- Anti-Slavery International
- Global Rights (formally International Human Rights Law Group)
- UN Watch

Work in groups of four and select three organizations to research, then complete the following activities.

- Create and complete a table using the following questions as the column headings.

- When and where were they founded?
- What methods do they use?
- How are they funded?
- Where do they operate?
- What do they specialize in?
- What is their relationship with IGOs?
- What is a recent example of success?

- Consider your results.

- What do they tell you about NGOs as actors in protecting and advancing human rights?
- How similar are NGOs in terms of legitimacy, authority and efficacy to the CSOs in the previous activity?

4.2.5 Marginalized, vulnerable, or most-affected groups and individuals

Laws to protect human rights should seek to protect those who cannot protect themselves and ensure that all groups can achieve justice. The quality of rights, justice, liberty and equality in any society can be measured by its ability to protect the most vulnerable and marginalized individuals and groups. The assumption is that if the laws work for them, then most people are well protected.

Although human rights apply to all humans, at all times, it can sometimes be difficult for individuals and groups to access rights and justice. States should protect the rights of officially recognized groups. However, some groups do not officially belong to the state and therefore are not afforded the same protection. This may also mean that it is difficult for them to get justice. This could be because they have migrated from their home state to another state voluntarily (for example, to seek economic opportunities) or it may be because they are fleeing their own state and seeking refuge. Some of these individuals and groups may be **stateless**.

Migrants can encounter lots of obstacles when interacting with other actors to secure rights and justice. These obstacles could be due to their economic situation, a language barrier, their visa status, their location, the power of their employer in society, wage theft, lack of support from family and friends, poor access to health services, inadequate housing, lack of internet access or their inability to purchase a mobile phone/SIM card and use government services. Refugees and asylum seekers can face similar obstacles to migrants, but they are likely to have fled their home in an emergency and may also suffer from trauma due to violence, persecution and displacement. Furthermore, they might not have the right to work, are often housed in temporary accommodation or have restricted access to schooling and healthcare.

Some individuals and groups are marginalized within their own society or not considered to be part of their society by the majority. As a result, these individuals and groups can lack access to basic services and opportunities. They can face discrimination and exclusion from society, politics and the economy. Their marginalization can be due to many reasons, including religious affiliation, ethnic group, sexual orientation, gender identity, lack of education or lifestyle choices. It can be difficult to measure these barriers; often, national statistics on economic, social and political progress do not show the full extent to which marginalized groups suffer from discrimination.

Case study

Roma communities in Europe

Six million Roma people live in the EU, and they are one of the largest ethnic minorities. The Roma people arrived in Europe in the 14th century and they are dispersed in many member states. They are traditionally itinerant people (they have a travelling lifestyle rather than having a fixed abode). They have their own language and cultural traditions.

In many European states there are other groups who also have a travelling lifestyle; however, they do not identify as Roma. The World Roma Congress is a forum to discuss issues relating to the Roma people and

has the goals of standardizing the Romani language, improving civil rights and education, preserving Roma culture, reparations from the Second World War (after attempts at eradicating them) and international recognition of the Roma as a national minority of Indian native origin.

International Roma Day has taken place on 8 April every year since 1990. It has attempted to draw attention to discrimination directed at Roma communities globally and calls for the human rights of all to be respected and observed. However, the prejudice, hate speech and violence against the Roma people continues and in some places it has become worse.

Children have less power and influence than adults. They often have less access to rights and find it challenging to seek justice. Therefore, they are heavily reliant on adults to protect them, on laws to ensure their rights and on society to recognize their rights. A key factor in fostering sustainable human development is the protection of child rights. Lacking access to rights as a child can result in that person continuing to be marginalized and lack justice as an adult.

The UN Convention on the Rights of the Child (UNCRC), adopted in 1989, has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It also explains how adults and governments should work together to ensure that these rights are met. The UNCRC is also the most widely ratified human rights treaty in the world. It has been ratified by 195 countries. All countries that sign up to the UNCRC are bound by international law to ensure it is implemented. This is monitored by the Committee on the Rights of the Child. The UNCRC is also the only international human rights treaty to give non-governmental organizations (NGOs) a direct role in overseeing its implementation.

Other marginalized groups also face a disproportionate level of obstacles to securing rights and justice, such as indigenous peoples, the LGBTQ+ community, gender-based groups, people with disabilities and older people. All citizens have a responsibility to uphold human rights and allow everyone to participate fully in society.

Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman and child seek equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

Address to the United Nations, Eleanor Roosevelt, 1958

ATL Research skills

1. Which groups are marginalized in your society? Why?
2. Which political actors are part of this marginalization?
3. What impact does this have on the group's ability to secure rights and achieve justice?

ATL Research skills

Go to the UNICEF website and download recent reports on *The State of the World's Children*. What failures and progress are highlighted in the report?



◀ **Figure 20** Eleanor Roosevelt holding a poster showing the Universal Declaration of Human Rights (UDHR) in 1949. Roosevelt was the chairperson of the committee that drafted the UDHR

4.2.6 Private companies and unions

Private companies at a local, national, regional and international level can have a significant impact on human rights. Businesses and corporations can impact everyone from workers, customers, suppliers and the communities in which they operate, or where their products and services are used. Although there are laws to regulate the activities of businesses, they also have a moral duty to respect rights. It is becoming increasingly common for businesses to claim they proactively follow human rights guidelines, and operate responsibly and sustainably.

Key terms

Corporate social responsibility (CSR)

(CSR): a self-regulating business model that helps a company be socially accountable to itself, its stakeholders and the public. The practice is also called "corporate citizenship".

Trade unions: associations of workers, usually in a similar field of work or industry, which aim to protect and extend the rights of workers.

ATL Research skills

ITUC publishes a Global Rights Index which tracks the progress or deterioration of workers' rights around the world. The stated mission of the ITUC is "the promotion and defence of workers' rights and interests, through international cooperation between trade unions, global campaigning and advocacy within the major global institutions".

Look at the ITUC Global Rights Index online. What does it say about labour rights in your area or region?

TOK

In what ways might statistical evidence be used or misused to justify political actions?

Multinational companies (MNCs) aim to maximize profits and as such often have operations in states where labour is cheaper. As a result, some accuse MNCs of exporting human rights abuses from their home state to places in the world with weaker human rights records. MNCs often operate in states with weaker governance, where there are more opportunities to engage in corrupt practices. They can be powerful political actors with regard to rights and justice, for example, through bribery practices, environmental degradation, labour abuses and their influence over political decision making on taxation. **Corporate social responsibility (CSR)** is a common method used by MNCs to enhance their reputation and contribute towards promoting rights and justice. However, as CSR is self-regulating, it is often insufficient to ensure MNCs are not violating workers' rights.

In 2011, the UNHRC unanimously agreed on the UN Guiding Principles on Business and Human Rights which set the global standards for preventing and addressing human rights violations associated with business activity. Three key principles that the guidelines outline are:

1. states have a duty to protect human rights
2. businesses have a responsibility to always respect human rights
3. victims have a system whereby they can report human rights violations; this is known as "access to remedy".

This is why the phrase "protect, respect and remedy" is often used in discussions about business and human rights law.

Trade unions are associations of workers, usually in a similar field of work or industry, which aim to protect and extend the rights of workers. The first modern trade unions started to appear during the Industrial Revolution in the UK. Strong and effective independent trade unions give workers a voice and bargaining power against much stronger political actors, such as powerful companies and the government.

The International Labour Organization (ILO) is a tripartite organization, which brings together representatives of governments, employers and workers in its executive bodies. It was created in 1919 after the First World War to reflect the belief that universal and lasting peace can be accomplished only if it is based on social justice. It recognized the need for an international organization to respond to increasing economic interdependence. The ILO works to ensure regulation of working time and labour supply, the prevention of unemployment and the provision of an adequate living wage, social protection of workers, children, young persons and women.

In some states it is illegal for workers to establish or join a trade union. According to the International Trade Union Confederation (ITUC), this applies to about 100 states, and this number seems to be increasing. Sometimes trade unions are banned because all independent associations are banned, or because business interests hold a lot of political power and have influenced the government to restrict the collective bargaining power of workers. Some states might view trade unions as a threat to the authority of the state.

4.3

Nature, practice and study of rights and justice

4.3.1 Codification, protection and monitoring

As discussed earlier in the chapter, codification is the process in which laws and ideas are clarified and compiled into an organized code. Many moral rules are widely accepted in a society but are uncodified. Legal codes need constant monitoring and updating to adjust to the challenges presented in the context in which they will be applied. This partly explains why there have been so many treaties, covenants and laws after the UDHR. Codification is not always necessary, and it does not always make enforcement easier.

The International Law Commission (ILC) was established by the UN General Assembly in 1947, to “initiate studies and make recommendations for the purpose of [...] encouraging the progressive development of international law and its codification”. Through codification, the ILC progressively develops international law and clarifies the meaning of existing laws or agreements. For example, it removes the uncertainties of **customary international law** by filling existing gaps, as well as by making abstract general principles more precise, particularly where there is disagreement over the practical applications of a principle. In theory, this should make monitoring and enforcement an easier task as there would be less “varieties” of laws to consult. The ILC is primarily concerned with **public international law**, but sometimes works on **private international law** as well. The ILC works extensively in the field of international criminal law as well, and they drafted the Statute for the International Criminal Court. This area of law is primarily aimed at prosecuting those who commit crimes of international concern.

ATL Research skills

Go to the International Law Commission website. What is their current programme of work?

Legally, there is no difference between a treaty, a convention or a covenant. All are international instruments which bind participating states to the obligations contained within them. Mechanisms to ensure parties adhere to the principles are often built into treaties, such as procedures for inspections and monitoring. They also often detail methods to punish noncompliance, such as economic sanctions.

After a treaty has been agreed, it is placed in the custody of a **depositary**. For treaties with a small number of parties, the depositary will usually be the government of the state on whose territory the treaty was signed. Sometimes various states are chosen as depositaries. Multilateral treaties usually designate an international organization or the Secretary-General of the UN as depositaries. The depositary must accept all **ratifications** and documents related to the treaty, examine whether all formal requirements are met, deposit them, register the treaty and notify all relevant acts to the parties concerned.

States comply with international law because of self-interest, fear of disorder, fear of isolation, fear of punishment or because they identify with international norms. However, codification does not always mean that rights will be protected.

Key terms

Customary international law:

rules that come from a general practice accepted as law and exist independent of treaty law. It is one of the sources of international law.

Public international law: also known as the “Law of Nations”, it applies to states which are viewed as “legal persons”. It is a set of norms aimed at regulating the interactions between state and between states and IGOs or other political actors.

Private international law: applies to individual or companies and other non-state actors. It regulates which law governs when there is a conflict between citizens of different countries. In common law jurisdictions, it is sometimes known as “conflict of laws”.

Depositary: in international law, a depositary is a government or organization to which a multilateral treaty is entrusted.

Ratification: approval of agreement by the state. After domestic agreement, other parties will be notified that they consent to be bound by the treaty. This is called ratification. The treaty is now officially binding on the state.

ATL Research skills

1. In your region, what are the barriers to protecting and enforcing human rights?
2. How could these barriers be overcome?

