Backlash and International Human Rights Courts

Wayne Sandholtz
School of International Relations
University of Southern California
wayne.sandholtz@usc.edu

Yining Bei
School of International Relations
University of Southern California

Kayla Caldwell
School of International Relations
University of Southern California

Paper prepared for the Contracting Human Rights Workshop at the University of California, Santa Barbara, 26 – 28 January 2017

Backlash and International Human Rights Courts

International human rights courts constantly face states that reject or fail to comply fully with court judgments. Non-compliance with, and even criticism of, the decisions of international human rights courts are normal forms of resistance to adverse rulings. But in recent years, states have struck at international human rights courts (IHRCs) with more far-reaching forms of resistance that we label "backlash." The goal of backlash is not to undo a particular ruling (though it may be triggered by a specific judgment). Rather, "backlash" refers to actions that aim to curtail a court's authority. Backlash can include a range of actions, from pruning a court's competences, to withdrawing from a court's jurisdiction, to shutting a court down altogether.

We examine instances of backlash against three prominent international courts devoted to the expansion and protection of human rights. The first two are the most active of the regional human rights courts, the European Court of Human Rights (ECtHR) and the Inter-American Court of Human Rights (IACtHR). The third court, the International Criminal Court (ICC), covers the flip side of international judicial protection of human rights. Whereas the ECtHR and IACtHR vindicate individual rights by holding states accountable for violations, the ICC carries out criminal prosecution to hold individuals accountable for grievous rights violations.

We examine the backlash against the ECtHR, the IACtHR, and the ICC in light of theories of human rights treaty commitment. Scholarship on human rights treaty commitment finds that states accept the obligations of international rights regimes,

including courts, for two broad reasons. The first derives from norm congruence: strong democracies, with well-established rule of law and respect for rights, join human rights treaties and courts because doing so in consistent with, even an extension of, their domestic norms and institutions. The second motive is instrumental, as states that have recently undergone a democratic transition or ended a period of repression or civil war adhere to international human rights regimes as a means of demonstrating a commitment to, or "locking in," the end of atrocities and the fulfillment of rights. The cost of making that commitment is that international courts may in fact intervene, holding states and individuals publicly responsible for rights violations. Our central claim is that governments are more likely to deem that cost excessive the more the decisions of an international court are seen by national leaders as harming their domestic political interests. Ironically, once states have passed through a transition and achieved some degree of democratic consolidation and respect for basic rights, they may be more sensitive to challenges from international courts.

Backlash defined

States that are found to be in violation of rights at the ECtHR or the IACtHR often criticize the court that issued the ruling or criticize the ruling itself, or refuse to comply with the Court's judgment. The European Court of Human Rights (ECtHR) is the most influential human rights court in the world, having generated a sophisticated, expansive jurisprudence that shapes "the nature and content of fundamental rights in Europe" (Stone Sweet and Keller 2008, 3). Yet even the ECtHR "faces a substantial minority of cases in which compliance is partial for quite extended periods" (Hawkins and Jacoby 2010, 66). The

average rate of compliance with specific ECtHR orders is 48 percent (Hillebrecht 2014, 48-51). For the Inter-American Court of Human Rights (IACtHR), partial compliance with judgments is the norm, occurring in 83 percent of cases (Hawkins and Jacoby 2010, 37). At the more detailed level of specific remedies, the rate of compliance is 34 percent (Hillebrecht 2014, 48-51).

Measuring the rate of compliance in the same way with the International Criminal Court is impossible. For the ICC, compliance with judgments is not the issue, but rather cooperation with the Office of the Prosecutor (OTP) in investigations and cases. So far, state compliance with OTP requests for cooperation in apprehending indictees and transmitting evidence has been glaringly uneven. The case against Omar al-Bashir, for example, has been suspended in part because no state has been willing to detain al-Bashir and hand him over for trial (Berlin 2013). The case against Uhuru Kenyatta has likewise been adjourned because Kenya has declined to produce the documentary evidence requested by the Prosecutor (International Criminal Court 2014).

Non-cooperation and non-compliance are perennial forms of resistance to international courts. We are concerned with actions that go beyond resistance and aim to reduce the authority, competence, or jurisdiction of the court. To clarify this distinction, we list the types of actions that qualify as resistance and then those that count as backlash (Alter, Gatthi et al. 2016; Vinjamuri 2016).

Resistance
When a state engages in:
1. Criticism of a specific judgment or judgments
2. Non-compliance with a specific judgment or judgments
3. Failure or refusal to cooperate with an international court in specific cases
4. General criticism of a court or its jurisprudence

Backlash
When a state acts, or threatens, to:
1. Cease completely to cooperate or comply with the court
2. Narrow the court's jurisdiction
3. Restrict access to the court (limit standing)
4. Withdraw from the court's jurisdiction or denounce its underlying treaty
5. Abolish the court

The most drastic form of backlash – abolishing a human rights court – is not just a theoretical possibility. It has happened. The Southern Africa Development Community (SADC) came into being in 1992; the SADC Tribunal opened in 2005. In the wake of the Tribunal's first major judgment – a rights case decided against Zimbabwe in 2008 – the member states first crippled the Tribunal and then effectively shut it down in 2012 (Alter, Gatthi et al. 2016; Nathan 2013).

We frame our analysis of backlash in terms of the perceived costs of court membership. We focus on three kinds of costs: sovereignty costs, regime costs, and adaptation costs. *Sovereignty costs* refer to perceptions that an international court's decisions intrude upon or excessively compromise a state's control over domestic law,

policy, and institutions. *Regime costs* arise when an international court's judgments undermine the legitimacy of, or otherwise weaken, a specific national government. *Adaptation costs* occur when a state must take politically costly domestic actions – legislative, judicial, executive, or administrative – in response to international court decisions. Politically costly domestic measures include those that require policy or legal changes that are unpopular with the public. Governmental elite perceptions of rising costs of membership in international courts are decisive, but public perceptions of those costs also matter to the extent that they lead civil society actors and opposition parties to challenge the government, weakening it in electoral politics or pressuring it to adopt policies it would otherwise not favor. Backlash is more likely to occur when governments perceive a significant increase in the perceived costs of IHRC membership (for simplicity, we assume that the benefits of membership remain constant or, for transitional democracies that have achieved consolidation, decline).

