



# Human Rights Under Siege

## Salvaging the International Rights Regime in a Turbulent World Order

By Nader Nadery

### Executive Summary

The Universal Declaration of Human Rights (UDHR) marked its 75th anniversary this past December. For over half a century, the world embarked on a transformative journey to establish a new order founded on fundamental human rights. This period, mostly spearheaded by the United States, saw the building of bodies of international laws that have had a profound impact on the promotion and protection of human rights. However, the past two decades have witnessed a dramatic shift in the geopolitical landscape, characterized by the erosion of multilateralism, the rise of nationalism, the resurgence of authoritarian regimes, and the discernable retreat of US leadership in global human rights advocacy. Furthermore, there is a critical lack of trust in the US standing on human rights protection and a lack of confidence in international multilateral institutions now. The credibility of



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the United Nations, a cornerstone of the international human rights system, has increasingly been scrutinized due to perceived inefficiencies, partially because of great power rivalries, and its inability to adapt to the shifting dynamics of an ever-changing global environment. Amidst these changes, the global commitment to human rights has faced significant challenges, raising concerns about the future of human rights protection and promotion by leading nations such as the United States.

By examining the policies and actions of the US as a leading state and the UN as the primary multinational institution through selected human rights case studies, this report delivers a comprehensive analysis of the pivotal factors shaping the current global human rights landscape. It zeroes in on the challenges and advancements within the frameworks underpinning human rights protection. Offering a critical evaluation of the US and other key members of the UN's stance on human rights engagement—with a spotlight on Afghanistan (2001-2021) as a noteworthy instance of the UN's and key member states' extended commitment—the report delineates the factors contributing to the erosion of the international human rights architecture. It scrutinizes the repercussions of geopolitical shifts, the waning of US leadership in safeguarding human rights, and its relation with the inconsistent application of human rights norms. This scrutiny extends to the effects of US policies in various regions on America's global moral standing. Ultimately, it seeks to present a nuanced external view on US reliability and UN effectiveness, underlining the perception of these global dynamics by those in the Global South and beyond, thus emphasizing the study's significance in understanding and addressing the complexities of global human rights issues.

## Recommendations

The report outlines a concise set of recommendations to bolster international accountability for rights violations, reviving US leadership in human rights advocacy, enhancing multilateral collaboration, and boosting the effectiveness of global institutions such as the UN. These recommendations offer detailed explanations and examples to underscore their importance, aiming for practical and impactful improvements in the global human rights framework.

- **Strategic Pathways: Reviving US Leadership in Human Rights** suggests reevaluating the US approach to global human rights, advocating for a recommitment to these universal principles amidst the challenges of major power competition and the increasing shift towards multipolarity.
- **Fostering Reform in the UN** calls for the US to support reforms within the United Nations system, particularly within the Human Rights Council and the Office of the High Commissioner for Human Rights, to enhance their effectiveness in promoting and protecting universal human rights.
- **Rebuilding Moral Authority** emphasizes the need for US leadership that consistently upholds human rights standards, both domestically and internationally, to regain moral authority and its global leadership.

- **Prioritizing Victims in Human Rights and Humanitarian Crises** advocates for a consistent and impartial US response to human rights and humanitarian crises, prioritizing the interests of victims over political or strategic considerations.
- **United in Action: Reinvigorate Bipartisan Support for Human Rights** stresses the importance of reestablishing bipartisan support for human rights within US foreign policy to ensure consistency and reliability in the international arena.
- **Enhancing the Efficacy of Targeted Sanctions: A Strategic Approach** recommends a strategic use of sanctions under the Global Magnitsky Act, broadening their scope to include family members of violators and enhancing the verification process to ensure their effectiveness.
- **Between Courtesy and Consequence: Diplomatic Relations and Human Rights** highlights the need for US diplomats to manage engagements with controversial political figures carefully to avoid inadvertently legitimizing human rights abusers.
- **Expand the Coalition: A Multilateral Approach** underscores the importance of building a broad and diverse coalition of international partners in both the Global South and North to strengthen the human rights regime.

In conclusion, the report underscores the critical juncture at which the international community stands regarding the future of human rights advocacy. In this time of transition, it calls for a renewed commitment from the US and other global actors to navigate the complexities of the contemporary world order and reinforce the global human rights framework. Through strategic, principled action, it is possible to uphold the foundational values of dignity, freedom, and justice for future generations.

Palestinian children after an Israeli air strike in Rafah. (February 27, 2024, Anas-Mohammed/Shutterstock)



## INTRODUCTION

In the aftermath of World War II, the international community embarked on an ambitious endeavor to establish a new world order. This order, underpinned by a commitment to principles rooted in the rule of law, placed paramount importance on promoting and safeguarding human rights. The United States, emerging as a global superpower, played a pivotal role in this transformative shift, fervently championing the cause of human rights and enshrining these values in the foundation of key international institutions and agreements. However, recent developments have raised concerns about a disconcerting withdrawal from this leadership role, prompting serious questions about the future of global human rights advocacy.

## BACKGROUND

### *The Interplay of Rules-Based Global Order and Human Rights Protection*

The concept of a “rules-based global order” refers to an international framework wherein nations adhere to established rules, norms, and principles that guide their interactions. This system, aimed at promoting cooperation, stability, and peaceful dispute resolution, has its roots in the post-World War II era. It is characterized by foundational institutions like the United Nations (UN) and pivotal international treaties, with the [Universal Declaration of Human Rights](#) (UDHR) serving as a cornerstone.<sup>1</sup>

Now marking its 75th anniversary, the UDHR emerged as a global recognition of the importance of human rights following the devastating impacts of World War II. Along with the United States, countries such as China, India, and Egypt played critical roles in its development, but it was the United States that

spearheaded the promotion of the declaration’s values and the subsequent development and implementation of international human rights laws. This promotion extended through the US’s bilateral foreign relations and its substantial moral, financial, and political support to the UN and various non-governmental international human rights organizations for decades.

The relationship between the rules-based global order and human rights protection and promotion is intricate and multi-layered. Several key challenges have emerged in recent years, affecting this relationship:

1. *Erosion of Multilateralism*: Multilateralism is central to a rules-based order and critical for human rights protection, which has recently faced significant challenges. Countries, including the United States, have shown a tendency towards unilateralism, undermining joint efforts through multilateral institutions in support of upholding human rights. The US withdrawals from international agreements and organizations, such as the Paris Agreement and the UN Human Rights Council, have raised questions about its commitment to global cooperation. While President Biden’s [rejoining](#) of the UN Human Rights Council in 2022 marked a step towards reversing this trend, increased partisanship and concerns over the lack of consistency of US foreign policy continue to fuel skepticism about its [leadership in global human rights defense](#).<sup>2 3</sup>
2. *Nationalism and Sovereignty*: The rise of nationalism, partly influenced by the “America First” ideology, has created a tension between the US’s domestic priorities and international human rights obligations. This has led to policies that often favor short-term state interests over long-term consequences toward human rights principles. Unfortunately,

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## Human Rights Under Siege

this has become a trend in most countries traditionally known as advocates for human rights.

3. *Authoritarianism and Human Rights Abuses:* The resurgence of authoritarian regimes across the globe has led to an alarming increase in human rights violations and a noticeable decline in democratic governance. This resurgence presents a formidable challenge to both domestic and international efforts aimed at protecting human rights. While the rise of authoritarianism is not a new phenomenon, a concerning new trend is the strategic use of multilateral institutions by these regimes. By forming enlarged coalitions, these authoritarian states have significantly expanded their global reach and influence. Utilizing their collective stance and enhanced international clout, they now possess the capability to reinterpret human rights principles to suit their agendas, effectively hindering international advocacy efforts for civil and political rights. This development marks a significant shift in the global human rights landscape, posing additional challenges to the traditional mechanisms of human rights protection and promotion.
4. *Selective Application of Human Rights:* The perception of selective application of human rights standards, especially by influential nations such as the United States, has significantly eroded the credibility of human rights advocacy in developing countries. Specific actions, such as the US's use of vetoes in the United Nations Security Council (UNSC), have reinforced the notion of [double standards](#), severely undermining efforts aimed at safeguarding rights, particularly in regions plagued by conflict.<sup>4</sup> These inconsistent policy stances on human rights issues provide leverage to politicians and

governments in developing countries. They often use these as justifications to disregard international demands for human rights protections, citing the contradictory actions and policy choices made by the United States and its allies. This scenario creates a complex environment where the enforcement of universal human rights standards becomes increasingly challenging, further complicating the global human rights advocacy landscape.

5. *Challenges to International Institutions:* The level of trust in international institutions, [such as the UN](#) and their affiliated human rights organizations, among observers in developing countries, is currently at a critical low.<sup>5</sup> Persistent disagreements among key member states have significantly impaired the ability of these institutions to effectively address global challenges, particularly in the realm of human rights. The lack of substantial reforms within these organizations further complicates their capacity to function effectively in the sphere of global governance. While certain UN agencies, like the UN High Commission for Refugees (UNHCR) and the World Health Organization, have made notable impacts globally due to their innovative and effective approaches, the effectiveness of bodies responsible for political and peace-building efforts (such as the Department of Peace Operations and the Department of Political and Peacebuilding Affairs) and those dedicated to human rights at the UN are often limited. These limitations are primarily due to a lack of enforcement mechanisms and ongoing disagreements within the UNSC, which hinder their operational efficacy and overall impact in addressing critical global issues.

The dynamic relationship between a rule-based global order and human rights continues to evolve, subject to ongoing debate and change.

The future impact of this global order on human rights will depend on the actions and decisions of key global players and in particular the United States, and other countries, international institutions, and civil society actors.

### *Leading the Way*

The United States, for many decades, has consistently been a flag-bearer for human rights on the global stage. This extends from the time Franklin D. Roosevelt delivered his famous “[Four Freedoms](#)” speech on January 6, 1941, to [Jimmy Carter](#) placing human rights at the forefront of US foreign policy, which entailed scrutinizing the human rights records of both US allies and adversaries.<sup>6 7</sup> This US role continued under Presidents George H.W. Bush and Bill Clinton, who respectively advanced [the rights of people with disabilities](#) and [intertwined human dignity with economic policies on a global scale](#).<sup>8 9</sup> Guided by figures like Eleanor Roosevelt, who presided over the UNHRC and steered the effort to create the landmark human rights document of UDHR, its global leadership transcended symbolism. It manifested practically through the US’s significant contributions to various international human rights treaties and its role in establishing institutions dedicated to the protection and promotion of human rights worldwide.

The United States not only proclaimed moral authority in promoting human rights as universal values but also demonstrated by leading the way for support of the cause through bipartisan sustained political backing of the policy. Its dedication to democratic principles and the rule of law served as a role model for numerous other nations for a long time. However, this narrative has shifted subtly but noticeably over the past two decades, a development that will be examined more closely in subsequent sections of this report.