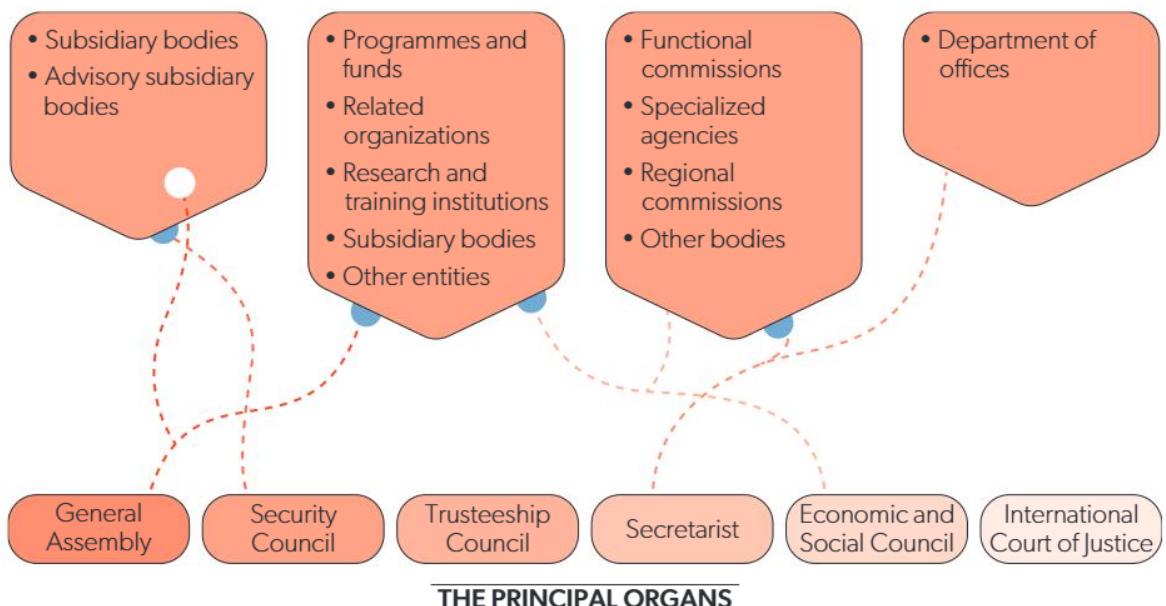
Barriers to the protection of rights include:

- lack of political will
- lack of economic means
- inadequate legal systems
- the state or region is in crisis (conflict or environmental)
- the potential for social unrest if certain rights were enforced.

The impact of ratified treaties can vary. National courts are often unclear about how much importance treaties should be given, although courts are perhaps more likely to refer to ratified treaties than to other international instruments during decisions.

4.3.2 International and regional rights frameworks

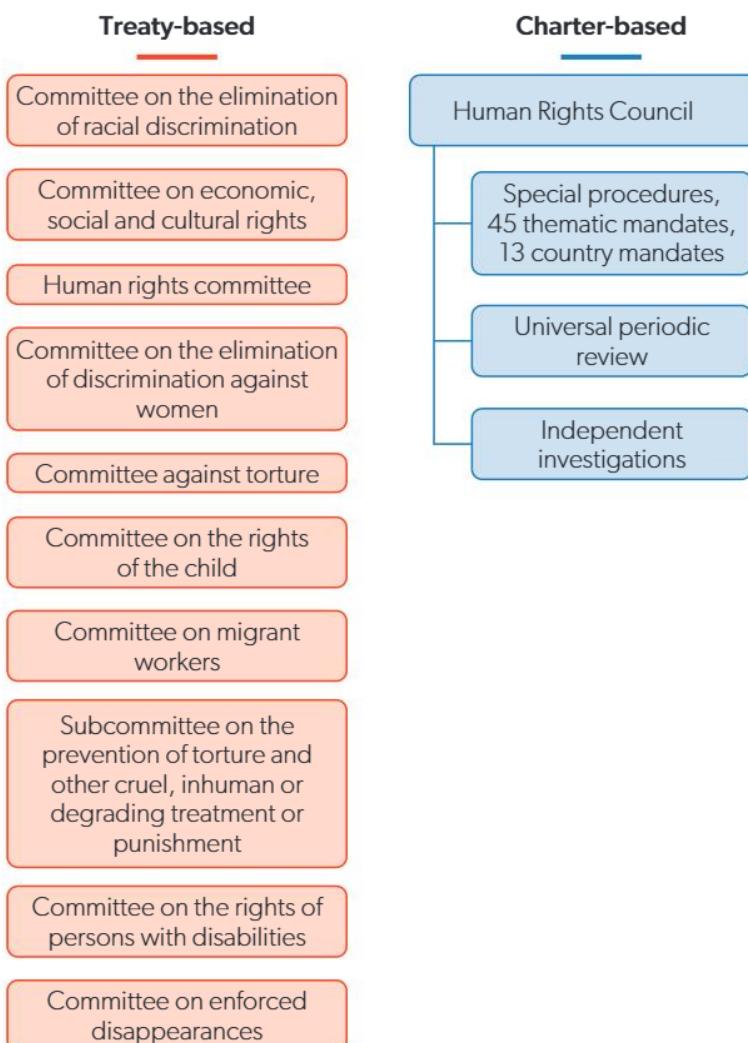
As discussed earlier in the chapter, the international human rights movement was strengthened when the UN adopted the Universal Declaration of Human Rights (UDHR) in 1948. Drafted as “a common standard of achievement for all peoples and nations”, the declaration spelled out the basic civil, political, economic, social and cultural rights that all human beings should enjoy. The UDHR, together with the International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights, form the International Bill of Human Rights.



▲ **Figure 21** Structure of the UN system

The protection and monitoring of human rights by the UN is through mechanisms and legal instruments. There are two types of human rights monitoring mechanisms within the United Nations system: treaty-based bodies and charter-based bodies (figure 22). Some mechanisms are composed of independent human rights experts, while others are led by states' representatives. The organization of human rights within the United Nations is a growing and

multifaceted system that is meant to apply to all United Nations members, but rarely includes all. For example, the United States rarely ratifies treaties commonly adopted by other nations. Another problem with human rights enforcement being led by representatives from specific states is that often they refuse to admit to human rights abuses in their own territories. For example, no member of the UN Security Council has been brought forward to the International Criminal Court as of 2023, nor has any powerful industrialized country been formally questioned about human rights violations.



▲ Figure 22 The treaty-based and charter-based monitoring mechanisms in the UN

Human rights legal conventions often have ambiguous vocabulary, which can leave states free to interpret the meaning in a way that suggests they are not in violation. Testing human rights law through local court systems can often clarify the ambiguity in context of the state or region and set a precedent for future cases. However, this does not help with clarifying exactly what rights humans have in other places, as other states might have different interpretations. This results in governments having a large degree of discretion and power in relation to human rights protection. This often leads to **hierarchies of rights**, where governments, or regional organizations, promote and protect some rights at the expense of others.

TOK

How do we know who the experts are on human rights?

Key term

Hierarchies of rights: a situation within a state in which some rights are deemed more important or are upheld more frequently than others.

Different perceptions of justice might lead to hierarchies of rights. In some hierarchies, some rights are considered “foundational”, through which other rights can be accessed. Some hierarchies seem deliberate and some are a result of situations beyond the control of those with the power to protect rights. Hierarchies might exist when there are social, political, environmental and economic barriers to protecting some rights. As rights and justice are almost exclusively prompted and protected at a state level, this creates a wide range of different experiences of human rights.

In addition to the main UN human rights mechanisms, there are other UN bodies and procedures relevant to the protection of human rights and the development of international human rights law.

- The International Court of Justice resolves disputes between states on issues of international law, including on some issues related to human rights.
- The International Law Commission has the specific mandate, established in the UN Charter, of developing and codifying international law, including in areas pertinent to human rights protection. The commission is composed of 34 individual members who serve five-year terms.
- The International Labour Organization plays an important role in promotion, protection and standard-setting on topics related to work and employment.
- The Economic and Social Council (ECOSOC) coordinates the work of the UN-specialized agencies with regard to economic and social themes, engages in its own promotion and protection activities, and formulates policy recommendations within the UN system.
- In the area of refugee law, the UN High Commissioner for Refugees contributes to legal standard-setting, in addition to providing on-the-ground assistance to refugees.
- The United Nations General Assembly is the political and policy-making organ of the United Nations and may make recommendations in the area of human rights. Its Social, Humanitarian and Cultural Affairs Committee (referred to as the “Third Committee”) provides a forum for discussion of human rights issues, as well.
- The Commission on the Status of Women, a subsidiary body of ECOSOC composed of 47 states, is the principal forum for advancing gender equality and the rights of women. Its work is supported by UN Women.



Assessment advice

For your assessments, it is useful to have a good knowledge and understanding of the human rights record for the five permanent members of the UN Security Council: China, France, Russia, the UK and the US.

It is also useful to choose additional states to research to compare and contrast approaches to rights and justice. Some interesting comparisons are:

- Botswana and Nigeria
- China and Japan
- France and the UK
- Canada and the US
- Costa Rica and Mexico.



Research and communication skills

In addition to the International Bill of Rights and the core human rights treaties, there are many other universal instruments relating to human rights. Search for the Human Rights Instruments on the OHCHR website. Investigate the “core” and “universal” human rights instruments.

1. Which groups or organizations have been most involved in the inclusion of these human rights instruments?
2. Do any of these instruments seem more important than others?
3. Which seem most applicable to contemporary global politics? Why?

In the political arena, it can often seem like there is a lot of talk and discussion about human rights without much action. For example, the Human Rights Council members voted against holding a debate on crimes against humanity being committed by a member state. Some argue that by some measures human rights are getting worse, and that powerful states restrict public criticism and discussion on human rights. The work of NGOs outside the UN is important to highlight human rights violations being obscured by powerful states, but this has not always worked to prevent further violation of human rights.

Pros	Cons
The UN system is the most widely supported human rights system. The Human Rights Council, for example, addresses situations of human rights violations and makes recommendations on them.	States that are party to human rights treaties are frequently accused of human rights abuses. For example, there are 157 countries that have ratified the United Nations Convention against torture, but in 141 countries torture or other ill-treatment has been reported in the past five years.
It provides a vital space for individuals and civil society to testify against injustice, confront power, challenge impunity, demand accountability and push for change.	Protection for human rights can only take place within a liberal democratic system. States party to treaties which are not democracies cannot claim to protect human rights as democracy is inherent in the foundational documents on human rights.
When states ratify these treaties, they agree to be monitored in terms of how the power of the state is used against its own citizens' human rights. This can change the states' behaviour.	The idea of global social justice (as suggested in these treaties) is a Western doctrine and not easily applied in all contexts. International ideas around morality suit some states more than others.
States derive their political legitimacy in part from the protection of human rights. Many states played a part in establishing the international laws on human rights, and so it is part of what they want to engage in anyway.	States sometimes only agree to treaties when it is in their national interest, or only apply the parts of the treaty that aligns with their national interest.
The evolving nature of human rights, and the systems to protect human rights, demonstrate that a flexible approach, based on consultation and compromise between political actors is possible. The international order was emerging, and it is now firmly established.	Trying to suggest there is universal agreement on rights, human rights and morality is not realistic. Just because there is a dominant idea, it does not mean it is right.
In our globalized world, the independence of states is an illusion. We are all interdependent and interconnected. A global version of rights is appropriate and achievable. This is a positive development for humanity.	Regional differences in the interpretation and hierarchy of human rights are becoming more apparent. It can often be politically and economically advantageous for states to subscribe to these alternative visions of human rights.

