

AMNESTY
INTERNATIONAL



AMNESTY INTERNATIONAL REPORT 2008

FOREWORD

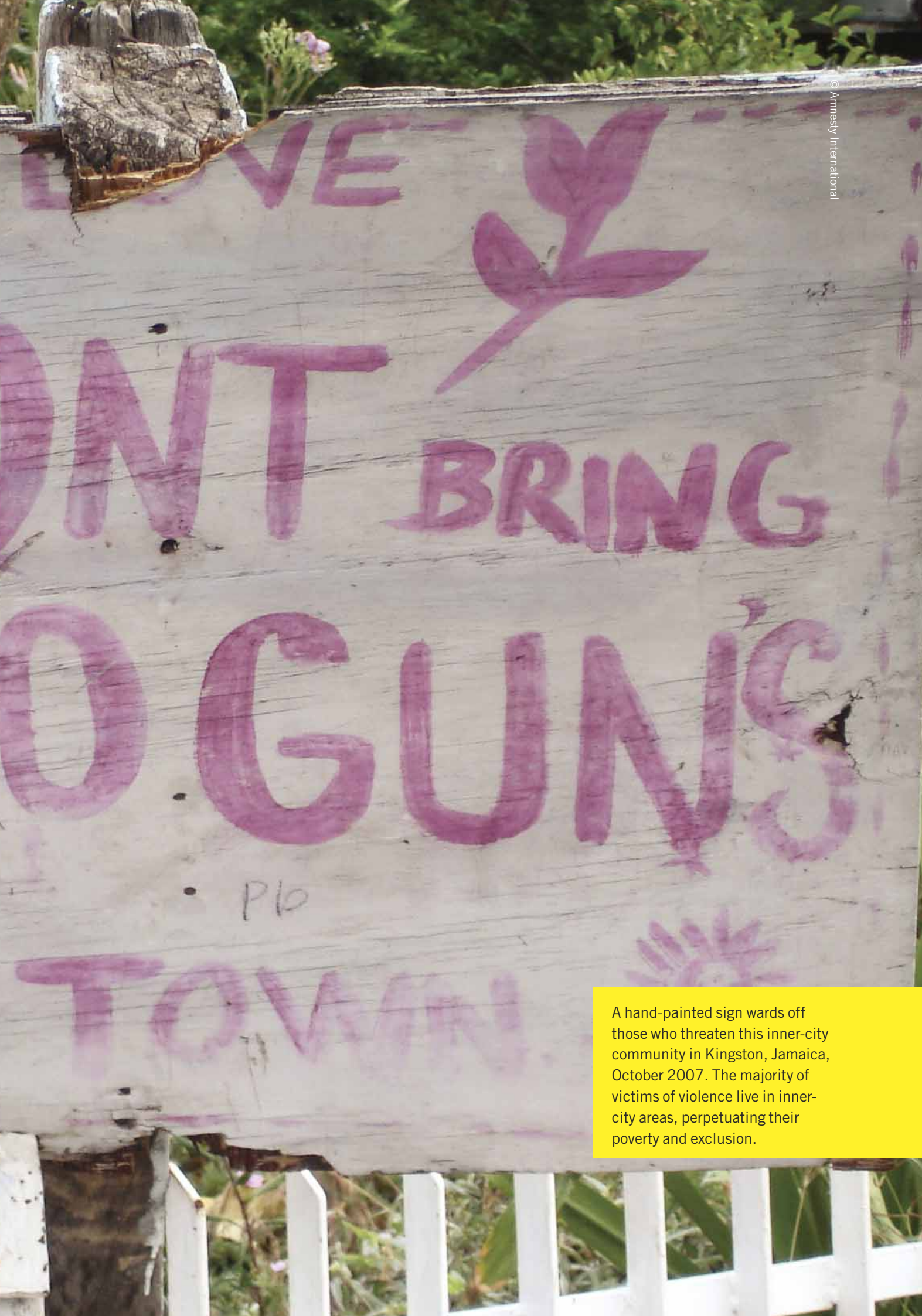


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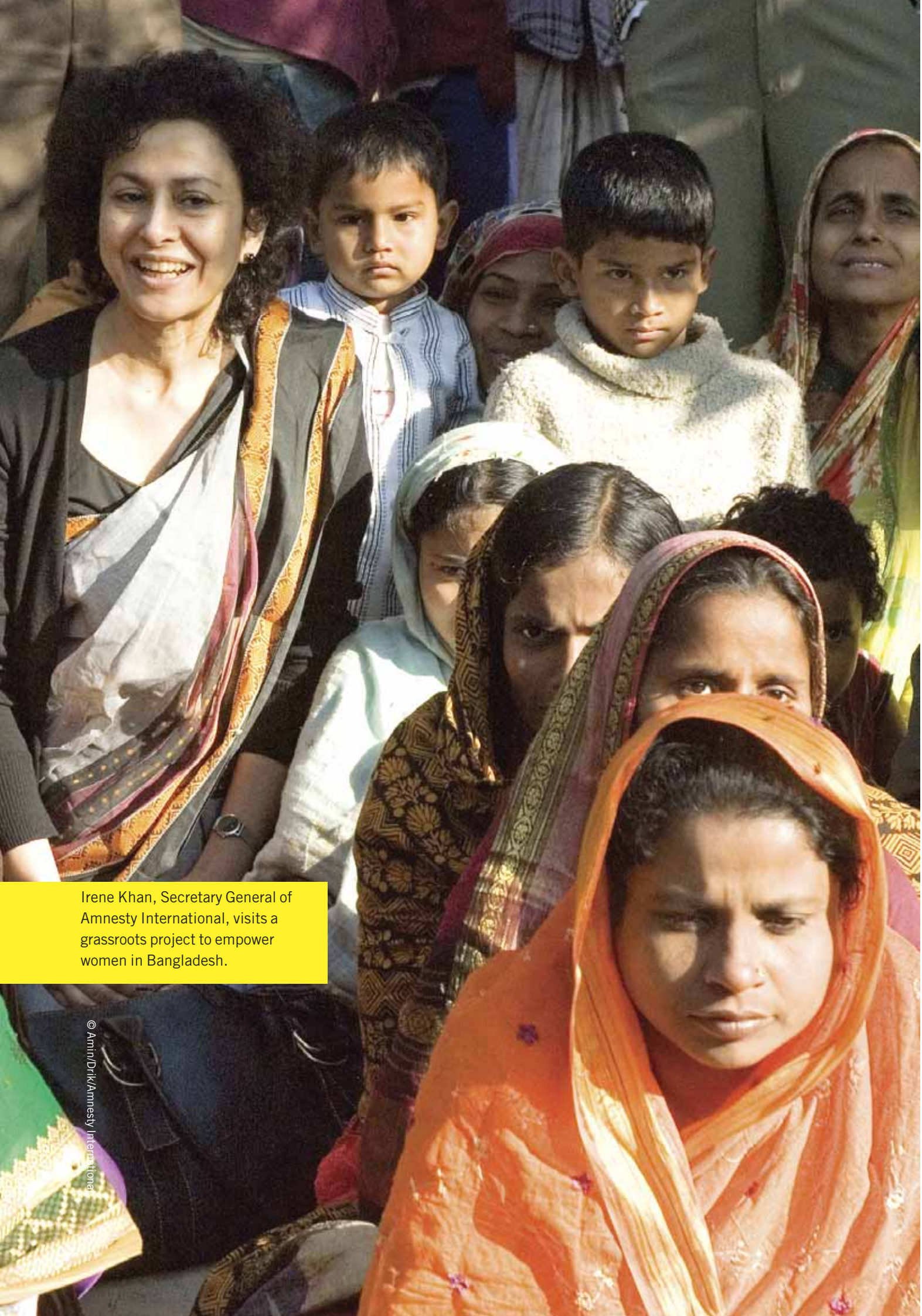
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A hand-painted sign wards off those who threaten this inner-city community in Kingston, Jamaica, October 2007. The majority of victims of violence live in inner-city areas, perpetuating their poverty and exclusion.



