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# The Role of Communication in Landmark Human Rights Cases

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## ABSTRACT

This paper examines how communication, in its various forms, has played an important role in shaping landmark human rights cases and advancing the broader human rights agenda. It examines the intersection of legal discourse, media engagement, and advocacy through a historical and theoretical lens. Using key case studies including *Brown v. Board of Education*, *Roe v. Wade*, and *Obergefell v. Hodges*, the paper analyzes the strategic use of communication to frame narratives, influence public opinion, and prompt judicial and legislative change. Further, the study highlights how communication has empowered non-governmental organizations (NGOs), reshaped international law debates, and helped actualize the rights enshrined in international treaties such as the Convention on the Rights of the Child (CRC). The analysis emphasizes the need for robust communication strategies in defending and expanding human rights protections, especially in a world marked by technological change, political polarization, and media consolidation.

**Keywords:** Human rights, Legal communication, Landmark cases, Media advocacy, Convention on the Rights of the Child, Communication rights, Public discourse, International law.

## INTRODUCTION

In the late 1970s, advocates for children's rights and supportive journalists formed a partnership that led to the adoption of the Convention on the Rights of the Child (CRC) in 1989, the most ratified human rights document. The CRC outlines civil, social, economic, political, and cultural rights, including children's rights to receive and share information. It emphasizes the media's role in facilitating these rights and encourages states to provide beneficial social and cultural materials to children. At the 30th anniversary of the CRC, socio-political and technological shifts created new challenges and opportunities for children's free expression rights. This paper analyzes national strategies for implementing Article 13 of the CRC regarding children's media rights, particularly in Mexico and the USA. It highlights Mexico as a significant case for scholars interested in human rights advocacy through media systems. Conversely, it questions whether the Democratic Society's Young People's Project in the USA, despite its focus on journalism, adequately addresses children's free expression rights. While the CRC presents universal rights for children, their realization varies, especially concerning journalism-related free expression rights. The paper underscores the need for effective policies and initiatives to support children's media literacy, revealing that existing strategies often fail to close crucial knowledge and information gaps, rendering the CRC "a dormant document" [1, 2].

### Historical Overview of Landmark Human Rights Cases

Modern history reveals numerous human rights catastrophes that question the quest for human dignity. While the Universal Declaration on Human Rights (UDHR) aimed to protect rights, political structures have often undermined its spirit. To redress historical calamities disguised as law, communication, viewed as an ethical and creative domain, can offer insights. By merging jurisprudence and communication theory, a framework for robust human rights structures that promote an idealistic vision can be developed. Contextualizing landmark human rights cases demonstrates how communication shapes human rights jurisprudence, particularly within international courts. Such cases address key international treaties and establish fundamental concepts that achieve global resonance. Landmark texts advocate for

communication freedom, navigating meanings, and fostering political values across cultures. Moreover, discourse is vital for creating and transforming symbolic universes; it requires vigilance to transmit values. In a complex society, rights rely on discourse as a platform for articulation and negotiation, allowing for clarifications and challenges to dominant narratives. Discourse must manage identities, interests, and rules while preserving historical experiences, effectively bridging temporal and spatial divides in human rights [3, 4].

### **Key Theories of Communication in Legal Contexts**

Public law is distinguished by its different orientations stemming from human experience, whether rationalistic, ethical, cosmopolitan pacifism, or religious. On the other hand, political philosophy also gives differing answers, whether it be Machiavelli's statecraft, Hobbes's contractarianism, rationalistic extensions of legitimation to macro-law, or global issue theory regarding the political irrationality of the state system. The resulting matrix describes four factors reconstructing legal consciousness in the modern world: the world public order, something broadly understandable as a social production process, which is also the rule of law embedded in the rationalistic ethic of justice or legalism of the Enlightenment; non-state social governance law grounded in a distinctive non-state experience of justice, whether ethnic or religious; and an informational universe constrained by differing cosmologies. These approaches can be described by legal systems and legal positions, legal orders and orders of society, though they too are the subjects of different social views as processes of social construction, inadvertently bringing cognitive distortions of the horizon of reality and moral overreaching. Given this plurality, communications theory provides a methodological avenue for a comprehensive reconstruction. It defines public order as an assembled milieu of ten generic variables shared by all public authorities, with these variables defined in communication-theoretic terms. It also observes that law, viewed as action and thereby seen onto-epistemologically as a process in time, is recursively integrated knowledge. Thus, it is possible to develop an accessible ontology for all kinds of law operating in open systems, of which human consciousness, law, and communications are viewed as different slices on a continuous time-space matrix. These presuppositions oblige a certain division of labor between phase one, restricting analysis to various approaches under the supervision of the different presuppositions on the electromagnetic spectrum, and phase two, focusing strictly on communications theory as the substrate for a theory of world public order [5, 6].