Before proceeding, however, we should emphasize that the costs and benefits of IHRC membership are subjective. They are matters of perception, perspective, and interpretation, and are therefore malleable. Because the cost-benefit balance exists in the minds of people, actors – government officials, political party leaders, judges, legislators, editors and other media figures, activists – can work to tip it. Backlash, therefore, is in large part the product of constructed narratives that resonate with political actors and their social constituencies.

Backlash and the Inter-American System

The Inter-American System of Human Rights consists of two bodies, the Inter-American Commission on Human Rights (IACmHR) and the Inter-American Court of Human Rights (IACtHR). Both the Commission and the Court have faced criticism and resistance from various governments and domestic courts (Huneeus 2010; Huneeus 2011). In recent years, resistance has grown into backlash.

1. *Trinidad and Tobago*

Trinidad and Tobago was the first, and for many years the only, state to withdraw from the jurisdiction of the Inter-American Court. Trinidad's exit was bound up with a specific issue – capital punishment – and its distinctive judicial ties to the United Kingdom through the Privy Council in London. The Privy Council functioned, through the 1990s, as a final court of appeal for British Commonwealth states in the Caribbean.

Trinidad and Tobago, along with Jamaica and other Caribbean countries, had not only retained the death penalty but had expanded its use in response to rising rates of violent crime tied to the increasing role of Caribbean states as transshipment points for drugs moving from South America to the United States. Capital punishment was strongly supported by both governments and publics (Helfer 2002, 1868). In November 1993, the Privy Council, in a case from Jamaica, ruled that an extended stay on death row violated both international rules prohibiting inhuman or degrading treatment or punishment (the "death row phenomenon"). The Privy Council also ruled that a delay of more than five years from death sentence to execution would require commutation of a death sentence to life imprisonment (Helfer 2002, 1869-1872).

Trinidad and Tobago, which also had death penalty cases pending, found that the five year limit was too short to permit the completion of cases in the Inter-American System, meaning that the Privy Council decision amounted to "a near de facto abolition of the death penalty in Caribbean states" (Helfer 2002, 1879). The de facto ban on capital punishment became increasingly unpopular with publics and governments in several Caribbean states, and Trinidad denounced the American Convention on Human Rights in May 1998 (Helfer 2002, 1880-1884). It seems clear that, from the perspective of both political elites and the public in Trinidad, the adaptation costs of IACtHR membership had risen substantially, albeit largely because of Privy Council actions.

2. *Peru – attempted withdrawal*

The context for Peru's confrontation with the Court was the civil conflict that lasted from 1980 until the late-1990s, pitting the armed forces against the Shining Path and Tupac Amaru Revolutionary Movement guerrilla forces. The government of Alberto Fujimori (1990 – 2001) committed massacres, extrajudicial killings, forced disappearances, and torture (Shining Path was also responsible for atrocities) (Burt 2009). The Inter-American Commission began in 1986 to publish cases of forced disappearances perpetrated by state actors in Peru and its1999 Annual Report found the state responsible for forced disappearances and for failing to investigate or punish those responsible (Villarán de la Puente 2007, 103). In January 1999, the Commission proposed a friendly settlement in the *Barrios Altos* case that would require Peru to admit responsibility for atrocities. The Fujimori government rejected the Commission's proposal (Goldman 2009, 877) and enacted a law in July 1999 that would immediately withdraw Peru from the jurisdiction of

the IACtHR. The Commission quickly rejected the withdrawal as legally groundless (Villarán de la Puente 2007, 118-119) and the Court shortly thereafter ruled "inadmissible Peru's purported withdrawal of the declaration recognizing the contentious jurisdiction of the Court . . . as well as any consequences said withdrawal was intended to have."[1]

After a fraud-tainted election in May 2000, in which Fujimori won a constitutionally prohibited third term in office, his popularity began to plummet. In November, Fujimori resigned and fled the country. A transition government affirmed Peru's acceptance of the jurisdiction of the IACtHR in January 2001 and acknowledged the state's responsibility for human rights violations committed during the Fujimori regime (Burt 2009). The Inter-American Commission contributed to the declining fortunes of the Fujimori regime by publicly condemning the government's responsibility for atrocities and its pursuit of impunity for the perpetrators. That condemnation, in turn, validated the work of human rights groups and regime opponents. From the perspective of an authoritarian government, the Inter-American System was raising the regime costs of membership in the IACtHR.

3. *Venezuela*

Following the election of Hugo Chávez as president of Venezuela in 1998, his opponents began to turn to the Inter-American System as a means of pushing back against "Chavismo." Elite lawyers represented Chávez critics – generally from Venezuela's economic elite – at the Commission and the Court, particularly in claims regarding violations of freedom of expression and judicial independence. The IACtHR ruled against

[1] *Ivcher Bronstein v. Peru* (1999), para. 54.

Venezuela in prominent cases, but the Venezuelan courts "increasingly rejected the recommendations and rulings of the Inter-American Commission and Court" (Huneeus 2016, 199-200). In fact, between 2000 and 2008, the Constitutional Chamber of Venezuela's Supreme Tribunal of Justice (STJ) blocked six judgments of the IACtHR from being applied in Venezuela. In addition, the STJ rejected decisions of the Inter-American Commission as unacceptable intrusions in the internal affairs of the country. Venezuela angrily denounced a critical 2009 Commission report and threatened to withdraw from the Commission (Serbin and Serbin Pont 2013, 241-242). The Supreme Court ruled that Commission precautionary measures were not binding in Venezuela, refused to implement the Inter-American Court's judgment high profile cases,[2] and urged the government to withdraw from the American Convention.

Chávez finally renounced the American Convention (and the jurisdiction of the IACtHR) in 2012, on the grounds that the Commission and the Court had exceeded their authority, exhibited bias against Venezuela, and made themselves subservient to the United States. Chávez again threatened again to exit the Commission (which is an organ of the Organization of American States, not of the American Convention on Human Rights) (Serbin and Serbin Pont 2013, 241-242).

From the perspective of the Chávez government, the Commission and the Court were siding with regime opponents in the freedom of expression cases and intervening in Venezuela's domestic judicial structures. Chávez clearly viewed the Court's judgments as a danger to the legitimacy and stability of the Bolivarian revolution, raising perceived regime costs.

[2] *Apitz Barbera et al. ("First Court of Administrative Disputes") v. Venezuela* (2008); *López Mendoza v. Venezuela* (2011).