Irene Khan, Secretary General of Amnesty International, visits a grassroots project to empower women in Bangladesh.

BROKEN PROMISES

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World leaders owe an apology for failing to deliver on the promise of justice and equality in the Universal Declaration of Human Rights (UDHR), adopted 60 years ago. In the past six decades, many governments have shown more interest in the abuse of power or in the pursuit of political self-interest, than in respecting the rights of those they lead.

This is not to deny the progress that has been made in developing human rights standards, systems and institutions internationally, regionally and nationally. Much has improved in many parts of the world based on these standards and principles. More countries today provide constitutional and legal protection for human rights than ever before. Only a handful of states would openly deny the right of the international community to scrutinize their human rights records. 2007 saw the first full year of operation of the UN Human Rights Council, through which all UN member states have agreed to a public debate on their human rights performance.

But for all the good, the fact remains that injustice, inequality and impunity are still the hallmarks of our world today.

In 1948, in an act of extraordinary leadership, world leaders came together to adopt the UDHR. Member states of the fledgling UN showed great foresight and courage by putting their faith in global values. They were acutely aware of the horrors of World War II, and conscious of the grim realities of an emerging Cold War. Their vision was not circumscribed by what was happening only in Europe. 1948 was also the year in which Burma gained independence, Mahatma Gandhi was assassinated, and apartheid laws were first introduced in South Africa. Large parts of the world were still under the yoke of colonization.



Buddhist monks accompanied by civilians march through Yangon.

The drafters of the UDHR acted out of the conviction that only a multilateral system of global values, based on equality, justice and the rule of law, could stand up to the challenges ahead. In a genuine exercise of leadership, they resisted the pressure from competing political camps. They rejected any hierarchy between the right to free speech and the right to education, the right to be free from torture and the right to social security. They recognized that the universality of human rights – every person is born free and equal – and their indivisibility – all rights, whether economic, social, civil, political or cultural, must be fulfilled with equal commitment – is the basis for our collective security as well as our common humanity.

In the years that followed, visionary leadership gave way to narrow political interests. Human rights became a divisive game as the two ‘superpowers’ engaged in an ideological and geopolitical struggle to establish their supremacy. One side denied civil and political rights, while the other demoted economic and social rights. Human rights were used as a tool to further strategic ends, rather than to promote people’s dignity and welfare. Newly independent countries, caught in the superpower competition, struggled in the pursuit of democracy and the rule of law or abandoned them altogether for various forms of authoritarianism.

Hopes for human rights rose with the end of the Cold War but were dashed by the explosion of ethnic conflicts and implosion of states that unleashed a spate of humanitarian emergencies, marked by massive and vicious human rights abuses. Meanwhile, corruption, poor governance, and widespread impunity for human rights violations reigned supreme in many parts of the world.

As we entered the 21st century, the terrorist attacks of 11 September 2001 transformed the human rights debate yet again into a divisive and destructive one between “western” and “non-western”, restricting liberties, fuelling suspicion, fear, discrimination and prejudice among governments and peoples alike.

The forces of economic globalization brought new promises, but also challenges. Though world leaders claimed to commit themselves to eradicating poverty, for the most part they ignored the human rights abuses that drive and deepen poverty. The UDHR remained a paper promise.

Looking back today, what seems most surprising is the unity of purpose shown by the UN member states at the time in adopting the UDHR without a dissenting vote. Now, in the face of numerous, pressing human rights crises, there is no shared vision among world leaders to address contemporary challenges of human rights in a world that is increasingly endangered, unsafe and unequal.

The political landscape today is very different from that of 60 years ago. There are many more states today than in 1948. Some former colonies are now emerging as global players alongside their former colonial masters. Can we expect the old and new powers to come together, as their predecessors did in 1948, and recommit themselves to human rights? The record for 2007 was not encouraging. Will new leadership and pressure from civil society make a difference in this anniversary year?

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A dismal record

As the world's most powerful state, the USA sets the standard for government behaviour globally. With breathtaking legal obfuscation, the US administration has continued its efforts to weaken the absolute prohibition against torture and other ill-treatment.

