

Global and National Trends Affecting the Protection of Human Rights: Discussion Document

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This represents a summary of major issues discussed by participants in the Human Rights Defender Policy Forum organized by The Carter Center and Human Rights First in Atlanta. It is not an exhaustive review of the discussions, nor does it necessarily represent the views of any of the individual participants in the meeting or the organizations they represent. A full report of the meeting will be issued later this year.

Although human rights have suffered serious setbacks in the global climate of heightened concern for security in the aftermath of 9/11 and other terrorist incidents, the human rights movement faces an unprecedented opportunity to firmly establish respect for human rights as essential elements of policy in unstable times. This opportunity includes a growing international consensus that violating human rights in the name of countering terrorism is counterproductive, which in turn has induced increasing references by governments to human rights and freedom as key elements of a strategy designed to promote peace and security. Moreover, the reform of the United Nations and proposals to enhance the status of human rights within the U.N. system that will be taken up this year at the General Assembly represent opportunities to advance the implementation of human rights worldwide. At this crucial moment for the promotion and protection of human rights, certain trends common to many states imperil human rights progress. They must be overcome if the current opportunity is to be seized.

Common Trends

1. Promising trends toward democratization are being jeopardized by misplaced policies that strengthen unaccountable military and security establishments, which threaten human security. For example, in Indonesia efforts to reform the state intelligence body, implicated in many violations of human rights, are being resisted in the name of safeguarding security.
2. A seemingly permanent global state of emergency undermines state-to-state peer pressure on human rights and enables governments to claim exemption from human rights standards when combating terrorism. In many states, including India, Russia, and Egypt, law is used as a tool to undermine human rights obligations and constitutional rights. Some states use counterterrorism as justification for gross and massive violations and even crimes against humanity in conflict zones. These problems are particularly prevalent in Chechnya (Russian Federation) and Colombia but also exist in many other countries like Indonesia, India, Thailand, and Uzbekistan. The work of human rights defenders in conflict zones is especially difficult as they face harassment, physical abuse, forced disappearances, and death from governments and paramilitary groups and from non-state actors. Preventing the activities of human rights defenders in conflict zones also obstructs their vital contribution to conflict resolution.

3. Human rights defenders from countries along the spectrum of democratic development expressed a common concern that elections and even basic democratic institutions were not sufficient to ensure respect for human rights. Defenders warned that leaders of young democracies, like Nigeria, Indonesia, and Kenya, were not always held to internationally accepted human rights standards by other states, while a longtime democracy like India still suffers from significant human rights violations. The need to bolster democracy by strengthening the role of an independent judiciary in many countries was emphasized, including in Kenya and Peru. These concerns demonstrate the importance of going beyond broad calls for freedom by supporting strong democratic institutions and respect for human rights throughout society, as well as the need to pay close attention to the implementation of human rights. Implementation can be monitored only by substantive engagement with civil society on a regular basis.
4. A perception that there are no effective remedies for victims of violations leads to polarization and provokes conflict. Impunity for serious violations of human rights remains an obstacle, facilitates continuing violations, and contributes to extreme insecurity for human rights defenders in countries like Colombia, which seek to bring gross human rights violators to justice.
5. The persistence of extreme poverty calls into question the commitment of governments to the protection of human rights and contributes to a climate of insecurity. Poverty and chronic underdevelopment is an obstacle to the enjoyment of human rights in many countries. Human rights violations are aggravated by state action, by trade agreements that disregard economic and social rights and by the unaccountable actions of multinational corporations. Even in relatively democratic, but poor, societies like India, Nigeria, and India, human rights defenders who challenge powerful interests by demanding accountability or more transparent operating practices face repression.
6. A "coalition of autocrats" is emerging whereby remaining authoritarian and dictatorial governments seek to support each other against mounting pressure for human rights change and democratic progress. Human rights defenders and all who support the expansion of freedom and human rights should coordinate their efforts to maintain and increase international pressure on all states to abide by universally recognized laws and standards.

Suggested Remedies

Human rights defenders gathered in Atlanta suggested the following remedies to address these worrying trends:

1. All government leaders should be held accountable to international human rights standards. All governments should observe the essential principle of peaceful and regular alternation of political leadership. Leaders responsible for gross violations should be held personally accountable for their crimes in national and international courts.
2. Human rights defenders must be substantially engaged in policy debates, which increasingly refer to or speak inspirationally about freedom and human rights, because they provide a bridge between calls for better human rights protections and the reality of implementation on the ground.
3. Governments and the United Nations should support, empower, and protect the activities of human rights defenders. In particular, the enjoyment of the basic rights to freedom of expression and access to information, of association, and assembly must be upheld for them.
4. The independence of human rights organizations from efforts by governments to appropriate, co-opt, or interfere with their activities must be upheld.
5. Foreign assistance, access to finance, and technology and military cooperation should be linked to respect for human rights that must be evaluated based on credible reporting, including the analysis of human rights defenders.
6. Foreign policy should have clarity and consistency and be implemented through a reliance on multilateralism. Double standards in promoting human rights are counterproductive.
7. Member states of the United Nations should support the Plan of Action submitted by the U.N. High Commissioner for Human Rights and support her efforts to ensure the effective implementation of human rights through the machinery of the United Nations. Enhancing the status of human rights within the U.N. system to a position of parity with security and development will require substantial new resources for the Office of the High Commissioner.
8. Trade agreements and economic negotiations should incorporate human rights safeguards and provisions.

Human rights defenders also emphasized the following recommendations with respect to specific countries:

1. Improving human rights conditions in countries like Zimbabwe and Burma are extremely challenging for the international community. Making progress in these countries will require a concerted international campaign led by neighboring states to press those governments to uphold the rule of law and basic respect for human rights.
2. Governments in countries where human rights defenders recently have been killed or have disappeared, including Colombia, Indonesia, Lebanon, and Thailand, should carry out prompt, thorough, and independent inquiries into these crimes. Those found to be responsible should be held accountable.
3. The U.S. government should take seriously the human rights conditions that form U.S. law toward Colombia and therefore suspend military cooperation until those conditions are met, especially in the area of impunity, based on the objective reporting of local human rights organizations and the field office of the U.N. High Commissioner for Human Rights.
4. The United States should look to multilateral mechanisms when seeking to promote respect for human rights around the world, especially to the Office of the High Commissioner for Human Rights, who is a willing partner in human rights promotion and protection.
5. The U.S. government should close down the detention center at Guantanamo Bay and set up an independent blue ribbon commission to investigate violations of international human rights and humanitarian law in the context of the global war on terrorism.