Following the end of the Cold War, Europe and a multitude of developing countries embarked on robust efforts to fortify regional and global human rights mechanisms. Europeans have made human rights promotion a cornerstone of both their domestic and international policies. Regional human rights mechanisms have become vital components of advocacy, empowering local human rights defenders to champion their causes. In addition to the three previously mentioned human rights tribunals, institutions such as the Asia Pacific Forum of National Human Rights Commissions, the Organization of Islamic Cooperation’s Independent Permanent Human Rights Commission, and other major international human rights organizations arose to monitor and advocate for the protection of human rights.

### *Proliferation of Institutional Instruments in Support of Human Rights*

#### **Evolution and Impact of National and International Human Rights Instruments**

The expansion of domestic institutional frameworks for human rights protection and promotion has been a critical development in recent decades. This evolution is epitomized by the establishment of National Human Rights Institutions (NHRIs). The United Nations General Assembly (UNGA), recognizing the importance of these bodies in safeguarding human rights, adopted the [Paris Principles](#) in 1993 to guide their operation.<sup>10</sup> Currently, there are [117 NHRIs](#) operating globally, each with varying degrees of independence and mandates.<sup>11</sup> Notably, 24 of these institutions were established in response to severe human rights violations during conflicts, while 28 operate in predominantly Muslim countries.

The end of the Cold War and the ensuing decade marked a pivotal era where the protection and promotion of human rights became a central

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## **Human Rights Under Siege**

discourse among key international actors. This period saw significant advancements in the human rights movement, with the development of various legal and institutional mechanisms. At the international level, [numerous human rights instruments](#) were formulated.<sup>12</sup> There are [nine core international human rights instruments](#), each accompanied by a committee of experts tasked with monitoring the implementation of treaty provisions by state parties.<sup>13</sup>

Despite these advancements, the period was also marred by severe human rights violations, as seen by the genocide in Rwanda and the atrocities in the Balkans, Iraq, Afghanistan, Sudan, Chechnya, and Ukraine. These events left deep scars but also fueled the demand for stronger human rights protection and promotion, especially in developing countries. The United States and its European allies were at the forefront of this discourse.

### **A Decade of Decline: The Eroding Landscape of Global Human Rights Protection**

Regrettably, the past decade has seen a significant retreat in the institutional, legal, and political frameworks that support human rights protection and promotion. The independence of NHRIs, pivotal in this domain, has been increasingly undermined, reflecting a broader global trend of democratic deterioration.

The world has observed a troubling trend of “democratic backsliding” over the last decade, where principles of democracy are increasingly being compromised. There is a decrease in the number of full democracies and a concurrent rise in authoritarian and hybrid regimes. Reports such as the [Democracy Index](#) by the Economist Intelligence Unit (EIU) and Freedom House’s Freedom in the World have documented this decline, pointing to increasing

authoritarianism, eroding rule of law, diminishing press freedoms, and decreasing public trust in democratic institutions. EIU documented 2023 as an “inauspicious year for democracy with the average global score falling to its lowest level since the index began in 2006,” according to the Democracy Index, with less than 8% of the world’s population living in a full democracy and almost 40% living under authoritarian rule.<sup>14</sup> Similarly, Freedom House has documented [17 consecutive years decline](#) in global freedom.<sup>15</sup> The Varieties of Democracy (V-Dem) annual report adds to this concerning picture, indicating a shift in [42 countries towards autocracy](#) since 2002, affecting a remarkable 72% of the global population.<sup>16</sup>

This democratic regression correlates with amplified restrictions on NHRIs. Examples span continents, from Venezuela, Mexico, Panama, and Nicaragua in Latin America to Poland and Hungary in Europe, Uganda in Africa, and Thailand, Sri Lanka, and Afghanistan in Asia. The global network of NHRIs, in partnership with the United Nations Office of the High Commissioner for Human Rights as its secretariat, evaluates these institutions against the Paris Principles of independence and effectiveness in human rights promotion and monitoring.

In recent years, the Global Alliance of National Human Rights Institutions (GANHRI) has sounded alarms about the [challenges in upholding human rights](#).<sup>17</sup> Since 2015, GANHRI has downgraded the status of 11 NHRIs due to diminished effectiveness and independence. Notably, the Afghan National Human Rights Commission was [dissolved](#) following the US withdrawal from Afghanistan, reversing legal and institutional rights guarantees.<sup>18</sup>

In 2023, the independence, pluralism, [diversity, and accountability](#) of the National Human Rights

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## **Human Rights Under Siege**

Commission of India were called into question.<sup>19</sup> This body, which long maintained an (A) status and was regarded as a model institution, is now being reviewed for potential [downgrading](#) by GANHRI.<sup>20</sup>

### ***Shifting Paradigms in Global Politics: Challenges to Human Rights and International Cooperation***

In recent decades, global politics have undergone a fundamental transformation, challenging long-standing assumptions of unipolarity. It has become increasingly evident that several nations, particularly in the Global South, including China and India, alongside Russia, are intent on shaping a future world order that aligns with their respective political ideologies. These countries are actively working to limit the involvement of international human rights organizations in what they deem their “internal affairs.” Former Australian Prime Minister Kevin Rudd astutely noted that these nations are advocating for their unique interpretations of human rights, focusing on the right to development, inspired by their successes in poverty reduction.<sup>21</sup> Additionally, they are vehemently opposed to any form of intervention they view as masked international humanitarianism.

This new approach was notably evident during discussions on the UN Special Coordinator’s Assessment on Afghanistan. The proposal [for international actions](#), including the appointment of a special envoy of the UN Secretary-General, met with reservations from China and Russia.<sup>22</sup> These two nations [abstained](#) from voting on the resolution to adopt these recommendations on December 27, 2023.<sup>23</sup> Their feedback aligns with a broader strategy to resist international interventions, particularly those rooted in civil and political rights, and obstruct interventions within their spheres of influence, as seen in the termination of the peacekeeping mission in Mali.

The [growing divide in](#) the Security Council becomes especially apparent as one of its current features during discussions on human rights.<sup>24</sup>

The UN [meeting](#) in Doha on Afghanistan, convened at the invitation of the UN Secretary-General on February 17-18, 2024, aimed at forging consensus and exemplifies the growing divide.<sup>25</sup> Russia, China, and Iran -- in contrast to the UN Security Council’s resolution and the stance of the rest of the international community -- forged a regional position aligned with the Taliban’s policies, including on human rights issues. At the Taliban’s request, the Russian delegation [refused](#) to participate in a meeting involving Afghan civil society participants, which was convened by the meeting’s organizers.<sup>26</sup> The UN Doha meeting aimed to conclude the UN Secretary-General’s consultations on the appointment of a UN special envoy to Afghanistan. This proposal, supported by most Security Council members, faced [abstention](#) from Russia and China in December 2023, primarily due to the Taliban’s vehement opposition to the appointment.<sup>27</sup>

### **UN Crisis of Confidence**

The UN’s crisis of confidence, exacerbated by Russia’s full-scale invasion of Ukraine, was already brewing due to persistent major-power geopolitical conflicts and resulting deadlocks in the Security Council. As [Richard Gowan](#), the UN director at the Crisis Group, points out, the wars in Ukraine and the Middle East have further deepened the rift between key UN member states, placing immense pressure on the institution and its leadership.<sup>28</sup> These conflicts have also marked a significant shift in public discourse about the UN, Russia, the US, and other key Security Council members. The events of October 7th, involving civilian massacre in Israel and the subsequent massacre, mass

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## **Human Rights Under Siege**

atrocities, unprecedented collective punishment and intentional starvation of Palestinians by Israeli forces, have further eroded confidence in and authority of the UN. The unpredictable behavior of states and groups, and their disregard for the UN's rules and its calls, is increasingly evident. For instance, suspected Houthi rebels, in solidarity with the people of Gaza, declared a [unilateral blockade](#) on vessels bound for Israel in November 2023 and attacked several ships.<sup>29</sup> In response, on January 12, 2024, the US, UK, and a coalition of countries including the Netherlands, Australia, and Canada [launched strikes](#) on multiple targets in Yemen.<sup>30</sup> Following a similar pattern, Iran launched [missile and drone attacks](#) on multiple targets in Pakistan, Iraq, and Syria on January 16, 2024.<sup>31</sup> Pakistan, contrary to Iranian expectations, retaliated with [airstrikes on Iranian](#) locations near their border on January 18.<sup>32</sup> These developments, partially inspired by the major power practices, indicate a shift in how countries interpret Article 2 of the UN Charter, concerning respect for national sovereignty and the conduct of states. There are early signs of a perilous trend that, if not collectively and peacefully addressed, could severely impact international peace, and pose greater challenges for human rights protection.

Since February 2022, the conflict in Ukraine has resulted in approximately [10,000 civilian deaths](#).<sup>33</sup> Despite the UN Secretary-General's efforts, a peaceful resolution remains elusive. The ongoing conflict in Gaza since October 7, 2023, has led to over 1,200 Israeli fatalities, including civilian deaths and [more than 29,000 Palestinian killed](#) (at the time of writing of this paper), including more than 9,000 children, making it [one of the most destructive military campaigns in recent history](#).<sup>34</sup> Secretary-General António Guterres has made over 35 statements and numerous appeals to the Security Council and General

Assembly, primarily urging an end to the conflict, a humanitarian ceasefire, civilian protection, and hostage release. However, these pleas have largely been ignored. The UN Secretary-General, having exhausted his references to international law, appealed to the world [‘in the name of humanity’, invoking the rarely used Article 99](#) of the UN Charter.<sup>35 36</sup> These examples highlight the UN's inability and the indifference of key member states, especially the five permanent members of the Security Council, to take effective action in protecting human rights and lives in these two major conflicts of our time.

Following the conclusion of the Cold War, the UNSC experienced a brief era of harmony and cooperation, a stark contrast to the present state. During that earlier period, the Security Council was not plagued by recurrent gridlock between its permanent members, a situation that has become all too common in recent times. The United States was proficient in forging consensus on major humanitarian and human rights crises, showcasing a capacity for leadership and collaboration that is now markedly eroded.

This decline in consensus-building is acutely felt in current global politics. Conversations with human rights defenders, especially in nations that still hold faith in the United States' commitment to human rights, underscore the damaging impact of the UNSC's gridlocks on American credibility. This is particularly evident in the context of the United States vetoing resolutions that call for humanitarian ceasefires in Gaza. The resulting scenario is one where erstwhile restraint and constructive deliberation, once defining characteristics of the Security Council members' interactions, have gradually and noticeably diminished over the past decade.

