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Amnesty International Report 2006

the state of the world's human rights

[inside front cover]

AMNESTY INTERNATIONAL

Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights to be respected and protected.

Amnesty International's vision is of a world in which every person enjoys all of the human rights enshrined in the universal declaration of human rights and other international human rights standards.

Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

Amnesty International is independent of any government, political ideology, economic interest or religion. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

Amnesty International is a democratic, self-governing movement. Major policy decisions are taken by a two-yearly International Council made up of representatives from all national sections. The Council elects an International Executive Committee of volunteers which carries out its decisions.

Amnesty International's Secretary General is Irene Khan (Bangladesh) and International Executive Committee members elected for 2005-7 were Soledad García Muñoz (Argentina), Ian Gibson (Australia), Lilian Gonçalves-Ho Kang You (Netherlands), Petri Merenlahti (Finland), Claire Paponneau (France), Vanushi Rajanayagam (New Zealand), Hanna Roberts (Sweden; Chair), and David Weissbrodt (USA).

Amnesty International has more than 1.8 million members and supporters in over 150 countries and territories in every region of the world. It is funded largely by its worldwide membership and public donations. No funds are sought or accepted from governments for Amnesty International's work investigating and campaigning against human rights violations.

[end of inside cover]

A YEAR IN PERSPECTIVE: A GLASS HALF FULL

by Irene Khan, Secretary General, Amnesty International

Krishna Pahadi, a human rights activist in Nepal, has been detained 28 times by the government. When I met him in a police detention centre in Kathmandu in February 2005, shortly after he had been arrested for the 27th time, his message was surprisingly upbeat. The more the regime locks up peaceful protesters like him, he told me, the more it strengthens the cause of human rights. Widespread political unrest and international condemnation of the Nepalese government's actions support Krishna's views. Deprived of any reading material in prison except religious books, he had finished reading the Bhagavad Gita and was about to begin the Bible, to be followed by the Qur'an. He has no doubt that his struggle and that of others like him will prevail. It is only a matter of time, he said.

Krishna is not daunted. Nor am I, despite the abuse and injustice, violence and violations across the globe documented in the Amnesty International Report 2006.

The human rights landscape is littered with broken promises and failures of leadership. Governments profess to champion the cause of human rights but show repressive reflexes when it comes to their own policies and performance. Grave abuses in Afghanistan and Iraq cast a shadow over much of the human rights debate, as torture and terror feed off each other in a vicious cycle. The brutality and intensity of attacks by armed groups in these and other countries grow, taking a heavy toll on human lives.

Nevertheless, a closer look at the events of 2005 gives me reason for hope. There were some clear signs that a turning point may be in sight after five years of backlash against human rights in the name of counter-terrorism. Over the past year, some of the world's most powerful governments have received an uncomfortable wake-up call about the dangers of undervaluing the human rights dimension of their actions at home and abroad. Their doublespeak and deception have been exposed by the media, challenged by activists and rejected by the courts.

I also see other signs for optimism. The overall number of conflicts worldwide continues to fall, thanks to international conflict management, conflict prevention and peace-building initiatives, giving hope to millions of people in countries like Angola, Liberia and Sierra Leone.

Institutional reform was initiated at the United Nations (UN) to strengthen the international human rights machinery, despite the attempt by a number of cynical and "spoiler" governments to block progress.

The call for justice for some of the worst crimes under international law gained greater force across the world, from Latin America to the Balkans. Although corrupt, inefficient and politically biased national judicial systems remain a major barrier to justice, the tide is beginning to turn against impunity in some parts of the world. In 2005 several countries opened investigations or conducted trials of people suspected of war crimes and crimes against humanity. Despite the opposition of the USA, support for the International Criminal Court (ICC) has grown, with Mexico becoming the 100th state party to ratify the Rome Statute of the ICC. The UN Security Council's decision to refer the situation in Darfur to the ICC set an important precedent, demonstrating the link between security and justice.

Ordinary people took to the streets to demand their rights and to seek political change. In Bolivia, the poorest country in South America, massive protests by indigenous communities, peasants and miners led to the resignation of the President and election to power of the country's first ever indigenous Head of State. Even repressive governments found themselves caught out by mass protest, and were forced to make some concessions.