4. *The Dominican Republic*

The IACtHR decision in *Expelled Dominicans and Haitians v. Dominican Republic* (August 2014) held far-reaching domestic implications for the Dominican Republic.[3] The application submitted to the IACtHR claimed that the denial of identity documents and Dominican nationality to Haitians born in the Dominican Republic and Dominicans of Haitian descent, as well as their detention and expulsion, violated the American Convention. The Court agreed. The judgment was immediately criticized by Dominican lawmakers as a violation of the country's sovereignty. One senator asserted that the decision was not binding on the Dominican Republic and invoked Chavez's example of withdrawal (BBC 2014). Months later, the Dominican Constitutional Tribunal issued a decision that placed the country's IACtHR membership in question.

The Dominican Republic had accepted the contentious jurisdiction of the IACtHR in February 1999 through an Instrument of Recognition signed by then-president Leonel Fernández. That instrument had been under constitutional review since November 2005. The gist of the challenge was that it had not been approved by the congress, in violation of the Dominican constitution. The Constitutional Tribunal ruled in November 2014 that the Instrument of Recognition was unconstitutional and therefore not binding on the Dominican Republic. Though the Tribunal did not directly state that the Dominican Republic was no longer subject to the jurisdiction of the IACtHR or that the Court's decisions were no longer binding on the Dominican Republic, the judgment has been seen as implying those effects. The Dominican Republic's stance vis-à-vis the IACtHR thus

[3] *Expelled Dominicans and Haitians v. Dominican Republic* (2014).

remains to be clarified (Calcaneo Sánchez 2015). Again, the perceived interference of the IACtHR in sensitive domestic policies raised the perceived sovereignty costs of participating in the system.

5. *Bolivia, Ecuador, and Commission Reform*

The OAS General Assembly in June 2011 passed a resolution calling for "a broad process of reflection on the Inter-American System for the promotion and protection of human rights" (quoted in Nuño 2013, 293; my translation). The purpose of the review was, in formal terms, to explore various means of strengthening the Inter-American System. In reality, the objective of some states was to constrain the IAS and, in particular, to weaken the Commission (Nuño 2013).

The process of Commission reform lasted for two years, culminating in a special meeting of the OAS in March 2013. Four countries making up the ALBA group (Ecuador, Venezuela, Bolivia, and Nicaragua) proposed reforms that would limit external funding for the IACmHR as well as other measures to weaken the Inter-American System. Ecuadorian President Rafael Correa spoke at the 42nd General Assembly of the OAS as the review was underway, with a "severe attack" on the Commission. Correa criticized the IACmHR and its Rapporteur on Freedom of the Press for their "submission to hegemonic countries, NGOs, and the interests of big business media" (BBC 2012). The following year, President Evo Morales of Bolivia announced that his country's withdrawal from the Commission was "on the agenda" for 2013. He blasted the Commission as "pro-capitalist and pro-imperialist" (Woods 2013). In the end, the funding restriction failed to pass (Nuño 2013), but four

countries had proposed measures that would erode the power of the Inter-American Commission.

With the Inter-American Commission and Court, states objected to reports or rulings that domestic political leaders viewed as compromising sovereignty (Dominican Republic), demanding unacceptable domestic legal or policy changes (Trinidad), or undermining the legitimacy of the current government (Venezuela, Bolivia, Ecuador). In the latter three countries, relatively new leftist governments viewed that IACtHR as interfering with their plans for reshaping national politics and institutions. The costs of participating in the Court appeared to be rising.

Backlash and the European Court of Human Rights

The European Court of Human Rights is widely seen as the most effective and influential human rights court in the world (Helfer 2008, 126). Membership in the Court is mandatory for members of the Council of Europe (COE). What distinguishes recent years from past decades is that resistance has on occasion developed into backlash.

1. *Russia*

Russia applied in 1992 to join the COE, but the process was slowed by violations international human rights standards in Russia's war in Chechnya. Indeed, one month before Russia was granted accession in 1996, the rapporteur of the Committee on Legal Affairs and Human Rights of the Council declared, "Considerable deficits remain in the application of laws and regulations and the observance of human rights…the Committee

must thus conclude that the Russian Federation does not yet fulfil the conditions of membership" (Parliamentary Assembly of the Council of Europe 1996). However, the same document did refer to the political incentives for admitting Russia in hopes for its future improvement.

Although Russia failed to carry out many of the commitments it had made upon its accession to the COE (Jordan 2003), it did ratify Protocol 11 of the Convention, thereby subjecting itself to ECtHR's compulsory jurisdiction and giving its citizens the right of individual petition. The Russian people took advantage of that right. The number of applications from Russian nearly doubled from 971 in 1999 to 2108 just two years later, making it the highest among all member states (European Court of Human Rights 2002, 77). This trend persisted throughout the following decade and in 2013 Russia accounted for a staggering 12,328 cases, out of the Court's overall caseload of 65,790 (European Court of Human Rights 2016, 195). Polls also indicated steadily growing interest in the Court from the public. Whereas only 2 – 3 percent of Russians knew of their access to ECtHR in 2001, a year and a half later, 19 percent did. In 2008, the Public Opinion Foundation found in its nationwide poll that 61 percent of respondents knew of their access to the Court and 29 percent were prepared to go to the Court to defend their rights (Trochev 2009, 148).

Despite public interest, the attitude of the Russian government towards the Court has been cold. The Russian government has sometimes taken measures to stop its citizens from resorting to the Court, especially in cases related to the ongoing human rights violations in Chechnya. For example, Russian applicants who appealed to the ECtHR after the death or disappearance of their relatives in Chechnya met with death threats, forced

disappearances, and even murder.[4] Russian officials have invoked national sovereignty, stating that they object to seeing domestic issues get settled outside the country. Even Vladimir Lukin, the political activist who once served as Human Rights Commissioner of Russia, said: "I prefer to see our problems, including burning issues of Chechnya, settled within this country, rather than in Strasbourg" (Hillebrecht 2012, 288). The government has also attempted to settle cases by offering applicants financial compensation, provided that they withdraw their applications from the Court (Trochev 2009, 152).