Senior officials refused to denounce the notorious practice of "water-boarding". The US President authorized the CIA to continue secret detention and interrogation, although they amount to the international crime of enforced disappearance. Hundreds of prisoners in Guantánamo and Bagram, and thousands in Iraq, continued to be detained without charge or trial, many for more than six years. The US government has failed to ensure full accountability for abuses by its forces in Iraq. An Order issued by the CPA (Coalition Provisional Authority) in June 2004 granting immunity from prosecution in Iraqi courts to foreign private military and security firms operating in Iraq, presents further obstacles to accountability. There was wide concern about the killings of at least 17 Iraqi civilians by guards employed by the private security company, Blackwater, in September 2007. These actions have done nothing to further the fight against terrorism and a great deal to damage the USA's prestige and influence abroad.

The hollowness of the US administration's call for democracy and freedom abroad was displayed in its continued support of



People protest against police during a major police operation in Complexo do Alemão, Rio de Janeiro, Brazil, when at least 19 people were shot dead by police.

President Musharraf as he arrested thousands of lawyers, journalists, human rights defenders and political activists for demanding democracy, the rule of law and an independent judiciary in Pakistan. As President Musharraf unlawfully imposed a state of emergency, dismissed the Chief Justice and packed the higher courts with more compliant judges, the US administration justified its support for him as an “indispensable” ally in the “war on terror”. The growing insecurity in the cities and border regions of Pakistan, however, indicates that, far from arresting extremist violence, President Musharraf’s repressive policies, including enforced disappearances and arbitrary detention, have fed grievances, helped to spur anti-western sentiment and laid the seeds for greater instability in the sub-region. The Pakistani people have shown their strong repudiation of President Musharraf’s policies, even as the USA continues to embrace him.

The world needs a USA genuinely engaged and committed to the cause of human rights, at home and abroad. In November 2008, the US people will elect a new President. For the USA to have moral authority as a human rights champion, the next administration must close Guantánamo and either try the detainees in ordinary federal courts or release them. It must repeal the Military Commissions Act and ensure respect for international humanitarian law and human rights in all military and security operations. It must ban evidence obtained through coercion and denounce all forms of torture and other ill-treatment no matter to what end. The new administration must establish a viable strategy for international peace and security. It must ditch support for authoritarian leaders and invest instead in the institutions of democracy, rule of law and human rights that will provide long-term stability. And it must be ready to end US isolation in the international human rights system and engage constructively with the UN Human Rights Council.

If the US administration has distinguished itself in recent years through its defiance of international law, European governments have shown a proclivity for double standards. The European Union (EU) professes to be “a union of values, united by respect for the rule of law, shaped by common standards and consensus, committed to tolerance, democracy, and human rights”. Yet, in 2007 fresh evidence came to light that a number of EU member states had looked the other way or colluded with the CIA to abduct, secretly detain and illegally transfer prisoners to countries where

they were tortured and otherwise ill-treated. Despite repeated calls by the Council of Europe, no government has fully investigated the wrongdoings, come clean and/or put in place adequate measures to prevent future use of European territory for rendition and secret detention.

On the contrary, some European governments sought to water down the 1996 ruling from the European Court of Human Rights prohibiting the return of suspects to countries where they could face torture. The Court pronounced itself in one of two cases pending before it in 2007, reaffirming the absolute prohibition of torture and other ill-treatment.

While many grumble about the regulatory excesses of the EU, there is little outrage at the lack of EU regulation of human rights at home. The truth of the matter is that the EU is unable to hold its member states accountable on human rights matters which fall outside EU law. The Fundamental Rights Agency, created in 2007, has been given such a limited mandate that it cannot demand any real accountability. While the EU sets a high bar on human rights for candidate countries seeking accession (and rightly so), once they are allowed in, they are able to breach the standards with little or no accountability to the EU.

The EU is unable to hold its member states accountable on human rights matters which fall outside EU law

Can the EU or its member states call for respect for human rights by China or by Russia when they themselves are complicit in torture? Can the EU ask other – much poorer – countries to keep their borders open, when its own member states are restricting the rights of refugees and asylum-seekers? Can it preach tolerance abroad when it has failed to tackle discrimination against Roma, Muslim and other minorities living within its borders?

