

Down to Business

The Human Rights Council's Backlog of Work

September 10, 2007

Last year, many organizations, including Human Rights Watch, warned that an understandable focus on institution-building in the Human Rights Council's first year could give rise to a "protection gap" if the substantive work of the Council did not keep pace. That concern was, unfortunately, entirely warranted. In its first year, the Human Rights Council (HRC) devoted countless hours to discussions of its own methods of work, and took action on only three human rights situations: Darfur, Lebanon, and the Occupied Palestinian Territories. In June 2007, however, the Council closed its first year by reaching agreement on the bulk of its institution-building work, opening up space for expanded substantive discussions at the Council. As the Council's second year of operations begins, its program of work remains focused on internal processes, and neglects urgent human rights situations requiring the HRC's attention.

" The HRC's efforts to address these situations will provide an important indication of its ability to fulfil the purpose for which it was created. "

The Council was created to enable human rights to become a true "third pillar" within the United Nations, along with peace and security, and development. Fulfilling that promise requires a body that is engaged with the major human rights situations of the day, and is actively working to avoid further such crises. General Assembly resolution 60/251 requires the HRC to "address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon," a point reflected in Item 4 of the Council's agenda which calls for discussion of "human rights situations that require the Council's attention." With that in mind, Human Rights Watch noted that more than two-dozen situations demanded the HRC's attention as of last March. (See "More Business than Usual: The Work which Awaits the Human Rights Council"). Each of those situations continues to warrant engagement by the Council.

The desire not to repeat mistakes made within the Commission on Human Rights has led some to question the usefulness of condemnatory resolutions that were sometimes repeated from year to year without effect, and which did not take on abuses by some powerful countries. But a desire to avoid past errors should not stand in the way of engagement by the Council on the many situations around the globe that require its attention today. New approaches are needed—the group of experts established for Darfur is but one example of how creative methods may lead to real improvement in human rights situations.

As it enters its second year, the Council must take hold of the many situations that "require the HRC's attention," and take action of some sort to address them. The actions taken can and should vary based on the situations at issue, as Human Rights Watch recommended a year ago in its paper "New Approaches to Human Rights Situations". The Council's work should be judged by its impact on the ground, rather than by the strength of the rhetoric employed.

This paper suggests ten situations of particular concern where that effort could begin. This list is by no means exhaustive and the Council could usefully engage with a far greater number and range of issues, as our earlier paper demonstrates. The HRC's efforts to address these situations will provide an important indication of its ability to fulfil the purpose for which it was created. The Council must seize this opportunity to demonstrate its relevance and responsiveness to human rights victims in these countries and beyond.

Brief summaries of the human rights situations in Burma, Burundi, China, the Democratic Republic of Congo, Iran, Iraq, Sri Lanka, Somalia, Uzbekistan, and Zimbabwe are included below.

Burma

Burma's military rulers continue to be responsible for widespread human rights violations, including a heavy-handed response to protests against the government's poor economic management. Demonstrations against sharply increased commodity prices, including a five-fold increase in energy prices, began in mid-August, with over 150 pro-democracy activists arrested by Burmese authorities. These events follow a number of small protests that have occurred since the start of 2007, predominantly because of high inflation, low electricity supply, and poor access to education and health care. The government has increasingly used violence against the peaceful protests and has arbitrarily arrested noted dissidents such as Min Ko Naing and other leaders of the 88 Generation Students. There are over 1,100 political prisoners in Burma. The National Convention concluded after 14 years of haphazard sessions, having drafted a constitution designed to ensure the rule of the military and its civilian arm, the Union Solidarity and Development Association (USDA), whose militia members have been involved in attacks against human rights defenders. Military offensives against ethnic minorities continue to target civilian populations, with over half a million people internally displaced and thousands driven across borders to seek refuge as a result of conflict, heavy militarization of civilian areas, and serious rights abuses. The International Committee of the Red Cross made a public statement on June 29, 2007, stating their concern over widespread violations of international humanitarian law in ethnic minority areas of Burma.