Russia's resistance to the ECtHR has recently developed into backlash. Following the ECtHR judgment in *Yukos v. Russia*, which ordered 2.51 billion dollars in compensation to Yukos shareholders for unfair tax proceedings,[5] Pres. Putin signed a bill that gave the Constitutional Court of Russia the authority to decide whether to comply with ECtHR judgments.[6] Moreover, the Russian government can request the Constitutional Court to reevaluate ECtHR judgments in individual cases.[7] The legislation effectively enables the Russian government to choose when the ECtHR will interpret the European Convention for Russia. In the words of Alexei Kravtsov, chairman of the Moscow Court of Arbitration, it also signals "the beginning of the end of Russia's ties with the Council of Europe."[8]

[4] Finn, Peter. "Russians' Appeals to Court Bring Intimidation, Death." The Washington Post. July 3, 2005.
[5] Steinhauser, Gabriele, and Gregory L. White. "Russia Must Compensate Yukos Shareholders, Says European Court." *The Wall Street Journal*, July 31, 2014.
[6] Sims, Alexandra. "Vladimir Putin Signs Law Allowing Russia to Ignore International Human Rights Rulings." *The Independent*. December 15, 2015.
[7] "Russian Constitutional Court Determines Moscow Not Bound to All Human Rights Court Rulings." *The Moscow Times*, July 14, 2015.
[8] "Russian Constitutional Court Determines Moscow Not Bound to All Human Rights Court Rulings." *The Moscow Times*, July 14, 2015.

2. *The United Kingdom*

Over a span of more than five decades, the Court has issued 1,795 judgments regarding applications from the United Kingdom (European Court of Human Rights 2016, 5), with far-reaching effects on the development of individual rights in the UK.
The UK has generally complied with judgments, albeit begrudgingly (Hillebrecht 2012, 285). Indeed, in Hillebrecht's analysis, the United Kingdom has the fourth best rate of compliance with ECtHR orders (71 percent), tied with Sweden and trailing only the Netherlands and Ireland (Hillebrecht 2014, 48).

Despite the UK's relatively strong record of compliance, the relationship between the UK and Court has frequently been prickly and the British government has not been hesitant to criticize the Court. For example, reacting to the ECtHR ruling in *McCann v. UK*, then-Deputy Prime Minister Michael Heseltine declared that the decision "would encourage a 'terrorist mentality' and that the UK government would 'ignore it and do nothing about it'" (Donald, Gordon et al. 2012, 51). Prime Minister Margaret Thatcher, responding to the Court's decision in *Brogan and Others v. United Kingdom*, "announced that Britain would refuse to accept the judgment and then derogated from certain provisions of the Convention" (Madsen 2015, 16). But never, until recent years, have the attacks directed towards the Court been so systematically played out, targeting not just individual cases but also the fundamental legitimacy of the Court.

The backlash against the ECtHR has been fueled by grossly misleading tabloid reporting. For instance, the Telegraph, the Sun and the Daily Mail have all published stories with headlines claiming that the UK loses either three out of four or three out of five cases

in the Strasbourg-based Court.[9] However, those reports overlooked the huge share of UK applications that were declared inadmissible. Taking into account applications found inadmissible, the proportion of applications in which the UK ended up losing in the ECtHR was "closer to 1%" (United Kingdom 2015, 6). Moreover, the absolute number of judgments against the UK has been strikingly small and declining in recent years, with 28 in 2008, eight in 2013, and four in 2014. The UK in 2014 was the COE member state with the "highest number of judgments (10) finding no violation of the Convention" (United Kingdom 2015, 7).

British politicians have vociferously criticized the ECtHR over a few controversial cases. Reacting to thee 2012 *Othman (Abu Qatada) v. United Kingdom* judgment the then Home Secretary (now Prime Minister) Theresa May called the Court's decision a "crazy interpretation of our human rights laws" and suggested that withdrawal from the European Convention should remain an option (Donald, Gordon et al. 2012, 58). Then Prime Minister David Cameron declared that the ECtHR was harming the fight against terror and making it harder for the UK government to protect British citizens (Donald, Gordon et al. 2012, 154, n. 469). Reacting to *Hirst v. United Kingdom* (which ruled that a blanket denial of the right to vote for prison inmates violated the Convention), Cameron said, "It makes me physically ill to even contemplate having to give the vote to anyone in prison." Parliament rejected the *Hirst* judgment, refusing to modify British law (Donald, Gordon et al. 2012, 174).

[9] Hough, Andrew, and Tom Whitehead. "ECHR: Britain Loses 3 in 4 Cases at Human Rights Court." *The Telegraoh*, January 12, 2012; Woodhouse, Craig. "Euro Judges Go against UK in 3 out of 5 Cases." *The Sun*, August 24, 2014; Slack, James. "Europe's war on British Justice: UK Loses Three out of Four Human Rights Cases, Damning Report Reveals." *Daily Mail (London)*, January 12, 2012.

Tendentious press reporting and an intensely critical political discourse have fanned public hostility to the ECtHR. Whereas 71 percent of the British public supported the ECtHR in 1996, in 2011 only 19 percent believed that the ECtHR had been a "good thing" and only 24 percent agreed that the UK should remain a member of the Court (Voeten 2013, 418). The success of the Brexit referendum and the ensuing installation of a government that appears to be hostile to European institutions in general – with Theresa May as Prime Minister – makes it unlikely that the British backlash against the ECtHR will reverse itself soon.

3. *The Brighton Conference*

The mounting British backlash against the Court found a broader European forum in the High Level Conference at Brighton in 2012. The Council of Europe in 2010 had initiated a review of the European Court of Human Rights that was intended to find ways of dealing with the Court's immense backlog of applications (Helfer 2012), which by the beginning of 2012 had reached 151,600 (European Court of Human Rights 2013, 6). The United Kingdom held the chairmanship of the Council of Europe (COE) in 2012 and British leaders hoped not just to reform the Court but to curtail its powers. In a pre-Conference speech to the Parliamentary Assembly of the Council of Europe, then British Prime Minister David Cameron proposed a strengthening of the doctrine of "margin of appreciation" and of the principle of subsidiarity,[10] a message that the adjudication of rights should take place more in national courts and less in the ECtHR.

[10] Cameron, David. "Speech on the European Court of Human Rights." 25 January 2012.

The British government's draft declaration, leaked to the press prior to the conference, "contained a blueprint for clipping the Strasbourg Court's wings and weakening supranational review of member states' human rights practices" (Helfer 2012). In the end, the final Brighton Declaration was far less aggressive than the British draft. It included a number of statements to the effect that states should have more leeway in interpreting and applying Convention rights. Though the Brighton Declaration did not propose measures that would shrink the ECtHR's jurisdiction or authority, it did signal to the Court that some member states wanted the Court to be less assertive in its jurisprudence and more deferential to states.

