

THE  
**HUMAN  
RIGHTS**  
ENCYCLOPEDIA

Volume Two

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**Foreword by Aung San Suu Kyi**  
Winner of the 1991 Nobel Peace Prize

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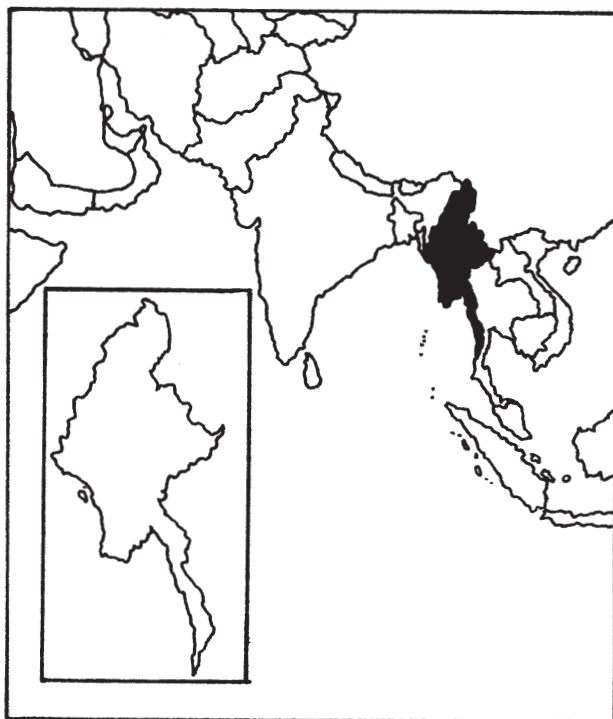
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# Myanmar (Burma)



Myanmar, formerly known as Burma, is located in Southeast Asia, bordering the Bay of Bengal and the Andaman Sea, between Bangladesh, China, India, Laos, and Thailand. The population, estimated at just over 50 million, is composed of seven major ethnic minorities and several smaller ones. The majority ethnic group, Burmese, who make up approximately 68 percent of the total population, are mostly Buddhist, while Christians and Muslims combined make up less than 10 percent of the total population. Over 106 languages and dialects are spoken.

## BACKGROUND

In 1948, while working to gain independence from Britain, several important leaders, including the hero of the independence

movement, General Aung San, were assassinated. The killings weakened the union of ethnic groups who had placed their trust in these original leaders. Several ethnic groups subsequently began to struggle for increased autonomy from the majority Burmese. This has led to continued strife in Myanmar to this day.

The independence leaders had created a parliamentary democracy which continued to function, despite a context of continuing ethnic strife, until 1962. On the eve of peace negotiations between the Burmese and minority ethnic groups, an army coup led by General Ne Win resulted in a dictatorship that has lasted ever since.

Throughout Ne Win's reign, which lasted ostensibly through 1988, Burma closed itself to the world, forsaking foreign trade and international economics in favor of the "Burmese Way to Socialism." While black markets flourished, Burma's economy was decimated. In 1987, the United Nations declared Burma a "least developed country."

In addition to poor economic management, Ne Win's rule was known particularly for its brutality and paranoia. He devised and oversaw the Military Intelligence Service (MIS), which maintained a pervasive network of informers and spies throughout the country.

By 1988, frustration with Ne Win reached a boiling point when several Burmese students launched a pro-democracy movement that quickly encompassed the entire nation. The army squelched the national demonstrations that ensued by shooting non-violent protestors. Casualty estimates range from 6,000 to 10,000, and most were shot at close range.

In response to the unrest and Ne Win's failing health, the military reorganized itself into the State Law and Order Restoration Council (SLORC)—later renamed the State Peace and Development Council (SPDC) in 1997—and abolished all remnants of civilian administration. The SPDC junta is led formally by General Than Shwe, the top general of the army. The junta is comprised of eighty cabinet members, including forty SPDC ministers.

To pacify the people, the military called for a general parliamentary election in 1990. Opposition parties were briefly allowed to form, and the National League for Democracy (NLD), led by Aung San's daughter, Aung San Suu Kyi, quickly became the leading democratic opposition party. In 1989, just months before the election, the SPDC placed Suu Kyi and several of her NLD colleagues under house arrest, fearing her popularity in the upcoming election. The NLD triumph, however, was still overwhelming. The party won 392 of the 485 seats in Parliament, while ethnic minority groups opposing the regime won an additional 65. The military-backed National Unity Party (NUP) won only ten seats.

Instead of recognizing the results of the election, the regime backpedaled, stating that the delegates were elected to draft a constitution rather than form a Parliament. Still under house arrest, Suu Kyi was awarded the Sakharov Prize from the European Parliament in 1990 and the Nobel Peace Prize in 1991. She remained under house arrest until 1995, when she was formally released. Despite her release, Suu Kyi remains under virtual house arrest—she is forbidden from traveling out of Yangon (Rangoon) and from giving speeches in the city. Moreover, most visitors are blocked from entering her house, and those that do meet her risk detention or even imprison-

ment. In early 1999, Suu Kyi's husband became terminally ill in England, but the junta refused to grant him a travel visa so he could visit her at home. In March 1999 he passed away before the two were able to reunite.

In August 2000, Suu Kyi was again imprisoned, this time in her own car. On her way to a meeting with supporters, she was stopped by army roadblocks and kept in her car for nine days. She was then forced to return to her house, where, as of September 2000, she remains under house arrest. This new attack on Suu Kyi has attracted international outrage and condemnation.

The NLD, the party Suu Kyi leads, consistently challenges the junta's rule. In June 1998 Suu Kyi and the NLD issued an ultimatum stating that if the junta continued to refuse to open the duly elected Parliament, the NLD would convene it independently. Instead of allowing the NLD to move forward, the junta arrested several hundred members of the party, including over 150 elected military police. In response, the NLD formed the Committee Representing the People's Parliament (CRPP) to speak for the Parliament it was unable to convene. Parliamentarians in several nations have recognized the CRPP as a legitimate and legal body.

## HUMAN RIGHTS

Numerous reports by Amnesty International, Human Rights Watch, the United Nations (UN), and the U.S. Department of State document gross violations of human rights by the Myanmar regime. These include arbitrary imprisonment, torture, widespread rape, murder, rampant forced labor, and massive forced relocations. Violations are felt most acutely in ethnic areas, where the SPDC wages a military campaign against

ethnic minorities who have fought for increased autonomy.

According to Amnesty International, over 1,200 political prisoners remain in prison, among them student leader Min Ko Naing and eighty-one-year-old medical doctor U Saw Mra Aung. Prisoners are subjected to inhumane and cruel treatment. They are beaten severely, denied medical care and healthy food, and forced to work in harsh prison labor camps. Several prisoners were reportedly tortured to death. The International Committee of the Red Cross (ICRC) terminated operations in Myanmar after the junta refused ICRC representatives access to political prisoners.

Freedom of expression is curtailed through martial law. The junta often invokes the 1950 Emergency Provisions Act (Section J), which serves as a blanket law forbidding political action. The Press Scrutiny Board strictly reviews all writing that criticizes the junta, and several authors, including U Ohn Myint, have been imprisoned for circumventing the board's objectives. In addition, Law 5/96, The Law Protecting Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention Against Disturbance and Opposition, prevents critics from "deliver[ing] speeches or mak[ing] statements in order to undermine the stability of the state." The regime has used such laws to imprison political activists for up to fifty-eight years each. Freedom of speech is further prevented by barring the use of fax machines, cell phones, and computers without government permission. In 1996, Leo Nichols, a former consul from Denmark, was arrested for operating a fax machine and phone lines without permission from the government. He was sentenced to three years in jail, and a month later he died in jail

while waiting appeal. It is widely suspected that Nichols was tortured, as he was buried the following day without an autopsy.

The junta has displaced over 1 million people as external and internal refugees. In Bangladesh, over 21,000 Rohingyas (Burmese Muslims in the Rakhine State) remain in refugee camps, having fled from attacks by the army against groups fighting for autonomy. In Thailand, over 100,000 Myanmar refugees, mostly of the Karen ethnic group, live in refugee camps. They fled in fear of human rights abuses of the army. Thailand is not a signatory to the UN Protocol Relating to the Status of Refugees, which has until recently prevented the UN from intervening to protect refugees from army attacks.

For the past decade, well-meaning aid organizations and individual donors have supported the refugees. In 1999, however, Thailand agreed to allow the United Nations High Commissioner for Refugees (UNHCR) to monitor the safety and welfare of the refugee camps for the first time.

Forced labor is pervasive, especially in border areas. Soldiers often force ethnic villagers to carry military artillery and serve as human mine sweepers upon threat of execution. Women often work "double duty," serving as porters during the day and sex slaves at night. In June 1999, the International Labor Organization (ILO) effectively suspended Myanmar from participation in the ILO until the junta stops using forced labor: "The government of Myanmar should henceforth not receive any invitation to attend meetings, symposia and seminars organized by the ILO, except such meetings that have the sole purpose of securing immediate and full compliance."

Women traditionally are granted lower social status than men, even though the junta has acceded to the Convention to

Eliminate All Forms of Discrimination Against Women (CEDAW). Not one of the forty ministers in the junta is a woman. Moreover, rape by the army flourishes, mostly in ethnic areas. While difficult to estimate for reasons of culture and gender, EarthRights International has calculated the total number of rapes perpetrated by the army at anywhere from 36,800 to 1.5 million. The army uses rape as a method of psychological warfare, demoralizing women and families who survive both individual and gang rapes.

In Yangon and other areas, the junta uses the Union Solidarity and Development Association (USDA), a purported civic group, to harass and threaten NLD leaders and members. International observers often liken the USDA to Germany's "Brown Shirts" of the 1930s and 1940s. In 1996,

the USDA led an attack on Suu Kyi's motorcade, throwing stones and chains at her and NLD aides. U Sein Win, the junta's Minister for Rail Transportation, has called for serious action against Suu Kyi and the NLD. "We must kill her," he has remarked repeatedly.

Students traditionally play a strong role in Burmese politics. In 1996, after student protests against the regime, the junta closed all universities. Since the junta assumed power from Ne Win in 1988 through August 1999, the universities have been kept closed intermittently for all but 60 months. A university education in Myanmar is currently available only to high-ranking members of the SPDC.

Suu Kyi and the NLD have issued a call for economic sanctions against Myanmar until the junta enters into a three-way di-

ologue with the NLD, and ethnic minorities. In May 1997, the United States responded by imposing unilateral economic sanctions against the country, effectively barring all new U.S. companies from investing in the country until the human rights situation improves. The U.S. government has also expressed frustration at the SPDC's failure to combat the heroin trade. At least 50 percent of the heroin sold in the United States originates in Myanmar.

The European Union (EU) also employs limited sanctions against Myanmar, refusing to grant visas to members of the junta, boycotting Myanmar's participation in regional meetings, and revoking preferential trade agreements. Ireland, Canada, Denmark, and scores of other Western governments have issued statements condemning the junta's behavior and supporting Suu Kyi. Despite Myanmar's plentiful natural resources, the sanctions, combined with the Asian financial crisis, appear to have had a devastating effect. Currently the country's economy is in ruins; efforts to attract foreign currency through tourism and international trade have been effectively thwarted by the pro-democracy movement.

The UN has made several attempts to encourage dialogue between the junta and the NLD, all of which have failed. In the autumn of 1998, the UN and the World Bank offered a \$1 billion economic aid package in exchange for moves toward dialogue with the NLD, but the junta refused the proposal. The UN Committee on Human Rights and the UN General Assembly have consistently issued resolutions condemning the junta for human rights violations and calling for dialogue.

The Association of Southeast Asian Nations' (ASEAN) regional grouping opened its membership to Myanmar in 1997 in the face of heated protest from Western nations

and the UN. ASEAN and its member nations maintain a policy of "non-interference" toward Myanmar, refusing to isolate the country economically or diplomatically. The move to welcome Myanmar into the Southeast Asian diplomatic community has caused serious diplomatic problems for ASEAN's external relations, twice postponing meetings with the EU. The Philippines and Thailand have been the most vocal critics of Myanmar, though both prefer to confront the junta privately and seek to avoid public condemnation.

China has shown a nominal interest in Myanmar. In addition to signing several mutual security pacts, China sold arms worth \$1.2 billion to the SPDC during the early 1990s. Observers believe China's key interests lie in blazing a path to the Straits of Malacca, important shipping waters, and preventing the expansion of Indian influence in Southeast Asia. India often accuses China of assisting in the upgrade of Myanmar's naval bases, which are purportedly used to monitor the Indian navy. For its part, the SPDC has allowed an influx of Chinese into several areas of Myanmar, including Mandalay, the second largest city. The rapid increase in the Chinese population has bred frustration and concern among some Burmese, and the SPDC's future policies toward Chinese immigration are unclear.

Numerous Burmese organizations support the democracy movement. After the 1988 crackdown, nearly 10,000 students fled to jungle areas along Myanmar's borders, where they joined with ethnic groups and launched an armed struggle against the junta. In recent years, however, the junta has largely defeated the ethnic groups and students, forcing them across the border into Thailand. Several ethnic groups have signed cease-fire agreements, often in

exchange for non-interference in heroin production. The All Burma Students' Democratic Front is the sole remaining student guerrilla organization, while the Karen National Union remains the biggest ethnic threat to the junta.

Internationally, the National Coalition Government of the Union of Burma (NCGUB) leads the diplomatic effort to bring change to the country. The NCGUB is made up of members of Parliament elected in 1990 who fled to set up a temporary government-in-exile. Dr. Sein Win, a mathematics professor from Pauk Chaoung, serves as the prime minister, and it is based in Washington, D.C.

The Free Burma Coalition (FBC) leads the international grassroots movement for the country. An umbrella organization, the

coalition includes students operating on the Thai border, non-governmental organizations, and students around the world. The FBC was largely responsible for pressuring over thirty international corporations out of the country, paving the way for U.S. sanctions in 1997.