▲ Table 2 Pros and cons of protecting human rights through the UN system

Respect for human rights requires the establishment of the rule of law at the national and international levels. Most states have adopted constitutions, and other laws, which formally protect basic human rights, along with domestic reporting mechanisms to monitor progress. When governments ratify international human rights treaties, domestic measures and legislations are put into place that make the treaty compatible with their domestic constitutions.

Case study**Does ratifying human rights treaties lead to change?**

Professor Beth A. Simmons from the US has described the observable impact in Japan and Colombia after the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, also known as The Women's Convention) effective since 1981.

The case of Japan in summary:

- Japan in the 1970s and 1980s was not a natural candidate for the adoption of equal employment policies between the sexes.
- The Japanese government signed CEDAW after domestic pressure was applied by various women's groups and the media. Japan ratified CEDAW on 25 June 1985.
- During the domestic ratification process there were many arguments and debates on the implications of CEDAW. This was Japan's first attempt to legislate gender equality in employment.
- Thanks to CEDAW ratification, Japan was obliged to report to the Committee on the Elimination of Discrimination Against Women, and it received some fairly harsh feedback in its 1994 report. This resulted in a strengthening of the domestic laws regarding equal employment. Ratification of the CEDAW also improved women's chances of successful litigation when faced with discrimination.

- Although there is still significant gender discrimination in the workforce in Japan and cultural attitudes have not seen significant shifts, ratification of the CEDAW made it possible to make more progress in Japan's employment policies than would likely otherwise have been the case.

The case of Colombia in summary:

- Colombia was one of the most conservative Catholic countries in the Western Hemisphere.
- Colombia ratified CEDAW on 19 January 1982.
- CEDAW inspired Colombian women to demand that gender equality be included in the constitutional changes of the early 1990s. Parts of the CEDAW were imported directly into the new constitution in 1991, including an explicit reference to reproductive rights.
- The use of international human rights language proved to be an effective strategy for introducing women's rights into the constitution, taking advantage of the fact that Colombia is a country that is often scrutinized by the international community for its compliance with human rights principles.
- It has taken longer to reform laws on abortion in Colombia. However, since 2022, abortion has been freely available on request up to the 24th week of pregnancy.

4.3.3 Development of world norms in rights and justice (including Responsibility to Protect—R2P)

Today, actors at multiple levels work to protect and enforce human rights. Worldwide norms in rights and justice are widely accepted, and this can be evidenced by the number of agreements and institutions there are.

However, this development has not always been problem free. There have been "failed tests" for world norms and the protection of human rights. In some cases, the international community has been accused of ignoring human rights abuses, and the mechanisms and instruments of the UN have been shown to be ineffective.

Some commentators argue that states and local institutions are better at enforcing human rights as they are more likely to deliver justice in line with local or national understanding, and that they have a higher level of legitimacy than IGOs like the UN. States are resistant to giving more power to the UN in cases where they are accused of wrongdoing. Increasing the power of the UN to enforce human rights could involve transforming it into something more like a world government, with an international military and judicial system with jurisdiction over the entire planet.

In the next fifty years, we can expect to see the moral consensus that sustained the Universal Declaration [of Human Rights] in 1948 splintering still further [...] There is no reason to believe that economic globalization entails moral globalization.

Human Rights as Politics and Idolatry, Michael Grant Ignatieff, 2001

This is unlikely to happen, and some academics think things will go in the opposite direction, with the UN having less influence over human rights.

It is usually true that states should not intervene in the affairs of other states unless in self-defence or because the UN Security Council has authorized collective enforcement actions. Launching a foreign military intervention for humanitarian objectives can be seen as both legitimate and a violation of state sovereignty depending on the perspective taken. Humanitarian intervention, based on **international humanitarian law (IHL)**, allows the use of force in certain cases where the state, or non-state armed groups, commits violence against the population.

IHL can be defined as the principles and rules which seek to limit the use of violence in times of armed conflict. It protects people who are not, or are no longer, participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the "law of war" or the "law of armed conflict". Some human rights can never be lawfully suspended, including the right to life, freedom of thought and prohibitions on torture and slavery, and so IHL adds an extra layer of protection for these rights during war.

IHL is not derived from treaties and so is an example of customary international law. The principles in IHL are frequently mentioned in debates and resolutions produced by the UN Security Council. Despite this, IHL violations have significantly increased in the past 10 years. The role of the UN can be thought of as preventing conflict and human rights violations in the first instance, whereas the role of IHL is "to preserve humanity in the face of the reality of war".

Concept: Sovereignty

There is a perceived tension between the concept of state sovereignty and humanitarian intervention. There is a debate about whether the two concepts can coexist. People who think it can argue that the state is separate from the government. The authority of the government stems from its ability to secure people's rights. So, if this is violated by failing to protect citizens' right to life, then the international community must step in. Sovereignty is protected by preventing the ruling sovereign authority from violating it. The right to intervene, and the responsibility to protect, of every state applies when it comes to people suffering from avoidable catastrophe.

On the other hand, it can be argued that state sovereignty is a more powerful and well-established concept than humanitarian intervention, and it is protected in the UN Charter. States claim to be acting in self-defence against actors who threaten the sovereignty of the state or challenge the authority of the state. There is little consensus on when sovereignty has been violated and, therefore, when humanitarian intervention is justified.

Key term

International humanitarian law

(IHL): a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict.

Activity

Civilians are the main victims of IHL violations in today's conflicts, though when it was originally devised IHL had a focus on military combatants. The urbanization of conflict and the development of new technologies (such as cyberwarfare, autonomous weapon systems, artificial intelligence and machine learning) all present major threats. In addition, the types of actors party to conflict have changed. There are often violent non-state actors.

- How does IHL interact with the mechanisms and instruments designed to protect human rights?
- Has the creation of the ICC provided "punishments" which deter the worst violence and crimes during a war?
- Are conflict-specific tribunals more effective than a permanent international court?
- Does labelling violent non-state actors as "terrorist" negate their right to free speech?
- What developments need to happen for IHL to maintain its protective function?



Activity

- How easy is it to define a humanitarian purpose?
- How likely is it that any state would get involved in humanitarian intervention if it does not benefit its own citizens? Give examples.
- To what extent does any foreign military intervention on humanitarian grounds "protect the right to life" of the threatened citizens? Give examples.

Responsibility to Protect (R2P)

Key term

Weak states: states that are not seen as legitimate or cannot guarantee the rule of law. However, they still possess the monopoly on the use of force.

TOK

Do you think there are any circumstances when human rights should be ignored? On what criteria could we judge whether an action should be regarded as justifiable?

Responsibility to Protect (R2P) is the idea that military intervention is justified to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing. It was formally adopted by the UN General Assembly in 2005. This marked a development of a new norm in international relations. The concept emerged in response to the failure of the international community to respond adequately to mass atrocities committed in Rwanda and the former Yugoslavia during the 1990s. R2P stipulates three pillars of responsibility:

1. Every state has the responsibility to protect its populations from four mass atrocity crimes: genocide, war crimes, crimes against humanity and ethnic cleansing.
2. The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility.
3. If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action in a timely and decisive manner and in accordance with the UN Charter.

In reality, military action still requires the approval of the UN Security Council. It is notable that most decisions taken on whether to intervene or not based on R2P only apply to **weak states**. There are different perspectives about the extent to which intervention has protected the rights of the civilians affected.



Activity

Read the following four perspectives on R2P and answer the questions that follow.

States are self-interested and they therefore would not uphold the principles of humanitarian intervention if it went against national interest. In addition, states should not put the lives of their own soldiers and citizens at risk to help foreigners.

There is no impartial mechanism for deciding when humanitarian intervention is justified. There is a lack of legal consistency in the way the law is interpreted and applied.

States have mixed motives and they do not act in an abstract moral way. There may be a humanitarian issue, but humanitarian intervention is not altruistic.

R2P-driven strategies have had a number of successes, most notably in stopping the recurrence of violence in Kenya, West Africa (Sierra Leone, Liberia, Guinea, Côte d'Ivoire and the Gambia) and in Kyrgyzstan. These successes give traction to those who promote R2P as a way to prevent the most serious crimes from occurring, such as genocide.

1. Which of the perspectives do you agree with? Why?
2. What solutions could be offered to the issues described above? What are the barriers to implementing these solutions?

Universal jurisdiction

"Universal jurisdiction" is the idea that states should investigate and prosecute suspected perpetrators of genocide, war crimes, crimes against humanity and other crimes that affect the international community as a whole. If a country has a codified law against one of these crimes, they are allowed to claim jurisdiction, regardless of where the crime was committed, and regardless of the accused's nationality or country of residence. So, even if the crimes were committed outside of a state by someone of a different nationality, the state can arrest the accused, extradite them to their country and hold a trial. This norm is widely accepted, and Amnesty International research suggests that 163 states can exercise universal jurisdiction over one or more crimes under international law.

Human rights lawyers see this as a new way to seek justice as previously the accused leaving the country and region where the crimes were committed made the pursuit of justice challenging. The creation of the ICC does not change the responsibility of states to investigate and appropriately prosecute or extradite suspected perpetrators of genocide, war crimes, crimes against humanity and other international crimes. The ICC is a court of last resort and is only able to exercise its jurisdiction when a country is either unwilling or unable to investigate and prosecute these grave crimes. Even after an investigation is opened, there are opportunities for states and individual defendants to challenge the lawfulness of cases.

4.3.4 Responses to violations of rights and perceived injustices

Despite the development of world norms, there are still many perceived injustices and violations of rights. This could be because the perpetrators think that there will be no repercussion for violations. It could also indicate that, in reality, the norms are not so widely accepted as suggested, for example, by the degree to which countries accept UN human rights conventions. There are many organizations with the goal of promoting awareness of rights and justice, and so it can sometimes seem that there is an increase in cases of injustice as we become more aware of our rights and examples of their violations.

Responses to violations of rights and perceived injustices could be at all levels and involve a multitude of political actors.

Case study

Child soldiers

In 1999, the United Nations Security Council adopted resolution 1261 unanimously. The Council condemned the targeting of children in armed conflict including the use and recruitment of child soldiers.

According to the UN, over 130,000 boys and girls have been released since 1999 as a result of Action Plans mandated by the UN Security Council aimed at ending and preventing the recruitment and use of children in conflict.

In 2014, the Special Representative of the Secretary-General for Children and Armed Conflict, together with UNICEF, launched a campaign called *Children,*

TOK

What tools help us to identify human rights abuses? Should emotion be ignored?

Not Soldiers. The campaign received immediate support from member states, UN, NGO partners, regional organizations and the general public. At the time of the launch, the countries concerned by the campaign were: Afghanistan, Chad, the Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, Sudan and Yemen. The campaign ended at the end of 2016, but the consensus envisioned is now a reality and thousands of child soldiers have been released and reintegrated with the assistance of UNICEF, peacekeeping or political missions, as well as UN and NGO partners on the ground. National campaigns to promote the objectives of *Children, Not Soldiers* have been launched in most countries concerned and beyond.

ATL Research skills

There are violations of rights and claims of injustice in every corner of the world.

Find recent examples of the following.

- Human trafficking
- Forced labour
- Forced relocation
- Denial of prisoners of war rights
- Violations of freedom of speech
- Gender discrimination

Are some more prevalent in certain regions? If so, why?

What has been the response by various actors at different levels?

What more could be done to improve the situation?