There will be those who will challenge my sense of optimism. But I take strength from these developments and, most importantly, from the extraordinary display of global activism and human solidarity across borders; from the energy and commitment of Amnesty International (AI) members worldwide; from the huge crowds that turned out to "make poverty history" in the lead-up to the G8 Summit; and from the outpouring of support from ordinary people for the victims of the tsunami in Asia, Hurricane Katrina in the USA and the earthquake in Kashmir.

From peasant farmers protesting against land grabbing in China to women asserting their rights on the 10th anniversary of the UN World Conference on Women, the events of 2005 showed that the human rights idea – together with the worldwide movement of people that drives it forward – is more powerful and stronger than ever.

Torture and counter-terrorism

When suicide bombers struck at the heart of London in July 2005, the UK Prime Minister Tony Blair reacted by announcing plans that would drastically restrict human rights and show the world that "the rules of the game are changing". Lord Steyn, a retired Law Lord of the UK judiciary, responded aptly: "The maintenance of the rule of law is not a game. It is about access to justice, fundamental human rights and democratic values".

Fortunately, some of the most outrageous provisions of the legislation proposed by the UK government were thrown out by Parliament. The government was defeated twice on its counter-terrorism legislation in 2005 – the first ever parliamentary defeats for Prime Minister Blair in his nine years of office.

The judiciary also took the UK government to task. The highest court in the land, the House of Lords, rejected the government's contention that it could use information obtained by torture by foreign governments as evidence in UK courts. In another case, the Court of Appeal rejected the government's claim that UK forces in Iraq were not bound by international and domestic human rights law. It also ruled that the system for investigating deaths of Iraqi prisoners at the hands of UK armed forces personnel was seriously deficient.

In the USA there was similar questioning of the Bush Administration's claim that in its fight against terrorism it could exempt itself from the prohibition against torture and ill-treatment. A legislative amendment sought to affirm the ban on torture and cruel, inhuman and degrading treatment of all prisoners by US officials and agents, wherever they might be. Not only did the President threaten to veto the bill, the Vice President sought to exempt the Central Intelligence Agency (CIA) from the law. The CIA itself admitted to using "water-boarding" (simulated drowning) as an interrogation technique, and the Attorney-General claimed that the USA has the power to mistreat detainees abroad, so long as they are not US citizens.

In the end, it was President Bush who blinked first and was forced to withdraw his opposition to the bill. However, the bill had a serious sting in its tail, with an amendment which stripped Guantánamo detainees of the right to file habeas corpus appeals in a federal court and barred them from seeking court review of their treatment or conditions of detention. Nevertheless, the President's public climb-down was indicative of the pressure being put on the Administration by powerful divisions within the USA and increasing concern among its allies abroad.

European governments squirmed as one story after another revealed their role as junior partners of the USA in its "war on terror". There was public outcry following media reports of possible collusion between the US Administration and some European governments on "CIA black sites" – alleged secret detention centres on European territory. Increasing evidence that prisoners were being illegally transferred through European airports to countries where there was a risk they would be tortured ("extraordinary renditions") also provoked widespread public condemnation.

The demand for the closure of the detention centre in Guantánamo Bay gained greater momentum with the UN, various European institutions, and political and opinion leaders, including prominent US figures, adding their voices to the growing pressure. What was once AI's lone voice in the wilderness has now become a crescendo of condemnation against the most blatant symbol of US abuse of power. That strengthens our own resolve to continue to campaign until the US Administration closes the Guantánamo camp, discloses the truth about secret detention centres under its control, and acknowledges the right of detainees to be tried in accordance with international law standards or be released.

The shifts I have identified do not mean that support for restrictive measures has disappeared or that attacks on human rights in the name of counter-terrorism have diminished. The USA has not categorically rejected the use of certain forms of torture or ill-treatment. It has failed to institute an independent investigation into the role of senior US officials in the abuses committed in Iraq's Abu Ghraib prison and elsewhere, despite growing evidence of high-level involvement.

When the British courts declared the detention of foreigners without charge or trial to be unlawful, the UK government immediately introduced new legislation to hold people under virtual house arrest. It continues to seek "diplomatic assurances" to enable it to return people to countries where they could face torture.

The "export value" of the "war on terror" has not decreased either. With the tacit or explicit approval of the USA, countries like Egypt, Jordan and Yemen continue to detain, without charge or fair trial, people suspected of involvement in terrorism.