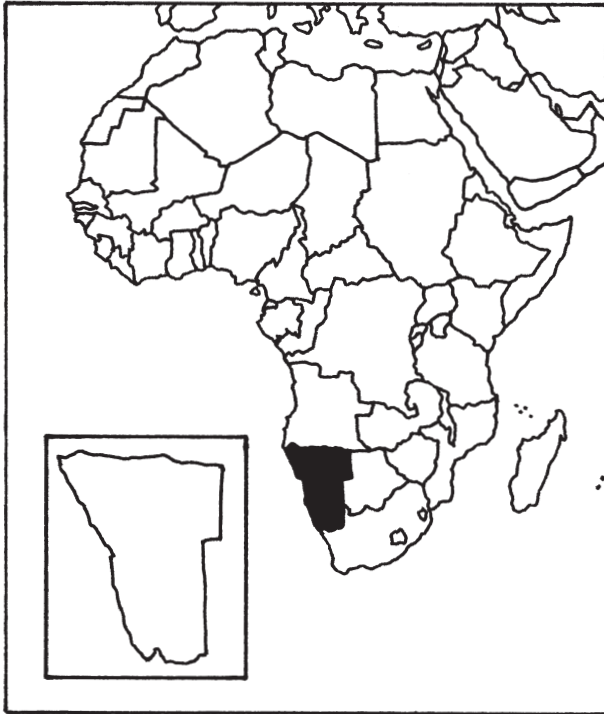
*Jeremy Woodrum*

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# Namibia



The Republic of Namibia is a country in southwest Africa, bounded on the north by Angola and Zambia, on the east by Botswana and South Africa, and on the west by the Atlantic Ocean. Its population is estimated at 1.6 million. About 87 percent of Namibia's people are Africans of different ethnic origins (i.e., Ovambo, Kavango, Herero/Himba, Damara, and Bushman), 6 percent are of European background (Afrikaner, German, and Portuguese), and the rest are mixed. The population is predominantly Christian; however, indigenous beliefs are also practiced. English is the official language; Afrikaans, German, and various indigenous languages are spoken as well.

Namibia achieved its independence from South Africa and became a member of the

United Nations (UN) in 1990. The country's first free elections were held in 1989, and since then Sam Nujoma, leader of the South West Africa People's Organization (SWAPO), has been president.

Namibia is a multiparty democracy, with forty political groups. SWAPO is the ruling party, holding the majority of the seats in the National Assembly. The judiciary is independent.

Namibia's economy is based on traditional subsistence agriculture and on a modern market sector, which is still largely controlled by white Namibians and foreign interests. The principal exports are diamonds, minerals, cattle, and fish. In 1998, per capita annual gross domestic product was estimated at between \$1,860 and \$4,100. However, a wide disparity persists between blacks and whites in terms of income level. The unemployment rate of 40 percent appears mostly to affect the black majority.

## HUMAN RIGHTS

As far as human rights are concerned, the government generally respects the rights of its citizens, although significant problems remain in several areas.

Human rights organizations, political parties, and the public continue to request a full, official accounting of people who were detained by SWAPO and disappeared prior to independence.

Members of the police force continue to commit human rights abuses. In particular, there have been allegations of extrajudicial killings and rapes committed by govern-

Residents cover their faces to avoid the smell of rotting bodies of dead rebel soldiers, April 1989.

mental security forces. In 1998, during an armed secession in the Caprivi region, the security forces beat, detained, and shot civilians. Local human rights non-governmental organizations allege that abuses by the police mostly occur in rural areas, where citizens are not yet aware of their rights.

Prison conditions are harsh, with overcrowding a serious problem. In many rural areas, juveniles continue to be held with adult inmates.

Pretrial detentions are lengthy, due to a lack of qualified magistrates, court officials, and private attorneys. Particularly in rural areas, accused persons are not guaranteed counsel because of resource constraints. In addition, traditional courts dealing with minor offenses often do not ensure the constitutional right to a fair trial. Furthermore, those awaiting trial under the formal court

system are treated as through they are convicted criminals.

The government generally respects the constitutional provisions for freedom of speech and freedom of the press. However, there has been an increasing official intolerance of criticism against ruling party policies. In this regard, the president and other ruling party officials have made verbal attacks against the independent press. Furthermore, reporters working for the government-owned media have been pressured not to report on controversial issues.

The constitution provides for freedoms of assembly and association, including the right to form and join trade unions.

Women, especially in rural areas, continue to be subjected to cultural and legal discrimination, despite the government's overall effort to protect women's rights.

However, little has been achieved in terms of elevating women to higher positions in society, including representation in government. Violence against women, including domestic violence and spousal abuse, is still a problem, although courts have been handing out more severe sentences for convicted rapists. Children's welfare is still addressed inadequately, with child abuse being a serious issue.

Discrimination based on race or ethnic origin occurs throughout the country. Some evident disparities in education, health, employment, and working conditions affect non-whites and indigenous citizens such as Bushmen. Despite the constitutional provision prohibiting "the practice and ideology of apartheid," there continue to be reports of exploitation of black farm workers by white farm owners.

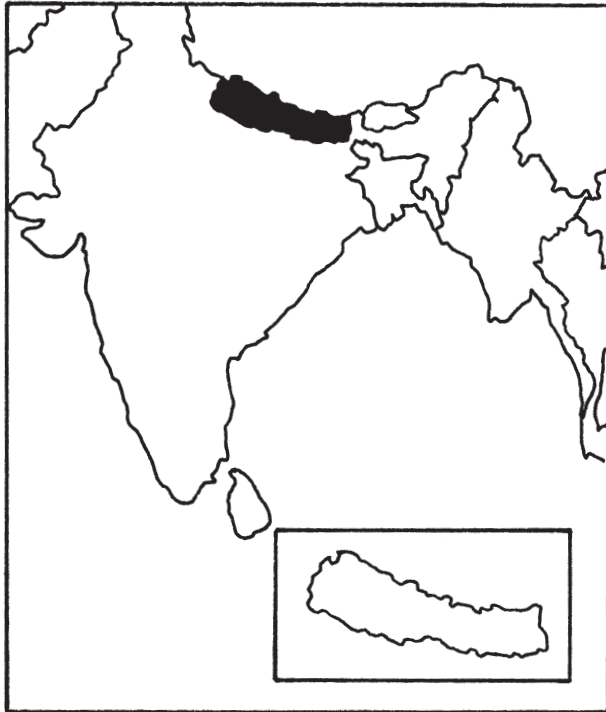
The government generally cooperates with the United Nations High Commissioner for Refugees in assisting refugees and asylum seekers. However, a few recent deportations of refugees have raised strong criticism of the government by international human rights groups.

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# Nepal



The Kingdom of Nepal is a landlocked country situated between India and the Tibetan Autonomous Region of China. Katmandu is the capital city. The country's population of approximately 24 million includes seventy-five ethnic groups, including Newars, Indians, Tibetans, Gurungs, Magars, Tamangs, Bhotias, Rais, Limbus, and Sherpas. About 90 percent of Nepalese are Hindu, with the remainder being Buddhist (5 percent) or Muslim (3 percent). Nepali is the official language, however, there are approximately twenty different languages spoken throughout the country.

## BACKGROUND

Nepal achieved independence from Britain in 1923 and became a constitutional monarchy in 1951. However, the monarchs

retained absolute power and maintained a ban on political parties. In November 1990, a pro-democracy movement forced King Birendra, on the throne since 1972, to promulgate a new constitution and introduce a multiparty democracy in Nepal. Free elections were held and resulted in the victory of the liberal Nepali Congress Party, although the Communist Party achieved significant electoral results. Since the 1991 elections, the government has suffered from political instability. The Parliament has been characterized by fragile alliances, multiparty chaos, and corruption among prime ministers. A guerrilla movement, the Maoist United People's Front (UPF), has been operating in the country since 1996, launching a war against civilians and public officials in western Nepal.

In 1999, however, the political scene started to change when the Nepali Congress Party obtained the majority of seats in Parliament and secured enough power to govern effectively.

King Birendra still retains important powers but does not interfere with the day-to-day government activities. The prime minister is appointed by the king. The legislative branch is a bicameral parliament with a House of Representatives, or lower house, and the National Council, or upper house, which can amend or reject legislation proposed by the lower house. The constitution provides for the independence of the judiciary.

On international issues, Nepal follows a non-aligned policy. The country is a member of the United Nations (UN) and participates in a number of UN special agencies. It is also a member of the World Bank, the

Western tourist filming a blind beggar. The beggar hopes to be paid in return for the picture.

International Monetary Fund, the Colombo Plan, and the Asian Development Bank.

Nepal is a very poor country with a mixed economy. Per capita annual gross domestic product is estimated at \$1,100. About 80 percent of the population is engaged in subsistence agriculture. Main crops include rice, corn, wheat, maize, jute, and potatoes. Tourism, carpet, and textile exports comprise the major source of foreign exchange. More than half of the development budget comes from foreign aid.

## HUMAN RIGHTS

The government generally respects the human rights of its citizens. However, problems remain in several areas. In the effort to

combat the Maoist insurgency, the government continues to use lethal force against persons suspected of involvement in the guerrilla movement. There were credible reports that the police killed unarmed civilians during operations against the insurgents or while persons were under custody. On the other hand, the UPF committed many human rights abuses through torture, killings, and bombings involving civilians and police officers.

The security forces reportedly use torture and beatings against detainees during interrogations. The authorities rarely conduct investigations or take disciplinary actions against officers involved.

Prison conditions are poor, with overcrowding and the use of excessive force

against detainees being the main problems. The government occasionally uses arbitrary arrest and detention. Lower-level courts are subject to corruption and political pressure. In addition, the administration of justice is extremely lengthy. It has been estimated that approximately 150,000 cases are active throughout the country, and 15,000 are awaiting trial in the Supreme Court.

The government imposes some restrictions on freedom of speech and freedom of the press. The constitution prohibits speech and writing that undermines order, security, morality, and the sovereignty of the kingdom. Foreign publications can be banned for the same reason. Although there are several independent newspapers representing various political views, the government owns the daily newspaper that has the largest circulation, and consequently it reflects the government's policies. The government also owns the only television station, along with a radio station. However, there are three other private radio stations, and citizens are not restricted in their access to foreign radio and television broadcasts.

The government occasionally restricts freedom of assembly on vague grounds such as protecting the integrity of the state or the public order.

The constitution prohibits discrimination based on race, caste, gender, religion, disability, or ideology. However, discrimination against lower castes in education, business, and politics remains common. At Hindu religious temples, the tradition of the public shunning of "untouchables" is still permitted.

The constitution allows the practice of religions other than Hinduism. However, conversion is prohibited and punishable with fines or imprisonment. Moreover, members of religious minorities often complain of police harassment.

Women continue to face discrimination, particularly in rural areas, where cultural tradition, lack of education, and ignorance of the law represent severe impediments to the exercise of their basic rights, such as the right to vote or the right to own property. Discriminatory laws still affect women in marriage and in inheritance. They receive lower pay for equal work, and their literacy rate is much lower than that of men.

In addition, violence against women, including domestic violence, is widespread. In particular, the law does not protect against domestic violence. Rape and incest are also serious problems. Moreover, the trafficking of women and girls for prostitution is a deeply ingrained social problem. Every year, it is estimated that 5,000 to 7,000 girls between the ages of ten and eighteen are lured or forced into prostitution.

The government is committed to children's welfare in health and education; however, its resources are too limited to meet these demands. Child labor is common, and despite governmental efforts to control the practice, children are exploited in the agricultural, pottery, basket weaving, sewing, and iron industries. Forced or bonded labor by children also exists in many sectors of the economy. Children's rights groups estimate that over 50 percent of all children work.

People with disabilities face widespread discrimination, including neglect from their families, who are often stigmatized or feel ashamed of them. The general view is that the disabled are unproductive, and sometimes mentally ill or retarded persons are placed in prisons due to the lack of appropriate facilities or alternative support.

The government restricts travel of foreign tourists and foreign residents to some areas near the Chinese border. There is no law regulating refugee status. However, the gov-

ernment cooperates with the United Nations High Commissioner for Refugees in assisting refugee and asylum seekers. Since 1959, approximately 20,000 Tibetan refugees have been accepted and many reside in the country. Moreover, since 1991 more than 90,000 ethnic Nepali refugees from Bhutan are living in camps in eastern Nepal.

A number of non-governmental human rights organizations operate in the country. Their activities focus on torture, child labor, women's rights, and ethnic minorities. The government allows local and international human rights groups to visit prisons. However, both the government and

UPF militants have occasionally limited the activities of human rights activists.

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# Netherlands



The Netherlands, also known as Holland, has a total area of 16,033 square miles. The capital and largest city is Amsterdam. About half the country is below sea level and is kept dry by continuous mechanical pumping. It has a population of 15.8 million (1997 estimate), 89 percent of whom live in urban areas and is one of the world's most densely populated countries. Most inhabitants are Dutch, but the Frisians are a distinct cultural and linguistic group.

## BACKGROUND

Trade is an essential part of the economy. During World War II (1939–1945), the Netherlands was occupied by the Germans and suffered heavy destruction. The years following the war focused on efforts to re-

build the country and to restore trade and industry. Industrial production was relatively unimportant until the development of chemical and electronics industries after World War II, when Rotterdam became a leading center for refining petroleum. The Netherlands is now the world's fifth largest exporter of natural gas. The Dutch currency is the guilder.

The Netherlands is a constitutional monarchy with a parliamentary legislative system. The prime minister and cabinet, representing the governing political parties (traditionally a coalition of at least two major parties), exercise executive authority. The prime minister is responsible to the States-General, which has a seventy-five-member First Chamber elected to four-year terms by the provincial legislatures, and a 150-member Second Chamber, directly elected to terms of up to four years. Since the 1960s, coalition governments have ruled the Netherlands.