### **Case Study: Brown V. Board of Education**

*Brown v. Board of Education*, a landmark case in American legal history, decisively ruled that the segregation of public schools breached the Equal Protection Clause enshrined in the Fourteenth Amendment of the Constitution. This case fundamentally overturned the earlier *Plessy v. Ferguson* decision of 1896, which had dangerously legitimized the "Separate but equal" doctrine, thereby endorsing de jure segregation practices within the Southern states. Together, these influential cases underscore the profound significance of words and language in both advocating for human rights and supporting or challenging the prevailing status quo of society. The ruling in *Brown* exemplifies the incredible bravery of those individuals who were willing to risk their reputations and personal safety in pursuit of a more equitable social order for marginalized and oppressed groups. The roles of effective oral, written, and visual communication were absolutely crucial for this transformative change to occur. Before the monumental *Brown* decision, the entrenched social order perpetuated by both de facto and de jure segregation thrived on a pervasive silence that effectively isolated the oppressed and rendered their struggles invisible to the broader society. This systemic silence allowed the privileged class to perceive themselves as benign, moral, and just, further entrenching their social dominance. However, from the end of World War I through to the *Brown* ruling, this oppressive silence began to fracture and break down, thereby enabling the voices of the historically oppressed communities to emerge and resonate in public discourse and society at large. Various communicators played pivotal roles in this critical shift, including preachers, civil rights activists, pamphleteers, and influential writers such as Langston Hughes and Richard Wright, who collectively contributed to a rich and diverse array of powerful communication that sparked awareness and incited action [7, 8].

### **Case Study: Roe V. Wade**

The Supreme Court's ruling in *Roe v. Wade*, invalidating a Texas statute criminalizing certain abortions, gave women a constitutional right to have a safe and legal abortion. The Court's decision was based on the constitutional guarantee of privacy. This privacy was said to be implied in the penumbras and emanations of other guarantees, including the First, Fourth, Fifth, Ninth, and Fourteenth Amendments. Even before *Roe*, pregnant women could say, with some assurance, that they had a constitutional right to control matters affecting their own. The Supreme Court decisions identified, and the grounds of the

decisions built upon, the general theory of “rights of privacy”. Unfortunately, the Court in *Roe* did not leave its opinion written in the same way. Instead, it sacrificed the very theory of privacy that had brought it to the decision it reached. This decision was controversial at the time, and it is controversial still. People on both sides of the issue, those who disapprove of abortion and those who approve, will say that this opinion has not entirely satisfied any group. Those who believe that the Texas law should be struck down will say that the decision made it difficult for them to promote further legislative action in this area. They will point to Justice Blackmun’s opinion as undesirable in a number of respects. Most of these points of dissatisfaction take either of two forms: some argue that the Court’s reasoning was flawed and asked what exists on *Roe*’s side of the ledger. They want further corroboration for the argument. Some maintain there’s something wrong with the passage itself. It is misleading and sloppy in important respects. They feel uncomfortable with it because they want to say respectable things about it, but instead, the decision makes things more difficult for them [9, 10].

### **Case Study: Obergefell V. Hodges**

On June 26, 2015, the Supreme Court handed down *Obergefell v. Hodges*, holding that same-sex couples had a constitutional right to marry under the due process clause of the Fourteenth Amendment. That decision emphasized its historic significance. With echoes of *Brown v. Board of Education*, *Loving v. Virginia*, and *Roe v. Wade*, the Court’s ruling was portrayed as a transformative event, perhaps even as the turning of a corner for a long-suffering minority in America. Many commentators and activists argued that *Obergefell* marked a turning point for the LGBTQ rights movement. Quantitatively, the number of LGBT organizations encountered in the public domain increased dramatically after the *Obergefell* decision. Humanities scholars tend toward the disagreeable, but the relationship between the *Obergefell v. Hodges* decision and transformations in gay, lesbian, bisexual, transgender, and queer (LGBTQ) politics in the U.S. is one of the rare and notable examples where the Court’s ruling ignited significant changes in society. While political scientists struggle to define judicial activism, the *Obergefell* decision marked a true change in the balance of power held by same-sex marriage advocates and opponents, and even those working in the field would be hard-pressed to do something similar for other key cases. An indelible moment in a history defining the legalities of marriage, feeding sanguinely into a burgeoning culture of society mobilized to lash out against an abuse of power on behalf of bigotry and discrimination, and fired with the judicial capacity to transform its landscape. The relevance of *Obergefell* was far larger than any immediate legal impact on marriage rights for same-sex couples. It posed questions also worth reevaluating others’ view of society and self to an audience invested in a cause fought directly at the courts, legislatures like those in states, cities, and the federal government, and growingly in workplaces, restaurants, and schools why fight at all, and what does expression and protection of such love even mean? [11, 12].