What is different about 2005 compared to past years is that the public mood is changing, thanks to the work of human rights advocates and others, which is putting the US and European governments on the defensive. People are no longer willing to buy the fallacious argument that reducing our liberty will increase our security. More and more governments are being called to account – before legislatures, in courts and other public forums. More and more there is a realization that flouting human rights and the rule of law, far from winning the "war on terror", only creates resentment and isolates those communities targeted by these measures, plays into the hands of extremists, and undermines our collective security.

Lines, however fragile, are being drawn. Voices are being raised. This offers hope for a turning point in the debate and a more principled approach to human rights and security in the future.

Contrary to the statement of the UK Prime Minister, the rules of the game have not changed. Neither security nor human rights are well served by governments who play games with these fundamental rules.

We must continue to condemn in the strongest possible terms the cowardly and heinous attacks on civilians by armed groups. Equally strongly, we must also resist the foolish and dangerous strategies of governments who seek to fight terror with torture.

Reform initiatives

Growing disillusionment and damning criticism of the UN human rights machinery finally led governments to initiate some important reforms as part of a rethink of the UN's role in international governance.

UN member states agreed to double the budget of the Office of the UN High Commissioner for Human Rights, and to focus its work to a much greater extent on protecting human rights through presence in the field.

The member states decided to jettison the discredited UN Commission on Human Rights, and proposed to replace it with a Human Rights Council, elected by and accountable to the UN General Assembly, and able to scrutinize all states, including, first and foremost, its own members. Although a product of compromise, the proposal represents a significant opportunity to improve the UN human rights machinery. Regrettably, the future of the Council hangs in the balance as we go to press because of the refusal of the USA to support it, ostensibly on the basis that it has too many “deficiencies”. One state, no matter how powerful, should not be allowed to undermine a broad, international consensus. I hope that other governments will resist US pressure, rally behind the resolution and get the Council up and running.

I am encouraged by the support that governments have shown for changes to the UN human rights machinery. This is all the more remarkable, given the way in which much of the UN Secretary-General’s ambitious and forward-looking package on UN reform – including proposals to expand Security Council membership, strengthen weapons non-proliferation and better equip the UN to act effectively to halt genocide – was rejected or wrecked.

I am also heartened by some less publicized gains in the past year. The UN completed drafting an International Convention for the Protection of All Persons from Enforced Disappearance, to address the unacknowledged arrest, detention, torture and often death of prisoners at the hands of agents of the state. AI, which first began campaigning on behalf of the “disappeared” some 35 years ago, welcomes this important contribution to human rights protection.

The UN appointed a Special Representative on the issue of human rights and transnational corporations and other business enterprises. Although companies can be a force for positive social and economic development, the impact of some business operations on human rights are deeply damaging, as shown by the violence generated by oil and mineral interests in places like the Niger delta in Nigeria, the Democratic Republic of the Congo and Sudan, or the readiness of the information and technology industry to fall in line with China’s restrictive policies on freedom of expression. Yet a powerful combination of political and business interests has managed to resist international efforts to advance the legal accountability of business for human rights. Despite considerable controversy surrounding the UN Norms on business and human rights, the issue of corporate accountability remained firmly on the international agenda. Building on the experience of the Norms, the task now will be to develop a clear set of international human rights standards and principles for corporate actors.

Rhetoric and reality

Institutions are only as strong as the political will of those who govern them. Far too often, powerful governments manipulate the UN and regional institutions to further their narrow national interests. The USA is a prime example, but unfortunately it is not alone, as is evidenced by Russia's record in the Caucasus and Central Asia, and China's expanding economic co-operation with some of the most repressive governments in Africa.

Those who bear the greatest responsibility for safeguarding global security in the UN Security Council proved in 2005 to be among the most willing to paralyze the Council and prevent it from taking effective action on human rights. This was clearly demonstrated by the USA and the UK in relation to Iraq, and by Russia and China in the case of Sudan. They appear oblivious to the lessons of history that the road to strengthening global security lies through respect for human rights.