Regional police forces maintain internal security. The police, the royal constabulary, and investigative organizations concerned with security are under civilian authority. A police professionalization program, as well as the establishment of a grievance committee, is intended to correct the causes of incidents of police brutality in both the Netherlands Antilles and Aruba.

## HUMAN RIGHTS

Aruba and the Netherlands Antilles, two autonomous regions of the kingdom, also have parliamentary systems and full constitutional protection of human rights. Re-



Schutterswei prison for illegal foreigners, 1990.

spect for human rights in these islands generally is like that in the European Netherlands. The Netherlands does not practice arbitrary arrest, detention, or exile.

Following a visit to the Netherlands, the Council of Europe's Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT) reported that it found a few incidents in which officials treated detained persons incorrectly. The CPT approved the facilities at most police stations and at detention, secure psychiatric, and asylum centers. However, it urged better access to medical and recreational facilities for detainees.

Prisons in the Netherlands meet minimum international standards, and Holland permits visits by human rights monitors. However, the CPT has urged the govern-

ments of the Netherlands, the Netherlands Antilles, and Aruba to improve the "inhumane" conditions in Curaçao's Koraal Specht prison and in cell blocks on the islands of St. Maarten, Bonaire, and Aruba, where it criticized prison conditions including overcrowding, poor sanitary conditions, poor food, and poor ventilation. The CPT also criticized widespread corruption and mistreatment of prisoners by guards at Koraal Specht. The Dutch government has repeatedly offered to help the Netherlands Antilles build a new juvenile wing, a maximum security facility, and other improvements at Koraal Specht, where conditions have improved. The CPT has been invited to visit again to witness the improvement. The governments of the Netherlands Antilles and Aruba allow access by private human rights organizations to prisons.

The Netherlands has an independent court system, which provides citizens with a fair and efficient judicial process. The judicial system is based on the Napoleonic Code. A system of cantonal, district, and appellate courts handles both criminal and civil cases. The Supreme Court is the highest appellate court. In criminal trials, the defendant enjoys a presumption of innocence and the right to public trial, to counsel (virtually free for the poor), and to appeal.

The Netherlands prohibits arbitrary interference with privacy, family, home, or correspondence. The Dutch enjoy freedoms of speech and of the press, academic freedom, freedoms of peaceful assembly and association, and freedoms of religion. Religious organizations that maintain schools receive government subsidies. The Netherlands provides freedom of movement within the country, foreign travel, emigration, and repatriation.

The Netherlands cooperates with humanitarian organizations in assisting

refugees. The Netherlands does not provide first asylum as such, but most asylum seekers may apply for resident status. Some whose applications eventually are denied are permitted to stay temporarily on humanitarian grounds, or as long as their country of origin is considered unsafe.

In recent years, new legislation has aimed to protect most political refugees but excludes economic refugees and illegal immigrants. More stringent criteria for granting asylum decreased the number of new asylum seekers from 52,576 in 1994 to 22,857 in 1996. However, the number rose to over 40,000 in 1998 because of even stricter laws in other European countries. The focus has recently shifted to helping rejected asylum seekers return home through financial incentives, job training, and assistance with reintegration projects in their countries of origin. To this end, the Netherlands has concluded bilateral agreements with Ethiopia and Somalia.

Human rights groups operate freely, investigating and publishing their findings. Government officials help rather than hinder their efforts.

There are no restrictions on the participation of women and minorities in politics. Over a third of the 150 members of the Second Chamber of Parliament are women, as are four of the fifteen cabinet ministers. The Netherlands actively promotes the participation of women in politics and government administration. Women also hold positions in the Parliaments and cabinets of the Netherlands Antilles and Aruba.

About 211,000 women are victims of violence by their partners each year. Such violence against women costs the Netherlands about \$175 million per year in hospitalization and absenteeism.

The Netherlands is trying to prevent violence against women. Battered women find

refuge in government-supported women's shelters staffed by social workers and psychologists. Those who leave their domestic partners become eligible for benefits, including an adequate subsidy and allowances for dependent children. Private organizations also help victims of sexual assault. Since 1991, marital rape has carried the same penalty as non-marital rape. Spousal abuse carries a higher penalty than ordinary battery.

Prostitution is legal, and about 30,000 women work as prostitutes, some 10 percent of them forced or in degrading circumstances. The government is combating trafficking in women by using more aggressive prosecution and better international cooperation. The Dutch Foundation Against Trafficking in Women estimates that 1,500 to 2,000 women and girls a year are brought into the Netherlands for prostitution from elsewhere in Europe, the Far East, and Africa.

More women are entering the job market, but traditional cultural factors and inadequate child-care discourage many women—especially those with young children—from working. In 1983, only 38 percent of women between the ages of fifteen and sixty-four held paid jobs, compared with almost 47 percent now. Women often are employed at levels below their skills and training, and have less chance of promotion than men.

According to the Education Ministry, women have gained equality in education. Women are now the majority attending higher secondary education, and in 1996, for the first time, as many women as men entered colleges and universities.

In 1988, the Netherlands started affirmative action programs for women. Collective labor agreements usually include provisions to strengthen the position of

women. Labor laws require equal pay for equal work, prohibit dismissal because of marriage, pregnancy, or motherhood, and provide for equality in other areas. The Equal Treatment Commission investigates complaints of discrimination in these areas.

Women's groups deal with equal rights in social security, the legal position of women, sexual abuse, taxation, education, work, and prostitution. Employers must protect workers against sexual harassment, which one in three working women has experienced in the work place. The Netherlands funds a campaign to increase awareness of the problem and is working to counter harassment among civil servants.

The Netherlands nurtures children through many well-funded health, education, and public information programs. The Council for the Protection of Children, in the Ministry of Justice, enforces child support orders, investigates child abuse, and recommends remedies. The government has a hotline for children and pediatricians that tracks suspected child abuse.

The minimum age for employment is sixteen years. To work full-time, a sixteen-year-old must have completed the mandatory ten years of schooling. Those still in school at age sixteen may not work more than eight hours per week. People under eighteen cannot work at night, work overtime, or work in areas dangerous to their well-being.

There is no discrimination against disabled persons in employment, in education, or in the provision of state services. Local governments are in the process of providing access to public buildings for the disabled.

The integration of racial and ethnic minorities into the mainstream remains a difficult problem. The Netherlands campaigns

for more public awareness of racism and discrimination. Discrimination on the basis of race and nationality is illegal, and those who have been discriminated against can take offenders to court under civil law.

Immigrants face discrimination in housing and employment and suffer from high unemployment. The Netherlands has been working with employers' groups and unions to reduce minority unemployment levels to the national average. As a result, ethnic minorities have been finding jobs faster than the general population, but unemployment among ethnic minorities is still about three times higher than for the native population.

The rights to organize and bargain collectively are recognized and well established. Discrimination against workers because of union membership is illegal and does not occur. All workers have the right to strike, except for most civil servants, who have other means of protection and redress. Industrial relations are very harmonious, and strikes are infrequent. There is no retribution against striking workers.

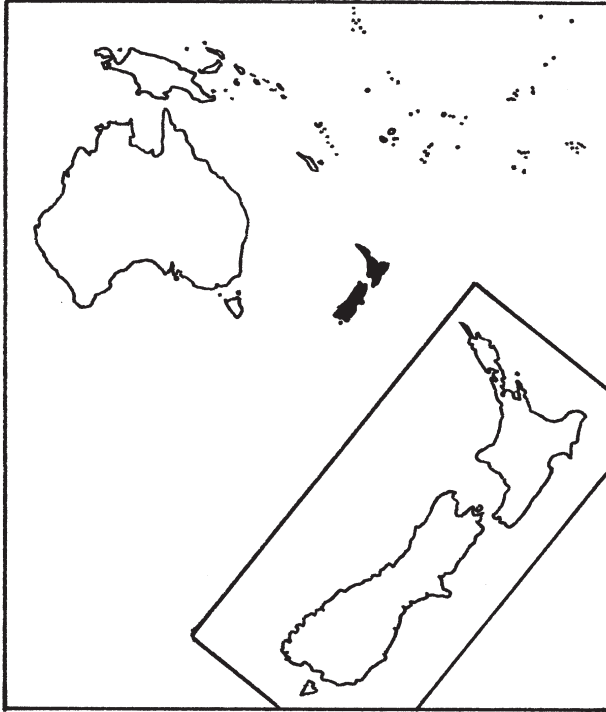
Working conditions, including occupational safety and health standards, are monitored actively by the Labor Commission. Workers may refuse to work at a hazardous worksite.

*James R. Lewis*

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# New Zealand



The dominion of New Zealand is a country in the southwest Pacific comprising two major islands—the North Island and South Island—and several minor islands. Wellington is the capital city. The population of about 3.6 million is composed mostly of people of European ancestry (88 percent) with a large Maori minority (9 percent). In addition, other Polynesian minorities and Asians account for the rest of the population. English and Maori are the main languages spoken. The major religious denominations are Anglican (22 percent), Presbyterian (16 percent), and Roman Catholic (15 percent).

A British colony, New Zealand was declared a dominion by royal proclamation in 1907. In 1947, it received full internal and external autonomy.

New Zealand is a parliamentary democracy, but there is no written constitution. Queen Elizabeth II is the head of state, represented by a governor general. The prime minister and the cabinet share the executive power together with the governor general. The unicameral House of Representatives holds the legislative power. The judiciary is independent.

The economy of New Zealand is moving toward industrialization and free markets. Exports include wool, meat, and dairy products. The manufacturing sector is mostly based on food processing, metal fabrication, and wood and paper products. Tourism is also an important source of income. In addition, the technology sector is developing quickly. In general, most citizens of New Zealand enjoy a comfortable standard of living.

## HUMAN RIGHTS

The government respects the human rights of its citizens, and the law and the judiciary enforce these rights in practice. However, there have been reports about poor prison conditions. Although they meet minimum international standards, human rights monitors have reported overcrowding and inadequate sanitation in some old facilities. In addition, there were reports of suicides among Maori inmates. Measures have been implemented to reduce these events.

The government grants asylum to 750 refugees per year and generally cooperates with the United Nations High Commissioner for Refugees in assisting refugees.

Maori man with traditional tattoos on his face. Many Maori are determined to hold on to their cultural traditions.

Violence against women is a serious problem, especially among Maori and Pacific Islanders. The law severely punishes spousal rape; however, most cases go unreported. In addition, only 10 to 15 percent of the reported cases end in conviction. The government also provides support to victims of abuse by funding women's shelters, rape crisis centers, sexual abuse counseling, family violence networks, and violence prevention services.

Ethnic friction is a major problem in New Zealand. The Maori minority suffers disproportionately from unemployment, arrests, and police brutality. Discrimination

in employment is illegal, but nevertheless widespread. The government has inaugurated a number of programs to improve the position of Maori in New Zealand, but many human rights observers, as well as Maori activists, believe that the government is not moving fast enough.

Although the law prohibits discrimination based on sex, women continue to face discrimination in employment and salary.

The law protects children's rights, and numerous health care and educational programs are available for children. The government has also forbidden female genital mutilation, which is practiced among some immigrants from Sudan, Somalia, and Ethiopia.

The Disabled Persons Community Welfare Act mandates for state services and necessary protection against discrimination in employment and education.

Local and international human rights groups freely operate within the country. Government officials have been reported to be responsive to allegations of human rights violations.

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# Nicaragua



The Republic of Nicaragua is located in Central America, between the Caribbean Sea and the Pacific Ocean. It has borders with Costa Rica and Honduras. Managua is the capital city. Its population, which was estimated at 4.7 million in 1999, is composed of Mestizos—mixed European and indigenous—(69 percent), whites (17 percent), blacks (9 percent), and Amerindians (5 percent). Roman Catholicism is the predominant religion, and Protestantism is practiced by a minority (5 percent). Spanish is the official language, although English and some indigenous languages are spoken on the Caribbean coast.

## BACKGROUND

Nicaragua is a constitutional democracy. The government is made up of four parts:

an executive branch, consisting of the president and vice president; a legislative branch, made up of the National Assembly; a judicial branch, which includes the Supreme Court, subordinate appeals, district and local courts, and separate labor and administrative tribunals; and an electoral branch, the Supreme Electoral Council. The 1995 reforms to the 1987 Sandinista constitution provide for a more even distribution of power among the four governmental branches.

The name Nicaragua originates from Nicarao, chief of the indigenous tribe that used to live around present-day Lake Nicaragua. The first Spanish permanent settlements in the region were established in 1524 by Hernandez de Cordoba. Nicaragua eventually achieved independence from Spain in 1821. In 1909, the United States provided political support for the Conservative Party forces rebelling against President Zelaya and maintained troops in Nicaragua from 1912 until 1933. From 1927 until 1933, U.S. marines engaged in a battle against rebel forces led by renegade Liberal general Augusto Sandino, who rejected the 1927 agreement to end the fight between liberals and conservatives. After U.S. troops left the country, National Guard Commander Anastasio Somoza Debayle took over the presidency in 1936. The Somoza dynasty, which always maintained close ties with the United States, ended in 1979 upon a massive uprising led by the Sandinista National Liberation Front (FSLN).

The FSLN, which since the early 1960s had conducted a guerrilla war against Somoza, established an authoritarian dicta-

Contras with anti-aircraft gun along the Costa Rican border. A boy helps hold an ammunition roll, 1985.

torship soon after taking power. A civil war formally concluded in 1990 with the demobilization of the Nicaraguan Resistance (RN or “Contras”), who had been supported by the United States. The Sandinista regime entered into negotiations with the RN and agreed to nationwide elections in February 1990. Violeta Barrios de Chamorro, the candidate of the National Opposition Union, was elected president. Her seven-year government achieved major progress toward consolidating democratic institutions. She also established the Tripartite Commission in 1992.