TOK

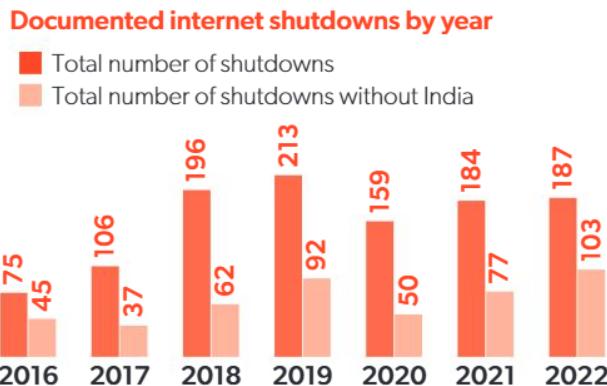
On what criteria could we judge whether an action should be regarded as justifiable civil disobedience?

The growth of the internet has created opportunities to highlight violations of human rights. However, as the internet extends beyond the territorial boundaries of states so it poses potential threats to the authority of the state. The right to access and use the internet and other digital technologies for the purposes of peaceful assembly is protected under Article 20 of the Universal Declaration of Human Rights and Article 21 of the International Covenant on Civil and Political Rights. Digital authoritarianism is a violation of rights because the impact is felt on all citizens, not just those whom the government is claiming to target. This is a growing problem, and it demonstrates the power of the state as an actor to both promote and violate rights. Figure 23 shows a summary of internet shutdowns in 2022.

The Special Rapporteur has found that in most States, internet shutdowns have no basis in law, but are nevertheless imposed. Other States argue that shutdowns are legitimately imposed under the ambit of vague and broadly telecommunications legislation, which have been interpreted to grant unfettered power to authorities to impose shutdowns. Many of the laws grant wide powers to employ shutdowns under vague and unspecified notions of "national security" or "national emergency," often giving national intelligence agencies the authority to order internet shutdowns. At the same time, new laws are being adopted, that would effectively provide government authorities with carte blanche to impose shutdowns, including during peaceful protests.

Ending Internet shutdowns: a path forward. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, UNHR, 2021

▼ **Figure 23** Global internet shutdowns in 2022. Adapted from KeepItOn: Fighting internet shutdowns around the world, Access Now, 2023



Documented internet shutdowns by country



India: 84	Afghanistan: 2
Ukraine: 22**	Burkina Faso: 2
Iran: 18	Kazakhstan: 2
Myanmar: 7	Russia: 2
Bangladesh: 6	Sierra Leone: 2
Jordan: 4	Tajikistan: 2
Libya: 4	Uzbekistan: 2
Sudan: 4	Algeria: 1
Turkmenistan: 4	Armenia: 1
	Azerbaijan: 1
	Brazil: 1
	China: 1
	Ethiopia: 1
	Iraq: 1
	Nigeria: 1
	Oman: 1
	Pakistan: 1
	Somaliland: 1
	Sri Lanka: 1
	Syria: 1
	Tunisia: 1
	Türkiye: 1
	Uganda: 1
	Yemen: 1**
	Zimbabwe: 1

**Shutdowns were imposed by external forces during armed conflict in Ukraine and Yemen.

4.4 Debates on rights and justice

There are old, contemporary and future debates over rights and justice based on fundamentally different understandings of the concepts and different standards of protecting them in different political systems. Arguments around rights and justice are often used in political debates to advance the cause of political actors or to criticize those with power.

Rights are normally associated with individuals; however, sometimes rights are collective. This raises issues of how fair this is for individuals not in the collective and for those who are appointed to the collective without wishing to be a member. Today, the Western standards are increasingly scrutinized by the rest of the world.

4.4.1 Diverse standards and understandings of rights

There is widespread acceptance of the concept of status equality (equal moral worth) and basic political rights (the democratic right to vote). It is a lot harder to reach consensus on how economic and social rights should be shared. Since the creation of the UDHR, most people in the world have become less poor, but there is still a large divide between the richest and poorest people. The social and economic rights afforded to individuals are massively different around the world. Some argue that the rights promised by the UDHR are not enough and that justice can only be achieved when economic and social rights are equally distributed. It may be very difficult to achieve this within the current global system, which has structural inequalities. For example, the global capitalist system can drive economic inequalities without significant intervention by political actors. Those in power are quite likely to have benefited from the system, and so there may be a lack of political will to make the necessary interventions.

Another criticism of human rights is that the wealthier countries hold positions of power within international organizations that provide the definitions and benchmarks of rights and justice. The Global North, in particular Nordic countries and other European states, frequently appear at the top of rankings for freedom, equality, rule of law and the potential to attain justice, civil, political and economic rights. Criticism is often based on the unfair economic, political and social advantages that these states and their populations have over other states and regions.

More recently, as the economic power balance has shifted in the global system, those states which were previously criticized have become more vocal in critiquing Western rights and have suggested alternative perspectives on how rights and justice should be measured. The South–South Human Rights Forum (SSHRF) is an attempt by some states in the Global South to revise human rights dialogue. Led by China, advocates of the SSHRF claim they protect and promote human rights and contribute to human development. However, critics describe the project as an authoritarian pushback against international human rights norms. The SSHRF's assertive stance on human rights, rather than defending their human rights record, is aimed at advancing an alternative vision for human rights.

TOK

If a social group does not believe in human rights, on what grounds can they be said to have human rights?

Key terms

Communitarianism: the idea that human identities are largely shaped by different kinds of constitutive communities (or social relations), and that this conception of human nature should inform our moral and political judgements as well as policies and institutions.

Universalism: the concept that some ideas have universal application or applicability, or that we can establish things that are true for all people at all times regardless of cultural differences.

Cultural relativism: the idea that a person's beliefs and practices should be understood based on that person's own culture. Proponents of cultural relativism also tend to argue that the norms and values of one culture should not be evaluated using the norms and values of another.

Exceptionalism: the idea that one group of people should be held to different standard than other groups.

ATL Research skills

Here are four examples of non-Western traditions of rights and justice:

- Confucian rights and justice
 - Islamic rights and justice
 - indigenous rights and justice
 - Asian values.
1. What are the basic principles of rights and justice in non-Western traditions of rights and justice?
 2. What similarities and differences do they have between them?
 3. Are there similarities and differences to Western conceptions of rights and justice?

Many human rights rely on the importance of the individual. However, the importance of the individual is debatable. In many cultures and societies, the individual is less important than the collective, or the group. This is called **communitarianism**. This group might be wider society, a tribal grouping, a religious sect or a family unit. This is often the basis for a critique of human rights as an example of colonialism from post-colonial critics. A response to this argument is that human rights are in fact protected, monitored and enforced for the collective—for example, children or women.

The idea that some human rights apply to all humankind is an example of **universalism**. This idea is deeply influenced by the Enlightenment movement in Europe, which some argue implies the superiority of European ideas, institutions and practices. Non-Western interpretations in the field of politics, international relations and global politics have different contexts to base their theories on. The different interpretations of the key principles in global politics often have an impact on how human rights are conceived and implemented.

The criticism of universalism is based on the idea that there is no absolute standard of good and bad, and that things can only be judged as good or bad within a cultural context. This criticism often comes from the political and/or religious leaders of nation states. The constitutions of those states often have religious texts and religious law written into articles of their constitution. Therefore, critiques of universalism often invoke national constitutions and competing systems of law that are culturally relevant and therefore "exceptions to universalism". This is the idea of **cultural relativism**, in which different values and norms are applied based on the culture of a particular group or society.

Cultural relativism is linked to the idea of **exceptionalism**, which is often associated with authoritarian rule by individual states or within regions. In states that claim exceptionalism, some citizens criticize their own state and invoke the principles set out in the UDHR, or the legal instruments associated with the enforcement of human rights. In many of these same states, there is little space for civil society organizations to offer their views, and in some cases it is dangerous to express views at odds with the religious and political norms. Some argue that it is therefore more valid to seek genuine universalism within global civil society, while acknowledging the diversity in ideas, institutions and practices related to human rights.

At the time of the drafting and initial voting to adopt the UDHR in 1948, there were 58 members of the United Nations (48 voted in favour, none against, eight abstained, and two did not vote). Many states that now criticize Western concepts of human rights were independent states at this time and voted in favour of the adoption of the UDHR (including Egypt, India, Pakistan and China). Since 1948 the number of states has increased, largely due to decolonization. Consequently, the membership of the United Nations has grown and all states that have joined the UN agree to the Universal Declaration of Human Rights. Over time, there have been calls for a revision of the UDHR from different groups; however, these have not been successful.

The legal enforcement of rights in the pursuit of justice is also criticized. The ICC and ICJ claim to legitimize themselves via a plurality of legal systems. However, the fact remains that their basic doctrines are Western in origin. Furthermore, the procedural aspects of international law (how court sessions are run) are also Western in origin and may lead to issues with evidence, testimonies and witnesses. In addition, normative issues such as the age of criminal responsibility can result in the application of an alien standard of justice—that is, imposing international norms and law on people raised in a different culture with contrasting moral ideas. For example, the minimum age of criminal responsibility is 7 in the UAE, 14 in Germany and 16 in Timor-Leste.

There is an active debate over whether or not states can only claim to be adhering to the principles of the UDHR if the state has a democratic political system.

Democracy is often understood to mean "rule by the people", in that leaders are chosen by citizens taking part in free and fair elections. By some measures, since the adoption of the UDHR, the world has become more democratic. In some states, forming groups in society, in particular those which aim to bring about political change, are banned. In addition, some states do not have a multi-party system, but they may still have voting. This seems to clash with Articles 20 and 21 of the UDHR. However, the word "democracy" is not used in the text, although it may be implied. Article 29 does include the phrase "a democratic society". The definition of a democratic society is equally unclear and disputed.

Key term

Autocracy: a system of government in which one person has absolute power.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Universal Declaration of Human Rights, 1948

When the UDHR was drafted, there were different interpretations of the word "democracy", in particular by communist states in Eastern Europe. In the 21st century, different interpretations of the word democracy are still evident. Even well-established Western democracies have been criticized for a lack of democracy from within the borders of the state and from beyond the borders of the state. As there is a lack of consensus on the term, it is difficult to judge the extent to which democracy is a foundational principle for human rights and whether non-democratic systems are compatible with human rights.

What is notable is that protests in liberal democracies, electoral democracies, electoral **autocracies** and closed autocracies often seem to have issues around democracy as their main grievance. These grievances coincide very clearly with the principals of the UDHR and treaties associated with the enforcement of human rights. If we go back to the most basic definition of democracy, "rule by the people", then there is argument that there is a universal understanding of what democracy is and a universal desire to have it.

The two first decades of the 21st century saw an increasing number of protests around the world. From Africa to Europe, from the Americas to Asia, people have taken to the streets demanding real democracy, jobs, better public services, civil rights, social justice, and an end to abuse, corruption and austerity, among many other demands.

World Protests: A Study of Key Protest Issues in the 21st Century,
Isabel Ortiz et al., 2022

Key terms

Politicization: the process of how ideas, entities or collections of facts are given a political tone or character, and are then assigned to the ideas and strategies of a particular group or party, thus becoming the debate.

Populism: a political approach that strives to appeal to ordinary people who feel that their concerns are disregarded by established elite groups.

Pluralism: the recognition of diversity within the political system; the idea that there are different social groups that deserve political representation. Anti-pluralism is a rejection of this idea.

4.4.2 Politicization of rights and justice

When ideas become **politicized** it means that there is a deliberate interpretation of an idea for political gain. Rights and justice are often politicized by politicians and political parties. One example of politicization is through **populism**. In this approach, politicians try to appeal to ordinary people by promising to improve their rights or remove rights from certain groups. Populists also question established understandings or interpretations of rights and justice, often arguing these norms come from the elite at the expense of ordinary citizens.

