National human rights institutions (NHRIs) – human rights commissions and ombudsmen – have gained recognition as a possible missing link in the transmission and implementation of international human rights norms at the domestic level. They are also increasingly accepted as important participants in global and regional forums where international norms are produced.

By collecting innovative work from experts spanning international law, political science, sociology, and human rights practice, this book critically examines the significance of this relatively new class of organizations. It focuses, in particular, on the prospects of these institutions to effectuate state compliance and social change. Consideration is given to the role of NHRIs in delegitimizing – though sometimes legitimizing – governments’ poor human rights records and in mobilizing – though sometimes demobilizing – civil society actors. The volume underscores the broader implications of such crosscutting research for scholarship and practice in the fields of human rights and global affairs in general.

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Human Rights, State Compliance, and Social Change

ASSESSING NATIONAL HUMAN RIGHTS INSTITUTIONS

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Preface

National human rights institutions (NHRIs) are no longer the institutional oddity they were only ten or fifteen years ago. The speed with which they have moved from the periphery to the central arena of human rights politics – international and domestic – is largely unprecedented. This book is an attempt to take stock of the extraordinary proliferation and growing significance of NHRIs, as the first phase of international promotion and proliferation gives way to a second one of organizational consolidation and outward projection in shaping new human rights norms. The book also uses NHRIs as a lens to examine broader questions about human rights and the diffusion of international norms. With a diverse array of contributors, we explore these subjects from multiple disciplinary perspectives, professional experiences, and geographical areas of expertise.

The idea for this volume emerged out of a series of conferences, lectures, and fellowships convened by the Human Rights Program, Harvard Law School, during the period that Ryan Goodman served as director of the program. A goal of those initiatives was to enhance the study and practice of these novel institutions and develop linkages between legal and social science scholars, policy makers, and practitioners. Conferences held in June 2007 and May 2008 convened an array of scholars and practitioners from around the world to share their insights and experiences working from within and outside NHRIs. Crucial input was received from many people at these various conferences, meetings, and related lecture series. In particular, we wish to thank Emilio Álvarez Icaza Longoria, Raymond Atuguba, William Binchy, Brian Burdekin, Andrew Byrnes, James Cavallaro, Hyo-Je Cho, Andrew Clapham, Jorge Contesse, Brice Dickson, Raquel Dodge, Martin Flaherty, Diego García Sayán, Tyler Giannini, Mario Gomez, Niels Erik Hansen, Maina Kiai, Ifdahl Kasim, Morten Kjærum, C. Raj Kumar, Katerina Linos, Jennifer Lynch, Gianni Magazzeni, Mohamed Mahmoud Mohamedou, Rashida Manjoo, Maurice Manning, Ravi Nair, Binaifer Nowrojee, Michael O’Flaherty, Sharanjeet Parmar, Gerard Quinn, Mindy Roseman, Eric Rosenthal, Sima Samar, Miguel Sarre,
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Margaret Sekaggya, Emile Short, Sébastien Sigouin, Vijayashri Sripati, Michael Stein, Chris Stone, Tseliso Thipanyane, Sergiu Troie, Andrew Woods, and David Zionts, in addition to the contributors to the present volume.

These early conferences, lectures, and research laid the groundwork for the book project. Those initiatives helped to identify gaps in the literature and the most important questions for the study of NHRIs. At the time, the Harvard program recruited Thomas Pegram, in November 2008, tasked with the development of a broader project related to a more general examination of NHRIs, their successes, and ongoing challenges in different political contexts. Pegram, a political scientist with a position inside a law school, brought a social science expertise on institutional analysis and a particular interest in the political accountability functions of NHRIs in the democratizing political systems of Latin America. The project also included the development of linkages with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), and participation at ICC meetings held in Geneva, Nairobi, and Rabat. We owe a debt of gratitude to Gianni Magazzeni, then head of the National Institutions and Regional Mechanisms Section of the Office of the UN High Commissioner for Human Rights, for facilitating our work and participation at those events.

The volume chapters, in particular, are the culmination of a conference convened jointly by Harvard Law School’s Human Rights Program and New York University School of Law’s Center for Human Rights and Global Justice in September 2009. Development of our own conceptual and theoretical ideas about NHRIs was greatly informed by the insights generated at this workshop where initial drafts of the chapters were presented. We accordingly thank participants Sonia Cardenas, Richard Carver, Jim Cavallero, Chris Elmendorf, Kieren Fitzpatrick, Julie Mertus, David S. Meyer, Obiora C. Okafor, Enrique Peruzzotti, Linda C. Reif, Catherine Renshaw, Mindy Roseman, Peter Rosenblum, Chris Sidoti, and Mark Ungar. In addition, exceptionally useful suggestions were received from Laurence Whitehead in the process of steering Thomas toward the successful completion of his Ph.D. We thank the anonymous reviewers from Cambridge University Press for constructive suggestions. We are also deeply grateful to John Berger at Cambridge for his assistance throughout the production process.