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## Human Rights Under Siege

## Supplementary Elements Impacting International Cooperation

Beyond the obvious reasons, there are less apparent factors that have contributed to the current decline in global cooperation and in the effectiveness of multinational institutions.

One of the most perplexing developments has been the role of the United States in undermining some of the very institutions it played a crucial role in establishing and fortifying over decades. The actions taken under President Trump's administration were particularly striking. His decision to [withdraw the US from the UN Human Rights Council](#), coupled with the [cessation of funding](#) and repeated criticisms of the World Health Organization, significantly weakened the UN's influence and authority.<sup>37 38</sup> These moves not only symbolized a retreat from global engagement but also encouraged other nations to question and, in some cases, defy the mandates of these critical international bodies.

Furthermore, under President Biden, there appears to be a continuation of this trend, albeit in a different form. Despite his initial efforts to rebuild relations with multinational organizations and reassert the US's commitment to them, President Biden's apparent disregard for the UN Secretary-General's appeals and the UN General Assembly's resolutions, especially concerning humanitarian ceasefires in Gaza, marks a significant setback. This disregard was further accentuated by a decision that seemed to contradict the administration's stated objectives. In the midst of a humanitarian crisis, the United States chose to [suspend funding](#) for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on January 25, 2024.<sup>39</sup> This action not only deepened the humanitarian challenges but also raised serious questions about the United

States' [commitment to the United Nations](#) and its agencies, particularly in times of dire need.<sup>40</sup> Such decisions, especially in critical moments, highlight a concerning inconsistency in US policy towards the UN and its role in global humanitarian efforts.

These developments carry profound implications, not only undermining international mechanisms for conflict resolution and the protection of human rights but also setting a worrying precedent for other nations. This emerging trend signals a troubling shift away from a rules-based, multilateral world order towards a more fragmented and unilateral approach in global governance. It may indicate a transition towards multipolarity. As with any significant transition, this period is characterized by an evolving level of chaos and uncertainty. The potential long-term impacts of prioritizing short-term objectives could result in a more divided international community, leaving the United States with even more limited moral authority to stand in defense of human rights. This highlights the critical importance of careful consideration and strategic decision-making in global diplomatic efforts and in responding to major human rights crises and conflicts. These decisions need to be mindful of their longer term impacts on the protection of human rights and the U.S's global moral authority.

## *The Role of Sanctions in US Foreign Policy*

The United States leverages various methods to support human rights and influence the conduct of foreign governments, in line with its foreign policy objectives. These strategies encompass diplomatic efforts, humanitarian aid, development assistance, and public messaging. Among these tools, sanctions emerge as a significant means employed by the United States to prompt changes in the policies or actions

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## Human Rights Under Siege

of other nations. This form of restrictive and punitive action has been utilized by the United States, other major powers, and the United Nations (to be explained later in this paper), and other multinational entities to achieve policy goals. Following the adoption of the Rome Statute, referrals to the International Criminal Court have been considered as an additional mechanism to address significant human rights abuses. However, this tool, primarily aimed at human rights and justice, has lacked the membership and support of the United States, rendering it less effective in preventing atrocities and holding perpetrators of human rights violations accountable in a swift manner.

Opinions vary regarding the effectiveness of sanctions in promoting and protecting human rights. The [UN Special Rapporteur Alena Douhan](#), among others, has argued that the US's use of extraterritorial jurisdiction to impose sanctions could infringe upon human rights, especially if it disregards the presumption of innocence and lacks a legal avenue for challenging sanctions when individuals are designated.<sup>41</sup> Despite these concerns, sanctions remain an important, albeit imperfect, tool that can mitigate human rights violations when designed and implemented effectively. Sanctions imposed on South Africa during the apartheid era serve as a significant precedent, illustrating how such measures can pressure governments to dismantle discriminatory policies.

While most sanctions by the United States are motivated by security and economic interests, occasionally they are informed by human rights considerations. There is no direct correlation between the imposition of US sanctions and the findings of the Country Human Rights Practices annual reports. However, these sanctions are sometimes influenced by the same data that contribute to the Country Human Rights Reports.

## *The Divide Between the Annual Human Rights Country Practice Reports and Policymaking*

Since President Jimmy Carter's administration in 1977, human rights have been regularly at the [forefront of United States foreign policy](#).<sup>42</sup> Nearly every president since then has placed these values either as a central focus or a top priority in their international agendas. Only President Trump's administration broke with this tradition of balancing strategic interests with universal human rights principles.<sup>43</sup> His narrow and selective understanding of human rights, as shown in the Trump administration's [flawed](#) 'unalienable rights report', was detrimental to US leadership in global human rights.<sup>44</sup> This was furthered by his withdrawal from the UN Human Rights Council in 2018 and US sanctions on the ICC prosecutor, Fatou Bensouda. Two years ago, [President Biden revitalized US's commitment](#), stating that human rights are at the core of his foreign policy strategy, and by reversing President Trump's withdrawal from the UN Human Rights Council and lifting sanctions imposed on Bensouda, he declared "America is back."<sup>45</sup>

Fifty years ago, President Carter's emphasis on the defense of human rights as a key mission of the United States at home and abroad led [Congress to mandate](#) the Department of State to produce an annual assessment of human rights globally.<sup>46</sup> These reports, assessing human rights situations in all United Nations member states, serve as vital tools for governments, researchers, advocacy groups, journalists, and globally [conscious individuals](#).<sup>47</sup> Known for their candid evaluations of human rights records, they impartially scrutinize both allies and adversaries.

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## Human Rights Under Siege



President Jimmy Carter hosting a ceremony commemorating the 30th anniversary of the Universal Declaration of Human Rights. (December 6, 1978, National Archives)

These reports, drawing on my personal experiences and interactions with numerous human rights defenders across various countries, have become essential reference points for domestic advocacy. They play a pivotal role in igniting media debates on human rights issues and act as resources for civil society activists in different countries. However, despite their importance, the findings of these reports often remain isolated, seldom impacting policy decisions.

The Bureau of Democracy, Human Rights, and Labor (DRL), which spearheads US efforts in promoting and protecting human rights, maintains a “clear separation between the Annual Human Rights Country Reports and policymaking. To avoid policy implications, the DRL consciously refrains from ranking countries based on their human rights records.”<sup>48</sup>

Nevertheless, US foreign policy over the past two decades has frequently contradicted the findings of these reports. This inconsistency is particularly evident in the US response to human rights abuses that are contained for longer periods, especially in countries considered as allies. The world, unfortunately, is not short of major human rights crises. Systematic violations and abuses are rampant in conflict-ridden areas such as [Ukraine](#), [Ethiopia](#), [South Sudan](#), [Mali](#), [Israel and Palestine](#), [Syria](#), and [Afghanistan](#). Furthermore, there is also a lengthy list of stable countries with strong governments that, despite their stability, have significant records of human rights violations.

Comparing the Country Human Rights Practices Reports with US policy actions uncovers significant insights into the disparities between US foreign policy and the findings of these

## Human Rights Under Siege

reports. This is particularly evident in the perceptions of politicians, civil society, and human rights defenders in many countries that are both influenced by US policies and scrutinized in the Country Human Rights Practices Reports.

This paper will focus on a select group of countries in Central and South Asia, some of which are pivotal allies of the United States in the region. Examining these cases will enhance our understanding of the disconnect between the reported human rights practices in these countries and the actual commitment of US foreign policy to upholding human rights globally.

### **Myanmar**

The United States' most comprehensive recent response to a country's human rights record has been directed towards Myanmar (formerly Burma). The US Department of State's Country Human Rights Practices Reports for [2021](#) and [2022](#) detail extensive human rights abuses under the military-run State Administration Council in Myanmar, following the [February 2021 military coup](#) by the Tatmadaw, Myanmar's armed forces, which ousted the ruling National League for Democracy.<sup>49 50 51</sup> Documented abuses include extrajudicial killings, torture, arbitrary arrests, the detention of political prisoners, severe restrictions on various freedoms, and widespread impunity among regime officials.

During the same period, the United States implemented targeted [sanctions](#) under Executive Order 14014, primarily focusing on military officials, business leaders supporting the regime, and entities involved in human rights violations.<sup>52</sup> Specific targets included the Directorate of Procurement of the Commander-in-Chief of Defense Services and the Myanmar Economic Holdings Public Company Limited. This robust

response by the United States emphasized its firm stance against human rights violations and the undermining of democratic norms in Myanmar.

The US actions towards Myanmar in 2020 and 2021 show a strong alignment with the human rights concerns outlined in the Country Human Rights Practices annual reports. However, these sanctions were not explicitly issued under the Global Magnitsky Human Rights Accountability Act. They were rather more a case of reacting to the military coup than to explicitly highlighting the human rights focus of the sanctions. Nevertheless, the targeted sanctions against military officials, the designation of Myanmar as a Country of Particular Concern, and substantial humanitarian aid for the Rohingya crisis can be interpreted as a firm stand against military-related human rights violations. The impact of these sanctions on halting the regime's large-scale human rights violations is a matter of debate, necessitating additional measures and ongoing monitoring to ensure meaningful progress.

### **Bangladesh**

The Department of State's Annual Country Human Rights Practices Reports for [2021](#) and [2022](#) detailed significant human rights abuses in Bangladesh.<sup>53 54</sup> The report expressed grave concerns regarding extrajudicial killings, enforced disappearances, torture, and restrictions on freedom of expression and assembly. In response, the United States targeted the Rapid Action Battalion (RAB) and its officials with sanctions under Executive Order 13818. Furthermore, visa restrictions were implemented under the Department of State, Foreign Operations, and Related Programs Appropriations Act. These measures aimed at individuals and entities implicated in major

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## **Human Rights Under Siege**

human rights violations, particularly concerning the government's anti-drug campaign. The US sanctions on Bangladesh represent a concerted response to human rights abuses, focusing specifically on law enforcement bodies involved in these violations. These sanctions, combined with diplomatic pressure on the Bangladeshi government, illustrate a swift and integrated approach, although their impact remains to be seen.

Despite these measures, US diplomatic relations with Bangladesh continue to be relatively cordial. Even though the [United States viewed the January 8, 2024, elections](#) in Bangladesh as neither free nor fair and condemned the arrest of opposition members, it publicly committed to strengthening its partnership with the country.<sup>55</sup>

The recent punitive actions against Bangladesh are [unprecedented and particularly](#) principled for two reasons.<sup>56</sup> Firstly, the United States has been expanding its relationship with Bangladesh

in recent years due to the country's strategic geographic location and therefore, its place in [the US Free and Open Indo-Pacific policy](#).<sup>57</sup> Secondly, the United States acknowledges India's significant influence and close ties with Bangladesh, showing signs in recent months of [aligning its stance with India's](#) and supporting the Bangladeshi government, even after having frequently pressured the Bangladeshi government—one with deep ties to New Delhi—to hold free and fair elections.<sup>58</sup> While in its dealings with Bangladeshi human rights issues the United States is not necessarily tied to what India does, this alignment could nonetheless potentially affect how the United States addresses human rights issues in Bangladesh.