The COE subsequently adopted Protocol 15 to the European Convention on Human Rights. To reduce the Court's caseload, Protocol 15 reduces the time limit to apply to the ECtHR from six months to four and establishes a stricter "significant disadvantage" test for admissibility. The principle of subsidiary and the margin of appreciation were included explicitly in the Convention for the first time, but only in the preamble. The Brighton Conference and the protocols that followed from it did not, then, curtail the ECtHR's authority in any substantive way. But they did reveal that the British backlash against the Court resonated with concerns being felt in other states.

Backlash and the International Criminal Court

The International Criminal Court has faced resistance from the beginning, at first from the United States, which under Pres. George W. Bush actively sought to undermine the Court. Later, the Court came under intense criticism, largely but not only from states in Africa. The criticism and resistance have recently turned into backlash.

1. *Kenya*

Following the disputed 2007 election in Kenya, thousands of people were killed and hundreds of thousands displaced.[11] The violence was perpetrated by supporters of both main parties and frequently took on an ethnic cast. Former UN Secretary General Kofi Annan mediated a power-sharing arrangement and along with it, the establishment of the international Commission of Inquiry on Post Election Violence. The "Waki" Commission recommended that a Special Tribunal be created to bring the perpetrators of the violence to justice. But in February 2009 parliament failed to pass the necessary legislation and in July Annan forwarded to the ICC a list of those found by the Waki Commission to have the greatest responsibility for the violence. The ICC prosecutor opened a *proprio motu* investigation in 2010. The investigation focused on six persons suspected of crimes against humanity, most notably including Minister of Higher Education William Ruto and Minister of Finance Uhuru Kenyatta.

A week later, in December 2010, Parliament voted to withdraw Kenya from the ICC, with the Minister of Energy saying of the decision that "it is only Africans from former colonies who are being tried at the ICC. No American or British will be tried at the ICC and we should not willingly allow ourselves to return to colonialism."[12] Kenya undertook various forms of resistance, including an appeal to the UN Security Council to defer the case, a challenge of the case's admissibility, and attempts to transfer the case to another court, be it a local tribunal, the East African Court of Justice, or even the yet-to-be-

[11] The account that follows relies on Nichols (2015).

[12] http://www.nation.co.ke/news/politics/Parliament-pulls-Kenya-from-ICC-treaty/1064-1077336-us2knmz/index.html

established African Court of Justice and Human Rights. These maneuvers failed. Kenya's resistance changed dramatically when ICC indictees Kenyatta and Ruto, having formed an electoral coalition, won the March 2013 election and took office as, respectively, President and Deputy President of Kenya. Another threat of withdrawal followed in September, just before the first ICC trial was to begin, when the Majority Leader implored the National Assembly to "protect our citizens" and "defend the sovereignty of the nation of Kenya."[13] Kenya obstructed the ICC process by interfering with witnesses and refusing to hand over documentary evidence. As a result, the prosecutor was forced to drop the charges against Kenyatta in December 2014 and those against Ruto in April 2016.

The Kenyan backlash against the ICC was driven primarily by the political self-interest of the two most prominent indictees, Kenyatta and Ruto. Public opinion data shows that the two leaders were not necessarily speaking for Kenyans as a whole. An Afrobarometer survey conducted in 2014 found that only 34 percent of Kenyans were in favor of withdrawal from the ICC, with a 55 percent majority against it. Moreover, 55 percent of respondents perceived the ICC to be impartial, while 35 percent viewed it as biased against Kenya and other African countries.[14] However, the backlash led by the Kenyan government did appear to problematize the ICC and help to turn several fellow African Union member states against it.

[13] http://www.bbc.com/news/world-africa-23969316

[14] http://afrobarometer.org/sites/default/files/publications/Policy%20papers/ab_r6_policypaperno23_kenya_anti_corruption.pdf

2. *The African Union*

The African Union (AU) became a focal point for resistance and backlash against the ICC, starting in 2009. At the 12th AU Summit in January 2009, the AU published a decision expressing concern at the indictment of Sudanese President Omar al-Bashir, the first sitting head of state to be charged by the ICC, and advocated for a deferral of the case in the interest of peace-building.[15] The ICC Prosecutor nonetheless proceeded in March 2009 to issue an arrest warrant for war crimes and crimes against humanity, and followed up with a second one in July 2010 for genocide. In addition, the ICC issued an arrest warrant for Libyan leader Muammar Gaddafi in June 2011, shortly before he was killed. At this point, the ICC became a regular item on the agenda of each AU summit. The AU sought an Article 16 deferral from the UN Security Council and urged member states to uphold customary diplomatic immunity by refusing to execute the ICC arrest warrants.

Tensions rose when the AU took up the Kenya case, especially after Kenyatta and Ruto became President and Deputy President in 2013. In October 2013, shortly after the Ruto and Sang trial began, the AU called an Extraordinary Session.[16] The AU resolved that "to safeguard the constitutional order, stability and, integrity of Member States, no charges shall be commenced or continued before any International Court or Tribunal against any serving AU Head of State or Government" and declared that the Ruto and Kenya trials should be suspended.[17] The AU also moved to make the proposed African Court of Justice

[15] https://www.au.int/en/sites/default/files/decisions/9559-assembly_en_1_3_february_2009_auc_twelfth_ordinary_session_decisions_declarations_message_congratulations_motion.pdf

[16] http://www.bbc.com/news/world-africa-24452288

[17] https://www.au.int/en/sites/default/files/decisions/9655-ext_assembly_au_dec_decl_e_0.pdf

and Human Rights an alternative to the ICC, with jurisdiction over international crimes but immunity for heads of state.

The next AU summit in January 2016 coincided with the opening of the trial of the former Côte d'Ivoire President Laurent Gbagbo at the ICC, which contributed to the perceived pattern of bias against Africa. Kenya proposed that the AU urgently develop "a comprehensive strategy including collective withdrawal from the ICC," in the event that AU efforts to reform the ICC did not bear fruit.[18] At the June 2016 Summit, the AU voted to move forward with a collective withdrawal strategy. However, four states – Burkina Faso, Cabo Verde, Democratic Republic of the Congo, and Senegal – entered reservations on this clause, following the lead of Botswana. Given this dissent, the AU has not officially incited a mass withdrawal of its member states, but thus far, Burundi, South Africa, and the Gambia have done so of their own prerogative and other African states are reportedly considering it.