The hypocrisy of the G8 was particularly marked in 2005. The G8 governments claimed to put eradication of poverty in Africa high on their agenda, while continuing to be major suppliers of arms to African governments. Six of the eight G8 countries are among the top 10 largest global arms exporters, and all eight export large amounts of conventional weapons or small arms to developing countries. This should place a particular responsibility on the G8 to help create an effective system of global control on arms transfers. But, despite pressure from the UK government, the leaders of the G8 failed to agree on the need for an Arms Trade Treaty at the Gleneagles Summit in July 2005. However, the call for a global treaty to control small arms gained support from at least 50 countries around the world. The message of the campaign, jointly led by AI, Oxfam and the International Action Network for Small Arms (IANSA), is clear: the arms trade is out of control, and must be restrained urgently.

Turning to regional institutions, I am disappointed that the European Union (EU) remains a largely muted voice on human rights. It cannot expect to maintain its credibility on human rights and occupy the moral high ground if it buries its collective head in the sand when confronted with abuses committed by its major political and trading partners, or closes its eyes to the policies and practices of its own member states towards refugees and asylum-seekers and on counter-terrorism. It must be more willing to confront Russia's appalling human rights failures in Chechnya. It must also resist pressures from business to lift its arms embargo against China. This embargo was originally imposed after the brutal 1989 crackdown in Tiananmen Square in order to show the commitment of the EU to promoting human rights in China. It should not be removed until the Chinese government has made significant human rights concessions.

The African Union (AU) has developed a progressive framework on human rights, and played an important role in resolving the crisis in Togo, but it is sadly lacking the capacity and political will to deliver on its promises consistently. Hampered by logistical constraints and the refusal of the Sudanese government and armed militias to abide by international law, AU human rights monitors could not make a real difference on the ground in Darfur. It showed no stomach to tackle the appalling human rights situation in Zimbabwe. It failed to convince Nigeria or Senegal to co-operate with the efforts to bring to justice the former Liberian and Chadian presidents Charles Taylor and Hissène Habré. African leaders do a disservice to themselves and the African people when they use African solidarity to shield each other from justice and accountability.

In the face of institutional lethargy and governments' failures, public opinion, whether in Africa, Europe or elsewhere, is demanding a stronger commitment by governments to human rights at home and abroad. Thanks to human rights advocates and others, and the growing pressure of public opinion, the international community is being forced to acknowledge human rights as the framework within which security and development should be imagined and implemented. Without respect for human rights, neither security nor development can be sustained.

In both international and regional contexts, human rights are increasingly being acknowledged as a benchmark for the credibility and authority of institutions and individual states. That is one of the reasons why governments contested Myanmar becoming the chair of the Association of Southeast Asian Nations (ASEAN). That is why the EU decided in the end not to reverse the ban on arms sales to China. That is why India has put human rights considerations as a key element in its approach to Nepal.

Both on principled as well as pragmatic grounds, human rights should be seen as a critical element of sustainable global and regional security strategies, not as an optional extra for good times. There is no doubt in my mind that the events of 2005 show that the political and moral authority of governments will be judged more and more by their stand on human rights at home and abroad. Therein lies one of the most important achievements of the human rights movement in recent times.

There are clear challenges ahead. Vicious attacks by armed groups, the increased instability in the Middle East, the mounting anger and isolation of Muslim communities around the world, the forgotten conflicts in Africa and elsewhere, growing inequalities and glaring poverty – all are evidence of a dangerous and divided world in which human rights are being daily threatened. But far from being discouraged, I believe these challenges make the impetus for action even greater.

As we set our agenda for 2006, AI and its millions of members and supporters take encouragement from the remarkable achievements of the human rights movement and the faith of ordinary people in the power of human rights. We in AI do not underestimate that power. We will use it to fight those who peddle fear and hate, to challenge the myopic vision of the world's most powerful leaders, and to hold governments to account.

AMNESTY INTERNATIONAL'S COMMITMENTS

In 2006, Amnesty International is committed to:

- Resist attacks on human rights standards, in particular the absolute prohibition on torture and ill-treatment.
- Demand the closure of the Guantánamo Bay detention camp and secret detention centres, and the disclosure of “extraordinary renditions” and “ghost detainees”.
- Condemn strongly deliberate attacks on civilians by armed groups.
- Fight to end impunity and to strengthen national and international justice systems.
- Expose human rights abuses committed during armed conflicts, and campaign for an international arms trade treaty to control the sale of small arms.
- Seek a universal moratorium on the death penalty as a step towards its abolition.
- Champion the right of women and girls to be free from violence and discrimination.
- Promote the protection of refugees, displaced people and migrants.
- Expose the link between poverty and human rights abuses and hold governments accountable for poverty eradication through respect for all human rights.
- Campaign to hold corporate and economic actors accountable for human rights abuses.
- Strive for universal ratification of the seven core human rights treaties fundamental for human security and dignity.
- Support human rights defenders and activists in their fight for equality and justice.