Nicaragua is primarily an agricultural country. Traditionally, its economy has been based on production for export of coffee, meat, sugar, *maquila* goods (apparel),

bananas, gold, seafood, and it now includes new agricultural products such as sesame, melons, and onions. Construction, mining, fisheries, and general commerce have expanded during the last few years. Nicaragua is the second poorest nation in the Western hemisphere. It suffers from high unemployment rates, as well as from persistent trade and budget deficits and a high debt-service burden. After the twelve years of the Sandinista regime ended, Nicaragua pursued a number of impressive economic reforms, including the privatization of 351 state enterprises, the reduction of inflation, and the halving of its foreign debt. However, economic expansion came to a halt in 1998, when Hurricane Mitch hit the country.

Nicaragua is a member of the United Nations (UN), as well as of several specialized and related agencies, including the World Bank, the International Monetary Fund (IMF), and the UN Human Rights Commission (UNHRC). Nicaragua is also a member of the Organization of American States (OAS), the Non-aligned Movement (NAM), and the Central American Common Market (CACM).

## HUMAN RIGHTS

Although the government generally respects the human rights of its citizens, serious problems remain in several areas.

Extrajudicial killings committed by some members of the security forces against suspects are very common, especially in rural areas. Although the law prohibits the use of torture, police routinely beat and otherwise abuse detainees, often to obtain confessions. Prison conditions are very harsh. Prison facilities are usually overcrowded and underfunded. Medical attention is nearly non-existent and malnutrition is common. Ill prisoners convicted of lesser offenses are frequently released because of a lack of available medical care. Similarly, detainees are occasionally released when the authorities can no longer feed them. Prisons and police holding cells are dark, poorly ventilated, and unhygienic. Youths are regularly detained in the same prisons as adults, due to a lack of juvenile detention centers.

Despite the Police Functions Law requiring that police obtain a warrant prior to detaining a suspect, security forces regularly arrest and detain citizens without warrants. Detainees usually do not have the right to an attorney until they have been charged formally with a crime. Further, long delays in trials and lengthy pretrial detention represent a serious problem. The judiciary suffers from a large case backlog, and many

prisoners spend more than a year in jail without a trial.

According to the constitution, the judiciary is independent. However, it is often subject to political influence. Judicial actions are routinely influenced by judges' political sympathies or the acceptance of bribes. Besides corruption, the inefficiency of the judiciary is also caused by its arcane legal codes, as well as by judges' and lawyers' lack of sufficient training and education. Every year, indigent defendants go to trial without an attorney to represent them or are forced to turn to a law student for their legal assistance. Many prisoners are forced to remain in prison after their release date, as a consequence of the poor administrative coordination between judges and the penal system.

The constitution prohibits discrimination based on birth, nationality, political belief, race, gender, language, religion, opinion, national origin, economic condition, or social condition. In practice, the government makes no effort to respect this prohibition. In particular, violence against women and children, including domestic abuse and rape, represents a serious problem. Domestic and sexual violence against women is widespread and underreported. Victims often refuse to press charges, and many women are reluctant to report sexual abuse due to social stigmas attached to victims of rape. The most prevalent form of discrimination against women is lower pay for similar work. Women are underrepresented in management positions in the private sector, whereas they constitute the majority of the workforce in the traditionally low-paid education, textile, and health service sectors.

Children are regularly involved in crime, both as victims and as perpetrators. The participation of children in street gangs is very common. A disproportionate number of chil-



dren under seventeen work, including those employed in rural activities, especially during the annual harvests. Many are forced by their parents to work in the streets of Managua as vendors or beggars. Child prostitution also represents a serious problem.

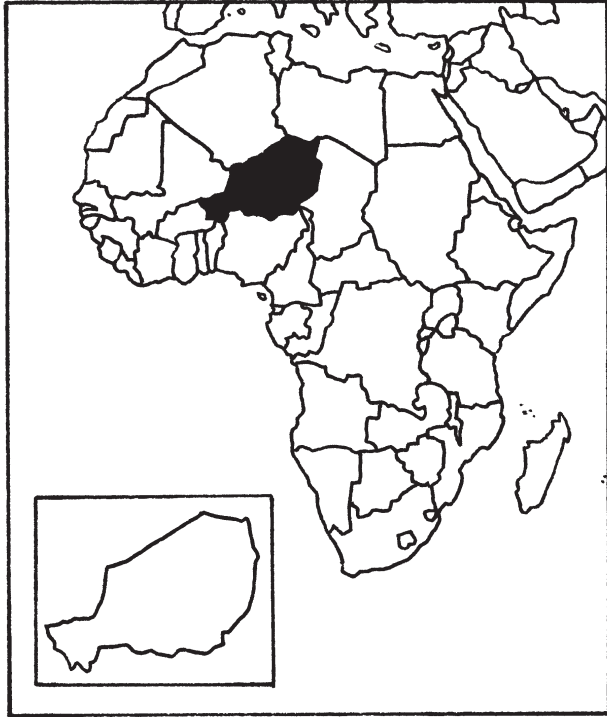
A number of human rights groups operate without government interference. Major organizations include the Permanent Commission for Human Rights, the Nicaraguan Association for Human Rights, and the Nicaraguan Center for Human Rights.

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# Niger



The Republic of Niger is situated in western Africa, southeast of Algeria. Niamey is the capital city. Niger's population of approximately 10 million is composed mostly of Hausa (56 percent) and Djerma-Songhai (22 percent). Both ethnic groups are sedentary farmers living in the arable southern regions. The remainder of Niger's people are nomadic or semi-nomadic, including Tuareg, Kanouri, and Toubou. The majority of the population is Muslim, although Christianity and traditional beliefs are practiced as well. French is the official language.

Niger is a very poor nation whose economy centers on subsistence agriculture, animal husbandry, informal markets, and some trading of uranium—its major export since the 1970s. However, drought, soil degradation, burdensome debt, and low lit-

eracy leads the country to rely heavily on foreign assistance. In addition, years of political instability have further compromised the already troubled economy.

A French colony, Niger achieved independence in 1960. A single-party civilian regime ruled the country for the next fourteen years. It was not until 1991 that new political parties and civic associations were formed that urged the promulgation of a new constitution and free elections. In April 1993, the Niger Third Republic was created. However, in 1996 a military coup took place, led by Ibrahim Bare Mainassara, who became president and whose regime was responsible for many human rights violations, including arbitrary arrests and torture. These violations also challenged the freedoms of expression and association which had been allowed with the advent of the Third Republic and the institution of a multiparty state.

In April 1999, Ibrahim Bare Mainassara and four other individuals were assassinated by members of the presidential guard. Fourteen military officers took power, setting up the National Reconciliation Council (CRN). All state institutions, including Parliament and the Supreme Court, were dissolved along with the abrogation of the constitution adopted by referendum in 1996. On July 18, 1999, citizens voted in a popular referendum and approved a new constitution. In November, Tandja Mamadou was elected president and the National Assembly was elected again.

The human rights record remains poor. During the previous three years, the security forces committed a number of human rights violations, including arrest and tor-

Impoverished young children playing next to open sewer.

ture of political opponents. Official reports confirmed the presence of a grave containing 150 bodies of individuals who had supported an armed rebellion that took place in the east of the country.

Freedoms of the press and media, freedoms of association and assembly, and freedom of movement were not respected by the Bare government, but attempts to respect these practices have begun by the new president.

Prison conditions remain harsh, with overcrowding, inadequate diet, health, and sanitary conditions being the most rampant problems.

Societal discrimination against women and ethnic minorities continue to be serious problems. Violence against women, including spousal abuse and female genital mutilation, is widespread. Children's welfare is neglected due to limited financial resources.

Amnesty International and other local

and international human rights organizations have strongly called for an investigation of the perpetrators of human rights violations, including deliberate political killings, which occurred during the coups of January 1996 and April 1999. However, the culture of impunity that has characterized Niger for years has resulted in the granting of amnesty to those responsible for those acts by the Niger authorities.

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# Nigeria



Nigeria is a country in western Africa, bordering the Gulf of Guinea, between Benin and Cameroon. Abuja is the capital city. Nigeria has a population of approximately 114 million. Ethnic groups include Hausa, Fulani, Yoruba, Ibo, Ijaw, Kanuri, Ibibio, and Tiv. About 50 percent of the population is Muslim, and the remainder is Christian (40 percent) or practices indigenous beliefs (10 percent). English is the official language.

## BACKGROUND

Nigeria has many natural resources, which include petroleum, tin, columbite, iron ore, coal, limestone, lead, zinc, and natural gas. The economy is based mostly on the oil sec-

tor but this overdependence, coupled with political instability, corruption, and poor macroeconomic management, has limited economic growth and foreign investment. The largely subsistence agricultural sector has failed to keep up with rapid population growth, droughts, soil degradation, and desertification. About 35 percent of the population live below the poverty level. Per capita annual gross domestic product is estimated at \$960.

An English colony, Nigeria achieved independence in 1960. Instability and a succession of military coups until recently have characterized the country's history. In 1998, the government of Nigeria went from a dictatorship to a transitional military regime, as part of the process of implementing a democratic civilian government which occurred in the first half of 1999.

General Sani Abacha, who committed serious human rights violations, died in June 1998 and was succeeded by General Abdulsalami Abubakar, who although maintaining a military dictatorship under the Provisional Ruling Council, implemented a program of restoration of a democratic federal state. In December 1998, elections were held for local government officials. Although marred by irregularities and violence, local and international observers considered the elections to be generally free and fair. Presidential and parliamentary elections were held in February 1999. Olusegun Obasanjo was elected president. The legal system is based on English common law, Islamic law, and tribal law. The constitution provides for the independence of the judiciary.

## HUMAN RIGHTS

The government's extremely poor record on human rights has been improving in several areas under General Abubakar's regime. Under Abubakar, the right of citizens to change their government was restored by scheduling presidential elections in February 1999. The government took steps to cease the use of violence, lethal force, and extortion by the security forces at checkpoints and roadblocks. In addition, provisions were implemented to suppress extrajudicial killings, along with ending the mistreatment of civilians, demonstrators, and political activists commonly perpetrated during the Abacha regime. In addition, arbitrary arrest and detention became less frequent. Reports on torture and beatings of detainees under custody were reduced dramatically. The military tribunal was replaced by a civilian judicial system. However, the latter remains corrupt, understaffed, and underfunded.

Prison conditions continue to remain poor, although overcrowding is less severe. Thousands of prisoners have been released, including political detainees.

Abubakar also ended the Abacha regime's suppression of freedoms of speech and the press, and the government has been increasingly respecting these rights in practice. The government continues to control state-owned media; however, journalists and editors can exercise a greater measure of freedom. Radio remains the most important means of mass communication and information, because of limited literacy and the high cost of newspapers and television. The government does not restrict access to either international satellite television or the Internet, although the latter is limited in practice by Nigeria's poor telephone service.

The government generally respects free-

doms of assembly and association. However, it has retained the legal provision that bans gatherings whose political, ethnic, or religious content might cause unrest. In addition, due to religious tensions in various parts of the country, open-air religious services are prohibited in most federal states. In this regard, religious differences often correspond to regional and ethnic differences. The large Hausa and Fulani ethnic groups in the northern region are mostly Muslim, whereas many southern ethnic groups are Christian.

Societal discrimination continues to be practiced by members of all ethnic groups. In particular, pressure on individual government officials by members of regionally predominant ethnic groups reinforces a climate of ethnic favoritism throughout the country. This discrimination is particularly reflected in hiring patterns, in ethnic segregation of urban neighborhoods, and in the lack of marriages across major ethnic groups.

Discrimination and violence against women remain serious problems. Customary and religious practices hamper equality for women in education, employment, salary, and property rights. Domestic violence and spousal abuse are common, especially in polygamous families, and often go unreported. Police rarely intervene in domestic disputes. The Penal Code permits husbands to physically punish their wives, as long as it does not result in life-endangering injuries.

Female genital mutilation is still practiced extensively in all parts of the country. No legal action has been taken yet to stop this practice.

Although increased commitment has been shown by the authorities with regard to children's welfare, little action has been taken to implement this commitment. Child abuse and neglect, child prostitution, and

child labor are still common throughout the country. Constitutional provisions for compulsory primary education are not enforced. Education is unavailable to many children because of a lack of funding. The use of children as domestic servants is common. In addition, there were credible reports of poor families selling young daughters into marriage to supplement their income.

Freedom of movement within the country and abroad is not restricted, although the law requires women to obtain permission from a male family member before getting a passport. The government cooperates with the United Nations High Commissioner for Refugees in assisting refugees and asylum seekers.

The government also permits local and international human rights groups, such as the International Committee of the Red Cross, to operate without restriction and to

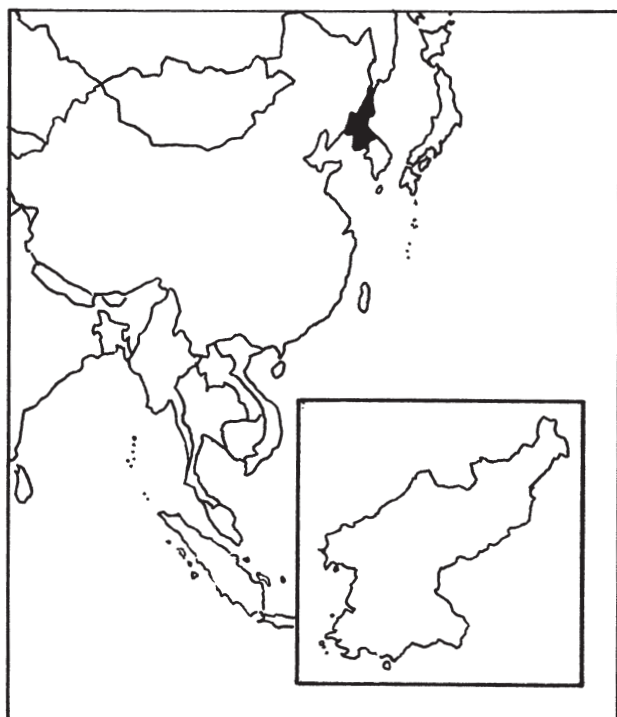
publish their findings. Since the Abubakar regime, there have been no reports of harassment of members of local human rights organizations. Representatives of United Nations Human Rights Commission have resumed their regular visits to Nigeria. In June 1999, the government established a panel to review cases of human rights violations since 1960. They received about 11,000 petitions for redress.