3. *The 2016 withdrawals*

Burundi. A political crisis has been unfolding in Burundi since April 2015. The decision of President Pierre Nkurunziza to seek a third term in office, despite the constitutional two-term limit, prompted mass protests, which were met with violent repression. As tensions escalated, Nkurunziza withstood a coup attempt and was re-elected in July 2015. By the end of the year, hundreds of Burundians had been killed, thousands had been arrested, and hundreds of thousands had fled the country. Burundi rejected initiatives from the AU and from the UN Security Council to help end the violence. The UN

[18] https://www.au.int/en/sites/default/files/decisions/29514-assembly_au_dec_588_-_604_xxvi_e.pdf; http://allafrica.com/stories/201601310166.html.

Independent Investigation on Burundi (UNIIB) issued a final report in September 2016, finding that systematic human rights violations that could constitute crimes against humanity were being perpetrated with impunity, mostly by state agents.[19] Burundi banned UNIIB investigators from continuing to work in the country.

The ICC had been engaged since the outset of the conflict: the prosecutor released two cautionary statements with specific reference to high-level officials and after one year of atrocities, opened a preliminary examination of the situation in Burundi.[20] Upon the publication of the incriminatory UNIIB report, Burundi decided to withdraw from the ICC as quickly as possible to preempt the prosecution of ruling elites and perhaps even of Nkurunziza himself. On October 7, 2016, while publicly announcing this intention, First Vice-President Gaston Sindimwo denounced the "plot aiming to hurt Burundi" and characterized the ICC as a "political tool used by the international community to oppress African countries."[21] Days later, on October 12, Parliament passed a bill to withdraw by a vote of 94-2 in the National Assembly and 39-0 in the Senate. The Minister of Justice framed the vote for withdrawal as a vote for national independence, and lawmakers voiced their support for sovereignty.[22] Nkurunziza signed the legislation on October 18, and Burundi notified the UN Secretary General on October 27.

South Africa. Following Burundi's lead, South Africa seemed motivated to leave the ICC. On October 19, 2016, President Jacob Zuma signed an executive order and on the same day sent a letter to the UN Secretary General. Thus, South Africa became the first state to formally withdraw, though there had been neither public debate nor a parliamentary vote.

---

[19] http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20534&LangID=E
[20] https://www.icc-cpi.int/burundi
[21] http://www.jeuneafrique.com/363744/politique/burundi-projet-de-loi-parlement-quitter-cpi/
[22] http://www.voanews.com/a/burundi-lower-house-votes-to-leave-icc/3547324.html

The Minister of Justice declared the Rome Statute "incompatible and in conflict with" South Africa's Diplomatic Immunities and Privileges Act.[23]

South Africa may have wanted to withdraw first in order to bolster its continental leadership, or to legitimize the withdrawal strategy as a principled decision rather than just a way to avoid prosecutions. In addition, withdrawal would allow the Zuma government to avoid a potentially damaging decision from the Constitutional Court. The South African government declined to arrest Omar al-Bashir when he attended the 25th African Union Summit in Johannesburg in June 2015. Subsequently the North Gauteng High Court ruled that South Africa had violated its international obligation to arrest al-Bashir, a decision that was upheld by the Supreme Court of Appeals in March 2016. The Constitutional Court was scheduled to hear the case on appeal in November 2016. Upon leaving the ICC, the executive branch withdrew this final appeal, thereby sidestepping a potentially unfavorable legal verdict.

Though the government exited the ICC, South Africa is split on this politicized issue along party lines, with the backlash against the ICC primarily coming from the African National Congress (ANC). After the withdrawal, the government submitted a bill to repeal South Africa's implementation of the Rome Statute. The repeal has yet to be passed by Parliament. The ANC is of course supportive but the Democratic Alliance (DA) sharply criticized the "unconstitutional, irrational, and procedurally flawed" withdrawal that "shows the depth of impunity and disregard for the rule of law within the ruling African National Congress."[24] With support in civil society, the opposition has been able to defend

[23] https://www.nytimes.com/2016/10/22/world/africa/south-africa-international-criminal-court.html
[24] http://freedomonline.com.ng/south-african-lawmakers-welcome-decision-to-withdraw-from-icc-opposition-party-threatens-court-action-over-withdrawal/

the ICC and simultaneously attack the ruling party. The DA is also contesting the withdrawal in the North Gauteng High Court, arguing that the withdrawal imperils fundamental rights enshrined in the Constitution. Furthermore, it claims that because "an international agreement binds the Republic only after it has been approved by resolution in both the National Assembly and the National Council of Provinces," withdrawal from such an agreement must follow the same process.[25] For now, as debate in the Parliament is going on in parallel with the legal proceedings, the High Court reserved judgment on the matter at the hearing of December 5-6.[26]

Gambia. On the heels of South Africa and Burundi, the Gambia was the third African state to withdraw from the ICC, as announced on October 25 and formalized on November 10. No legislation has been introduced into Parliament. The government press release justified the decision "by the fact that the ICC despite being called the International Criminal Court is in fact an International Caucasian Court for the persecution and humiliation of people of color, especially Africans...and especially their leaders." The charge of racism was lodged against the ICC on two bases. First, it has failed to indict Western figures, namely former Prime Minister of the United Kingdom Tony Blair for alleged war crimes in Iraq, even after the Chilcot report came out. Second, it has not acted upon the Gambia's June 2015 request to the ICC prosecutor to bring EU leaders to justice for the deaths by drowning of African migrants, which purportedly amount to a "racist genocide."[27]

---

[25] https://www.da.org.za/2016/11/icc-withdrawal-das-challenge-will-heard-north-gauteng-high-court/
[26] http://www.iol.co.za/news/politics/judgment-reserved-in-da-bid-to-halt-withdrawal-from-icc-7110982
[27] http://observer.gm/gambia-withdraws-from-icc/

Notably, in this case too, the opposition does not support withdrawal. Presidential candidate Adama Barrow made a campaign promise to return the country to the ICC.[28] In the December 1, 2016 election, Barrow defeated Jammeh, who has refused to accept the results. It remains to be seen how the electoral crisis will be resolved and what President-elect Barrow will actually do in office.