Populists are anti-**pluralist**, and they often base their criticism of human rights on some form of nationalism, with complaints about "foreign others" or "groups against the people" undermining the rights of citizens. This can have a domestic impact and threaten the systems within the state that promote, monitor and defend human rights. It can also have an international impact if populist leaders in power make alliances with foreign autocrats to discredit the universal ideas of human rights.

This practice of the selective application of human rights or not adhering to particular rights for political gain, has been criticized by NGOs such as Human Rights Watch. There is often tension between the political agendas and policies of governments and commitments to human rights. The UN, NGOs and human-rights lawyers criticize states' actions when political measures are retrogressive (going backward). States that are party to the International Covenant on Economic, Social and Cultural Rights must ensure that any retrogression in rights in one area must be compensated by progress in other areas. For example, if housing becomes more expensive, healthcare could become cheaper. The "political interference" because of international agreements at a national level can be seen as a threat to sovereignty and a wish to "impose" foreign standards. National-level policies where the approach to human rights has been criticized include economic austerity, the war on drugs, terrorism legislation and measures to curb street-gang activity.

Terrorism, or the threat of terrorism, whether international or domestic, has also been used as a reason to lower levels of freedom in well-established liberal democracies and states. Both terrorism and counter-terrorism actions could infringe on human rights. It is worth noting that there is no established definition of terrorism under international law. This means that each state can label certain groups or actions as "terrorist" or "terrorism" as they see fit. This can gain political capital in some states if the restrictions are judged to be good governance.

There has been a reactionary force in many liberal democracies against perceived "woke" behaviour. Being described as "woke" is often defined as being politically and socially aware, in particular about inequalities present in society. The "anti-woke" movement claims that the liberal idea of human rights has gone too far and that they are now damaging the traditional structures in society. This has often been used by populist politicians and political parties to advance their own political agenda.

Organizations that monitor human rights often criticize these attacks on human rights in the name of populism, anti-terrorism and anti-wokeness, but these criticisms are often ignored. For example, if a populist believes UN human rights instruments are used by the elite to control ordinary people, criticisms from these instruments can be dismissed as another attempt to control society. The success of monitoring human rights often depends on gaining the cooperation and trust of actors at various levels, and it is common for populist leaders to ban the very sources of criticism of their actions. It is arguable that this has become more prevalent since the traditional ideological lines of political parties have become diluted in some liberal democracies. It is notable that previous populisms were specifically national in character, this new populism has assumed a more international form.

Human rights and the use of human rights treaties can be politicized in internal disputes or in discussion of international issues. States use their voting power as political leverage—for example, in votes related to the use of coercive measures, military action on humanitarian grounds or the imposition of sanctions on states, non-state actors or individuals. As there has been a lack of consistent use of R2P since its inception, state actors could exploit its principles to exert their power in the international arena and gain political capital.

Case study

The dark web

The dark web (figure 24) is a private digital space used to evade detection and conduct illegal activities. It can be accessed by using a web browser that routes internet activity through huge networks of interconnected computers, shielding a user's identity. Dark-web technology was originally developed by government and law enforcement agencies in the early 21st century as a way of sharing information more privately.

Nowadays, it is also used by criminals, terrorists and hackers to conduct and discuss illegal activities. The dark web could pose a serious risk to rights and justice. The state could consider it legitimate to intervene and to try to control activity on the dark web.

Protest is a tried-and-tested method of securing rights and justice. Traditional forms of protest happened in the physical world, but these days they are increasingly happening in the virtual world. Social media platforms have been widely used to organize, gain support and coordinate action in many states. However, governments in some states have cut internet access to disrupt this. The dark web is a convenient place to communicate with other activists as it is less visible and can be beyond the reach of the state. It could be argued that anonymity and security is essential in the fight for rights and justice, and allows individuals to exercise their free speech rights without fear of retaliation. It could be seen as illegitimate for the state to intervene and try to control activity on the dark web.

TOK

How is truth established in the human sciences?

TOK

Are new ethical challenges emerging from the increased use of data analytics in political activity and decision making?

3 PARTS OF THE WEB

SURFACE WEB

- only represents about 5% of total internet content
- sites that can be indexed and accessed from search engines
- visible to average users without using any specialist software
- made up of popular .com, .net and .org sites.

DEEP WEB

- represents about 90% of total internet content
- sites that can't be accessed from search engines
- examples: email inboxes, banking information, credit card accounts
- these sites are protected by authentication forms, passwords and security firewalls.

DARK WEB

- 5% of total internet content
- sites that exist within the deep web
- can only be accessed with a specialist browser
- used for both legal and illegal purposes.

▲ Figure 24 The three layers of the web, from least private to most private. This also includes the deep web, whose sites are not accessible from search engines but, unlike the dark web, can be accessed on a normal browser

4.4.3 Claims on individual and collective rights

Collective (or group) rights are strongly associated with third-generation (or solidarity) rights. The concept of collective rights emerged because individual human rights did not guarantee adequate protection for indigenous peoples and other minorities exhibiting collective characteristics. Many national-level constitutions protect the rights of certain groups with a distinct language or culture to preserve their group against the majority dominant language or culture. As these groups are distinctive from the majority, they could be easily targeted or discriminated against.

Key terms

Minority rights: according to the UN, a national, ethnic, religious or linguistic minority is any group of people that constitutes less than half of the population in the entire territory of a state, whose members share common characteristics of culture, religion or language, or a combination of any of these. Minorities should enjoy normal individual rights and any collective rights awarded to the minority group.

Rights of nature: this principle aims to put nature at the centre of rights along with human interaction with nature, rather than putting humans in a dominant position over nature.

The concept of a group holding a right can be problematic. What characteristics these groups must have to enjoy group rights is the subject of debate. It is normally because of birth, and so you cannot choose to join a group spontaneously. The group can be represented by a single entity in some cases, such as a person, in a court of law. And therefore, the pursuit of justice applies to the group in its entirety, even if some members did not support it.

Indigenous groups

Indigenous peoples are a distinct ethnic community who are the first inhabitants of a geographical region. They have ties to their territory of origin, or specific livelihoods, when nomadic. Indigenous people are also a minority group in most cases. Indigenous people make up about 6% of the world's population, although there is no single authoritative definition of indigenous peoples under international law and policy. For example, the UN Declaration on the Rights of Indigenous Peoples does not set out a definition. This decision was taken intentionally to give the right to self-identify because this is a fundamental element of the right to self-determination. While the rights of indigenous peoples are distinct from **minority rights**, they are often, though not always, in the minority in the states in which they reside. Minorities and indigenous peoples have some similar rights under international law, although the Declaration on the Rights of Indigenous Peoples is arguably more comprehensive than international legal instruments associated with minorities. The UN World Conference on Indigenous Peoples (2014) further raised the profile of indigenous rights.

ATL Research skills

Research cases involving the collective rights of indigenous people around the world. For example, you could consider Australia, Brazil, Canada, India, Indonesia or the US.

1. How is the group defined? What are the characteristics associated with it?
2. What was its claim based on?
3. What were the issues created by the ruling?
4. To what extent has the ruling resulted in fair treatment of the indigenous group?

Indigenous claims to collective rights are often based on territory, religion and culture, and the right to practise activities such as fishing and hunting in a traditional way.

The modern legal system aims to protect the rights of humans, and this ignores other species. However, central to many indigenous practices is harmony and respect for nature. Indigenous people have lived on their territory for thousands of years without degrading the environment to the same extent as industrialized societies. Therefore, it could be argued that giving indigenous groups more rights could help to prevent the worst human impact on their environment. This is often linked to the concept of the **rights of nature**. According to the rights of nature, ecosystems can be assigned legal personhood status and therefore, have the right to defend itself in a court of law. The ecosystem is represented by a guardian, typically an individual or a group of individuals well versed in the care and management of said ecosystem.

A precedent has been set in many national-level courts for the rights of nature. It has moved beyond just being symbolic of a desire to protect nature. In 2017, legal rights were sought, and in some instances won, for four rivers: the Whanganui in New Zealand, the Rio Altrato in Colombia, and the Ganga and Yamuna in India. The New Zealand case is fundamentally unique because the parliament finalized *The Te Awa Tupua Act*, appointing two guardians of the river: one representative of the Māori indigenous people and one representative of the government, arguably reconciling two different worldviews.

Many people argue that environmental issues also infringe on human rights. In 2021, the UN Human Rights Council recognized the human right to a clean, healthy and sustainable environment. There are cases where citizens have taken their own governments to court at a national and regional level for their failure to protect the environment which has negatively impacted human rights. For example, people may claim that the government is to blame for the injustice of having to live their life in a world severely impacted by the climate crisis.

In 2021, the French government was taken to court by environmental activists as it had breached its obligations to reduce greenhouse gas emissions as required by several treaties and national legislation. The campaigners said suing the government was a way to force it to comply with its legal obligations. The court ruled that France had caused "ecological damage" by insufficiently reducing its greenhouse gas emissions.

Hate crimes and gender equality

Hate crimes are where the motivation for committing the crime is based on bias against a social or cultural group, such as gender, sexual orientation, race, class, age or disability. Laws against hate crimes are well established in many domestic legal systems. In some states there are organizations that focus on collecting statistics on hate crimes rather than on pursuing justice through the courts.

Categorizing hate crimes as a human rights violation is not universally accepted. It is an area where there is a lack of clarity and consensus.

Gender equality and the rights of women and girls are very prominent in human rights instruments and in the SDGs. Movements for gender equality exist at every level from the local to the global. Gender-based discrimination is prohibited under almost every human rights treaty. Despite much progress being made in securing women's rights globally, millions of women and girls continue to experience discrimination and violence, and are denied equality, dignity and autonomy, and even their lives. The 2020 State of World Population Report indicates that more than 140 million women are considered missing today as a consequence of gender-biased sex selection. Since the 1990s, some areas have seen up to 25% more male births than female births. The rise in sex selection is alarming as it reflects the persistent low status of women and girls. The resulting gender imbalance also has a damaging effect on societies. Instances of increased sexual violence and trafficking have already been linked to the phenomenon.



Activity

Download the *The World's Women 2020: Trends and Statistics* report from the Department of Economic and Social Affairs.

To what extent have things progressed since the report?

ATL Research skills

Investigate recent cases of environmental issues being taken to court on both the basis of the rights of nature and human rights.

1. Which route is closer to traditional claims on human rights?
2. Which is likely to be more effective?

Twenty-five years since the adoption of the Beijing Declaration and Platform for Action, progress towards equal power and equal rights for women remains elusive. No country has achieved gender equality, and the COVID-19 crisis threatens to erode the limited gains that have been made. The Decade of Action to deliver the Sustainable Development Goals and efforts to recover better from the pandemic offer a chance to transform the lives of women and girls, today and tomorrow.

The World's Women 2020: Trends and Statistics, UN Secretary-General António Guterres, 2020

Key term

Sharia law: a body of religious law that forms a part of the Islamic tradition. It is derived from the religious precepts of Islam and is based on the sacred scriptures of Islam, particularly the Quran and the Hadith.