The US government has stated that human rights sanctions on the RAB will not be retracted until the Bangladeshi government conducts credible investigations into the abuses that led to the sanctions and takes concrete steps toward accountability.

A Rapid Action Battalion in Sylhet, Bangladesh. (July 4, 2019, HM Shahidul Islam/Shutterstock)



## Human Rights Under Siege

Despite the United States being a major aid provider to Bangladesh, with approximately [two billion dollars in assistance](#) over the past four years, including support for human rights and governance, the Bangladeshi government has so far [seemingly disregarded US concerns](#), with no credible actions taken to address the human rights issues raised.<sup>59 60</sup>

The US policy towards Bangladesh on human rights issues is a mix of incentives and punitive measures. However, to date, this approach has had a limited impact in altering the persistent abuses by state institutions.

## **Pakistan**

The Country Human Rights Practice reports on [Pakistan since 2019](#) every year have highlighted a range of serious human rights abuses, including enforced disappearances, torture by security forces, violence against ethnic, racial, and [religious minorities](#), extrajudicial killings, and restrictions on [freedom of expression](#) and violence against journalists.<sup>61 62 63</sup>

In 2022, Pakistan experienced a political upheaval with a leadership change following a no-confidence vote against former Prime Minister Khan, culminating in the election of Shehbaz Sharif as Prime Minister. In 2023, a caretaker government was established, overseeing [controversial elections](#) and the subsequent transition to a fragile coalition government.<sup>64</sup> Despite these shifts in civilian leadership, the pattern of human rights violations remained persistent and unaltered. Security institutions, particularly the military, continued their engagement in unlawful killings, forced disappearances, torture, and a general lack of accountability. This continuity of abuse underscores the enduring influence and unchanging conduct of the military, irrespective

of the changes in political leadership. Civil liberties and rights violations persisted across various domains, including judicial independence, privacy, media and expression, internet freedom, assembly and association, religious freedom, movement, gender-based violence, minority rights, and labor rights. This situation highlights a stark contrast: while political leaders and governments change, the entrenched pattern of human rights violations, driven by the consistent conduct of the military and security institutions, remains a constant challenge.

These practices, pervasive and broadly reflected in annual reports over the past two decades, have not resulted in major US sanctions against Pakistan, primarily due to the necessities of the “war on terror.” It wasn’t until 2019 that the United States designated Pakistan as a Country of Particular Concern. In 2023, the US Commission on International Religious Freedom (USCIRF) again recommended re-designating Pakistan as a [“country of particular concern”](#) for these violations.<sup>65</sup> Finally, in 2024, following years of recommendations, Pakistan was once again [instituted](#) as a Country of Particular Concern.<sup>66</sup>

While the US government has discussed conditioning aid on Pakistan’s religious freedom record, particularly regarding the treatment of the Ahmadi community, these conditions have never been implemented. US aid to Pakistan, including any attached conditions, has varied over time and often responds to changes in the geopolitical landscape and US foreign policy, not necessarily based on human rights concerns.

Since 2019, Pakistan has received \$1.79 billion in aid from the United States. In 2023, aid declined from \$770 million in 2019 to around \$170 million, all earmarked for economic purposes, marking the first time in two decades that no funds were

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## **Human Rights Under Siege**

allocated for military and security institutions. This reduction in military aid was triggered by the suspension of all military aid to Pakistan in 2018, and such aid ceased entirely in 2023. The two-thirds decrease in annual financial aid was partially due to the end of the US need for transit logistics and supplies for American forces in Afghanistan. Historically, the significant aid for Pakistan was driven by security and geopolitical objectives, often overlooking the long list of human rights concerns reported annually by the annual report and other rights organizations. Its recent decline of aid was not communicated as a response to Pakistan's human rights record, nor did the US leverage its financial aid ([totaling \\$15 billion for 15 years that includes coalition Support Fund](#)) to influence a shift in behavior regarding human rights protection by Pakistan's military and civilian institutions.<sup>67</sup>

The United States has imposed sanctions on various entities and individuals in Pakistan, but all but one of these sanctions programs are focused on national security issues and are completely disconnected with severe human rights abuses in the country. Sanctions, especially those related to Pakistan's missile program, are security oriented (for example, two rounds of sanctions—in October 2023 and April 2024—were imposed on companies, most of them Chinese, for aiding Pakistan's ballistic missile program). Almost none have targeted government entities, the primary enablers of these abuses.

Despite Pakistan enacting the [Prevention of Trafficking in Persons Act in 2018](#) and approving a [National Action Plan to combat human trafficking](#) and migrant smuggling, little progress has been made in implementing these initiatives. Consequently, the US issued sanctions under [Executive Order 13581](#) on April 7, 2021, targeting human trafficking organizations.<sup>68 69 70</sup>

While the United States may have used diplomatic channels to express concerns about human rights in Pakistan, this is not publicly documented. The United States has not effectively used aid and sanctions together to constrain Pakistan's state institutions, especially the military, from its longstanding practice of human rights violations.

The US policy towards Pakistan remains heavily focused on counterterrorism and security, often at the expense of human rights concerns. This approach, characterized by an intermittent pattern of relations, predominantly utilizes aid as a means of securing cooperation. However, this strategy tends to overlook the extensive human rights abuses committed by Pakistan's powerful military. Hussain Haqqani, in his detailed work "Magnificent Delusion," discusses how Pakistani army generals have managed to manipulate US policymakers, using various methods to mislead them into overlooking their harmful actions against the Pakistani population, democratic institutions, and human rights.<sup>71</sup>

Similarly, General H.R. McMaster, a former US National Security Advisor, echoes these concerns. He highlights how the focus of US policy on security interests can inadvertently lead to the underemphasis of critical human rights issues in Pakistan. McMaster also underscores the tactics of Pakistani leaders, particularly their use of nuclear weapons as tools [for extortion or blackmail](#).<sup>72</sup> This perspective reinforces the notion that US policy, while security-centric, often neglects the significant human rights implications of its engagement with Pakistan.

## India

Since 2019, the US Country Human Rights Practices Reports have annually highlighted various human rights issues in India, including

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## Human Rights Under Siege

extrajudicial killings, restrictions on freedom of expression, and discrimination against minorities.

An analysis of these reports over five consecutive years reveals a growing pattern of human rights violations in India, which appear to be either [systematic or a result of negligence](#) by authorities or institutions, coupled with a [lack of accountability](#) for such abuses.<sup>73 74</sup> Despite these serious allegations, the United States has not applied significant pressure or utilized its foreign policy tools to influence India's conduct. The Biden administration's stated commitment to placing human rights at [the forefront of American foreign policy](#) raised expectations among human rights advocates, including those in India.<sup>75</sup> Many anticipated that the US Commission on International Religious Freedom's (USCIRF) repeated recommendations since 2020 to include India on a religious freedom blacklist would be acted upon.

While the Biden administration has engaged [India diplomatically](#) regarding human rights concerns, it has not employed the more robust tools at its disposal, notably sanctions.<sup>76</sup> In 2022, the administration [offered \\$500 million](#) in military aid to India, made efforts to align India away from Russia, and tolerated an alleged [conspiracy to assassinate](#) a US national on American soil.<sup>77 78</sup>

The US policy towards India is heavily influenced by strategic geopolitical interests and potential economic benefits. It appears that other US foreign policy priorities, including human rights, are secondary to the significant convergence of interests with India in countering China. The United States views India as a key partner in the Indo-Pacific region, and this partnership seems to take precedence over pressing human rights concerns.

This apparent discrepancy might be rationalized as pragmatic realpolitik in the short term, yet it undeniably contributes to perceptions of the United States applying a double standard when it comes to upholding human rights.

### **Afghanistan**

The US Country Human Rights Practice reports from 2019 to 2022 have highlighted considerable human rights abuses in Afghanistan, particularly since the Taliban's takeover in August 2021. Following a [deal](#) signed with the Taliban in Doha, Qatar, in February 2020, the United States withdrew its forces from Afghanistan.<sup>79</sup> This negotiation, spanning from September 2019 to February 29, 2020, faced criticism from rights groups for its lack of transparency and inadequate consideration of human rights risks. US government officials were accused of downplaying the human rights concerns of Afghan women and human rights groups while promoting a narrative of a changed Taliban. The subsequent annual reports by the Department of State since the Taliban's resurgence have underscored severe human rights abuses, including arbitrary detention, extrajudicial killings, torture, harsh prison conditions, unlawful detention of political prisoners, severe restrictions on various freedoms, gender-based violence, and the recruitment of child soldiers. Reports from other sources, including the UN Special Rapporteur on the Situation of Human Rights in Afghanistan, align with these findings, with the Taliban themselves reporting the detention of [19,000 people, including 800 female activists](#), without due process.<sup>80</sup>

The United States does not recognize the Taliban as a government since their return to power. It has not clearly defined its policy on Afghanistan with human rights as a key focus either. The administration's four stated interests

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## **Human Rights Under Siege**

in Afghanistan do not explicitly include human rights but rather aim to prevent the country from again becoming a haven for terrorist groups, to secure the release of hostages and US citizens in Taliban custody, to evacuate Afghan allies left behind, and to deliver humanitarian aid.

To achieve its objectives, the United States ceased all development funding and implemented a series of new sanctions utilizing various executive orders and existing acts. These new sanctions targeted both the Taliban's de facto government and specific members of the Taliban Quetta Shura and the Haqqani Network. These factions of the Taliban, now the de facto rulers of Afghanistan, have been long designated as [Specially Designated Global Terrorists](#).<sup>81</sup>

The United States has [imposed sanctions](#) on the Taliban since 1999, which were significantly intensified under [Executive Order 13224](#) in late 2001 following the 9/11 attacks.<sup>82 83</sup> These sanctions, enduring for over two decades, were initially aimed at the Taliban as a non-state actor. With the Taliban's return to power, the US government has continued to rely on these pre-existing sanctions and measures, such as [asset freezes](#), to address the new political landscape.<sup>84</sup> This included freezing assets of the Afghan [Central Bank](#) and restricting the Taliban's access to international aid.<sup>85</sup> Consequently, all new sanctions imposed up until December 2023 were primarily focused on security objectives rather than addressing human rights concerns.