Burundi

Despite progress since the 2005 elections, the past six months have seen rising concerns about the human rights situation in Burundi. Security conditions remain precarious in part because the implementation of the September 7, 2006, ceasefire agreement between the government and the last active rebel group, the National Liberation Force (FNL), stalled this summer. In July, senior FNL members serving on the joint commission charged with implementing the ceasefire quit and returned to the bush. In early September, fighting between two rival FNL factions, divided over whether to implement the ceasefire or return to war, resulted in the deaths of over 30 combatants. The justice system, meanwhile, remains dysfunctional due to a lack of budgetary support, the absence of judicial independence, corruption, and an overwhelming backlog of cases, especially land disputes. There has also been no progress on justice for the extrajudicial execution of at least 31 individuals by the National Intelligence Service in July and August 2006 in Muyinga province. Though the military commander allegedly implicated in the killings was removed from office in July, he remains active in the military. The break in FNL talks in July also coincided with a growing parliamentary stalemate that has crippled the government over recent months. The paralyzed National Assembly has also meant that the new criminal code and other important laws have not been passed.

China

Human rights conditions in China have deteriorated markedly in 2007. In the run-up to the 2008 Olympic Games in Beijing, the Chinese government has made little substantive progress in addressing longstanding human rights concerns. It tightened its grip on domestic human rights defenders, HIV/AIDS grassroots activists, and the media to choke off public expressions of dissent ahead of the Olympics. China's weak legal system lacks a judiciary with true independence from the government, does not uniformly address citizen concerns, and often exacerbates rather than alleviates local corruption, thus worsening human rights violations in the country. Protesters and petitioners face increasingly violent crackdowns by security forces and plainclothes thugs who appear to operate at the government's behest. Authorities continue to impose house arrest on high-profile dissidents, a tactic that makes actual arrests—which draw unwanted international attention—less necessary to silence critics. The rights of China's ethnic minority population in Tibet have deteriorated due to a policy of forcible relocation of Tibetan herders, which has destroyed their livelihoods. The media's ability to expose these abuses is hobbled due to official backtracking on new rules that purport to allow much greater freedom to foreign journalists, and a refusal to grant comparable freedoms to Chinese reporters.

Democratic Republic of the Congo

The first year of President Joseph Kabila's government has been marred by violence and repression. Since November 2006, the government has arbitrarily arrested and detained over 300 people linked to the political opposition in Kinshasa, frequently on trumped-up charges of coup plots, espionage, or possession of weapons. Some have been tortured. The role of the opposition in Parliament has been minimized, and attempts at parliamentary scrutiny of government actions—such as the establishment of a Commission of Inquiry into the killing of demonstrators on January 31 and February 1, 2007 protesting elections corruption in Bas Congo—have been suppressed. Violence in North Kivu has displaced more than 180,000 people since December 2006, and the UN high commissioner for refugees (UNHCR) has warned that “the situation risks turning into a humanitarian and human rights disaster.” Lack of accountability for war crimes committed during the armed conflict remains an enormous problem. Since the formal end to the war, dozens of warlords and militia leaders have been rewarded with top army positions instead of facing justice for the crimes they committed.

Iran

The human rights situation in Iran deteriorated significantly in 2007. The government has increasingly used “national security” as a pretext for arresting student activists, women's rights campaigners, labor leaders and activists, independent scholars, and journalists. Ministry of Information agents have subjected such detainees to various forms of ill-treatment and torture, such as prolonged interrogation sessions that include physical beatings and psychological abuse as well as extensive periods of solitary confinement. The government has not held Ministry of Information officials accountable for arbitrary arrests and detentions, and interrogations of civil society activists in violation of Iran's domestic law and international obligations. Iran continues to be among the world's top executioners. In July and August alone, the authorities executed at least 39 people. Jafar Kiani suffered a particularly brutal form of execution when he was stoned to death by officials on July 5 in Aghche-Kand, a village in Ghazvin province. Local authorities carried out the death sentence despite a June 20 order by Iran's head of judiciary, Ayatollah Shahrudi, to indefinitely stay the execution.

Iraq

The vast majority of Iraqis today live in conditions of virtually complete insecurity. The conflict has become increasingly sectarian in nature, with Sunni and Shi'a armed groups targeting civilians from each other's communities. Fighting between United States and Iraqi armed forces and insurgent groups has resulted in an unknown number of civilian deaths and injuries. In October 2006, a Johns Hopkins-MIT mortality study estimated that since 2003, 650,000 Iraqis had died as a result of the war—600,000 of them in violent deaths; this figure was far higher than previous estimates and civilian deaths from the conflict remain at high levels. While the Iraqi and US governments have announced several security plans to curb the violence and bring armed militias under control, including an Iraqi decree imposing virtual martial law in Baghdad and a surge in US troops, the overall security situation in the country remains poor. Little has been done to curb the abuses by government security forces and affiliated armed groups. Evidence continues to implicate Ministry of Interior and Ministry of Defense personnel in systematically torturing and sometimes killing detainees in their custody; government investigations have failed to prosecute those allegedly responsible. New martial law provisions give military commanders authority to conduct warrantless arrests, monitor private communications, and restrict civil society groups in Baghdad.