Sharia law and Islamic criticisms of human rights

Most Muslim-majority countries, including Egypt, Iran and Pakistan, signed the UDHR in 1948. Saudi Arabia, where the king must comply with **Sharia law** and the Quran, did not sign the declaration, arguing that it violated Islamic law and criticizing it for failing to take into consideration the cultural and religious context of non-Western countries. One argument is that human rights are based on morality from the Judeo-Christian tradition. The Cairo Declaration of Human Rights in Islam (CDHRI) was agreed in 1990 and signed by 45 member states of the Organisation of the Islamic Conference. Although it is presented as being complementary, the CDHRI essentially removes the universality that underpins the UDHR, providing the 45 signatories and all their citizens with a set of human rights based on an undefined interpretation of Sharia law.

Islamic perspectives on human rights are far from unified and presenting them as such is misleading. During protests, many citizens in the Islamic world have criticized the lack of rights and made claims based on the principles of universality. In some cases, protesters do not deny that traditions, cultures and religious backgrounds may be different, but they assert that human nature is universal. Protesters often claim that, in practice, religious law is presented as a more significant source of law, but that it is often invoked for political reasons.

Super-complaints

In liberal democracies, the individual can claim (often through the legal process) that their rights are being infringed. In super-complaints, a group is claiming that their rights are being infringed by a system or institution. The claim can be made by the group itself or by an NGO working on behalf of the group. The most likely outcome of this is the system or institution in question conducts a review of the evidence and suggests changes to the way it operates. This method has become more popular for consumers in claims against MNCs and those complaining about institutions such as the police service. The aim of super-complaints is to uncover and seek justice for systematic problems, rather than issues facing one individual. For example, in 2018, UK human rights groups Liberty and Southall Black Sisters lodged a super-complaint against the UK police, to challenge the potentially unlawful practice of referring victims and witnesses of crime to immigration authorities. They argued that this practice undermined the fight against crime and eroded the sense of public safety the police are supposed to provide.

TOK

When the moral codes of individual nations conflict, can political organizations, such as the United Nations, provide universal criteria that transcend them?

Exam-style questions

Here are some examples of paper 2-style essay response questions. In paper 2, there are three questions per section, but you are only required to answer one question from each section. Questions are worth 15 marks each. For more details on assessment, see the *Skills and assessment* chapter.

Paper 2, section A

1. "Justice is a contested concept which is used for political ends". **Discuss** this view with reference to two specific real-world cases.
2. **Compare** and **contrast** the interactions of civil society organizations (CSOs) and intergovernmental organizations (IGOs) to help secure rights for all.
3. "Without basic first-generation rights, no other rights can be secured." **To what extent** do you agree with this claim?
4. **Examine** the claim that progress on human rights is backsliding.
5. **Evaluate** the claim that human rights are best protected by states.
6. **Justify** the claim that regional human rights tribunals are more effective in advancing human rights than intergovernmental organizations (IGOs).
7. "The growing power of MNCs in the global political system poses a challenge for achieving justice." **Discuss** this view with reference to two specific real-world cases.
8. **Evaluate** the claim that IGOs have the authority to monitor human rights.
9. **Examine** the claim that technology will help to achieve human rights for all.
10. "Collaboration between states and other actors in global politics is essential to advance human rights." **Discuss** this view with reference to two specific real-world cases.

Paper 2, section B

1. "Conflict presents the greatest threat to protecting rights." **Discuss** this claim.
2. **Evaluate** the claim that progress with human rights is dependent on political actors at a national level.
3. **Examine** the view that global civil society has more chance of improving rights for all people than international law.
4. **Justify** the claim that without the UDHR there would be more conflict in the world.
5. **To what extent** do you agree with the claim that social development and progress with human rights are the same thing?
6. **To what extent** do you agree with the claim that human rights treaties challenge state sovereignty?
7. **Evaluate** the claim that states derive their legitimacy from their ability to provide justice for the majority of their population.
8. "Respect for human rights is an essential part of peacebuilding." **Evaluate** this statement.
9. "Social and political development are more important to securing human rights for all than economic development." **Discuss** this claim.

Skills and assessment

Study skills

Communication skills

Removing distractions

In the classroom, focus on the learning task at hand and sit in a place that will help you maintain focus away from students that are more likely to distract you. Avoid having irrelevant things open on your computer or distractions such as a phone on the desk. Make sure you listen carefully to the teacher, other students, videos or podcasts; these are all opportunities to gain knowledge on global politics.

In your study space, you are more likely to be alone so “people distractions” are less of an issue, but digital distractions can still rob you of study time. To use your time efficiently, you need to plan your time precisely. Set yourself a clear study task, set a timer, complete the task, then reward yourself.

Organization of key knowledge and concepts

As with all group 3 subjects, the IB DP Global Politics course has prescribed topics and prescribed content. You should be aware of when you have learned each prescribed topic and piece of content. A useful way of tracking this is to have a digital or printed copy of the course guide and highlight sections which have been covered in lessons. As detailed in the introduction, the course can be structured in many ways, and the content is not intended to be sequential.

Whether you prefer to work with physical or digital folders, getting your notes and supporting materials organized from the start of the course is important. Sections or subfolders can help you find things quickly. Naming files with clear file names will help you later on when you need to revise or revisit topics. Apart from the prescribed topics and content, you may wish to have separate folders for case studies you are interested in, and for each assessment element.

Having a system to show where key concepts and key terms in global politics appear in your studies will make you more aware of the many ways these terms can be used and applied. Highlighting the words and concepts is a good method. Another good method is writing a brief summary of a topic and explaining how it links to key concepts.

As with key concepts, having a system to highlight theoretical perspectives in global politics is a good idea. Colour-coding different perspectives and theoretical positions can help to cement the idea that there are many ways of viewing political issues. This makes it more likely that you will consider these when you are writing your responses to assessed tasks.

Reflecting is a key part of self-managing and being an effective learner. Do a regular audit of your self-management skills. What are your strengths and weaknesses? How could you build on your strengths and address your weaknesses?

Memorizing information

There are different types of memory; processing, short term and long term. You will need to remember a lot of factual and conceptual information in order to select the relevant information and apply it in your formal examinations. Getting information to remain in our memory takes effort. Using note-taking techniques in lessons, practising regular revision activities and having a system to insert new knowledge into your existing framework of knowledge will help you improve this skill. It is useful to experiment with a wide range of memory-enhancing techniques at the start of the course and then select the ones which are most effective for you going forwards.

Communication skills

Reading

Reading regularly for pleasure and for your studies will improve your comprehension and writing ability. It will help you to comprehend diverse types of text, increase your vocabulary, expose you to different perspectives, give you general knowledge and give you a greater insight into human nature and decision-making. Setting time aside each day for reading (whether it is assigned by a teacher or your own choice) will help to develop your reading skills and make you a more effective learner. In academic reading tasks, you should highlight key information from the text, make links to prior knowledge and draw diagrams to summarize key elements of the text. These techniques can all help you to process the information.

Vocabulary

Every academic discipline has a vocabulary. Global Politics is an interdisciplinary subject, so it features vocabulary from a wide range of disciplines. Reading widely will help you to see the vocabulary in context and this will give you confidence to use it in verbal and written responses. Key terms within this book may be unfamiliar to you and their definitions are given throughout. If you encounter an unfamiliar word without a definition, then a dictionary will give you the meaning and related vocabulary. A thesaurus can also help to give you similar terminology. Researching the origins of a word (known as etymology) can really help you to understand why it is used in that context. Consider creating a glossary or word wall for each section of the course content.

Research skills

You will already have developed research skills during your many years in education. The diploma programme is an opportunity to further develop these skills. Developing your **information literacy** (through planning, gathering, interpreting, evaluating and communicating), **media literacy** (using critical thinking skills to consult online sources and understanding the perspectives within the sources) and **ethical use** of sources (using sources with integrity by referencing and carefully considering how trustworthy sources are) are essential in your studies in Global Politics, in your IB learning and beyond.

How should I plan to start research?

Knowing what kind of information you wish to locate will make your planning efficient and focused. As such, your research should be defined by a particular focus, for example, finding out about the political system in Indonesia, the origin of a political theory or the structure of a political organization. For larger research projects, you may have a specific research question.

Where should I look?

Journals and books exist in print form, which can be found in libraries. You can also find digital versions of journals and books online in many cases. These sources have been through a rigorous editing and peer review process and are therefore more reliable than many web sources.

You need to plan how you are going to find the information relevant to your work and which sources you

are willing to use and which you will reject. Reputable academic websites, websites for organizations or companies, newspaper articles, blogs, informational videos, infographics, reports and photographs could all be useful and relevant to your research focus.

How should I decide to accept and reject sources of information?

Information sources should be selected with care, as well as interrogated, sorted and analysed to be useful. You must therefore use your **critical thinking skills** (an ATL skill) to engage with sources of information. You should ask yourself the following questions: Who wrote it? When was it written? With what purpose? What assumptions has the author made? You will also have an opportunity to further develop these skills while you are practising for paper 1.

How should I record my research and sources used?

It is important to use a system to record the information you have found. This could be a simple table that you insert into a word document, notes you take by hand or a mind map. You can then sort it according to subcategories, as well as find patterns, anomalies and exceptions and then connect it to your research focus. Citing your sources using your preferred referencing style is also an essential part of the research process. Getting into good referencing habits at the start of the Global Politics course will give you more time to perfect this important academic skill.

A note on artificial intelligence (AI)

The use of artificial intelligence (AI) is now more common, and many AI tools are freely available to anyone with an internet connection. It has the potential to revolutionize the way we search for information by expanding the scope and reducing the time spent on research. AI tools can respond quickly and accurately to demand inputs, search for relevant information on the internet and generate human-like written text. Being able to use AI will likely be a useful skill in the future.

However, overreliance on the use of AI as a study tool is not advisable. In education, it is sometimes suggested

that “the struggle is the learning” (Jo Boaler, 2019). Therefore, making it easier to complete tasks does not mean that the same learning has occurred. AI sometimes provides inaccurate information, so you should apply your critical thinking skills to AI material in the same way as any other source. You will not be able to use AI in examinations, so make sure that, when you are preparing for examination-style assessments, you practise tasks in the way they will be examined. Any content you include in internal assessments (IAs)—including those that are generated using an AI tool—must be cited.

Paper 1 guidance

Paper 1 is a short paper with questions based on sources or extracts. The sources and extracts are described as “unseen” because the topic for the paper and the actual sources are not released in advance of the examination. The topics will come from the core unit.

In summary:

- you have 1 hour 15 minutes to complete the paper
- there are four questions and four sources or extracts
- all questions should be answered
- it counts for 30% of your final grade at SL and 20% of your final grade at HL.

There are 25 marks available and 1 hour 15 minutes available. Therefore, you should spend 3 minutes or less on each mark. At the start of the paper, you should read the title and note the curriculum content the sources are from. You could make some quick notes on your own knowledge of this topic. You should also quickly read all the sources to get an idea of what perspectives they have on the topic. Having highlighters and coloured pens available for this paper is also useful.

What is being assessed and why?

The following assessment objectives are assessed in paper 1:

- **AO1 Knowledge and understanding**

This assesses your ability to digest unseen material on a topic and answer questions about it.

- **AO2 Application and analysis**

This assesses your ability to use the source as a prompt and add your own knowledge/examples. It also assesses your ability to compare and contrast written information.

- **AO3 Evaluation and synthesis**

This assesses your ability to write a structured essay response synthesizing sources, course analysis tools and own knowledge.

We live in the information age, and we have almost unlimited access to a vast amount of information that could be relevant to global politics topics. There is a wide variety of opinions, perspectives and theories on global political issues and the course content, and no one view is necessarily correct. However, some of this information might be factually incorrect, heavily biased or outdated.