On December 8, 2023, the US Treasury announced new sanctions against two officials of the Taliban regime in Afghanistan, marking the first instance of Afghanistan-related sanctions based on the Global Magnitsky Human Rights Accountability Act. [Mohammad Khalid Hanafi](#) and Fariduddin Mahmood were specifically targeted for their roles in the [systemic repression](#)

of women and girls.<sup>86</sup> The Treasury Department highlighted the Taliban's policy of prohibiting girls from attending school beyond the sixth grade as a form of "severe and pervasive discrimination." These sanctions were met with approval from human rights organizations; however, the extent of the human rights violations regularly reported by the Department of State's Country Human Rights Practice report, human rights groups, the UN, and [its Special Rapporteur on the Human Rights Situation in Afghanistan, Mr. Richard Bennett](#), suggest that the measures are not commensurate with the scope of abuses.<sup>87</sup> The sanctions fail to address the broader systemic suppression of women's rights, a policy emanating from the collective decisions of the Taliban's leadership council. Additionally, they do not identify or penalize those responsible for the systemic targeting and [extrajudicial killings of Afghan former security forces](#)—a concern also highlighted in the 2022 Country Reports on Human Rights Practices by the Department of State.<sup>88</sup> Afghan human rights activists have documented the systematic nature of these crimes, predominantly executed by the Taliban's General Directorate of Intelligence (GDI). Those who leads these abuses have not been included in the sanctions.

These cases highlight the United States' inconsistent approach to human rights concerns across different countries, a variance driven by factors including the severity of reported abuses, strategic interests, and economic motivations. Despite legislation like the [Leahy Law](#), which aims to restrict US aid to governments implicated in severe human rights violations, often other priorities lead to the issuance of presidential waivers, bypassing these legal barriers.<sup>89</sup> This inconsistency and selectivity in the application of sanctions—where decisions to lift them are not always reflective of genuine improvements

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## Human Rights Under Siege

in a country's human rights situation but are influenced by alternative interests—reveal a complex balancing act within US foreign policy. Such a pattern not only undermines the capacity of the United States to effectuate lasting human rights advancements in developing nations but also fuels criticisms regarding America's dedication to upholding human rights standards globally. This scenario underscores a broader challenge in US foreign policy: reconciling the commitment to human rights with competing priorities, thereby highlighting the intricate interplay of factors that guide policy decisions, often at the expense of a consistent and principled human rights defense.

### ***Global Magnitsky Accountability Act: A Gradually Lesser Used Critical Human Rights Tool***

The enactment of the [Global Magnitsky Human Rights Accountability Act](#) by the US Congress in 2016 represented a pivotal moment in international human rights advocacy.<sup>90</sup> This legislation significantly broadened the United States' arsenal for addressing human rights abuses, granting the government the authority to impose targeted sanctions—namely, travel bans and asset freezes—against individuals and entities implicated in severe violations.<sup>91</sup> Designed as a direct response mechanism, these sanctions aim to hold perpetrators accountable,

Taliban fighters in Kabul. (August 17, 2021, VOA News)



sending a clear message of the United States' dedication to defending human rights across the globe.

The practical application of Global Magnitsky Act (GMA) sanctions, however, presents a nuanced picture of effectiveness and challenges. The sanctions' impact often wanes in jurisdictions with predominantly informal economies or porous border and immigration controls. For example, the imposition of sanctions in December 2023 on Taliban leaders [Fariduddin Mahmood](#) and Khalid Hanafi for egregious human rights offenses in Afghanistan highlights the limitations of such punitive measures.<sup>92</sup> The absence of a significant international presence for these individuals, coupled with their financial assets embedded within Pakistan's informal economy, exemplifies the difficulties in exerting meaningful pressure. Their indifference to global opinion further suggests that sanctions, in isolation, are insufficient to catalyze change without the prospect of additional legal actions, such as investigations under universal jurisdiction principles.

Insights from recent studies, including one by the International Lawyers Project, underscore the tangible outcomes of GMA sanctions, particularly in fostering asset freezes and encouraging potential shifts in behavior as part of a wider sanctions' framework. Despite the critical role of Global Magnitsky sanctions in the human rights protection toolkit, a discernible decline in their deployment has sparked debate within the human rights community.<sup>93</sup> The substantial decrease in human rights-related sanctions—from 176 in 2021 to 42 in 2022, and a further 30 percent reduction in 2023 relative to the five-year average—reflects a de-prioritization of the human rights agenda by the Biden administration. This trend juxtaposes

the administration's early pronouncements prioritizing human rights with a more cautious, strategic approach to international human rights engagement.

This reduction in the application of Global Magnitsky sanctions underlines the complex interplay between value-based goals and realpolitik considerations in US foreign policy. While strategic interests and diplomatic relations often influence the scope and focus of sanctions, the commitment to human rights seems to be a lesser-prioritized facet, presenting more challenges in policy formulation. However, the evolution in the use of these sanctions not only highlights the adaptability of US foreign policy but also emphasizes the ongoing dialogue between human rights ideals and the geopolitical landscape. As the global community continues to grapple with profound human rights challenges, the role of targeted sanctions as a mechanism for accountability and change remains a critical, if evolving, instrument in the pursuit of justice and dignity for all.

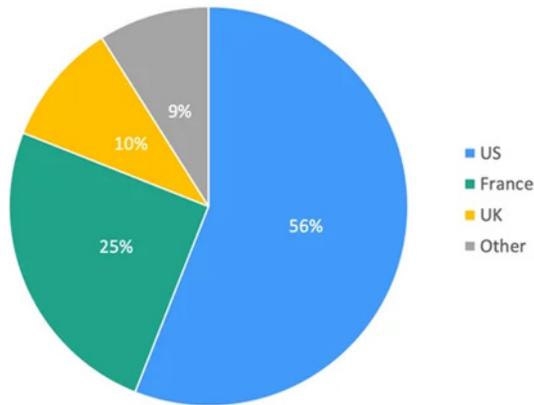
## UN Sanctions and Human Rights

Security Council resolutions and UN sanctions are meticulously crafted following extensive negotiations among the members of the United Nations Security Council. Typically, a Security Council member, known as the penholder, assumes the lead in drafting these sanctions and resolutions. Since 1966, the United States has acted as the [penholder for 56% of UN sanctions](#),<sup>94</sup> demonstrating its significant influence in shaping UNSC resolutions, often in partnership with key allies like the UK and France as fellow permanent members. This collaboration has resulted in unparalleled power and influence over the formulation of almost all UNSC sanction regimes and resolutions.

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## Human Rights Under Siege

States leading the drafting of UN Security Council sanctions resolutions



The use of sanctions and UN Security Council resolutions is a critical component of the UN's strategy for enforcing human rights standards. These measures, while sometimes controversial, were a testament to the international community's commitment to responding to gross human rights violations with tangible actions in the not-so-distant past.

Since the inception of its first sanction regime in 1966, the Security Council has [established 31 sanctions regimes](#) targeting at least 16 countries, states, and groups, including Daish in Iraq and the Al-Qaida and Taliban in Afghanistan.<sup>95</sup> Approximately [one-third](#) of these regimes were enacted in response to human rights violations, reflecting the varied objectives of UN sanctions.<sup>96</sup>

Until the mid-1990s, UN sanctions were predominantly comprehensive affecting countries such as Iraq, Haiti, and the former Yugoslavia.<sup>97</sup> These sanctions aimed, among other goals, to protect human rights by weakening the state's economy to compel governmental behavior change. However, the broad impact of comprehensive sanctions and their humanitarian consequences prompted

a shift towards targeted sanctions. Targeted sanctions aim to maximize the impact on responsible individuals within a country while minimizing humanitarian consequences for the general population. This evolution, partially influenced by human rights and humanitarian considerations, occurred over two decades, significantly altering the UNSC's sanctioning practices and the dominant perception of sanctions' role in international relations.

Over the past three decades, the UNSC has adopted a more objective interpretation of Article 4, Chapter VII of the Charter, enabling it to employ targeted sanctions more frequently. Notably, two out of nine types of situations where targeted sanctions are most commonly applied include enforcing peace or ending violent conflicts, and the promotion of human rights.<sup>98</sup>

The United Nations Human Rights Council (UNHRC), established by the [UN General Assembly](#) in 1993, plays a crucial role in promoting human rights.<sup>99</sup> While the UN Office of High Commission for Human Rights ([OHCHR](#)), monitors human rights situations and documents abuses, the UNSC holds the authority to enact measures, including sanctions and interventions, in response to threats to peace and significant human rights crises. However, the consistency of the UNSC's response to human rights violations varies, leading to calls for a more systematic approach.

Sanctions aim to coerce a change in behavior, whether of a government or an individual, within or outside public authority, and to constrain their ability to continue human rights abuse. Moreover, sending a signal to an actor to change behavior or to cease conduct leading to human rights violations represents a core objective of these measures. The effectiveness of the UN's targeted sanctions continues to spark debate, with only

## Human Rights Under Siege

22% of the 31 sanction regimes meeting at least one of their objectives so far.<sup>100</sup>

Each sanction regime serves multiple purposes. One-third of the UNSC's sanction regimes include language supporting human rights; however, according to Thomas Biersteker, a leading expert on UN sanctions, only 3% of these sanctions were adopted with the primary objective of protecting human rights.<sup>101</sup> For the remainder, any human rights protection language is typically found in the preamble of the resolution. Biersteker contends that unless these provisions are included in the operational part of the sanctions and are backed by operational elements, their potential to compel the targeted actors to change their behavior is significantly limited.

Currently, only [11% of all UN sanctions](#) episodes are deemed effective in inducing a behavioral change in their targets, and 24% have successfully constrained targets from pursuing undesirable activities.<sup>102</sup> While sanctions consistently communicate a strong message from the international community (UNSC) that they can exert pressure to deter human rights abusers in the short term, the risk remains that without subsequent punitive actions, these efforts may only entrench a culture of impunity. Targets often adapt to sanctions, finding ways to circumvent them and thus reducing their impact. This adaptation can lead to continued impunity, further traumatization, and disillusionment for the victims of atrocities. Understanding this risk, Rosemary DiCarlo, the UN Under-Secretary-General for Political and Peacebuilding Affairs, underscores the importance of recognizing that sanctions "[are not an end in themselves](#)."<sup>103</sup> Without being part of a broader strategy that includes political, social, and often regional dialogue, as well as coordinated efforts by a larger number of countries and multinational

institutions, sanctions alone are unlikely to achieve their intended outcomes. Data suggests that as standalone measures, sanctions have had very limited success.

Amid this backdrop, even in the absence of direct threats to international peace, systemic human rights abuses persist under authoritarian regimes, rendering the notion of peace elusive for the affected populations. Such conditions compel communities, especially human rights defenders, to seek intervention from the UNSC and the global community. Without prompt action, many are forced to flee, sparking refugee crises, or, alarmingly, some youth may resort to joining violent or terrorist groups as their only perceived option.