As for the USA, so too for the EU, the year ahead will bring important political transitions. The Lisbon treaty signed by EU governments in December 2007 demands new institutional commitments to be forged among the member states. In some key member states elections and other developments have brought about or will lead to new political leadership. They provide opportunities for action on human rights within the EU and globally.

As the USA and the EU stumble on their human rights record, their ability to influence others declines. The most glaring example of



Gay rights activists attend a protest in Moscow, Russian Federation, 27 May 2007. Russian police detained gay rights protesters calling for the right to hold a Gay Pride parade in central Moscow.



© REUTERS/Sergei Karpukhin



Hrant Dink, a Turkish Armenian journalist and human rights defender, was shot dead in January 2007.

their neutering on human rights was the case of Myanmar in 2007. The military junta violently cracked down on peaceful demonstrations led by monks, raided and closed monasteries, confiscated and destroyed property, shot, beat and detained protesters, harassed or held friends and family members as hostages. The USA and the EU condemned the actions in the strongest terms and tightened their trade and arms embargoes, but to little or no effect on the human rights situation on the ground. Thousands of people continued to be detained in Myanmar, among them at least 700 prisoners of conscience, the most prominent being the Nobel Laureate Aung San Suu Kyi, who has spent 12 of the last 18 years under house arrest.

As in Myanmar, so too in Darfur, western governments failed to make much of a dent in the human rights situation. International outrage and widespread public mobilization etched the name of Darfur on world conscience but brought little change to the suffering of its people. Murder, rape and violence continue unabated, and if anything, the conflict has become more complex, a political settlement more remote. Despite a string of UN Security Council resolutions, the full deployment of hybrid African Union/UN forces is yet to take place.

Emerging powers

Whether in relation to Myanmar or Darfur, the world looked not to the USA but to China as the country with the necessary economic and political clout to move things forward – and not without good cause. China is the largest trading partner of Sudan and the second largest of Myanmar. Amnesty International's research has shown that Chinese arms have been transferred to Darfur in defiance of the UN arms embargo. China has long justified its support for abusive governments, such as those of Sudan, Myanmar and Zimbabwe, by defining human rights as an internal matter for sovereign states, and not as an issue for its foreign policy - as it suited China's political and commercial interests.

Yet China's position is neither immutable nor intractable. In 2007, it voted in favour of the deployment of the hybrid peacekeeping force in Darfur, pressured Myanmar to accept the visit of the UN Special Envoy and reduced its overt support for President Mugabe of Zimbabwe. The same factors that drove China in the past to open

relations with repressive regimes may well be motivating the changes in its policy towards them today: the need for reliable sources of energy and other natural resources. Amnesty International and other human rights organizations have long argued that countries with poor human rights records do not create good business environments – business needs political stability and human rights provide that. It is possible that China too is beginning to recognize that supporting unstable regimes with poor human rights records does not make good business sense, that if it is to protect its assets and citizens abroad, it must support global values that create long-term political stability.

Notwithstanding its diplomatic shifts, China has a long way to go. It remains the largest arms supplier to Sudan since 2004. It vetoed a UN Security Council resolution condemning Myanmar's human rights practices in January 2007 and has yet to live up to the promises it made on human rights in the run up to the Beijing Olympics. Some reforms in the application of the death penalty and relaxation of rules for foreign media in 2007 were outweighed by the clampdown on human rights activists in China, on domestic media and expanding the scope of "re-education through labour", a form of detention without charge or trial, as part of the "clean-up" of Beijing prior to the Games.

The run up to the Beijing Olympics has provided less room for improvement and more for confrontation on human rights in China. As the dust settles on the Olympics, the international community will need to develop an effective strategy for shifting the human right debate with China to a more productive and progressive plane. The Chinese government for its part must recognize that global leadership brings responsibilities and expectations, and that a global player, if it is to be credible, cannot ignore the values and principles which form the collective identity of the international community.