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# North Korea



The Democratic People's Republic of Korea is a country in eastern Asia, comprising the northern half of the Korean Peninsula, with borders on the Korea Bay and the Sea of Japan, between China and South Korea. P'yongyang is the capital city. North Korea's population of approximately 21.4 million is racially homogeneous, with a small Chinese community and a few ethnic Japanese. Korean is the official language. Buddhism and Confucianism are the major religious denominations. Since 1945, the communist government has made sure that autonomous religious activities have been almost non-existent.

## BACKGROUND

Throughout most of its history, Korea has been invaded and fought over by its neigh-

bors. In 1910, Japan annexed Korea as part of the Japanese Empire. Korea was liberated in 1945, at the end of World War II, leaving the United States administering in the southern half of the peninsula and the Soviet Union controlling the areas north of the 38th parallel. This division was meant to be temporary. However, initial hopes for a unified and independent nation vanished in 1948, after the United Nations (UN) unsuccessfully proposed nationwide elections. As a result, two separate nations were established; the Republic of Korea in the south, and the Democratic People's Republic in the north.

In 1950, the communist North Korean forces invaded South Korea. U.S and UN forces intervened to defend the south, while China and the Soviet Union supported the north. An armistice was signed in 1953. It was not until 1990 that North Korea demonstrated a genuine effort to improve its relations with South Korea and the rest of the world. In 1991, North Korea became a member of the UN and signed an agreement of non-aggression with South Korea. A year later, North Korea signed the Nuclear Safeguards Agreement, allowing international inspections of its nuclear facilities. North Korea remains, however, a somewhat paranoid state. Despite growing economic hardships, North Korea continues to devote a significant portion of its scarce resources to the military, and it currently has the fourth largest army in the world.

North Korea is a highly centralized communist state controlled by the Korean Workers' Party (KWP). Kim Jong Il, who succeeded his father, Kim Il Sung, after his death in 1994, holds supreme power.

The regime justifies its dictatorship with *juche*, a mystical concept in which the collective will of the people is projected into a supreme leader, who incarnates the state's and the society's needs. Opposition to such a leader, or to the rules, regulations, and goals established by his regime, represents an act of opposition to the national interest. The regime therefore claims a social interest in identifying and repressing all opposition.

Little is known about the actual lines of power and authority exercised by the government. The legislature, the Supreme People's Assembly, is officially the highest organ of state power. In reality, it serves just to ratify the decisions made by the KWP. The judiciary is not independent. Judges are elected by the Supreme People's Assembly.

The Korean People's Army is responsible for external security with the assistance of a large military reserve force and quasi-military organizations. The latter also serve the Ministry of Public Security and the KWP in maintaining internal security.

North Korea is a member of a variety of multilateral organizations. Despite its past reliance on military and economic assistance from the Soviet Union and the Eastern bloc, North Korea has chosen to maintain a position of non-alignment and an independent stance in its foreign policy.

The economy of North Korea has the greatest degree of central planning in the world. Since the collapse of the Soviet bloc and the elimination of Soviet and Chinese aid, the economy has been declining. Along with the inability to access international credit, North Korea's aging industrial facilities and lack of maintenance and new investments have hurt the economy. In addition, famine and disease have cost the lives of thousands of people. Food, clothing,

and energy continue to be rationed throughout the country, and the government relies heavily on international aid. Nevertheless, heavy industry and the military sector continue to absorb a significant portion of the gross national product, at the expense of light and consumer industries.

## HUMAN RIGHTS

Korea does not allow representatives of foreign governments, journalists, or other invited visitors the freedom to ascertain human rights conditions. However, reliable sources confirm that human rights continue to be seriously violated. The state leadership perceives most international norms of human rights, and especially individual rights, as subversive social concepts that undermine the goals of the state and the communist KWP. North Korea, therefore, is one of the world's most repressive states.

Citizens do not have the right to change their government. Free elections do not exist, and Kim Jong Il has criticized the concept of free elections and competition among political parties as an artifact of capitalism. In July 1998, elections for the Supreme People's Assembly were held with 100 percent of the candidates approved by the KWP.

The regime continues to commit extrajudicial killings and executions of political opponents, prisoners, repatriated defectors, and military officers suspected of espionage or plotting against Kim Jong Il.

The Penal Code establishes a mandatory death penalty for "crimes against the revolution," which include defection, attempted defection, slander of the policies of the party or state, economic offenses and other ill-defined crimes, listening to foreign broadcasts, writing "reactionary" letters, and possessing reactionary printed matter.



There were reports of public executions carried out in front of workers, students, and schoolchildren.

The government is also responsible for many disappearances, particularly those of political opponents, including foreign nationals living abroad. Japanese, South Koreans, and ethnic Koreans living outside North Korea were reportedly kidnapped and are being detained in North Korea, possibly in concentration camps. Credible reports indicate that ordinary citizens are not allowed to mix with foreign nationals, and that a number of North Koreans who maintained friendships with foreigners have disappeared.

The government uses arbitrary arrests without restriction and detains people without the benefit of contact with people outside of prison.

According to defector sources, North Korea detains between 150,000 to 200,000 persons for political reasons, sometimes along with their family members, in maximum security camps in remote areas.

Prison conditions are harsh and life-threatening. There were reports of two types of detention camps. One consists of closed camps where conditions are extremely harsh and in which prisoners never survive. In the second, prisoners can be “rehabilitated” through hard labor. Starvation and executions, along with mistreatment and torture, appear to be common.

Although the constitution provides for an independent judiciary and the safeguarding of the right to due process, the regime controls every aspect of the judicial system.

Citizens are subject to rigid control and indoctrination by the regime. The government uses an extensive system of informers to identify potential opponents or critics of the regime. Whole communities are sometimes subjected to massive security checks

and inspections. The possession of “reactionary material” and listening to foreign broadcasts are both considered punishable crimes. Entire families may be punished for political offenses committed by one member of the family. Families must display pictures of the two Kims in their homes and must keep the photos clean.

Correspondence and telephone usage are highly monitored. International telephone services are restricted. Although freedom of speech and freedom of the press are provided by the constitution, in practice the regime completely limits these rights. Domestic media are subject to censorship. The press and the broadcast media may only express views in support of the regime. Foreign publications and broadcasts are banned. Foreign journalists are allowed in the country, although their activities are closely monitored.

The government restricts academic freedom and controls all academic work.

The government prohibits any peaceful assembly or meeting except those authorized by the government. In addition, associations exist only to help the government control their members. Non-governmental labor unions do not exist. Strikes are prohibited. The General Federation of Trade Unions of Korea, which is affiliated with the formerly Soviet-controlled World Federation of Trade Unions, functions according to the classic “Stalinist model,” by mobilizing workers behind production goals and providing health, education, cultural, and welfare facilities.

All organized religious activities are discouraged, except those that support the state’s interests.

Women are represented proportionally in the labor force. However, they are underrepresented at the high levels of the party and in government.

The state encourages family-centered values and the welfare of children. However, children may be punished as a result of their parents' disloyalty to the regime. Children are subjected to early indoctrination and mandatory military training. The government occasionally employs forced labor by children in special projects. Malnutrition among children is a serious problem, and the international community is feeding nearly all North Korean children under the age of seven. There are reports that orphaned and homeless children are kept in camps under inhumane conditions.

The regime supports societal discrimination against people with disabilities, including children, who are denied access to health care and other services. They are routinely taken away from urban areas and relocated to other areas.

Workers have limited rights. The state assigns all jobs and uses the criteria of ideological purity in deciding who receives a particular job. Wages are set by the government and support workers' families at only a subsistence level. Citizens must comply with labor discipline and working hours. Those who intentionally fail to carry out a specific assignment may be punished with the death penalty.

The government controls internal travel and the movement of citizens. The regime does not allow emigration and limits foreign travel to officials and trusted artists, athletes, academics, and religious figures.

Although North Korea is a member of the UN, it does not participate in international refugee forums.

In recent years, there has been an increase in North Korean defectors arriving in China, Hong Kong, Vietnam, and other Asian countries. The regime reportedly takes action against the relatives of those who manage to escape. Seeking political asylum is considered a capital crime. There were re-

ports of involuntarily returned defectors who subsequently have been executed.

The government continues to deny requests made by overseas Korean residents of North America, Japan, China, and other countries to visit their relatives in North Korea. The government prohibits any independent domestic organization from monitoring or commenting on human rights violations. The North Korean Human Rights Committee established in 1992 denies the existence of any human rights violations in North Korea.

In 1996, a delegation from Amnesty International was allowed to visit the country, although they were allowed to see very little, and no visiting was allowed without supervision.

In April 1998, during the fifty-fourth meeting of the UN Commission on Human Rights, the North Korean delegation accused the international community of slandering North Korea's human rights record. The government has ignored requests for visits by other international human rights organizations.

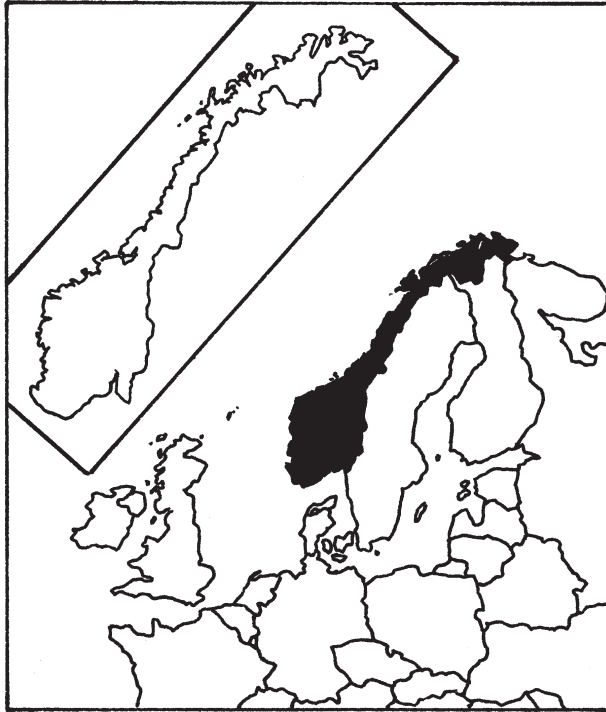
In September 1998, the aid agency Doctors Without Borders (*Médecins sans Frontières*) announced its withdrawal from the country and criticized the regime of North Korea for denying access to needy parts of the population and for its lack of accountability in delivering humanitarian aid.

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# Norway



The Kingdom of Norway is situated in north-west Europe, on the Scandinavian Peninsula, bounded on the east by Sweden, on the northeast by Finland and Russia, on the south by the North Sea, and on the west by the Atlantic Ocean. Oslo is the capital city. The population of approximately 4.4 million is largely made up of Norwegians. However, in recent years, Norway increasingly has become home to a number of immigrants, foreign workers, and asylum seekers coming from various part of the world. In addition to immigrants, the Lapps constitute a cultural minority (about 20,000 people) living in the far north. The official language is Norwegian, but Lapp, also called Sami, is also spoken in the northern areas. The Evangelical Lutheran Church is the state church, although freedom of religion is practiced.

Once part of the Danish Kingdom, after the Napoleonic wars Norway was unified with Sweden. In 1905, Norway achieved independence.

After World War II, Norway became active in promoting peace and it was one of the founding members of the North Atlantic Pact and of the United Nations. In addition, the Norwegian Parliament is responsible for electing the five members of the Nobel Committee that award the Nobel Prize each year to champions of peace.

The Kingdom of Norway is a constitutional monarchy. King Harald V is the head of state. The prime minister and the State Council are invested with the executive power. The legislative power is represented by the unicameral Parliament. The constitution provides for the independence of the judiciary.

The Kingdom of Norway has an advanced economy. Oil, gas, metal, shipbuilding, and manufacturing comprise the major parts of the economy. In general, Norwegians have a high standard of living.

The constitution provides the citizens with all their fundamental human rights, and the government respects them in practice. The judiciary system is highly effective and deals promptly with violations of the law. Prison conditions meet minimum international standards, and visits by international human rights monitors are not restricted.

The government cooperates with the United Nations High Commissioner for Refugees and other humanitarian organizations in providing assistance to asylum seekers. In 1998, the government granted asylum to 1,214 refugees. Moreover, 1,813 persons received residency permits on humanitarian grounds.

Lapp shelters near Hammerfest, Norway.

Women are very active in Norwegian political life. Of the 165 members of the Parliament, 60 are women. However, violence against women is widespread. In 1997, there were 30,000 distress calls made by women to national assistance centers throughout the country. The police efficiently investigate most alleged cases and prosecute the perpetrators of rapes and other abuses. Counseling programs for battered women are funded by the government, and many public and private shelters are available throughout the country. In addition, the 1978 Equal Rights Law protects women against any form of discrimination. The Equal Rights Council has been instituted to enforce this law in practice.

The government is also very committed to children's welfare, and provides free education and health care. However, violence against children is a serious problem.

The government generally enforces constitutional provisions regarding the disabled and their accessibility to public buildings.