The ability to select reliable information is a key life skill as well as an academic skill. Critically engaging with the information means that you interrogate it to help you establish truth and filter out misinformation. Misinformation can reveal things about the creator of the information and their point of view on a topic. All sources are useful as they give us some information, but they might not be reliable. If more people agree on one interpretation of a topic, it does not necessarily make it more reliable; this could be a case of **group think**. When you already hold views on something it is particularly hard to present any facts that will make you change your mind. Research into **confirmation bias** is very revealing on this.

Did you know that the word “media” originally means middle? If you imagine an event happening on one side, the media in the middle, the audience on the other side, this allows you to visualize how this word originates. We are not directly experiencing most things; we are using the media. So how we choose our media outlets, and what they choose to show us, has a significant impact on our indirect experience of events. This then shapes how we experience real events that happen to us and how we interpret them.

What types of sources/extracts will be on the paper?

Paper 1 includes one non-text source and three text sources relevant to the Global Politics course content.

The non-text sources could be:

- a **political cartoon** commenting on a current event. Political cartoons are satirical and usually critical. They exaggerate negative features of individuals or events for comedic impact. They represent actual things as other objects or symbols
- a **photograph** portraying a current event or issue. Billions of photographs are taken every day on phones, however, only very few would be published in the news media. These types of photographs are often taken by photojournalists for their job. They would most likely use a professional camera and be working alongside a journalist who will write the text
- an **infographic** presenting complex information in an easy to digest format. They use pictorial representations and statistics to communicate information. However, they are only presenting a selection of the collected data—this is known as **selection bias**

- a **graph** or a **table** showing data in an easy-to-understand format. These could just present one data set or show changes over time. There are likely to be several variables for comparison and contrast. When analysing graphs, consider the impact of selection bias. It is worth considering that many graphs present raw data, rather than processed data
- a **diagram** of a theory or process. These are usually created by academics or institutions to give visual interpretations of an idea or process to aid understanding.

The text sources could be:

- an extract from a **speech**, most likely from a prominent person or actor involved in global politics
- an extract from an NGO/IGO **report**. Examples of these are easy to find on the internet
- an extract from a **book** on a topic relevant to the Global Politics course content. You do not need to have read the book; you just need to show understanding of what is presented in the extract. However, reading widely on topics related to the course content, and not just relying on news media, is an effective way to develop your understanding of global politics
- a **press release** from an MNC. A press release is a short, compelling news story written by a public relations professional and sent to targeted members of the media. The goal of a press release is to stimulate the interest of a journalist or publication. They are often published on the website of MNCs for public access
- government or IGO **policy papers**. These are sometimes referred to as white papers and their purpose is to let the public know about the potential future direction of policy in a particular area. The target audiences for policy white papers also include private companies, academics, legal institutions, non-profit organizations and local governments. It should be easy to find white papers from states where their availability is considered as freedom of information
- an extract from a **news article**. As well as understanding the content of an article, it is important to understand the political leaning of the media outlet and the journalist responsible for it. In addition, it is important to understand who the audience is and what their political affiliations might be.

How do I critically engage with what I read?

Reading examples of the types of sources described above will help you to understand the variety of perspectives on global politics issues. However, to critically engage with the information presented, you need to interrogate (ask questions about) the nature of the content. For example:

- **Who is presenting this information?** An individual? An organization? Are they in authority?
- **When and where was it created?** Which area of the world was it published in and when? Was this the result of an important event?
- **What was happening at this time and in this place?**
What is the context for this? Was it published before decisions were made relevant to the topic or after? Where in the “development” of this issue does this source fit?
- **Why are they presenting this information?** What is their motivation for offering this information? What was their intended purpose and what was the impact? Who is the intended audience?
- **How is the information being presented?** Is it balanced or strongly biased towards one opinion/perspective? Why is it presented in that format? What type of language/images are used and why?
- **Do I agree with this? Who would and would not agree with the perspective being expressed and why?** You are a political actor so you should have an (informed) opinion. Examine where you got this opinion on the issue. How was it formed?
- **Where could I look for contrasting perspectives? On what basis do they offer different perspectives?** Do they use different evidence to support their points? Does the political issue appear differently in various places, and is this the basis for contrast?
- **How far is there agreement from different political actors on this topic? Is the response the same at distinct levels (individual, local, national, regional, international, global)?** What are the barriers to the response being coordinated if political actors agree?

How should I respond to question 1?

Question 1 is worth three marks and is about one non-text source. This question requires you to write three short points to answer the question and use source details from the indicated source to support your points. No additional knowledge or interpretation required.

How should I respond to question 2?

Question 2 is worth four marks and is about one text source. You should write in prose, not bullet points. You should use details from the source to answer the question. Then you need to provide your own example with detail as directed by the question. This must be relevant to the topic and current.

How should I respond to question 3?

Question 3 is worth six marks and is about two text sources. You should write in prose, not bullet points. Read the question carefully; sometimes only contrast is required, sometimes only comparison and sometimes both are required. If you are asked to compare and contrast the sources, you need to identify similarities and differences between the text in the sources at least once for each side. You do not need to add additional knowledge in your answer.

Note that only comparing the origins of the sources is not a valid point. The points you make also need to be “matching pairs” of comparison or contrast. It is not valid to say one source contains information on something and the other does not. You should write in a running contrast style, that is, analyse both sources at the same time. You need to make three points for full marks. If you write about the sources separately you will get a low mark. It is best to start your points by indicating if this is going to be a comparison or contrast. You should use the correct linking words such as “and” for comparison points and “but” for contrast points.

You should support your point with source content. It is best to use direct quotations from the source indicated by speech marks rather than paraphrasing content. This makes it much easier for the examiner to identify the content in the source which you are referring to.

How should I respond to question 4?

Question 4 is worth 12 marks and requires you to write a structured response. You should use at least three sources and your own knowledge. Your own knowledge could consist of understanding of Global Politics course material, relevant theories, examples and case studies you have encountered during your studies.

You should plan your answer before you start writing. You should have an introduction to the question, body paragraphs with source content, your own knowledge and course analysis tools (such as levels of analysis and theoretical perspectives) and a conclusion to the question with evaluation. Remember to write with clarity and address the question, support your arguments with evidence and demonstrate that you are aware of the complexity of global politics.

The question will be related to a contentious issue in global politics where there are many perspectives. Make sure that you address the perspectives offered in the sources and draw on your own knowledge. You can use your analysis tools to explain why there are different perspectives.

You should always name the source when you are using information from it. However, if you just repeat source

content without further development, you will get a low mark. You need to use the source content as supporting evidence for your points, and then link it to your own knowledge and use analysis tools to develop the point or analyse the source content. This will be credited as synthesis. You should also evaluate the reliability of the sources.

Paper 2 guidance

Paper 2 is an essay response paper based on prescribed content from the three thematic studies. It is divided into two sections. In this paper, you are required to answer one question from **section A**, and one question from **section B**.

In summary:

- you have 1 hour 45 minutes to complete the paper
- there are a total of six questions; three under section A (thematic studies focused), and three under section B (cross-thematic questions)
- two questions should be answered: one from section A and one from section B
- it counts for 40% of your final grade at SL and 30% of your final grade at HL.

There are a total of 30 marks in paper 2. Section A is worth 15 marks and contains three questions. Each one of the questions corresponds to one of the thematic studies: *rights and justice*, *development and sustainability* and *peace and conflict*. This section requires you to demonstrate in-depth knowledge and understanding of content specific to thematic studies and any relevant core concepts.

Example: Discuss the view that environmental factors are the most significant factors affecting development.

In the example above, you are asked to demonstrate your understanding of content that is specific to development and sustainability.

Section B is also worth 15 marks and contains three questions. These questions are cross-thematic, meaning they link between different thematic studies as well as core topics. This section requires you to demonstrate understanding of the relationships and links between different thematic studies and core topics.

Example: "Without sustainability, there is no peace." To what extent do you agree with this statement?

In the example above, you are asked to demonstrate your understanding of the possible relationships and integration between sustainability (from thematic study *development and sustainability*) and peace (from thematic study *peace and conflict*). Possible relationships to explore between peace and sustainability include the following:

- Positive peace relies on harmony and equity, which can be achieved through sustainable development (social, environmental and economic sustainability).
- A disregard for environmental sustainability has led to climate change and increasing severity of extreme weather conditions like droughts and floods. This could potentially lead to displacement of populations and the outbreak of violent conflict, undermining peace (for example, in Darfur).
- Multilateral efforts to promote sustainability within IGOs like the UN (the UN SDGs and the Paris Climate Agreement) tend to promote cooperation, and therefore may be conducive to peace between states.

Arguments against the link between peace and sustainability could include the following:

- Interstate wars, in which regional stability and peace are often driven by national interest and security concerns, and therefore have little to do with sustainability.
- Alternative perspectives to development do not necessarily agree with the notions of sustainability in their current form. For example, it fails to address the underlying structure of the global capitalist economy, which fuels inequality between and within states, leading to the outbreak of violent conflict and undermining peace. As such, sustainable development does little to promote peace, especially in the global south.

Both the section A and section B questions should be answered with an essay composed of an introduction, a body and a conclusion. Both require that you demonstrate your understanding of course concepts, content and contemporary supporting examples. Although topics or concepts from the core may not always be mentioned in paper 2 questions, it is expected you are able to apply knowledge of the core where relevant. There are no right or wrong answers: questions are debatable and open for discussion, and they allow you to use and evaluate diverse perspectives.

What is being assessed and why?

The following assessment objectives are assessed in paper 2:

- **AO1 Knowledge and understanding**

This assesses your ability to recount and explain power relationships, political concepts, relevant source material and political issues and challenges.

- **AO2 Application and analysis**

This assesses your ability to apply relevant concepts and tools to analyse contemporary political issues and challenges in a variety of contexts.

- **AO3 Evaluation and synthesis**

This assesses your ability to:

- identify and analyse relevant evidence to formulate, present and sustain an argument
- synthesize and evaluate evidence about global politics
- synthesize and evaluate perspectives and approaches to global politics
- examine and synthesize perspectives on political beliefs, positions and biases.

- **AO4 Use and application of appropriate skills**

This assesses your ability to communicate analysis of political issues and challenges.

How do I plan my answers for paper 2?

Planning is key to a successful paper 2 essay. Do not be afraid to spend time planning, even if it takes 10 minutes. Planning prior to writing your answer may help you to

avoid “getting stuck” halfway through an essay and may reduce stress in an examination setting. To plan your answer to a paper 2 question, try the following steps:

Step 1: Identify the key concepts in the question and spend time considering the relationship between the two or more concepts and constructs.

For example, in the question “Discuss the claim that power is the main variable affecting human rights”, the key concepts are **power** and **human rights**.

Step 2: Identify any words/phrases that may indicate you should examine the concepts within a specific context or argument.

For example, in the question above, “main variable” and “affecting” are relevant to the context.

Step 3: Ask yourself: do I really understand the question? If not, choose another one, and choose wisely based on how academically prepared you are, your understanding of the concepts and whether you have enough knowledge of case studies to provide as supporting evidence.

Step 4: Create an outline of your answer using a graphic organizer like the one below. It helps to identify the command term to plan your answer. With a “discuss” question, you should include arguments and counterarguments with case studies to support each.