Finally, the ICC has recently received backlash short of official withdrawal from other African countries. In December 2016, Namibian President Hage Geingob reiterated the withdrawal threat originally made in March, with the final decision pending a parliamentary debate, because "people are saying that [the ICC] only targets African leaders. That seems to be true...and that's a problem." This perceived bias aside, he expressed willingness to stay if the U.S. were to join.[29] In the same month, Kenyan President Uhuru Kenyatta once again spoke against the ICC in his Independence Day Speech. Having thwarted the ICC's attempt to prosecute him and his Deputy President William Ruto, Kenyatta told the public that "the Kenyan cases at the International Criminal Court have ended, but the experience has given us cause to observe that this institution has become a tool of global power politics and not the justice it was built to dispense." The current parliament already voted to leave the ICC in 2013, as had the previous parliament in 2010, and though "the changes that will align the ICC to respect for national sovereignty...have not been forthcoming," Kenya appears to be in no hurry to withdraw and is still simply considering that option.[30]

---

[28] http://thevoicegambia.com/2014/02/12/united-opposition-against-gambias-commonwealth-exit/
[29] http://www.reuters.com/article/us-namibia-economy-president-idUSKBN13Q5L0
[30] http://www.voanews.com/a/kenya-signals-possible-icc-withdrawal/3634365.html

Conclusions

International human rights courts have always faced resistance and non-compliance. The backlash that has emerged in recent years poses a new kind of danger because it challenges the legitimacy and viability of these courts. Withdrawal could become contagious. The value of a collective entity depends on it being truly collective. As more states defect from a multilateral court, its value diminishes for those who remain, and a downward cycle of attrition can ensue.

Our analysis sheds light on sources and motivations of backlash. The table below summarizes the principal kinds of perceived costs for the cases of backlash examined above. The most common perceived motivation for backlash states is tied to regime costs, that is, court actions that are seen as undermining a specific government's legitimacy or hold on power. These costs are clearest in the cases in which international prosecutions targeted high-level national officials (Kenya, Burundi) but they also exist where court decisions appear to obstruct some part of a regime's core agenda or encourage its critics or opposition (Venezuela, Bolivia, Ecuador, probably Russia). Adaptation costs are perceived where the court judgment implies changes in domestic law and policy that are unpopular with political elites or the broader public (Dominican Republic, United Kingdom). Finally, states see rising sovereignty costs when the court rules in areas that domestic actors see as core parts of national sovereignty or identity. African backlash directed at the ICC is clearly in large part a sovereignty-based reaction to the Court's pursuit of sitting heads of state (seen as violating traditional sovereign immunity). The ICC's alleged racism (in pursuing

only cases from Africa) is connected to the sovereignty issue but also carries a different kind of backlash not based on perceived costs but on broader principles.

Perceived costs of IHRC membership

	Sovereignty costs	Adaptation costs	Regime costs
IACtHR			
Trinidad & Tobago		X	
Peru			X
Venezuela	x		X
Dominican Republic	X	x	
Bolivia	x		X
Ecuador	x		X
ECtHR			
Russia	x		X
United Kingdom	x	X	
ICC			
Burundi			X
Kenya			X
South Africa	?		
Gambia	?		

Note: an "X" indicates a primary perceived cost; an "x" denotes a secondary perceived cost.

The ECtHR and the IACtHR have expanded rights and elevated respect for human rights in the states under their jurisdiction (Sandholtz Forthcoming). The ICC has arguably advanced accountability for serious rights violations, but its record is still thin and it faces major challenges. The ongoing viability of these human rights courts will depend on two key factors. The first is the ability of the courts to respond to the concerns of states and other constituencies, taking into account domestic political and social contexts. All courts

must tread a line between advancing the rule of law and gaining the trust and acceptance of those who live under their jurisdiction. The second is that activists, advocates, victims, judges, and broader publics must continue to insist on the value of international human rights adjudication and pressure their governments to remain committed to it.

References

Ivcher Bronstein v. Peru (1999). Inter-American Court of Human Rights. Competence. Series C, No. 54. Decided 24 September 1999.

Apitz Barbera et al. ("First Court of Administrative Disputes") v. Venezuela (2008). Inter-American Court of Human Rights. Preliminary Objections, Merits, Reparations and Costs. Series C, No. 182. Decided 5 August 2008.

López Mendoza v. Venezuela (2011). Inter-American Court of Human Rights. Merits, Reparations, and Costs. Series C, No. 223. Decided 1 September 2011.

Expelled Dominicans and Haitians v. Dominican Republic (2014). Inter-American Court of Human Rights. Preliminary Objections, Merits, Reparations and Costs. Series C, No. 282. Decided 28 August 2014.

Alter, Karen J. (2014). *The New Terrain of International Law: Courts, Politics, Rights.* Princeton, NJ: Princeton University Press.

Alter, Karen J., James T. Gatthi, et al. (2016). "Backlash against International Courts in West, East, and Southern Africa: Causes and Consequences." *European Journal of International Law* 27(2): 293-328.

BBC (2012). "Bolivia: Regional Group Aligns against OAS, Media, Human Rights Commission." BBC Worldwide Monitoring. Lexis-Nexis. 7 June 2012.

BBC (2014). "Dominican Republic Lawmakers to Snub Human Rights Court." BBC Worldwide Monitoring. Lexis-Nexis. 24 October 2014.

Berlin, Mark S. (2013). "Why (not) Arrest? Explaining Third-Party State Compliance and Noncompliance with International Criminal Tribunals." *Journal of Human Rights* 15(4).

Burt, Jo-Marie (2009). "Guilty as Charged: The Trial of Former Peruvian President Alberto Fujimori for Human Rights Violations." *International Journal of Transitional Justice* 3(3): 384-405.

Calcaneo Sánchez, Alfonso (2015). *The Dominican Withdrawal from the Jurisdiction of the Inter-American Court of Human Rights*. Faculty of Law. Master's Thesis, University of Oslo.

Canton, Santiago A. (2007). "Amnesty Laws." *Victims Unsilenced: The Inter-American Human Rights System and Transitional Justice in Latin America*. Katya Salazar and Thomas Antkowiak, ed. Washington, DC, Due Process of Law Foundation: 167-190.

Donald, Alice, Jane Gordon, et al. (2012). *The UK and the European Court of Human Rights.* Research Report 83. Equality and Human Rights Commission. London. Available at https://http://www.equalityhumanrights.com/sites/default/files/83._european_court_of_human_rights.pdf. Accessed 17 January 2017.