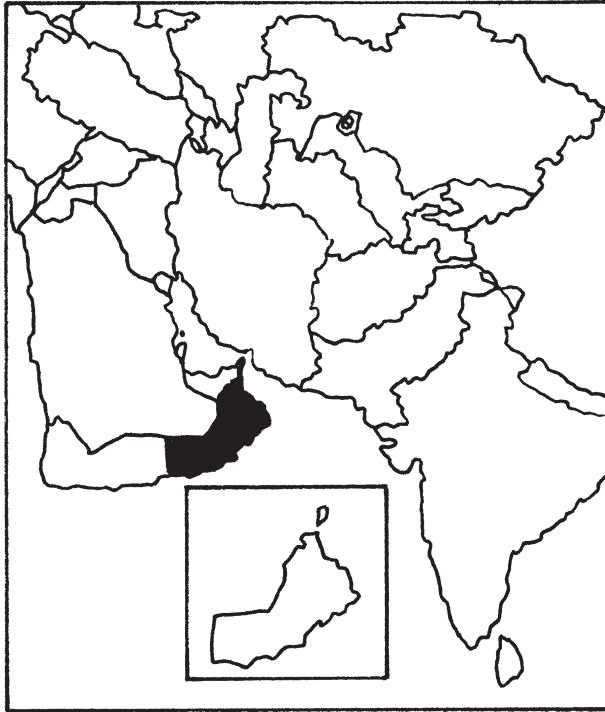
The government cooperates with several local and international human rights organizations. In 1997, the government appointed a minister of development, cooperation and human rights with the purpose of promoting human rights policies within the country.

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# Oman



The Sultanate of Oman is an Arab nation situated at the southeastern corner of the Arabian peninsula. Its population is approximately 2.5 million. A long period of domination by other powers, including Portugal in the sixteenth and seventeenth centuries, ended with the ouster of the Persians in 1744. Oman joined the United Nations in 1971. The official language is Arabic and the state religion is Islam. Approximately 85 percent of the population is Muslim (75 percent Sunni; 10 percent Shi'a). There are also a significant number of ethnic Indians who practice Hinduism.

A monarchy, Oman has been ruled by the Al Bu Sa'id family for over 200 years. The current sultan is Qaboos bin Sa'id Al Sa'id.

There are no democratic institutions in Oman; the sultan rules as a near-absolute monarch. The sultan has established a Consultative Council (equivalent to a lower house) and a Council of State (equivalent to an upper house), but the members of both bodies are chosen by the sultan.

## HUMAN RIGHTS

The human rights situation in Oman is not good. The people do not have the right to choose their own government, and the government often behaves in an arbitrary manner. However, there has been some improvement in recent years. In 1996, for example, the sultan issued a decree, the "Basic Charter," which put into writing the rights shared by all Omani citizens. The Basic Charter protects such rights as freedoms of speech and the press.

Police generally obey the laws, but abuse of human rights is common. Police officers sometimes beat prisoners in an attempt to gain confessions or simply to obtain information. The police sometimes keep prisoners for extended periods of time, preventing visits by family and attorneys.

The judiciary generally protects the right to a fair trial within the traditions of Islamic law. Defendants have no guaranteed right to defense counsel, and poor defendants must rely on the presiding judge for legal assistance and advice. Prisons are believed to treat prisoners within the limits required by human rights, but human rights groups are not allowed to visit to determine whether or not this is true.

The government is believed to violate the right to privacy and to use electronic means to listen to private phone conversations. The police do not need search warrants to search a suspect's home.

Although the newly granted Basic Charter protects the rights of freedom of speech and freedom of the press, criticism of the sultan is prohibited. Criticism of government officials is allowed but rare. Journalists generally practice self-censorship to avoid government harassment or legal action. Foreign journals are allowed but are occasionally censored. Television and radio stations in Oman are controlled by the government. Academic freedom is not protected.

The rights to freely assemble and protest are not protected. Public gatherings must have government approval, and the police sometimes break up unauthorized gatherings.

Religious freedom is limited in Oman. Although Islam is the official religion, Christians, Hindus, and others are allowed to worship at set locations, but they are forbidden from trying to convert Muslims.

Ethnic discrimination occurs in Oman. Citizens of East African background claim that discrimination in employment is a problem. Foreign workers also face discrimination and abusive treatment from their employers.

Discrimination against women is common. Women do not have equal opportunity in employment or in government. Societal pressures keep most women in the home. Harassment of women, particularly foreign workers, is common. The government has done little to stop such harassment. Spousal abuse also occurs. Women have many legal restrictions on their freedom and financial rights. Women cannot leave the country without receiving permission from a male relative. In some areas,

the condition of women has improved. The sultan has appointed some women to government posts, and many more women are receiving an education than in the past.

Foreign workers, particularly women, are believed to be victims of human rights abuses. Foreign women employed as domestic servants have complained of sexual harassment by employers and coworkers. These women—isolated in a foreign country and often fearful of losing their jobs—are especially vulnerable to human rights abuses. Domestic and garment workers have also complained about wages being unfairly withheld by their employers. The government does not seem to have been responsive to many of these complaints.

The government generally protects the rights of children, making available free education to all children. Child abuse occurs, but there is no societal pattern of child abuse. The practice of female genital mutilation still occurs in some isolated areas. Female genital mutilation is damaging to both the physical and mental health of those who are forced to undergo the procedure. It is almost universally condemned as a human rights crime. The practice seems to be on the decline in Oman.

The government has been moving to protect the rights of the disabled, providing access to public facilities and moving to eliminate job discrimination. The government has encouraged the creation of disabled parking spaces and pushed for wheelchair access to most buildings. Students in wheelchairs have easy access to the national university.

Human rights groups are not allowed to operate in Oman.

*Carl Skutsch*

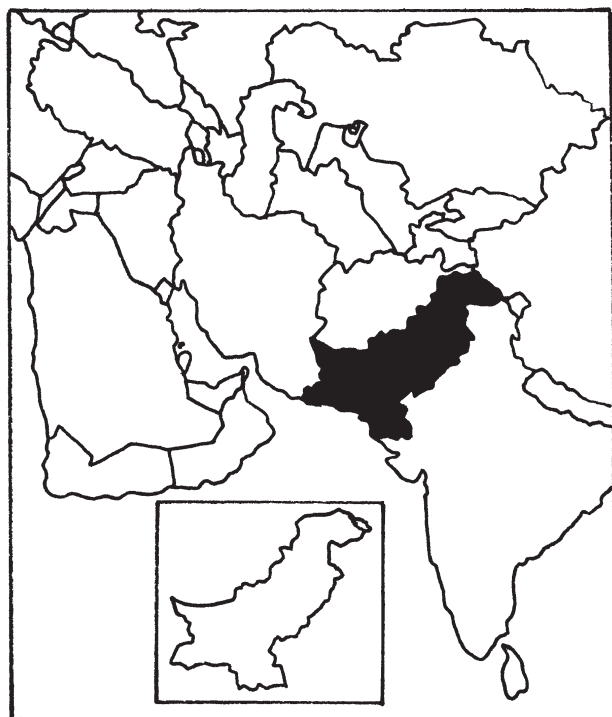
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# Pakistan



The Islamic Republic of Pakistan is situated in the western part of the Indian subcontinent, with Afghanistan and Iran on the west, India on the east, and the Arabian Sea on the south. Islamabad is the capital city. The country's population of approximately 138 million includes Punjabi, Sindhi, Pashtun (Pathan), Baloch, and Muhajir (immigrants from India and their descendants). Although Urdu is the official language, each ethnic group has its own language. English is widely spoken as well. Islam is the state religion.

## BACKGROUND

Pakistan is a poor country with an uneven distribution of wealth among social classes. The illiteracy rate is very high, especially

among women. Annual per capita gross domestic product is estimated at \$2,000. Major foreign exchanges come from the exports of textiles, apparel, rice, and leather products. Despite the government's effort to privatize state-owned enterprises and encourage a free market, the high level of inflation has hampered foreign and local investment.

A former British dominion, Pakistan became an independent state in 1947. However, for the two decades following 1956, a dictatorship ruled the country. In addition, tensions between East and West Pakistan started to rise, resulting from cultural and social differences. A civil war broke out in 1970, when the East Pakistan's Awami League obtained the majority of the seats in the National Assembly and demanded greater autonomy. East Pakistan defeated the West, and in 1971, the state of Bangladesh was proclaimed with the support of the Indian Army.

In 1977, the Pakistan People's Party and its leader, Zulfikar Bhutto, won the first free elections, which were declared fraudulent by the military. Later in the year, Gen. Mohammed Zia ul-Haq took over the government, and arrested, tried, and convicted Bhutto, who was executed in 1979. In 1988, Zia was killed in an airplane accident. Consequently, new elections were held and won by Benazir Bhutto, daughter of Zulfikar Bhutto.

Benazir Bhutto twice ruled Pakistan as a prime minister; however, she was dismissed both times for corruption and incompetence. In 1997, a new government came to power with the Pakistan Muslim



League headed by Prime Minister Nawaz Sharif. Under the new government, widespread violence and terrorism began to increase, and resulted in thousands of deaths, largely caused by the actions of political groups, including Sunni and Shi'a sectarian extremists, and various tribal factions. In October 1999, the military deposed Prime Minister Nawaz Sharif and suspended the constitution. Members of the dismissed government were believed to be in the army's protective custody.

## HUMAN RIGHTS

The human rights situation has been extremely poor under successive governments, in which corruption and lack of accountability at all levels have further increased the practice of human rights violations. Free-

doms of speech, the press, assembly, and association have been restricted. Human rights groups, including non-governmental organizations, have been hampered by governmental interference.

The security forces have committed numerous human rights abuses in the form of extrajudicial killings, torture, rape, and arbitrary arrest and detention. In general, the government does not investigate or convict the perpetrators of such abuses, maintaining a climate of impunity among public officials. Amnesty International has estimated that over 100 people have died each year as a result of torture in custody. Police used force to extract confessions, and suspects often confessed to crimes, regardless of their guilt or innocence, simply to avoid torture. Common torture methods included burning with

cigarettes, hanging upside down, electric shocks, sexual assaults, and other degrading treatment.

Extrajudicial executions have been reported from all provinces. In addition, special courts have been imposing the death penalty without following international standards for fair trials. Prison conditions are extremely harsh, with overcrowding, inadequate sanitation, poor nutrition, and a lack of medical care being significant problems. There were credible reports of prison officials using the threat of abuse to extract money from prisoners or their families. Landlords in rural areas reportedly have been operating private jails, housing bonded laborers or political prisoners.

Women, children, and religious minorities are suffering discrimination, violence, and inadequate protection. Traditional religious, social, and legal practices keep women in a subordinate position in society. Moreover, violence against women, including spousal abuse, rape, and trafficking in prostitution, continues to be common.

Child labor and child prostitution are serious problems as well. Children are sometimes kidnapped and used in forced labor. In general, bonded labor is largely used. In some remote areas of Pakistan agricultur-

al bonded labor and debt slavery have a long history.

Religious minorities face discrimination in employment and education and are subject to Islamic law; members of religious other than Islam have been imprisoned or condemned to death on charges such as blasphemy.

Amnesty International has called on the military to ensure human rights protection during political crises. Moreover, it has asked for all political forces in Pakistan to "make every effort to institute reforms which enable full enjoyment of civil and freedoms and human rights a reality." The military has not complied with this and other similar requests.

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# Panama



The Republic of Panama is located in Central America, between the Caribbean Sea and the Pacific Ocean. It has borders with Colombia and Costa Rica. Seventy percent of its population—which was 2.7 million in 1999—is composed of Mestizos (mixed Amerindian and white), with the rest being West Indians (14 percent), whites (10 percent), and Amerindians (6 percent). More than half of the population lives in the Panama City–Colon metropolitan corridor. Roman Catholicism is practiced by 85 percent of the population, whereas Protestantism is practiced by a minority (15 percent). Spanish is the official language, although English is also spoken, especially by West Indians.

## BACKGROUND

Because of the country's key geographic location, Panama is a global trade center, with an economy that is service-based and heavily dependent on banking, commerce, and tourism. The Panama Canal and other shipping and port activities have been the most important sectors driving economic growth. A wide range of economic reforms have been advanced in recent years in order to liberalize trade, attract foreign investment, privatize state-owned enterprises, institute fiscal reform, and encourage job creation. Panama is a member of the World Trade Organization.

Panama is a constitutional democracy. The government consists of an executive branch (a president and two vice presidents); a legislative branch (Legislative Assembly); and a judicial branch (the Supreme Court).

After being visited by a number of European explorers, such as Rodrigo de Bastidas, Christopher Columbus, and Vasco Nuñez de Balboa, during the sixteenth century Panama became the crossroads and marketplace of Spain's empire in the New World. It was part of the Spanish Empire from 1538 until 1821. In November 1903, Panama proclaimed its independence, with U.S. encouragement and French financial support. It became a constitutional democracy dominated by a commercially oriented oligarchy. During the 1950s, the military began to challenge this oligarchy, and in 1968, a military regime was established, led by Brigadier General Omar Torrijos.

Soldiers of the Panama Defense Force lined up with riot shields, 1989.

The Panama Defense Force continued to dominate Panamanian political life even after Torrijos' death in 1981. In the summer of 1987, more than 100 business, civic, and religious groups formed a loose coalition that organized widespread demonstrations against the corrupt government. The internal crisis was paralleled by the increasing tension with the United States, especially after the 1988 indictment of General Manuel Noriega in U.S. courts on drug trafficking charges. The Noriega regime came to an end in December 1989, when President George Bush ordered the U.S. military into Panama in what was called Operation Just Cause.

After the fall of the Noriega regime, Panamanians moved quickly to rebuild their civilian constitutional government.

Much of Panamanian modern history has been shaped by its canal. Under the 1903 Hay/Bunau-Varilla Treaty, the Unit-

ed States, in a zone roughly ten miles wide and fifty miles long, was granted the right to build, administer, fortify, and defend a canal in Panama. In the early 1960s, sustained pressure began to surface regarding the renegotiation of this treaty. In 1977, the Panama Canal Treaties guaranteed the permanent neutrality of the canal. The canal was finally signed over to Panama on December 14, 1999, ending almost a century of heavy American involvement in Panamanian affairs.