WHAT CAN YOU DO?

- Join Amnesty International and become part of a worldwide movement campaigning for an end to human rights violations. Help us make a difference.

Activists around the world have shown that it is possible to resist the dangerous forces that are undermining human rights. Be part of this movement. Combat those who peddle fear and hate. Join Amnesty International.

- Make a donation to support Amnesty International's work.

Together we can make our voices heard.

Visit www.amnesty.org

WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, AMNESTY INTERNATIONAL CAMPAIGNS FOR JUSTICE AND FREEDOM FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD.

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[inside back cover]

ACT NOW FOR HUMAN RIGHTS

The Arms Trade is out of control. Worldwide arms are fuelling conflict, poverty, and human rights abuses. It doesn't have to be like this. Amnesty International, Oxfam and IANSA are calling for a global Arms Trade Treaty and for local action to protect civilians from armed violence.

Violence against women is a human rights scandal. From birth to death, in times of peace as well as war, women face discrimination and violence at the hands of the state, the community and the family.

High-profile international artists. Classic Lennon tracks. United for human rights. This is Make Some Noise – a mix of music, celebration and action in support of Amnesty International. Music can change the world, but only with your voice.

The ban on torture and other cruel, inhuman and degrading treatment – the most universally accepted of human rights – is being undermined. In the "war on terror", governments are not only using torture and ill-treatment, they are making the case that this is justifiable and necessary.

For more on these or other campaigns visit www.amnesty.org

[back cover]

Amnesty International Report 2006

The state of the world's human rights

During 2005 some of the world's most powerful governments were successfully challenged, their hypocrisy exposed by the media, their arguments rejected by courts of law, their repressive tactics resisted by human rights activists. After five years of backlash against human rights in the "war on terror", the tide appeared to be turning.

Nevertheless, the lives of millions of people worldwide were devastated by the denial of fundamental rights. Human security was threatened by war and attacks by armed groups as well as by hunger, disease and natural disasters. Freedoms were curtailed by repression, discrimination and social exclusion.

The Amnesty International Report documents human rights abuses in 150 countries around the world. It highlights the need for governments, the international community, armed groups and others in positions of power or influence to take responsibility. It also reflects the vitality of human rights activists globally, whether in local initiatives, international summits or mass demonstrations.

Outraged by continuing human rights abuses and inspired by hope, Amnesty International members and supporters around the world campaign for justice and freedom for all.

This pamphlet is an extract from the Amnesty International Annual Report 2006.

To obtain a copy of the report visit www.amnesty.org

[photo captions]

Krishna Pahadi (right), a founding member of the Human Rights and Peace Society and former Chair of AI Nepal, with Irene Khan in London shortly after his release, 2005. ©AI

Roma in Bulgaria at an anti-discrimination rally in central Sofia, February 2005. The rally coincided with the start of the international initiative “2005-2015 Decade of Roma Inclusion” which was launched in eight south-eastern European states. ©EMPICS/AP

International Women’s Day, Beni, North Kivu Province, Democratic Republic of the Congo, March 2005. The women are marching barefoot with their shoes on their heads in protest at widespread rape in the region. ©AI

Women protest against gender discrimination in the Iranian capital, Tehran, June 2005. ©Reuters/Raheb Homavandi

Members of the Torture Abolition and Survivors Support Coalition International demonstrate outside the White House, Washington D.C., USA, June 2005. ©Reuters/Chris Kleponis

Human rights defenders outside the building where former Peruvian President Alberto Fujimori was detained in Santiago, Chile, December 2005. Alberto Fujimori has been charged in Peru with human rights violations including ordering killings and torture. ©CNDDHH

Former Iraqi President Saddam Hussein stands trial, Baghdad, October 2005. ©EMPICS/AP

AI members from around the world take part in the march which launched the World Social Forum, Porto Alegre, Brazil, January 2005. ©AI

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