Despite inconsistencies in the UN Security Council's approach to human rights, it is still widely believed that [sanctions are the United Nations'](#) last resort when addressing significant human [rights violations](#).<sup>104 105</sup> The sanctions regime is primarily designed as a punitive measure by the UNSC. The Council also adopts resolutions. These resolutions serve as a blend of advisory and operational directives to the UN or other entities, including governments or groups. The protection and promotion of human rights frequently feature within the scope of UNSC resolutions as well.

In sum, while strategic interests often overshadow human rights considerations, the expectation for the UNSC to intervene in human rights crises remains high among affected populations and human rights defenders. The inconsistency in the UNSC's approach underscores the need for a principled strategy that prioritizes human rights alongside international peace and security.

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## Human Rights Under Siege



UN Ambassadors watch Afghan National Army weapons training in Kabul. (June 22, 2010, US Army)

### *Human Rights and UN Security Council Resolutions: The Afghanistan Case Study*

To gain insight into the UNSC’s conduct in support of human rights, an assessment of the Council’s resolutions regarding Afghanistan over the past two decades offers a valuable longitudinal perspective. Since September 2001, there has been an unprecedented level of consensus among all five permanent members concerning Afghanistan. Between November 2001 and December 2021, the Security Council issued [62 resolutions](#) on Afghanistan, reflecting a significant period of engagement and decision-making.<sup>106</sup>

### *Trends Over Time*

#### **First Phase- Human rights as a priority (2002-2006)**

In the early years, language supporting human rights was prominent in most of the 11 resolutions the United Nation’s Security Council issued on Afghanistan, with explicit mentions and operational directives focusing on establishing human rights mechanisms and supporting human rights commissions. For example [resolution 1401 \(2002\)](#) stresses respect for human rights in the context of recovery and reconstruction assistance (Para 4).<sup>107</sup> The same year, [resolution 1419 \(2002\)](#) placed a high emphasis on the protection of human rights,

## **Human Rights Under Siege**

especially in promoting the rights of women and children.<sup>108</sup> These resolutions rightly encourage institutional approaches to the promotion of human rights through the establishment of the Human Rights and Judicial Commissions (Paras 2, 8). Resolution [1536 \(2004\)](#) and [resolution 1662 \(2006\)](#) provide explicit support, especially in the protection and development of human rights in Afghanistan.<sup>109 110</sup> Similar language was used in the following years until 2006. That period shows a strong international commitment to embedding human rights in the rebuilding of governance of Afghanistan.

During this phase, the majority of international partners' public statements and policy priorities closely mirrored their private communications with Afghan counterparts, indicating a direct correlation between public pronouncements and substantive policy objectives. Therefore, as a reflection of this, human rights were prominently placed in the operational components of UNSC resolutions. During this period, promotion and protection of human rights was high on the agenda. Between 2002 and 2006, Kabul saw an unprecedented number of visits by leaders and senior officials from abroad. As I witnessed then, human rights, including transitional justice, was one of the top three priorities for the talking points of most of these leaders. European officials were more explicit and consistent in raising human rights issues with Afghan government leaders, when compared to US officials' public comments. Meetings with civil society and human rights activists were mostly a strong public display of support. Officials were not shying away from "candidly rais[ing] human rights issues with the Afghan president in private" as well.<sup>111</sup>

By 2005, the Afghan Independent Human Rights Commission began to demonstrate a capacity for strong domestic advocacy and for

monitoring the human rights situation, resulting in more public trust. Taking the historic legacy of human rights abuses in the country, coupled with the composition of the political elites who had a limited commitment to the cause of human rights, the commission early on realized the importance of keeping human rights issues high on the agenda of the United Nations and international partners as an important guarantee in a volatile environment. International acknowledgement of and engagement on human rights issues in Afghanistan provided, at the time, a shield for the Commission's work against a political elite composed of former warlords and others who, if not downright hostile to the cause of human rights, saw the issue as threatening to their unchecked rule. To this end, the Commission pressed on, including with advocacy at the UN in New York that was directed at those responsible for passing annual resolutions on Afghanistan, described in UN terminology as the "penholders." The acknowledgments by the Security Council resolutions served to further empower the Commission and other human rights defenders. It also added to their ability to operate with a higher degree of independence.

### **Phase II- Evolving Focus (2007-2009)**

From 2007 to 2009, the focus of the UNSC resolutions shifted more towards the security situation. Although human rights occasionally remained in the texts of resolutions, they were mostly implicit, relegated to the margins either in preambles or in advisory language. At times, the language became more integrated with broader concerns about security, development, and governance, but not as a stand-alone issue. Counterterrorism dominated the focus of the Security Council's debate on Afghanistan.

The five resolutions that the UNSC issued between 2007 and 2009 show a move towards

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## **Human Rights Under Siege**

more “careful” and implicit support for human rights. The resolutions had fewer explicit mentions of human rights commitments and priorities.

This shift coincided with growing Afghan human rights activism and society’s demand for justice for past human rights abuses—as reflected by the Afghan independent Human Rights Commission’s national consultation, “[A Call for Justice](#)” and the adoption of the [action plan for peace, justice and reconciliation](#) in December 2006.<sup>112 113</sup> Public advocacy by civil society and its desire for accountability grew stronger in this period. But, contrary to the popular demands of Afghans, the human rights agenda moved from being a key priority of international partners to a sub-issue. The United States and other international partners begin to adopt a different approach towards promotion of values in Afghanistan. It seemed that halfway through their involvement to stabilize Afghanistan, they decided that they would not promulgate a particular vision of how the Afghan state should organize itself, and particularly in the spheres of rights and justice. In 2009, in the lead up to the Afghan presidential elections and then afterwards, the slogan “Afghan good enough”—coined by some diplomats at the US embassy in Kabul and experts in UNAMA— began to shape policy debates of the international partners of Afghanistan in Kabul and other capitals. They argued that most democratic principles and human rights standards could not be observed and therefore the bar on, for example, free and fair elections should be lowered. Some, including the United States, feared that in a conservative society like Afghanistan pushing for human rights may be considered imposing western values. They also feared that Afghans’ demands for justice may undermine the fragile coalition of warlords and former armed groups that made up

the government. Those with these views were disregarding the overwhelming public support of Afghans for a human rights-based approach to Afghanistan’s development.

[Roland Paris](#) and a few others were arguing against advocating for a particular vision of state building missions.<sup>114</sup> In the case of Afghanistan, the United Nations and other international actors led by the United States were engaged “shoulder to shoulder” in stabilization and state building in Afghanistan from the outset. A state based on the Westphalian system—involving participatory governance and a strong bill of rights chapter in a constitution adopted in 2004—were Afghans’ demands and their natural response to two decades of brutalities and chaos in Afghanistan. Those demands were further evident in numerous studies, such as the annual [Survey of the Afghan People](#) report by the Asia Foundation.<sup>115</sup> While there was admittedly an overlap of values and principles among Afghans, support for their demands for rights would have been the most impactful path the UN and the rest of international community could have pursued back then.

By 2010, most of the senior foreign officials visiting the country refrained from strongly advocating for a human rights and justice agenda with their counterparts, as they had done in the years prior. Human rights issues begin to slowly disappear from key international partners’ talking points.

Overall, the UN resolutions of this phase in Afghanistan reflected the evolving and complex nature of the international community’s engagement in Afghanistan. The initial operational focus in the resolutions on human rights became more advisory and implicit over time, reflecting changing priorities and the evolving security situation on the ground. In

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## Human Rights Under Siege

policy debates, the international community led by the United States was attempting to balance concerns for sovereignty and stability of Afghanistan with the need for combating terrorism and narcotics. Development remained a recurring theme, too. Perhaps in part a response to the false perception that Afghans may see human rights as a western imposed value, human rights language if mentioned at all became more implicit, folded and integrated into broad themes such as governance.

### **Phase III: Counterterrorism, civilian protection in armed conflict (2010-2017)**

Between 2010 and 2013, the primary focus of the resolutions became counterterrorism. Human rights support continued to appear only implicitly in resolutions. This phase coincides with President Obama's decision to implement a troop [surge announced](#) on December 1, 2009 at West Point.<sup>116</sup> He narrowed the US objective in Afghanistan, and gradually moved away from the language of intervention to protect human rights, and especially the rights of women. He instead emphasized a peaceful path and stated that “ we will support efforts by the Afghan government to open the door to those Taliban who abandon violence and [respect the human rights of their fellow citizens](#).”<sup>117</sup>

UNSC resolutions reflected this new direction. Counterterrorism saw rising prominence over the years of the surge. As the number of military operations increased in Afghanistan because of the surge, violence escalated, and more civilians were caught up in the violence and lost their lives.

By 2010 and 2011, the [Afghan independent human rights commission](#) and UNAMA's separate monitoring and reporting of international humanitarian law and civilian casualties had

become more systematic, and those reports were indicative of the rising concerns of the human rights community and broader public.<sup>118</sup> At the same time, President Karzai of Afghanistan had grown more unhappy and worried about the escalating violence and subsequent civilian casualties' impact on his presidency. Many were concerned too that the loss of civilian lives would become an easy recruitment tool by the Taliban. President Karzai increased his public criticism of military operations and civilian casualties. The UNSC passively responded to those concerns by incorporating language in subsequent resolutions on civilian protections during military operations. For example, [resolution 1974 \(2011\)](#) called for the protection of civilians and compliance with international humanitarian law.<sup>119</sup>

During the immediate period after the military surge in Afghanistan (2014-2017), there was a noticeable shift toward more frequent mentions of human rights, especially concerning women and children. UN resolutions started emphasizing the interconnected nature of challenges in Afghanistan, including human rights, and called for specific actions or commitments from the Afghan government and international community related to human rights. However, they still didn't have dedicated operational components for human rights other than instructing the Office of High Commission for Human Rights to support the Afghan Independent Human Rights Commission. The language mostly remained implicit and advisory.

### **Phase IV. Peace Agenda and Growing Human Rights Concerns (2018-2021)**

President Trump's South Asia strategy brought an increased focus on the deteriorating security situation in Afghanistan, with the Taliban expanding their brutal tactics of [suicide attack in cities](#) and against [religious communities](#)

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## Human Rights Under Siege

including Sikhs and Shia Afghans.<sup>120 121</sup> The activities of [Daesh ISK have also contributed](#) in more civilian loss of life.<sup>122</sup> By 2018, as the UN reported on the [highest recorded level of civilian](#) deaths in one year in Afghanistan since the UN began recording these figures, resolutions (2405 of 2018, 2489 of 2019, 2543 of 2020) become rightly vocal about the need to protect civilians.<sup>123</sup>

The same year, the Trump administration aggressively pushed for a deal with the Taliban. As the Taliban expanded their areas of control, Afghan women groups and human rights activists feared an increased rollback on human rights. Afghan women groups pursued an aggressive advocacy campaign with the international community, part of which began to be reflected in UN security Council resolutions. The resolutions called for greater efforts to secure the rights of women, children, and minorities and emphasized the importance of equal protection under the law and access to justice.