### **The Impact of Communication on Policy Change**

The role of communication in landmark human rights cases has significantly influenced law and policy changes, resulting in improved safeguarding and respect for human rights. As these cases gain public attention and scrutiny, they create heightened expectations for police, the judiciary, and the press accountability. Reviewing cases that prompted policy changes reveals the critical role of communication and offers insights on effectively engaging various audiences. The landmark cases discussed differ in the types of policy or law changes they inspired, yet each serves as a stepping stone to understand the interplay of human rights issues, strategies, and impacts. Initially, communication was instrumental in successfully engaging HKPF personnel in a disciplined manner, shaping their training and disciplinary actions. The urgency and risk of interventions were reflected through targeted news coverage, showcasing staged communication to meet public expectations. One case received mainstream media attention, while another was covered through undercover videos, effectively reaching sympathetic and critical audiences [13, 14].

### **Challenges in Communication for Human Rights**

Coincident with a boom in international communication over the past four decades, there has been a keen interest in human rights, stemming from the Second World War and the emergence of the United Nations. Today, there is widespread recognition that human rights are inextricably linked with communication rights, a developing area of inquiry in human rights literature. Indeed, ‘Communication Rights’ are now seen as the spearhead of international rights discourse. The need to put communication rights on the front burner of the human rights debate is understood not only because communication rights are particularly vulnerable to abuse, but also because the state of international communication (especially the press) can be understood as an indicator of whether the community of nations is living up to or has even made progress in addressing human rights issues. Major communication rights abuses

currently attracting wide attention are the widespread arrests and beatings of journalists, or of those who would be journalists; censorship by government or non-government, or both of media and of would-be media. Civil and criminal laws are designed to intimidate the media and to “chill” reporting of government action or inaction; the jailing or assault or both of dissidents armed only with a pen, a sheet of paper, and a belief in the truth. Human Rights groups have targeted both governments and media conglomerates for human rights abuses in the communication realm. So have the United Nations and its specialized agencies. Can similar outrage and debate be motivated elsewhere? Human Rights and the Right to Communicate address this inequity. Scholars from an array of disciplines have penned a compelling collection of essays that provide depth, breadth, and immediacy to the issue. What is required, in effect, is powerful advocacy to persuade communication research departments and doctoral programs, communication industries, and other academic disciplines that the state of communication rights (or the lack thereof) needs to be researched, analyzed, publicized and dealt with in a fashion like that reserved for human rights [15, 16].

### **The Role of Non-Governmental Organizations (NGOS)**

Just as scholars have analyzed the role of communication in landmark Supreme Court decisions, especially Roberts Court cases implicating civil rights issues, the role of communication in prominent cases designated as human rights issues also deserves attention. And just as the scholars utilized both traditional and social media, so closely examining some high-profile contemporary human rights cases in these venues offers important insights. Human trafficking was viewed by US NGO interlocutors as a pivotal issue for US engagement. Accordingly, the 2000 Trafficking Victims Protection Act was designated the world’s most important anti-trafficking measure. The US affirmed its status as a model for countries around the globe, revealing how US interests were being pursued. Publicity gave status, demonstrating how communication shaped governmental power. In efforts to push back against US impositions in anti-trafficking, US allies, notably Thailand, employed public diplomacy in conjunction with accusations against US human rights violations and criticisms of US self-interested motives. Potential countermoves to communication matters that the US might address are also substantive, implying how major actors might be challenged through communication on human rights and civil rights issues. Besides these matters pertaining to the high-profile cases examined, legal considerations arise. One is whether a designated communication effort, because of its rights controversy, would trigger First Amendment concerns. Another legal posturing deals with culpability. DSME’s shared equity cuts both ways, suggesting that because it shares equity with Daewoo, it also may have culpability for its abuses. A future scholarly exploration of the importance of monitoring and enforcement, especially where rights claims are linked to resource extraction, would be timely. Taking a human rights perspective regarding industries, technologies, and companies not previously monitored addresses the changing dynamics of human rights [17, 18].