And how does Russia score on human rights leadership? A self-confident Russia, flush with oil revenues, has repressed political dissent, pressurized independent journalists and introduced legislative controls to rein in NGOs. In 2007 peaceful public demonstrations were dispersed with force, and lawyers, human rights defenders and journalists were threatened and attacked. The judicial system remained vulnerable to executive pressure. Pervasive corruption undermined the rule of law and

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71 Amnesty International activists protest against the death sentences on 71 child offenders awaiting execution in Iran.

people's trust in the legal system. Impunity was rampant in Chechnya, driving some victims to seek justice in the European Court of Human Rights in Strasbourg.

Will the new Russian President Dmitry Medvedev take a different approach to human rights in 2008? He would do well to look around the world and draw the lesson that long-term political stability and economic prosperity can be built only in societies that are open and states that are accountable.

If the permanent members of the UN Security Council have done little to promote human rights and much to undermine them, what leadership can we expect from emerging powers such as India, South Africa or Brazil?

As a well-established liberal democracy with a strong legal tradition of human rights and an independent judiciary, India has the makings of a powerful role model. India has played a positive role in the UN Human Rights Council. It is credited with helping to bring together the mainstream parties and Maoist insurgents in Nepal and end a long-standing armed conflict that had generated massive human rights abuses. But it needs to be more forceful in its domestic implementation and more forthright in its international leadership of human rights. In Myanmar, even as the junta struck out violently at the peaceful protests by monks and others, the Indian government continued to engage in oil extraction negotiations. In Nandigram, West Bengal, rural communities were attacked, injured and killed with police complicity when they protested at the setting up of a Special Economic Zone for industry.

South Africa's role in NEPAD (New Partnership for Africa's Development) – which emphasizes good governance – gave hope that African leaders would take responsibility for solving African problems, including on human rights. But the South African government has been reluctant to speak out against the human rights abuses in Zimbabwe. Human rights are universally applicable to all – and no country knows that better than South Africa. Few countries can have a greater moral responsibility to promote those universal values, wherever they are being violated, than South Africa.

Countries such as Brazil and Mexico have been strong on promoting human rights internationally and in supporting the UN human rights

machinery. But unless the gap between their policies internationally and their performance at home is closed their credibility as human rights champions will be challenged.

Human rights are not western values – indeed, western governments have shown as much disdain for them as any other. They are global values and, as such, the likelihood of their success is entwined with the leadership of the UN. Although the UN Security Council continued to be hamstrung on human rights by the divergent interests of its permanent members, in 2007 the UN General Assembly showed its potential for leadership by adopting a resolution calling for a universal moratorium on the death penalty. It showed exactly the sort of direction the world needs from the UN: states inspiring each other to better performance, rather than running each other down to the lowest common denominator. This was the UN at its best. Will the UN Human Rights Council show similar leadership in 2008 as it embarks on the Universal Periodic Review system?

In a striking example of bold leadership, in the face of opposition from extremely powerful states, 143 of the UN General Assembly's member states voted to adopt the Declaration on the Rights of Indigenous Peoples in September 2007, ending two decades of debate. Two months after Australia voted against the Declaration, the newly elected government of Prime Minister Kevin Rudd offered a formal apology for the laws and policies of successive governments that "inflicted profound grief, suffering and loss" on the Indigenous Aboriginal population.

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Forging a new unity of purpose

As the geopolitical order undergoes tectonic shifts, old powers are reneging on human rights and new leaders are yet to emerge or are ambivalent about human rights. So, what future for human rights?

The road ahead is rocky. Entrenched conflicts – highly visible in the Middle East, Iraq and Afghanistan, forgotten in places such as Sri Lanka and Somalia, to name but two – take a heavy human toll. World leaders flounder in their efforts to find a way forward as in Iraq and Afghanistan, or lack the political will to find solutions, as in Israel and the Occupied Palestinian Territories – a longstanding



Women activists at the launch of an Amnesty International report on sexual violence in Sierra Leone.

conflict that has been particularly marked by the failure of collective international leadership (in the form of the Quartet of the USA, the EU, Russia and the UN) to address impunity and injustice.