In [2020, Resolution 2543](#) focused comprehensively on the participation and protection of women and minorities, reflecting an understanding that sustainable peace requires an inclusive and rights-based approach.<sup>124</sup> UNSC resolutions on Afghanistan shifted to a more explicit emphasis on human rights, moving it from advisory language to the operational parts of resolutions. Because President Trump's administration so desperately wanted to sign a deal with the Taliban; because it was becoming more evident that the US deal with the Taliban failed to make even a single reference to human rights; and because the US administration was publicly distancing itself from its responsibility to be mindful of the consequences of a deal with a group with an established track record of massive human rights violations, and especially

women rights abuses, the international community—particularly the Europeans—began to echo Afghan women's voices calling for greater attention to rights.

President Trump's determination to finalize a deal with the Taliban that had no explicit or implicit commitments to human rights deepened concerns among Afghan women about the future of their rights. Raihana Azad, a prominent lawmaker and women's rights advocate, articulated the fears of many when she [said](#), "The Americans don't care about rights for Afghan women. This deal is happening behind closed doors, and Afghan women were not part of it...," thereby reflecting the apprehension that the agreement would embolden the Taliban to revert to their oppressive rule over women.<sup>125</sup> [An Open Letter from Afghan Women to the Taliban](#) by a coalition of Afghan women rights advocates stated that, "We, perhaps more than anyone, seek an end to this senseless war. Yet, we, like the vast majority of Afghan women and men, worry that the price of peace may be too heavy if we lose the vitality of more than half of our population and the essential gains achieved in the last two decades." The letter was showcasing Afghan women's collective apprehension towards peace talks with the Taliban and potential compromises on women's rights.<sup>126</sup> These voices were reflected in resolutions in late 2019 and 2020, and later as well. According to an Afghan representative at the Afghan permanent mission in New York, the United States from 2019 onwards did not actively promote stronger language for human rights protection through UNSC resolutions. At best, it endorsed language proposed by penholders and others without making an emphasis on rights and freedoms.<sup>127</sup>

This analysis reflects the evolving priorities of the UNSC concerning human rights, as evidenced

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## Human Rights Under Siege

by the resolutions passed over two decades. The case of Afghanistan, which featured significant involvement on the rebuilding and security fronts from three permanent security council members—the United States, the United Kingdom, and France—serves as a pivotal example. These resolutions, adopted amidst active participation by these nations in Afghanistan, mirror their approaches to human rights issues.

## LESSONS LEARNED AND RECOMMENDATIONS

The insights drawn from this analysis reveal crucial lessons about the dynamic nature of international policies and priorities versus human rights commitments within the UN Security Council (UNSC) framework. Specifically, the case of Afghanistan presents an important set of lessons for other future conflict-affected situations, focusing on the impact and significance of the language used in UN resolutions, and how it affects local and regional perceptions, and subsequently, the outcomes of international engagement.

### *Consistency on Human Rights Protection Leads to Stability*

Over the course of two decades and through 60 United Nations Security Council (UNSC) resolutions, despite the significant presence of the international community, the Council failed most of the time to assert strong operational language on the protection of human rights. Notably, it neglected to support early Afghan demands for justice for past and present crimes, which coincided with the onset of international engagement and continued for two decades. Many studies suggest that this lack of emphasis on accountability for past crimes fueled corruption and weakened governance, and led

to a populace that while not supportive of the Taliban remained indifferent to their growing influence—first in the southern regions and later expanding to the north of the country.

In a country with a high level of international community involvement, the language and priorities set forth in UNSC resolutions carry substantial, real, and symbolic weight. Local and regional actors meticulously analyze these documents, which in turn shape their behavior. The UNSC, at times, has seemed unaware of its considerable influence in molding perceptions and attitudes. Consequently, the UNSC's use of implicit or merely advisory language in supporting human rights has often been interpreted by local policymakers as the UN viewing it as a marginal issue, signaling that “the P5 do not regard it as a priority.”<sup>128</sup>

Over the last few decades, this inconsistency in UNSC resolutions has been perceived as de-prioritization, sending detrimental signals to Afghan political leaders and enabling them to perpetuate abusive practices without fear of international repercussions, despite the deep involvement of international partners in various aspects of the Afghan state.

### *Test perception of “Cultural Sensitivity” in Policy Implementation*

Understanding and integrating local context is essential for the success of international interventions, but an overemphasis on one cultural aspect to the detriment of broader public demand can also lead to failure. Labeling the emphasis on human rights as “culturally sensitive” in contexts like Afghanistan reflects an orientalist perspective. Universal values such as human dignity, freedom from torture, equality before the law, and the right to assemble or express oneself transcend cultural

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## Human Rights Under Siege



Ambassador Linda Thomas-Greenfield at a UN Security Council meeting. (December 22, 2023, lev radin/Shutterstock)

sensitivities. Consequently, diminishing human rights standards under the guise of cultural sensitivity often stems from short-term political interests rather than genuine respect for local traditions. The crucial lesson here is that when entities like the UNSC or major powers intervene, they must avoid exhibiting reluctance, uncertainty, and inconsistency. These attitudes foster an environment where individuals and institutions prone to human rights violations initially fear international consequences but gradually become emboldened due to perceived international ambivalence.

### ***Sanctions as a Means of Redress for Victims***

In settings where civic space is constrained or nonexistent, and accountability for perpetrators is lacking, the imposition of international

sanctions provides a glimmer of hope for victims of human rights abuses. True, sanctions may not prompt a domestic accountability process. But in some situations, sanctions can encourage the associates of sanctioned individuals to adopt more restrained behaviors, for fear of being targeted by punitive measures, and therefore in this way sanctions can contribute to limiting further human rights violations.

## **RECOMMENDATIONS**

### ***Strategic Pathways: Reviving US Leadership in Human Rights***

Looking ahead, the future trajectory of US involvement in global human rights issues remains uncertain. Current trends suggest a continued emphasis on strategic interests, potentially at the expense of human rights

advocacy. However, there is also potential for a recommitment to these principles, contingent on both domestic and international political dynamics.

Given its substantial global influence, the United States possesses the capacity to profoundly shape the international human rights landscape once more. Whether it will return to its role as a global leader in human rights or continue along its current path remains to be seen.

There is a consensus that the business of international relations in an increasingly complex world is extremely challenging. The major power competition between the US and China, along with the global shift towards multipolarity, understandably pressures leaders in both Washington and Europe. They find themselves compelled to prioritize immediate strategic interests, often at the expense of human rights concerns. However, if this pragmatic approach becomes the standard, without a return to a balance between strategic interests and the commitment to values, the United States further risks entirely losing a crucial aspect of its global leadership that has set it apart for decades from other powerful nations: its commitment to the universal values of human rights. History has shown us that alliances based solely on short term interests are not sustainable in the long term and come with higher financial costs. The history of US relations with Pakistan since 1980s is one example. The United States and Pakistan have had periods of cooperation driven by short-term security concerns, but the partnership has been fraught with challenges and has not always aligned on major international issues. Moreover, such alliances are inherently more fragile than those founded on shared values and ideals. The partnerships formed during the Cold War and their subsequent outcomes offer clear evidence of this principle.

In recent years, US politics have become increasingly focused on domestic issues, leading to a view that the United States should stop acting as the world's policeman. While this view is valid regarding the consistent use of hard power and military intervention, it should not lead to the abandonment of soft power in defending human rights. The United States has the opportunity to lead by example in promoting and protecting human rights worldwide.

### *Fostering UN Reform*

To start with, the United States should work diligently to strengthen the role and image of the United Nations. It should also support reforms of entities such as the Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR) to increase their effectiveness and the enforceability of their recommendations.

The United Nations' institutions often face challenges in effectively reinforcing each other's mandates through the various tools at their disposal. For instance, the United Nations High Commissioner for Human Rights diligently monitors human rights violations worldwide using a diverse array of instruments. However, the structural organization and coordination between different UN bodies can sometimes hinder the seamless integration and reinforcement of their collective efforts in upholding human rights globally.

Strengthening the authority and credibility of the United Nations is crucial for navigating the complexities of global competition and multipolarity. Enhancing the UN's effectiveness is key to effectively addressing the challenges and opportunities presented by an evolving international landscape.

## **Human Rights Under Siege**

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## Rebuilding Moral Authority

In recent years, the United States has faced immense criticism for its inconsistent approach to major international human rights crises, affecting its moral authority. To regain its most effective strength, US leaders from both political parties should adopt a bipartisan approach that equally criticizes and praises actions regarding human rights, regardless of whether they are committed by friends or foes. Adopting this approach would reduce skepticism towards US efforts in upholding human rights, addressing concerns that these efforts are merely politically motivated. Simultaneously, it would garner the appreciation and support of millions of oppressed people worldwide. To reverse the current trend, initiating bold and difficult discussions, in private and public, with allies will be paramount.

This approach also embodies pragmatism. Historical evidence suggests that populations enduring cycles of violence and conflict, especially under regimes committing systematic human rights abuses, often see their youth turning into significantly more violent factions.

A notable example is Afghanistan during the 1990s. The Taliban's oppressive and violent regime provided fertile ground for Al-Qaida's expansion. My firsthand experience reveals that although the majority of Afghans were opposed to the presence of foreign fighters and jihadists, they were powerless against them due to the Taliban's severe suppression of freedoms. Over time, individuals radicalized by the Taliban's rule evolved into psychopathically cruel military leaders, such as [Mula Dad Ullah](#), known as "[the butcher](#)," Mula [Zakir, and others](#) who inflicted significant harm on Afghans, the US, and its allies.<sup>129 130</sup> A similar pattern of brutality and consequences can be observed with the Islamic State (Daish), which mutated from Al-Qaida

post-Saddam Hussain and partially as a result of his oppressive regime in Iraq. Moreover, there have also been "[strategic consequences](#)" for the US and its allies following abuses in detention facilities in Abu Ghraib in Iraq and in other places.<sup>131</sup> Those practices "handed a propaganda tool to armed groups like Al Qaeda and ISIS."