### **Communication in International Human Rights Law**

Although international law ostensibly embraces human rights in all forms, there remains much fuzziness in interpretation. A rapidly growing interest in human rights law has caused a burgeoning of visions of its potential space. In the area of communication, the right to communicate is perhaps the most exciting potential frontier for the law’s development. The right to communicate does not currently exist in law, at least not formally. It has long been included in the agenda of international organizations, but the legal analysis of the right has scarcely begun. As part of the increasingly important paradigm of development, reform of international communication will likely take on a more prominent status in international law in the coming years. Although a remarkable increase in interest in communication rights and their role in the development of the human psyche and society has occurred in recent years, there exists little rigorous legal analysis of these issues. International human rights law has come to exist primarily as a Western construct. In recent debates, it has addressed the need for the development of collective rights on par with individual ones. Over the last 10 years, the principal focus of this debate has been on elaborating the right to development. Some mention has been made of the right to communicate, but the subject has yet to enter the public debate in a meaningful way. Emerging states have an opportunity to change this. As a new construct, the communication paradigm can be more readily reshaped than older paradigms, such as arms control or the environment. Nevertheless, the communication paradigm’s ability to affect the process is contingent upon adherence to fundamental democratic principles [19, 20].

### **Technological Advances and Human Rights Communication**

Technological advances enable strategic questioning of political beliefs and actions. New technologies have acted as tools for human rights performances and created new spaces for action. In March 1989, post-communism, Berlin subway stations featured handwritten leaflets with empty stares. This arose

when Boris Mikhailov, a 29-year-old artist from Ukraine, arrived in Berlin with numerous photographs depicting Soviet life. His first exhibition, "Limit is the Space," showcased these photos, offering a stark view of the limitations of the regime. One notable series, "On the Way to the Club," focused on public restrooms in Kharkov. It depicted beggars outside a restroom waiting for a wedding party, highlighting the rarity of lavish Soviet weddings. The images captured the buttocks of male waiters and patrons, revealing expressions of simultaneous pleasure and loathing. While the 1989 exhibition questioned the nature of truth behind the masked eyes, it didn't prevent tourists from believing in a happy capitalist life in Berlin. The empty stares highlighted the limits to freedom amid capitalism's success. However, as envisioned in the theory of an open society, some perpetrators within the system became allies, transforming from mere subjects into a medium seeking to impact the new social order [21, 22].

### **Future Directions in Human Rights Communication**

The human experience encompasses multilayer communications. Humans, seen as bio-physical entities, are also believed to be intelligent beings shaped by material and symbolic thoughts, expressions, and systems. Their artistic and cultural heritage helps them navigate the limitations of sensory perception across space and time. This cultural framework informs community understandings of the universe and fosters collective existence. Human intelligence has crafted sophisticated symbols to encapsulate thoughts, beliefs, and creativity through words, music, images, sculptures, metaphors, and quotes. These varied expressions create access points to a shared consciousness of meanings and aspirations, often resulting in globally significant institutions and phenomena. In a conventional view, distant communities face casualties due to ideological clashes, leading to retaliation. However, such linguistic embellishments conflict with the standards of public faith-based discourse regarding the world. Promoting both collective and individual interests through communication necessitates adherence to principles of good faith, truthfulness, and benevolence to maintain order. Communication fundamentally influences societal power structures. Participation in a communication system requires a structured tier of rights and opportunities, empowering individuals and fostering social order and peace. The complexity of human existence calls for communication to evolve beyond mere biologically driven expressions into organized social patterns. Nonetheless, these communication forms impact the dynamics within the global public order, defining the relationship between nations throughout history, including the regulation of war and peace [23, 24].

### **CONCLUSION**

Communication has proven to be not just an accessory but a central mechanism in the advancement and realization of human rights. From mobilizing public sentiment to shaping judicial reasoning, effective communication has defined the trajectory of landmark cases and influenced legal doctrine and policy reform. Case studies like *Brown v. Board of Education*, *Roe v. Wade*, and *Obergefell v. Hodges* reveal how legal, journalistic, or cultural forces can dismantle oppressive systems and champion equality. Furthermore, international frameworks such as the CRC depend heavily on communication for their implementation and relevance. However, challenges persist in ensuring equitable communication rights, especially amid rising censorship, digital divides, and the marginalization of minority voices. As human rights law evolves, integrating communication theory into legal analysis offers a promising path forward, enabling a more inclusive, informed, and justice-oriented global society. A commitment to strengthening communication rights and infrastructures is imperative if we are to realize the full potential of human rights in both national and international contexts.

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