Somalia

Since late 2006 when Ethiopian armed forces ousted the Islamic Courts Union from Mogadishu and other parts of southern Somalia, residents of Somalia's capital have experienced some of the worst violence in more than a decade. Increasing insurgent attacks from densely populated neighborhoods in the capital provoked major military operations by Ethiopian forces and the transitional Somali government (TFG) in March and April. Up to 400,000 people fled the city and hundreds of civilians died during sustained indiscriminate bombardment by the Ethiopian forces. Since April almost daily incidents of insurgent attacks, targeted assassinations, and clashes

between the insurgency and the Ethiopian and Somali government forces continue to inflict a heavy toll on civilians. Mass arrests and arbitrary detentions by Ethiopian and TFG forces are commonplace. Threats to and pressure on media and civil society activists are mounting, with several journalists assassinated in the past few months, which has contributed to the longstanding underreporting of the dire situation in Somalia.

Sri Lanka

The renewal of major military operations between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) since mid-2006 has resulted in significant human rights abuses and violations of international humanitarian law by both sides. Nearly 100,000 people have been forced to flee their homes since March 2007 alone; some 290,000 people remain displaced since August 2006, the vast majority Tamils and Muslims. Government authorities have forced some displaced persons to return to areas that remained insecure and this March created a “High Security Zone,” preventing return to lands where thousands of families once lived. There has been a disturbing rise in abductions and “disappearances” over the past year and a half with more than 1,100 new cases reported, the vast majority of the victims being Tamil. Despite government arrests of some suspects involved in disappearances in June 2007, reports of enforced disappearances continue. The Karuna group, a Tamil armed group that split from the LTTE in 2004 and now cooperates with Sri Lankan forces against the LTTE, continues to abduct and recruit children and young men into its force with the complicity of government officials. The United Nations Children’s Fund (UNICEF) has documented 145 cases of recruitment and re-recruitment of children by the Karuna group since December 2006; the real number is most likely higher. The LTTE continues to use children in its forces. Media freedom has been under attack, as 11 media workers have been killed in Sri Lanka since August 2005. Humanitarian aid workers have also been victims of deadly attacks. The presidential Commission of Inquiry established last year to investigate a number of high profile cases has yet to result in any prosecutions.

Uzbekistan

Uzbekistan presents a textbook example of a country where cooperative dialogue with foreign governments has been met with official denial and obfuscation. At least 13 human rights defenders are currently incarcerated on politically motivated charges. One independent journalist has been held in a closed psychiatric ward since September 2006, while political opposition leader Sanjar Umarov and other dissidents are in prison. More than two years after a government massacre of hundreds of unarmed protesters in the city of Andijan in May 2005, no one has been held accountable for the killings. The government has steadfastly rejected calls by the international community for an independent, international inquiry into the Andijan events, and has tried to substitute for this with various expert meetings that to date have examined the armed uprising that preceded the massacre, but not the killings themselves. Authorities have gone to great lengths to cover up the truth behind the massacre and unleashed a fierce crackdown on civil society unprecedented in its proportions. Torture remains rampant, with the government having failed to take any meaningful steps to implement the 2003 recommendations of the UN special rapporteur on torture. Authorities have refused to grant access to the country to any of the UN special procedures who have longstanding requests for invitation.

Zimbabwe

The human rights situation in Zimbabwe remains dire. Over the past year, the government has reacted to peaceful protests by intensifying its efforts to intimidate, silence, and punish those who expose abuses and exercise their basic rights to freedom of expression, association, and assembly. The authorities continue to use repressive laws to prevent criticism of the government. Since the beginning of the year, the police have arbitrarily arrested hundreds of civil society activists and opposition members and supporters during routine meetings or peaceful protests, often with excessive force, and in some cases have subjected those in custody to severe beatings that amount to torture, and to other mistreatment. The government has taken no clear action to halt the rising incidence of torture and ill-treatment of activists while in the custody of police or the intelligence services. The human rights violations that have occurred in Zimbabwe in particular over the past six months—and the complete lack of accountability of those responsible for these violations—is

of special concern given the longstanding and pervasive culture of impunity in Zimbabwe. Recently, the government introduced the Interception of Communications Act, which further threatens Zimbabweans' rights to freedom of information, expression, and privacy.

<http://hrw.org/english/docs/2007/09/10/global16829.htm>