While it might be argued that the influence of terrorist groups, including Al-Qaida, has waned, rendering interventions in human rights and humanitarian crises unnecessary, a study by the [University of Maryland](#) indicates that such organizations thrive in environments marked by repressive regimes and widespread human rights abuses.<sup>132</sup> [Also empirical research has demonstrated](#) that human rights abuses and deficits in the rule of law are among the main pull factors for radicalization.<sup>133</sup>

Secondly, significant human rights abuses are a major catalyst for migration. Recent refugee crises in Myanmar, Syria, and Afghanistan have had profound implications for both the affected regions and the West. For instance, since the Taliban's takeover of Afghanistan, their oppressive measures, suppression of freedoms, and the establishment of a "[gender apartheid](#)" regime have forced hundreds of thousands of people to flee the country.<sup>134</sup> This exodus has not only created a domestic humanitarian crisis but also led to the widespread displacement of refugees in neighboring regions and beyond. Data from the US Department of Homeland Security suggests a large number of those admitted in the recent years are refugees from countries with major human rights crises.<sup>135</sup> Illegal crossings through the southern border of the United States suggest the same story and raise concerns about security implications. Addressing human rights concerns in the countries of origin can weaken the push factors for migration.

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## Human Rights Under Siege

## ***Prioritizing Victims in Human Rights and Humanitarian Crises***

In addressing major international human rights and humanitarian crises, the United Nations and the United States should prioritize the interests of the victims. This applies regardless of the victims' nationalities—be they Ukrainian, Israeli, Palestinian, Rohingya, or any other group—as long as they are civilians affected by violence. Such situations should elicit a uniform response of outrage, public condemnation, and the mobilization of all available resources by the United States to halt the violence as swiftly and effectively as possible. The approach should be consistent, without favoritism towards friends or bias against foes.

It can be said that years of friendship, support, and political backing of partners should build a foundation of trust strong enough to withstand the United States speaking out against misconduct of the friends and their breach of international human rights and humanitarian law. In true partnerships, such openness should be sustainable and strengthen ties. However, staying silent or inactive in these situations could harm the United States' reputation and its role as a global leader. It's crucial, therefore, to set clear standards that treat friends and foes alike. Actions addressing human rights abuses must prioritize the protection and defense of victims' rights across the board. By adopting this approach, the United States can effectively restore its position as a moral authority in the international arena.

## ***United in Action: Reinvigorate Bipartisan Support for Human Rights***

The commitment to human rights has long been a bipartisan cornerstone of US foreign policy. However, this unity seems to have waned

in recent years. Francis Fukuyama notes the complexity of the American system of checks and balances, which, when combined with political polarization, leads to institutional gridlock<sup>136</sup>. This gridlock hampers the efficiency of government operations, such as confirming key positions like the Assistant Secretary for Democracy, Rule of Law, Human Rights, and Labor. As US institutions become increasingly inflexible and difficult to reform, it is imperative for Congress to prioritize key global leadership issues and reestablish bipartisan support for them.

Partners of the United States, both in the Middle East and Europe, express concerns over the reliability of US partnership due to frequent changes in foreign policy priorities with each election cycle. This growing uncertainty undermines the sense of reliability, consistency, and predictability that partners and allies have traditionally experienced in the United States until 2000s. Restoring bipartisan agreement on core issues such as human rights would help rebuild trust and confidence among international partners.

The position of Assistant Secretary of State for Human Rights, Democracy, and Labor is particularly essential for the promotion of human rights. Since 2017, the position has been largely unfilled on a permanent basis, with nominations facing significant delays and opposition.

For instance, it wasn't until [January 18, 2019](#), that President Trump nominated someone for the role, and Robert Destro was confirmed only [nine months later](#).<sup>137</sup> President Biden's nominee, [Sarah Margon](#), faced opposition that led to the withdrawal of her nomination after a year and a half.<sup>138</sup> A new nomination made in November 2023 is still awaiting Senate confirmation.

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## **Human Rights Under Siege**

The protracted delays and inconsistencies in filling the crucial position of Assistant Secretary of State for Democracy, Human Rights, and Labor undermine confidence in the US commitment to human rights. This is particularly concerning amid global conflicts with significant humanitarian impacts and escalating criticism of United States for the [inconsistency](#) of its human rights based positions.<sup>139</sup> Observations from other countries suggest that such delays, emblematic of deep partisanship, signal a low priority given to the human rights agenda by the US administration. The reluctance to utilize political capital for advancing these nominations reinforces the perception of human rights as a partisan issue, further diminishing the United States' standing in the global community.

### ***Enhancing the Efficacy of Targeted Sanctions: A Strategic Approach***

Targeted sanctions under the Global Magnitsky Act (GMA) should be broad, detailed, and seamlessly integrated with pathways for criminal investigations. To effectively deprive major human rights violators of resources, especially in nations with substantial informal economies and porous borders, it's essential that these sanctions extend to include the violators' family members, such as sons, daughters, and siblings. Often, these relatives hold beneficial ownership of registered businesses operated on behalf of the violators, circumventing direct accountability.

Incorporating family members into the sanction's regime will necessitate increased diligence in verification and case preparation by the Departments of State and Treasury, ensuring a more comprehensive approach to dismantling their financial foundations. It's also essential that careful verification be carried out to confirm the relationships between the violators, their businesses, and family members, to avoid any unintended breach of rights.

The recent decline in the number of human rights-based sanctions under the GMA is attributed, in part, to staffing shortages. A thorough assessment of staffing needs is crucial for bolstering capabilities to prepare adequate sanction cases. Such an assessment will not only improve the effectiveness of sanctions but also signal the seriousness of the administration for the cause.

This strategic enhancement of targeted sanctions represents a commitment to the core values of human rights advocacy, ensuring that sanctions are a potent tool against violators and their networks. It underscores the importance of a meticulous and inclusive approach to sanctions, reflecting the US administration's dedication to human rights as a central policy pillar.

### ***Between Courtesy and Consequence: Diplomatic Relations and Human Rights***

US ambassadors and other diplomats, upon assuming their roles and throughout their tenure, play a crucial role in public relations. They endeavor to meet with key political figures in their host countries, including, at times, individuals known for human rights abuses. These so-called courtesy visits by ambassadors inadvertently offer a public relations opportunity for these controversial figures. Often, such abusers, particularly in post-conflict settings where warlords may hold sway, have access to traditional media outlets and command a significant social media presence. Each visit by US officials is meticulously documented—filmed, photographed, and extensively broadcasted. In doing so, these individuals seek to claim legitimacy and importance within a political system that is often fragile, dependent, and weak.

Each interaction between these political elites, with their questionable human rights records, and a senior US diplomat inadvertently lends them further legitimacy in a society eager to distance itself from such figures. While it is understandable that diplomatic missions must engage with a broad spectrum of actors within the host country, overlooking the consequences of these courtesy calls and continued engagement with known abusers can undermine the credibility of US efforts focused on the promotion and protection of human rights.

Therefore, there is a pressing need for a brief set of guidelines that restricts these types of meetings and outlines how to manage the public relations aspect. This would help minimize the unintended legitimization of abusers, ensuring that the diplomatic efforts align more closely with the principles of human rights advocacy and protection.

### ***Expand the Coalition: A Multilateral Approach***

To amplify the effects of restrictive and punitive measures, such as sanctions against human rights violators, the United States should collaborate not only with its traditional allies, such as the United Kingdom, Canada, and other European nations, but also seek to engage regional entities and countries. Coordination and collaboration at the regional level can significantly enhance the impact of these sanctions.

A recent example of this collaborative approach is the coordinated sanctions announced in December 2023 by the [United Kingdom](#), the [United States](#), and [Canada](#) against individuals and entities implicated in human rights abuses.<sup>140 141 142</sup> This initiative represents a crucial advancement in the global effort to combat

human rights violations. However, for these efforts to be truly effective, continuous and expanded collaboration is necessary.

By adopting an impartial stance towards both allies and adversaries in the defense of human rights, the US possesses the unique capacity to unite a diverse coalition of global actors in a shared mission. This collective commitment to prevent mass atrocities transcends geographical and political divides across the global south and north, emphasizing the universal imperative to safeguard human rights across the globe.

Expanding on this recommendation, it's vital for the United States to actively participate in international forums and coalitions aimed at human rights enforcement. Engaging with regional organizations such as the African Union, ASEAN, and the Organization of American States can provide unique insights into local challenges and foster a more inclusive approach to sanctions. This strategy ensures that measures are not only comprehensive but also sensitive to regional dynamics, thereby increasing their legitimacy and effectiveness.

Furthermore, to strengthen the global sanctions regime, the United States should advocate for the establishment of international norms and standards for imposing sanctions. By doing so, it can ensure a consistent and fair approach that minimizes the risk of unilateral actions undermining the collective effort. Encouraging transparency in the decision-making process and criteria for sanctions can also garner wider support and compliance from the international community.

Therefore, by broadening its coalition beyond traditional allies and advocating for international cooperation and standards in sanctioning human rights abusers, the United States can

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## **Human Rights Under Siege**

significantly enhance the efficacy of its actions. This collaborative approach not only reinforces a global commitment to human rights but also ensures that sanctions have a profound and lasting impact on those who violate them.

## CONCLUSION

In conclusion, as we stand at the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights (UDHR), it is clear that the post-WWII human rights framework is undergoing a profound transformation. As shown throughout this report, the rise in geopolitical tensions, resurgence of nationalism, the ascent of authoritarian regimes, and the substantial challenges to multilateralism in an increasingly fragmented world present considerable obstacles for the promotion and protection of human rights. The erosion of multilateral cooperation, the strategic manipulation of international institutions by major powers, and the selective application of human rights standards have collectively undermined global efforts to uphold human rights. Yet, despite these challenges, this situation also offers a unique opportunity to reimagine and fortify the mechanisms through which human rights are enforced in the global system.

The analysis presented in this paper underscores the indispensable role of concerted global action, led by states committed to the universal principles of human rights. The need for the US to reassume its leadership role and enhance its reliability in the preservation of global human rights cannot be overstated. Additionally, a renewed commitment to multilateralism and its institutions, particularly the UN, is essential for ensuring that human rights remain at the forefront of the global agenda.

As this paper navigates through the complexities of the ongoing geopolitical shifts and great-power competition taking place across the world, it gives insight into the path forward with actionable recommendations. Strengthening the efficacy of targeted sanctions, enhancing multilateral cooperation, prioritizing victims in humanitarian crises, rebuilding US reliability and moral authority, and fostering a bipartisan commitment to human rights within national policies emerge as crucial strategies.

Looking ahead, the future of human rights will undoubtedly require resilience and a deep commitment to universal values. The way ahead is fraught with challenges, but the collective resolve of the international community, led by a re-engaged, consistent, and reliable United States, can pave the way for a more just world where universal human rights are properly enforced. The call to action is clear: it is time to fortify the global human rights framework with regards to friends and adversaries alike, ensuring it is robust enough to withstand the pressures of contemporary geopolitical shifts and the chaos of this transitional period.

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