As the global financial markets wobble and the rich use their position and undue influence to mitigate their losses, the interests of the poor and the vulnerable risk being forgotten. With the tacit support of governments that refuse to scrutinize or regulate them effectively, far too many companies continue to evade accountability for their involvement in human rights abuses and violations.

There is much rhetoric about eradicating poverty but not enough political will for action. At least two billion of our human community continue to live in poverty, struggling for clean water, food and housing. Climate change will affect all of us, but the poorest amongst us will be the worst off as they lose their lands, food and livelihoods. July 2007 marked the half-way point in the timetable set by the UN to achieve the Millennium Development goals. Though far from perfect the achievement of these goals would go some way to improving health, living conditions and education for many in the developing world by 2015. The world is not on track to meet most of these minimum goals and, unfortunately, human rights are not being properly taken into account in that process. A change of effort and emphasis is clearly needed.

And where is the leadership to eradicate gender violence? Women and girls suffer from high levels of sexual violence in almost every region of the world. In war-torn Darfur rape with impunity persists. In the USA, many rape survivors in poor and marginalized Indigenous communities fail to find justice or effective protection from the Federal and tribal authorities. Leaders must give more attention to making rights real for women and girls.

These are global challenges with a human dimension. They require a global response. Internationally recognized human rights provide the best framework for that response because human rights represent a global consensus regarding the acceptable limits and unacceptable shortcomings of government policy and practice.

The UDHR is as relevant a blueprint for enlightened leadership today as it was in 1948. Governments must recommit themselves to human rights.

Restless, angry and disillusioned, people will not remain silent if the gap continues to widen between their demand for equality and freedom and their governments' denial. Popular discontent in Bangladesh at the steep rise of rice prices, disturbances in Egypt over the price of bread, post-electoral violence in Kenya and public demonstrations in China on evictions and environmental issues are not just examples of popular concern about economic and social issues. They are signs of a seething cauldron of grassroots protest at the betrayal of their governments' promise to deliver justice and equality.