## HUMAN RIGHTS

The government generally respects the human rights of its citizens, although there are still problems in several areas.

Although the constitution prohibits the use of measures that could harm the physical, mental, or moral integrity of detainees

and prisoners, excessive force and psychological threats by prison guards against inmates are still common. Also, police often respond with force to demonstrations of workers and students. Despite efforts to introduce some reforms, prison conditions remain harsh. Gang battles and outbreaks of violence are common, resulting from overcrowding and mixing together all types of inmates rather than separating them according to the type or severity of the crime they committed. Medical care is inadequate, and tuberculosis and other communicable diseases are common. Prisoners are regularly subjected to prolonged pre-trial detention.

The constitution provides for an independent judiciary. However, the judiciary is often subject to political manipulation, and the criminal justice system is inefficient and corrupt. Many public defenders are not appointed until after the investigative phase of the case, and their caseloads are staggering.

Political pressure on the media was once common as the government long had legal authority to prosecute media owners and reporters for criminal libel and calumny. In 1999, however, these “gag laws” were eliminated.

Despite the constitutional provision against discrimination on the basis of race, birth status, social class, sex, religion, and political views, many prejudices based primarily on social status are very common among citizens. Domestic violence, sexual assaults, and sexual harassment against women represent serious problems.

Child welfare remains a problem in Panama. In remote areas, children do not always attend school because of a lack of transportation, as a result of traditional atti-

tudes, and due to insufficient government enforcement. Many children suffer from malnutrition, neglect, and inadequate medical care. Malnourishment is highest among rural indigenous groups. Juvenile delinquency is frequent in major urban areas, and includes drug trafficking, armed robbery, kidnapping, car theft, and murder. Child labor is common in the production of sugarcane and coffee and in subsistence agriculture. Also, many children work as domestic help or as street vendors.

No national law mandates the installation of access features or assistance for the disabled in public or private buildings. In 1998, however, Panama City enacted building codes to require such access in new construction.

The Ministry of Labor does not adequately enforce the minimum wage law, because of insufficient personnel and financial resources. Most workers in the large informal economic sector earn well below the minimum wage.

Human rights organizations, including both religious and secular groups, operate without government restrictions and carry out a variety of activities, including investigations and dissemination of their findings.

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# Papua New Guinea



The Independent State of Papua New Guinea is located in Southeast Asia. It consists of a group of islands, including the eastern half of the island of New Guinea, located between the Coral Sea and the southern Pacific Ocean, east of Indonesia. Port Moresby is the capital. Its population, which was estimated at 4.7 million in 1999, includes the following ethnic groups: Melanesians, Papuans, Negritos, Micronesians, and Polynesians. The indigenous population of Papua New Guinea is one of the most heterogeneous in the world, consisting of several thousand separate communities, most with only a few hundred people. There are about 715 indigenous languages in Papua New Guinea. Native languages are spoken by a few hundred to a few thousand people,

and most of them are extremely complex grammatically. English is spoken by 2 percent of the population, Pidgin English is widespread, Motu is spoken in the Papua region, and Enga is spoken in the Enga province by approximately 130,000 people. Roman Catholicism is practiced by 22 percent of the population. Other religions include Lutheranism (16 percent), Presbyterianism and Methodism (8 percent), Anglicanism (5 percent), Evangelical Alliance (4 percent), Seventh-Day Adventism (1 percent), other Protestantism (10 percent), and indigenous beliefs (34 percent).

## BACKGROUND

Rich in natural resources, Papua New Guinea has an agriculture-based economy. Coffee, cocoa, and coconut represent the major sources of export earnings. Among other sources of export earnings are mineral deposits, including copper and gold. The economy has been sustained by budgetary support from Australia and development aid offered by the World Bank. In 1997, Papua New Guinea's economy was adversely affected by droughts caused by the El Niño weather pattern.

Papua New Guinea is a constitutional monarchy with a democratic Parliament. The government consists of an executive, the British monarch, represented by the governor general; the legislature, with a unicameral Parliament; and an independent judiciary, with a Supreme Court.

The name Papua, coming from a Malay word for the frizzled quality of Melanesian

hair, was given to the principal island by Don Jorge de Meneses in the early sixteenth century, whereas the term New Guinea was applied to the island by the Spaniard Ynigo Ortis de Retez, because of the resemblance of the islands' inhabitants with those found on the African Guinea coast. In 1899, Germany formally took possession of the northeast quarter of the island. In 1914, Australian troops occupied German New Guinea, and the territory remained under Australian military control until 1921. The British government, on behalf of the Commonwealth of Australia, eventually assumed a mandate from the League of Nations to govern the Territory of New Guinea in 1920. In 1945–1946, Papua and New Guinea were combined into an administrative union under the title The Territory of Papua and New Guinea. In 1972, the name of the territory was changed to Papua New Guinea.

The country achieved independence on September 16, 1975. A succession of prime ministers, coalition governments, and shifting party loyalties have characterized the national politics of the following years.

## HUMAN RIGHTS

Human rights violations are still very common in several areas. Although the constitution prohibits torture and other degrading punishment, police are regularly responsible for committing extrajudicial killings and beating suspects. In addition, members of the police are often responsible for abusive treatment and theft of property at highway roadblocks.

Prison conditions are harsh. Jails are overcrowded and do not provide adequate medical care or food to inmates. Outbreaks

of typhoid in some prisons have represented a problem in recent years.

Pretrial detention periods for many are extremely long, due to limited police and judicial resources and a high crime rate. Moreover, political interests routinely interfere with due process, although the judiciary is supposedly constitutionally independent.

The government generally respects the privacy rights of its citizens, but at times authorities commit abuses in this area. Warrantless searches and raids, as well as the destruction of private property and the seizure of property from vehicles, are common.

Despite constitutional provisions regarding the freedom of assembly, the government limits this right in practice.

The constitution prohibits discrimination on the basis of race, tribe, place of origin, political opinion, color, creed, religion, or sex. Discrimination, however, is still common, especially against women. Violence against women, including domestic violence and gang rape, represents a serious problem. However, prosecutions are rare, since few victims press charges. In addition, violence committed against women by other women does occur and usually stems from domestic disputes, especially in areas where polygyny is still customary. In some areas, women are considered second-class citizens, having only the status of personal property. Village courts generally impose jail terms on women found guilty of adultery, while barely penalizing men. Women are often purchased as brides or given as compensation to settle disputes between clans.

Sexual abuse of children is very common. In addition, in many villages malnutrition and infant mortality rates are very high.

There is no legislation regarding accessibility for the disabled, and disabled persons regularly face discrimination in education, training, and employment.

The government generally cooperates with human rights non-government organizations.

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# Paraguay



The Republic of Paraguay is located in central South America, northeast of Argentina. Asuncion is the capital city. Paraguay's population, which was estimated at 5.4 million in 1999, is made up of mestizos (95 percent) and whites and Amerindians (5 percent). Among those who have settled in Paraguay are Germans, Japanese, Koreans, ethnic Chinese, Arabs, Brazilians, and Argentines. The majority of the population practices Roman Catholicism (90 percent), and a minority follow Mennonite and other Protestant faiths. Spanish is the official language of Paraguay, although Guarani—the only trace of the original Guaran Indian culture—is also spoken.

## BACKGROUND

Paraguay is a constitutional republic. The government includes an executive branch, which is the president; a legislative branch, made up of the Senate and the Chamber of Deputies; and the judiciary, which is the Supreme Court of Justice.

Paraguay features a market economy, with a formal sector based on services, and a large, informal sector oriented toward the re-export of imported consumer goods to neighboring countries. A large percentage of the population, however, derives its living from agricultural activities. Although the formal economy has grown over the past six years, the population has increased at about the same rate, leaving per capita income stagnant.

In 1537, Spanish explorer Juan de Salazar founded Asuncion, which eventually became the center of a Spanish colonial province. Paraguay achieved independence from Spain in May 1811. The country's subsequent history is marked by the tradition of personal rule established by José Gaspar Rodríguez de Francia, Carlos Antonio López, and Francisco Solano López. The country lost half of its population during the 1864–1870 War of the Triple Alliance against Argentina, Uruguay, and Brazil. Paraguayan politics of the 1930s and 1940s were characterized by civil war, various dictatorships, and periods of extreme political instability.

General Alfredo Stroessner ruled the country after 1954. During Stroessner's thirty-five-year regime, political freedoms

were severely limited, and opponents were routinely persecuted in the name of anti-communism. In 1989, Stroessner was overthrown in a military coup led by General Andres Rodriguez who, during his presidency, instituted political, legal, and economic reforms. In 1992, a new constitution was adopted, establishing a democratic system of government.

### HUMAN RIGHTS

Although the government generally respects the human rights of its citizens, serious problems remain in several areas.

The constitution prohibits torture, as well as cruel, inhumane, or degrading treatment

of prisoners or detainees aimed at extracting confessions, punishing escape attempts, or intimidation. Torture and brutal treatment of convicted prisoners and other detainees, however, are practiced regularly by members of the security forces. Some cases of torture and abusive treatment have involved women and children. In addition, non-commissioned and commissioned officers often mistreat military recruits, occasionally severely enough to be fatal. Violence is also used by landowners in removing squatters from their property with the help of the police.

Prison conditions are extremely harsh, due to overcrowding, lack of medical care, and unsafe conditions. In addition, prisons

have separate accommodations for those with sufficient means, who receive better treatment compared to other prisoners.

Arbitrary arrest and detention are very common. Pretrial detention is also a problem because a large percentage of prisoners are regularly held pending trial for months or years after their arrest. The constitution permits detention without trial until the accused completes the minimum sentence for the alleged crime. Bail is usually very high, and many accused are unable to post it.

Due to the outdated penal and criminal procedure codes, insufficient resources, delays as new judicial officials learn their tasks, and a large backlog of cases, the judicial system is extremely inefficient. In addition, although the judiciary is constitutionally independent, it is often subject to pressure by politicians and other persons whose interests are at stake. Often the defendants' right to an attorney is not respected.

Local officials and police officers routinely abuse their authority by entering homes or businesses without warrants and by harassing private citizens. There is evidence that the government occasionally spies on individuals and monitors communications for political and security purposes.

Although the constitution prohibits discrimination on the basis of birth, nationality, political belief, race, gender, language, religion, opinion, national origin, economic condition, or social condition, certain groups continue to face significant discrimination in practice. Violence against women, including spousal abuse, is a serious problem. Official complaints, however, are rarely filed for a variety of reasons, including family pressures and fear of reprisals from the attacker. Despite the law against trafficking and sexual exploitation of women, these practices are very common, especially the

problem of teenage prostitution. Moreover, sex-related job discrimination occurs on a regular basis, as does sexual harassment of women in the work place. Women have much higher rate of illiteracy than men and suffer from high rates of maternal mortality because of poor medical care.

Abuse of children is also a problem. Many children between the ages of seven and seventeen work, many in unsafe labor conditions or in the streets. Many of them suffer from malnutrition, lack of access to education, and disease. Sexual exploitation of children is very common, especially among females age sixteen or younger.

The disabled face significant discrimination in employment, and many are unable to seek employment because of a lack of accessible public transportation. The law does not mandate accessibility for the disabled, and the vast majority of the nation's buildings, both public and private, are inaccessible to the disabled.

The indigenous population is unassimilated and neglected. Low wage levels, long work hours, infrequent payment of wages, job insecurity, lack of access to social security benefits, and racial discrimination are common. Among the other problems facing the indigenous population are lack of education, malnutrition, lack of medical care, and economic displacement.

Although the constitution prohibits anti-union discrimination, the firing and harassment of some union organizers and leaders in the private sector occurs. Union organizers sometimes are incarcerated for leading demonstrations. In some cases, workers often choose not to protest because of fear of reprisal or anticipation of government inaction.

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# Peru



The Republic of Peru is located on the Pacific coast of South America. It is bordered by Ecuador, Colombia, Brazil, Bolivia, and Chile. Lima is the capital city. The population, which was estimated at 26.6 million in 1999, is made up of Amerindians (45 percent), mestizos (37 percent), whites (15 percent), and blacks, Japanese, Chinese, and others (3 percent). Spanish and Quechua are the country's official languages. Aymara is also spoken by a minority. Virtually the entire population practices Roman Catholicism.

## BACKGROUND

Rich in natural resources (minerals, metals, petroleum, forests, and fish), Peru now

features a market-oriented economy, after many years of heavy state regulation. Several major privatizations have been completed since 1990 in the mining, electric, and telecommunications industries. Among its major exports are copper, petroleum, fish meal, textiles, zinc, gold, coffee, and sugar. Illegal exports of processed coca are thought to have earned about \$300 to \$500 million annually in the past years. The 1990 austerity program contributed to a short-lived contraction of the economy. In 1991, however, the output rose 2.4 percent. The financial situation has been greatly alleviated by the cooperation of the International Monetary Fund (IMF) and the World Bank. The national rate of unemployment is about 8 percent, and the underemployment rate is around 45 percent. The poor constitute 50 percent of the population. More than half of the economically active population is engaged in the informal sector of the economy.

Peru is a constitutional republic. Its government is made up of an executive branch (the president, two vice presidents, and the Council of Ministers), a legislative branch (a unicameral Congress), and the judiciary (the Supreme Court and lower courts and the Tribunal of Constitutional Guarantees).