European Court of Human Rights (2002). *Annual Report 2001*. Registry of the European Court of Human Rights. Available at

http://www.echr.coe.int/Documents/Annual_report_2001_ENG.pdf. Accessed 16 January 2017.

European Court of Human Rights (2013). *Analysis of Statistics 2012*. Available at http://www.echr.coe.int/Documents/Stats_analysis_2012_ENG.pdf. Accessed 16 January 2017.

European Court of Human Rights (2016). *Annual Report 2015*. Registry of the European Court of Human Rights. Available at http://www.echr.coe.int/Documents/Annual_Report_2015_ENG.pdf. Accessed 16 January 2017.

European Court of Human Rights (2016). *Overview 1959 - 2015: ECHR*. March 2016. Available at http://www.echr.coe.int/Documents/Overview_19592015_ENG.pdf. Accessed 17 January 2017.

Goldman, Robert K. (2009). "History and Action: The Inter-American Human Rights System and the Role of the Inter-American Commission on Human Rights." *Human Rights Quarterly* 31(4): 856-887.

Hawkins, Darren and Wade Jacoby (2010). "Partial Compliance: A Comparison of the European and Inter-American Courts of Human Rights." *Journal of International Law and International Relations* 6(1): 35-85.

Helfer, Laurence R. (2002). "Overlegalizing Human Rights: International Relations Theory and the Commonwealth Caribbean Backlash against Human Rights Regimes." *Columbia Law Review* 102(7): 1832-1911.

Helfer, Laurence R. (2008). "Redesigning the European Court of Human Rights: Embeddedness as a Deep Structural Principle of the European Human Rights Regime." *European Journal of International Law* 19(1): 125-159.

Helfer, Laurence R. (2012). "The Burdens and Benefits of Brighton." *ESIL Reflections.* European Society of International Law. Available at http://esil-sedi.eu/node/138. Accessed 2 December 2016.

Hillebrecht, Courtney (2012). "Implementing International Human Rights Law at Home: Domestic Politics and the European Court of Human Rights." *Human Rights Review* 13(3): 279-301.

Hillebrecht, Courtney (2014). *Domestic Politics and International Human Rights Tribunals: The Problem of Compliance.* Cambridge: Cambridge University Press.

Huneeus, Alexandra (2010). "Rejecting the Inter-American Court: Judicialization, National Courts, and Regional Human Rights." *Cultures of Legality: Judicialization and Political Activism in Latin America*. Javier Couso, Alexandra Huneeus and Rachel Sieder, ed. Cambridge, Cambridge University Press: 112-138.

Huneeus, Alexandra (2011). "Courts Resisting Courts: Lessons from the Inter-American Court's Struggle to Enforce Human Rights." *Cornell Int'l LJ* 44(3): 493-534.

Huneeus, Alexandra (2016). "Constitutional Lawyers and the Inter-American Court's Varied Authority." *Law & Contemporary Problems* 79(1): 179-207.

International Criminal Court (2014). *Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the status of the Government of Kenya's cooperation with the Prosecution's investigations in the Kenyatta case*. Available at https://http://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-04-12-2014. Accessed

Jordan, Pamela A. (2003). "Does Membership Have its Privileges? Entrance into the Council of Europe and Compliance with Human Rights Norms." *Human Rights Quarterly* 25(3): 660-688.

Madsen, Mikael Rask (2015). *The Challenging Authority of the European Court of Human Rights: From Cold War Legal Diplomacy to the Brighton Declaration and Backlash.* iCourts Working Paper Series, No. 20, 2015. iCourts. Copenhagen

Nathan, Laurie (2013). "The Disbanding of the SADC Tribunal: A Cautionary Tale." *Human Rights Quarterly* 35(4): 870-892.

Nichols, Lionel (2015). *The International Criminal Court and the End of Impunity in Kenya.* Cham, Switzerland: Springer.

Nuño, Alejandra (2013). "Los Desafíos del Sistema Interamericano de Derechos Humanos: Las OSC Internacionales y el SIDH." *Pensamiento Propio* 38(July-December): 287-318.

Parliamentary Assembly of the Council of Europe (1996). *Russia's Application for Membership of the Council of Europe*. Committee on Legal Affairs and Human Rights. Doc. 7463. 18 January 1996. Available at http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-en.asp?FileID=7397&lang=en. Accessed 16 January 2017.

Sandholtz, Wayne (Forthcoming). "Expanding Rights: Norm Innovation in the European and Inter-American Courts of Human Rights." *Expanding Human Rights: 21st Century Norms and Governance*. Alison Brysk, ed. Cheltenham, UK, Edward Elgar.

Serbin, Andrés and Andrei Serbin Pont (2013). "La Política Exterior de las República Bolivariana de Venezuela y el Sistema Interamericano de Derechos Humanos como Obstáculo." *Pensamiento Propio* 38(July-December): 235-254.

Stone Sweet, Alec and Helen Keller (2008). "The Reception of the ECHR in National Legal Orders." *A Europe of Rights*. Helen Keller and Alec Stone Sweet, ed. Oxford, Oxford University Press: 3-28.

Trochev, Alexei (2009). "All Appeals Lead to Strasbourg? Unpacking the Impact of the European Court of Human Rights on Russia." *Demokratizatsiya: The Journal of Post-Soviet Democratization* 17(2).

United Kingdom (2015). *Seventh Report, Human Rights Judgments*. Human Rights Joint Committee. HL Paper 130/HC 1088. 11 March 2015. Available at http://www.publications.parliament.uk/pa/jt201415/jtselect/jtrights/130/130.pdf. Accessed 16 January 2017.

Villarán de la Puente, Susana (2007). "Peru." *Victims Unsilenced: The Inter-American human rights system and transitional justice in Latin America*. Katya Salazar and Thomas Antkowiak, ed. Washington, USA, Due Process of Law Foundation: 95-126.

Vinjamuri, Leslie (2016). "The International Criminal Court and the Paradox of Authority." *Law & Contemporary Problems* 79(1): 275-287.

Voeten, Erik (2013). "Public Opinion and the Legitimacy of International Courts." *Theoretical Inquiries in Law* 14(2): 411-436.

Woods, Cindy (2013). "Bolivia Announces Plans to Leave the Inter-American Commission of Human Rights." PulseAmérica. Available at http://www.pulsamerica.co.uk/2013/03/human-rights-bolivia-announces-removal-from-inter-american-commission-of-human-rights/. Accessed 7 January 2017.