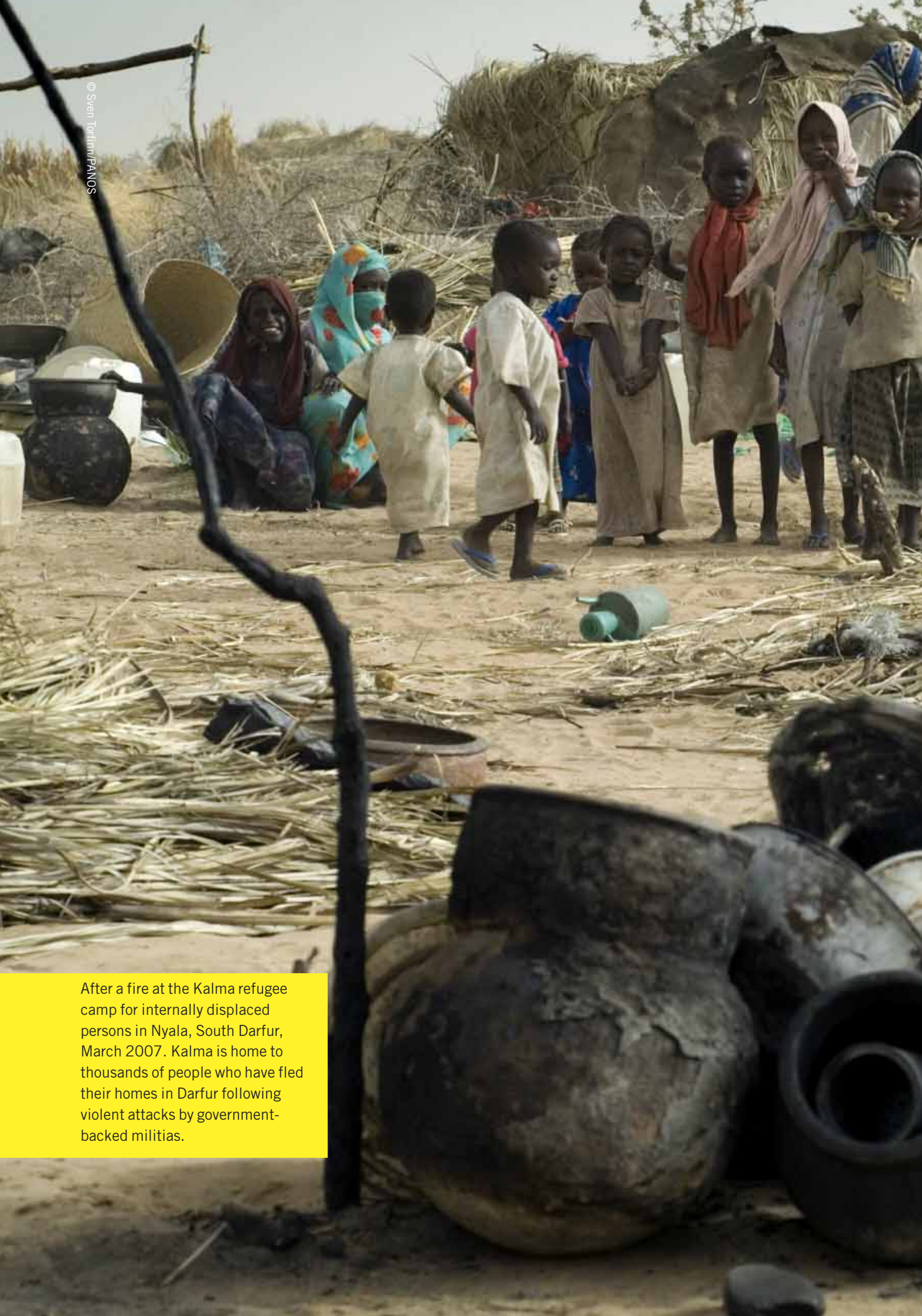
To a degree almost unimaginable in 1948, today there is a global citizens' movement that is demanding their leaders recommit themselves to upholding and promoting human rights. Black-suited lawyers in Pakistan, saffron-robed monks in Myanmar, 43.7 million individuals standing up on 17 October 2007 to demand action against poverty, all were vibrant reminders last year of a global citizenry determined to stand up for human rights and hold their leaders to account.

In a village in northern Bangladesh, a group of women sit on bamboo mats in the dusty village enclosure. They are part of a legal literacy program. Most of them can barely read or write. They listen attentively as their teacher, using posters with graphic designs, explain the law prohibiting child marriage and requiring the informed consent of a woman to marriage. The women have just received loans through a micro-credit scheme operated by the Bangladesh Rural Advancement Committee, a large NGO. One woman has bought a cow and hopes to make some extra income by selling milk. Another woman plans to buy a sewing machine and set up a small tailoring business for herself. What does she hope to get out of this class? "I want to know more about my rights," she says. "I don't want my daughters to suffer the way I have, and so I need to learn how to protect my rights and theirs." In her eyes shine the hope and determination of millions like her around the world.

People's power to generate hope and bring about change is very much alive in the 60th anniversary year of the UDHR. A consciousness on human rights is sweeping the globe.

World leaders ignore it at their peril.

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After a fire at the Kalma refugee camp for internally displaced persons in Nyala, South Darfur, March 2007. Kalma is home to thousands of people who have fled their homes in Darfur following violent attacks by government-backed militias.



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UN member states showed great leadership and foresight 60 years ago when they adopted the Universal Declaration of Human Rights, agreeing on a comprehensive set of rights.

Over the years, this unity of purpose was lost and today human rights issues divide rather than unite states. The many crises facing the world require concerted and united action by states to protect human rights, but the record of both the old and the new powers – whether at home or abroad – does not inspire confidence.

Optimism for the future resides in the fact that a global civil society is uniting; rejecting the divisions of rich and poor, secular and religious and north/south, and demanding unified action by states.

*Amnesty International
in solidarity with human rights defenders around
the world in the 60th anniversary year of the
Universal Declaration of Human Rights.*