Introduction	
Arguments to support claims	Counterarguments to support counter claims
Body paragraph 1: First point to support argument + evidence to support point	Body paragraph 1: First point to support counterargument + evidence to support point
Body paragraph 2: Second point to support argument + evidence to support point	Body paragraph 2: Second point to support counterargument + evidence to support point
Body paragraph 3: Third point to support argument + evidence to support point	Body paragraph 3: Third point to support counterargument + evidence to support point
Conclusion	

Step 5: Write your answer to the question.

What should I include in my essay?

An essay introduction usually includes the following:

- it should unpack the question by defining key terms and any phrases/words mentioned in the question itself
- an overview of the context and why the question might be debatable
- a thesis statement: a clear, direct and concise sentence which summarizes your main argument.

Next is the main body of the essay. It is usually the longest part, consisting of multiple paragraphs depending on your arguments. A strong paragraph usually contains the following (not necessarily in the sequence below):

- a topic sentence that summarizes the main argument/theme. Remember that it is more effective to have one point per paragraph rather than several, since this allows you to go in depth with your argument and sustain an argument throughout the paragraph
- justification of the argument: Here you may use explanations, unpack concepts, and/or apply relevant theories to expand and justify your argument
- supportive evidence: A convincing argument is supported by evidence in the form of a contemporary real-world example. Real-world examples should be relevant to your argument and well-developed or explained

Paper 3 guidance

Paper 3 is a Higher Level only (HL) paper based on the eight HL topic areas listed below. HL students will have an additional 80 hours for this component.

- | | |
|--|---|
| <ul style="list-style-type: none"> • Borders • Environment • Equality • Health | <ul style="list-style-type: none"> • Identity • Poverty • Security • Technology |
|--|---|

In summary:

- you have 1 hour 30 minutes to complete the paper
- there is a maximum mark of 28
- you should respond to three questions
- it counts for 30% of your final grade at HL.

HL students will be presented with stimulus material and a series of questions related to the HL topic areas to respond to.

- analysis and interpretation: It is important to cultivate your voice within an argumentative essay. Here are some possible guiding questions to ask yourself as you practise writing for paper 2:
 - Implications: What are the implications of the question?
 - Balance and diversity of perspectives: Is my essay balanced and does it explore diverse perspectives?
 - Evaluation: What are some of the strengths and weaknesses of the perspectives I am including in my essay?
- Draw a mini conclusion that directly addresses the demands of the question. This is often referred to as a link to the question.

Finally, your conclusion should contain the following:

- a summary of main arguments presented throughout the essay
- acknowledgment of different and diverse perspectives on the question
- a clear answer to the question is consistent with arguments presented.

You should spend roughly 45 minutes writing each essay. Remember, a long essay does not necessarily guarantee a high mark.

What is being assessed and why?

The following assessment objectives are assessed in paper 3:

• AO2 Application and analysis

This assesses your ability to:

- analyse given stimulus material
- select, transfer and deploy learning from multiple case studies.

• AO3 Evaluation and synthesis

This assesses your ability to:

- understand connections between cases/HL topic areas/concepts
- evaluate possible recommendation for solutions and synthesize between stimuli/case study/global politics terminology.

What is the purpose of the HL extension?

The HL topic areas are complex and multifaceted. Case studies might be taught during lessons or studied in small groups before you choose your own independent research topic(s). You are free to choose case studies relevant to your personal experience and context. However, HL students should also focus on how the topic areas in this context contrast with other contexts.

The purpose of the HL extension is to allow you to carry out in-depth research, explore key concepts in context and extend content knowledge from the core unit and thematic studies. Case studies will predominantly fall into one single topic area, but overlap to other topic areas is likely. The interconnected nature of these challenges should be emphasized as well as the complexities and tensions involved in addressing these challenges. HL students should also investigate the solutions already attempted, and their outcomes, as well as the other possible courses of action.

Paper 3 tests specific knowledge of your case studies (context) and applied general knowledge of global politics core topics and thematic studies (content). The key concepts (power, sovereignty, legitimacy and interdependence) will be prominent in the examination questions asked. You must show that you can apply your learning using an unseen stimulus extract to explain the nature and complexity of global politics. You need to recommend how to solve problems and challenges from various points of view and acknowledge the barriers to doing so.

This HL extension will help you to meet the aims of the global politics course, namely:

- to explore and evaluate power in contemporary global politics
- to examine how state and non-state actors operate and interact within political systems
- to investigate and analyse contemporary political issues and challenges from multiple perspectives
- to develop a lifelong commitment to active global citizenship through collaboration and agency.

What is a case study?

In Global Politics, a case study is a focused study of a political issue within a HL topic area in a specific context. It has a narrow focus and allows for an in-depth

and multifaceted exploration of a complex issue. It is linked to key concepts, levels of analysis and enduring understandings in a real-life setting. Contrasting and comparing to other contexts (time/place) may help you to understand if the findings are generally true, sometimes true or only true in certain contexts.

Why is the case study approach used?

As a methodology, case studies can help to "test" theory and help you to understand and explain causal links and the results of actions by various actors in global politics. It will allow you to understand the correlation between actors and help you identify central actors. This approach should allow you to view the "chaos and messiness" in global politics and identify the unintended consequences of actions in a specific context. It will also help you to understand and debate why solutions have not been found to the political issue. It will enhance your independence as a learner and help to prepare you for your studies at university.

The digital era has democratized access to resources, but it has also resulted in an enormous increase in the quantity of available materials. Research skills and the ability to select and filter appropriate and pertinent information are essential skills in today's world. The case study approach will give you an opportunity to develop these skills and reflect on how information is selected or rejected to form knowledge on a case.

What are the limitations of the case study approach?

The nature of the case study approach means that the knowledge gathered is context-specific. It is important to therefore acknowledge that generalizing this to other contexts may not be valid. However, it is useful to find similarities and differences between cases in different contexts and then make some more general conclusions.

A poorly defined case study (one which is too broad or unclear) will not result in an in-depth understanding. It is likely to result in a surface-level understanding across a broad area. The easiest way to ensure that a case study is focused is by adding in a specific place and time period to the title or a research focus. You could also highlight a recognizable event or significant change related to the political issue in the title. Looking at causes or impacts will also narrow down the focus, setting up a more analytical case study rather than simply a retelling of the event.

Case studies only enhance learning when they are derived from existing learning on the content, concepts and theories in Global Politics. That is, they do not function in isolation and should be undertaken when you have a good grasp of the Global Politics course. A case study should not be a narrative history of an action/event, and instead should be analytical, providing historical detail where relevant. They are intended to extend your knowledge of the core and thematic studies.

What is the structure of a case study in Global Politics?

There is no prescribed or recommended content for the case studies, and you are free to choose your case study on any issue with a HL topic area of personal significance and interest. There are “suggested examples” in the Global Politics guide. It is recommended that you start with an “action taken” or an “event” relevant to a political issue. You should avoid general political issues, such as migration or climate change.

The questions below from the Global Politics course guide will help to guide your research.

1

Background, data and political issues

- What data exist on the case, how valid are the data analysed and to what extent are the data contestable?
- Who are the principal actors and stakeholders?
- What is happening?
- Which terms are central to understanding the case?
- What are the indicators that this case can be understood as part of the HL topic areas?
- Which other similar cases are relevant to understanding this case?
- Which political issues manifest themselves in the case?

2

Causes of, impact of and responses to the political issue

- What factors are causing this situation?
- What are the political, social and economic impacts of the issue at various levels of global politics on various actors and stakeholders?
- What are the responses to the issue at various levels of global politics by various actors and stakeholders?
- How do interpretations of the issue vary by actor and stakeholder?
- What considerations influence how the issue will play out?

3

Reflection

- How can I use the key concepts, theories, ideas and examples I have learned in the course to analyse this case and political issue?
- Which wider issues or developments in global politics are relevant in understanding this case?
- What is the particular significance of this case?
- What other interpretations of or points of view on the case are possible?

How many case studies should I complete for the paper 3 examination requirements?

You should investigate at least two specific case studies within two of the HL topic areas. You can either start by selecting the HL topic areas, then researching cases and finding the similarities, or you can start with cases and then make links to the HL topic areas.

Your key learning outcome should be the interconnected nature of HL topic areas. You should ensure that your selected case studies have clear links to the four key concepts: power, sovereignty, legitimacy and interdependence.

To prepare for the examination, you should practise making suggestions on how your cases could link to other HL topic areas. You should also consider plausible and realistic policy recommendations to address the challenges within the topic area based on the enduring understandings that transcend multiple contexts.

How should I respond to question 1?

Question 1 is worth three marks. It will refer to terminology used in the given stimuli. You should first ensure that you clearly understand the section in the context it is presented in (Stimulus A). The stimulus is only there to stimulate your thinking; it is not a source interpretation task, so repeating the content of the text will not gain high marks. You should then consider what its general meaning is in global politics. Using your own knowledge, you will have to suggest (for example) some of the causes, challenges, criticisms of, benefits of, or outcomes of this. You may also be asked to distinguish between different meanings of a terminology. Read the question carefully and follow the instructions.

How should I respond to question 2?

Question 2 is worth 10 marks, with part (a) worth 4 marks and part (b) worth 6 marks. Before question (a) and (b) are posed, there will be a statement about the stimulus material. Ensure that you read this carefully and note the idea that is being highlighted.

Both parts (a) and (b) require you to refer to a relevant case study. Read the question carefully and select a case study that enables you to respond to both parts of the question using convincing details. Make sure that you give clear factual details in your response (do not assume the examiner knows anything about your case study).

Part (a) responses should specify a case from research that needs to be linked to the question clearly. This task is putting the terms in the question into a specific context (unique to each student). The question specifies a certain number of links that need to be explained.

Part (b) responses should build on the response given in part (a). This should focus on solutions or actions relating to the challenge exemplified in the case study and should have clear reasoning. Reasoning should be based in evidence, such as previous actions taken in your chosen case, previous actions taken in other relevant cases you have studied,

theoretical approaches or models of analysis that favour certain approaches for certain issues, or any references to elements (framework, mechanisms or agreements) already in place that should facilitate implementation of suggested measures. It is very important that the reasoning presented is based on evidence, rather than hypothetical thinking.

How should I respond to question 3?

Question 3 is worth 15 marks—over half the marks for this paper. Therefore, you should allow enough time to plan thoroughly and write a clear and well-developed response. The question refers to terminology in the stimulus material and then asks you to link this to a case you have researched. In addition, you need to make explicit links to at least two of the HL topic areas (borders, environment, equality, health, identity, poverty, security, technology). Ask yourself: how do multiple challenges appear in one of my case studies?

It is important that you select a case study that is relevant to the question and responds to the demands of the question. You need to refer to the case study clearly at each stage of your response. You can make general statements about this term in global politics, but only to show understanding of the term and how it relates to your case.

You should aim to uncover assumptions related to the concept and interrelationships of the issue. The focus of your response should be the links between the topic areas. It is important to deploy exact detail from the case to exemplify claims.

You should consider the following when planning a response:

- Which term are you highlighting (the term in the question)?
- Which case study are you going to use? Why? What details are you going to deploy?
- Which two (or more) HL topics are you going to link to? Make sure you state these clearly, early on. It is essential to link the topics to each other and explain the link.
- How will you conclude your response? What assumptions have been uncovered? What are the interrelationships of the issue? How applicable is this key term (the one in the question) in general in global politics and specifically to your case? Is the term contested? Is the concept clear?

The structure of your response is not prescribed. You can offer any well planned and clearly structured response in answer to the question.