The territory, which had been the nucleus of the highly developed Inca civilization, was conquered in 1531 by the Spanish explorer Francisco Pizarro, founder of Lima (1535). By 1542, the Spanish consolidated their control over Peru, which became the principal source of Spanish wealth and power in South America. Peru achieved in-

Police raid of the union headquarters of the Federation of Light and Power Workers, October 1988.

dependence from Spain on July 28, 1821, thanks to the independent movement led by José de San Martín of Argentina and Simón Bolívar of Venezuela. After independence, Peruvian history has been characterized by a number of coups, which have repeatedly interrupted civilian constitutional government. In addition, Peru and its neighbors have engaged in intermittent territorial disputes. In 1941, after the clash between Peru and Ecuador, the Rio Protocol sought to establish the boundary between the two countries. Boundary disagreements continued, however, and resulted in the 1981 and 1995 brief armed conflicts.

Since 1980, the security forces have directed most of their efforts against the Sendero Luminoso (Shining Path) and

Tupac Amaru Revolutionary Movement (MRTA) terrorist groups.

## HUMAN RIGHTS

The government only sometimes respects the human rights of its citizens, and serious problems remain in several areas.

There is some question as to whether Peru allows its citizens to freely choose their government. Although Peru is officially a democracy, its former president, Alberto Fujimori, elected in 1990, often employed dictatorial tactics. In particular, many Peruvians resented his abrogation of the Peruvian constitution's articles that limit the president's terms in office. In 2000, despite the ruling of a three-judge panel declaring

his actions illegal, and after an election campaign that was largely viewed as corrupt, Fujimori was elected to a third term as president. His presidency was marked by numerous human rights abuses and he fled the country in disgrace in December 2000.

Although the constitution prohibits torture and inhumane treatment, security forces are regularly responsible for torture and brutal beatings of detainees, which usually take place during the period immediately following arrest. Torture is particularly common in police cells operated by the National Counterterrorism Directorate and in detention facilities on military bases. Besides beatings, common methods of torture include electric shock; water torture; asphyxiation; hanging victims by a rope attached to their hands, which are tied behind their backs; and the rape of female detainees. Other forms of torture include sleep deprivation and death threats against both the detainees and their families.

Prison conditions are extremely harsh due to low budgets, the inconsistent quality of prison administration, severe overcrowding, lack of sanitation, and poor nutrition and health care. Often, prisoners are victimized by both prison guards and fellow inmates. Furthermore, corruption represents a problem among the poorly paid prison guards, who are often implicated in offenses such as sexual blackmail, extortion, the sale of narcotics and weapons, and the acceptance of bribes. Illegal drugs are abundant in many prisons, and cases of tuberculosis and AIDS are often reported.

Serious human rights violations include arbitrary arrest and detention, prolonged pretrial detention, absence of accountability, lack of due process, and lengthy trial delays. Police routinely detain persons of

African descent on suspicion of having committed crimes simply because of the color of their skin.

Despite the constitutional provision for an independent judiciary, in practice the judicial system is inefficient, often corrupt, and easily manipulated by the executive branch. The government often fails to provide indigent defendants with qualified attorneys.

The government infringes on citizens' privacy rights on a regular basis. Moreover, the constitution provides for freedoms of speech and of the press, but in practice the government limits these freedoms. In particular, journalists routinely face harassment and intimidation, and as a consequence, they practice a high degree of self-censorship.

The constitution prohibits discrimination based on ethnic origin, race, sex, language, religion, opinion, or economic condition. However, common problems include discrimination against women, people with disabilities, indigenous people, and racial and ethnic minorities.

In particular, violence against women, including rape, spousal abuse, and the physical and sexual abuse of women and girls, represents a chronic problem. A large number of domestic violence cases remain unreported because of the fear of retaliation by the accused spouse, along with the cost involved in pursuing a complaint, among a variety of other reasons. Furthermore, because of societal prejudice and discrimination, women traditionally have suffered disproportionately from pervasive poverty and unemployment. Women are significantly underrepresented in leadership roles in both the public and private sectors.

Violence against children and the sexual abuse of children represent serious problems. In addition, beating and mistreatment of adolescents on army bases are very com-

mon—this has usually occurred in connection with the forcible conscription of boys for military service. However, in January 2000, the forcible conscription was ended. Street crime committed by children and adolescents is extremely common. The majority of these crimes are committed under the influence of drugs and alcohol, and their underlying causes are unemployment, non-attendance at school, and weak family relationships. As many as 1.2 million children work to help support their families.

The government devotes little attention to the disabled. In particular, no effort has been made to implement the constitutional provision for barrier-free access by persons with physical disabilities in public service or government buildings. The large

indigenous population also faces pervasive discrimination and social prejudice.

The government at times hinders the operation of human rights monitors, but the Office of the Human Rights Ombudsman was created in 1993 and grows steadily in reputation.

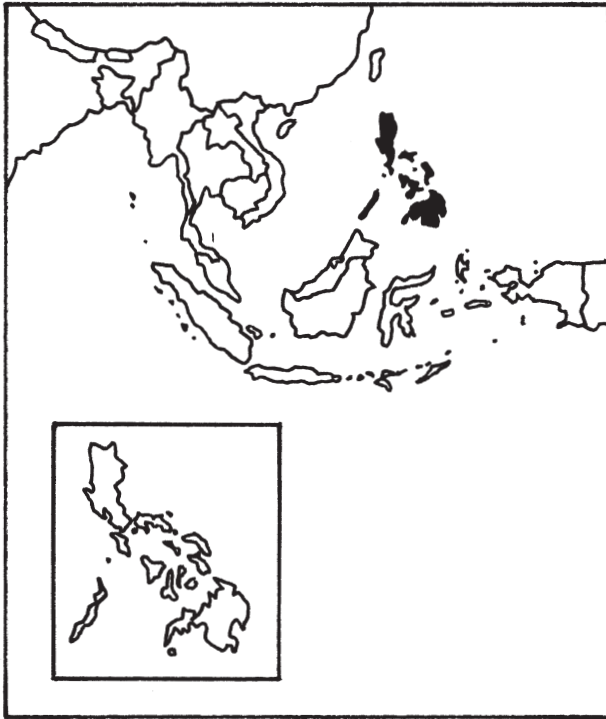
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# Philippines



The Republic of the Philippines is an archipelago in Southeast Asia, between the Philippine Sea and the South China Sea, east of Vietnam. Manila is the capital city. The population, which was estimated at 79.3 million in 1999, consists of Christian Malays (91.5 percent), Muslim Malays (4 percent), Chinese (1.5 percent), and other ethnic groups (3 percent). Roman Catholicism is practiced by 83 percent of the population. Protestantism, Islam, Buddhism, and other religions are practiced by a minority. Filipino, which is based on Tagalog, and English are the official languages. The government is composed of an executive branch (the president and the vice president), a legislative branch (a bicameral legislature), and an independent judiciary.

## BACKGROUND

The Philippine economy is a mixture of agriculture, light industry, and supporting services. Telecommunications and electronic products make up more than half the merchandise exports. The economy has undergone a deep crisis in recent years due to the Asian financial crisis and poor weather conditions. Over 35 percent of the population have difficulty meeting basic nutritional and other needs, and the gap between rich and poor continues to grow. The government has instituted economic reforms, which should help the country match the pace of development in the other newly industrialized countries of Southeast Asia. Among the measures included in the program are improving the infrastructure, overhauling the tax system to bolster government revenues, and moving toward further deregulation and privatization of the economy.

The history of the Philippines may be divided into four distinct phases: the pre-Spanish period (before 1521); the Spanish period (1521–1898); the American period (1898–1946); and the years since independence (1946–present).

The Malays dominated the Philippines until the Spanish arrived in the sixteenth century, led by Ferdinand Magellan. During the 377-year Spanish rule, the population converted to Roman Catholicism. Emilio Aguinaldo declared independence from Spain on June 12, 1898, after the Spanish-American War in which Admiral Dewey defeated the Spanish fleet in Manila. The United States eventually occupied the Philippines, under the terms of the 1898 Treaty of Paris

(and over the protests of Filipino patriots). In 1935, under the terms of the U.S. Tydings-McDuffie Act, the Philippines became a self-governing commonwealth. The Philippines were occupied by the Japanese during World War II. The Japanese surrendered in September 1945. On July 4, 1946, the Philippine Islands became the independent Republic of the Philippines, in accordance with the terms of the Tydings-McDuffie Act.

The early years of independence were dominated by U.S.-assisted postwar reconstruction. In 1972, President Ferdinand E. Marcos declared martial law, which he justified by citing the growing lawlessness and open rebellion by communist rebels. Marcos governed from 1973 until mid-1981, in accordance with the transitory provisions of a new constitution that replaced the commonwealth constitution of 1935. During his rule, Marcos operated essentially as a dictator.

The assassination of opposition leader Benigno (Ninoy) Aquino in 1983 coalesced popular dissatisfaction with Marcos, which resulted in the presidential election of February 1986. Corazon Aquino was elected president in February 1986 and served until Fidel Ramos was elected in 1992.

## HUMAN RIGHTS

The government generally respects the human rights of its citizens, although there are problems in some areas.

Members of the security forces are sometimes responsible for extrajudicial killings and disappearances. In particular, summary execution of suspects represents a common strategy to combat organized crime. Although the constitution prohibits torture, members of the security forces and the police use torture on a regular basis and routinely abuse suspects and de-

tainees. Among the most typical forms of abuse during arrest and interrogation are slapping, hitting with clubs, and poking defendants with guns. Police also use electric shocks on detainees to extort confessions.

Prison conditions are very harsh and life threatening. Arbitrary arrest and detention are very common. Prisons are overcrowded, have limited exercise and sanitary facilities, and provide prisoners with an inadequate diet. Guards often abuse prisoners and frequently rape female inmates. Official corruption also represents a serious problem in the prison system.

The judicial system is inefficient and suffers from corruption. The use of personal connections, patronage, influence peddling, and bribery are common. The judicial process is frequently biased in favor of the rich and influential. The pace of justice is very slow, due to a large case backlog and limited resources.

The constitution prohibits discrimination against women, children, and members of minorities. Violence against women and the abuse of children, however, continue to represent serious problems.

Women are often victims of domestic violence, a result of the lack of laws against domestic violence, double standards of morality for men and women, and traditional societal reluctance to discuss private family affairs. Rape continues to be a major problem. In addition, many women suffer from exposure to violence through their recruitment into prostitution. Many women seek employment overseas and are particularly vulnerable to exploitation by unethical recruiters who promise attractive jobs or, in some cases, arrange marriages with foreign men. Some end up working as prostitutes or suffering abuse at the hands of their foreign employers or husbands. Sexual harassment is also a problem, yet it is underreported due to vic-

Poor families in the Philippines are allowed to live in cemeteries in return for taking care of them.

tims' reticence and their fear of losing their jobs. Women generally face discrimination in employment, except in government service and jobs in government-owned or government-controlled corporations.

Despite the various governmental programs devoted to children's education, welfare, and development, children face serious problems. Widespread poverty forces a disproportionate number of children to work. Millions are exposed to hazardous working environments. There are over 100,000 street children nationwide. Many of them are abandoned, with no family support, and engage in scavenging or begging. Children are often victims of rape and are preyed upon by foreign pedophiles. An estimated 60,000 children are involved in the commercial sex industry.

The laws providing the disabled with equal physical access to all public buildings have been ineffective.

Discrimination against indigenous people and Muslims are common, although the

peace negotiations with Muslim rebel groups have been addressing the latter problem in many communities. The government has been making significant efforts in its campaigns to protect the rights of indigenous people to maintain their land and their cultural identity.

Human rights groups operate without government restriction, freely investigating and publishing their findings on human rights cases.

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# Poland



The Republic of Poland is situated in eastern Europe, bounded on the north by the Baltic Sea, on the east by Lithuania, Belarus, and Ukraine, on the south by the Czech Republic and Slovakia, and on the west by Germany. Warsaw is the capital city. Poland has a population of approximately 38.6 million. Most of the population is Polish, and minor ethnic groups include Germans, Ukrainians, Belarusians, and Lithuanians. Polish is the official language. The majority of the population belongs to the Roman Catholic Church (95 percent), whereas small minorities are affiliated with the Eastern Orthodox, Uniate, and Protestant churches.

## BACKGROUND

Poland became an independent republic in 1918. However, Germany invaded Poland in September 1939, beginning World War II. After World War II ended, Poland formally regained its independence, but remained under the control of the Soviet Union. However, in 1989, with the fall of the Eastern bloc and many years of political struggle, a non-communist government was formed. In 1989, Poland had the first free and fair elections since 1945, which resulted in the defeat of the Communist Party. In 1992, a provisory constitution was amended, and it came into effect at the end of 1998.

The president of the republic is the head of state, and he is elected by popular vote. The prime minister and the cabinet hold the executive power. The bicameral Parliament is vested with the legislative power. The judiciary is independent.

Poland has been one of the most successful countries of the ex-Soviet bloc to convert from a state-regulated economy to a free-market economy. Inflation and unemployment have been steadily reduced since the beginning of that transition. Most state-owned companies have been privatized. However, further improvements are expected in the coming years, including the reform of the agricultural sector, pension system, and other social services.

## HUMAN RIGHTS

The constitution grants Poland's citizens all fundamental human rights, and the gov-

Refugees from Poland who tried to illegally enter Germany.

ernment respects these provisions in practice. There are some exceptions.

Prison conditions do not meet minimum international standards. Many correctional facilities are too old and overcrowded, and their renovation is held back by a lack of funds. In addition, physical abuse among detainees is common. The authorities allow visits by human rights monitors.

Although the law provides all citizens with the right to a fair trial, the court system does not appear to fulfill this provision because of a lack of funds, poor administration, long pretrial procedures, and scarce personnel. However, the government is trying to overcome these problems by reforming the entire court system.

Although the law puts some restrictions on freedoms of speech and the press, the

media are vigorously independent. Many private television and radio stations operate freely in Poland.

Women continue to face discrimination in employment and salaries. They also remain underrepresented in politics and government. Violence against women is a serious problem, and many cases of abuse go unreported due to cultural and social pressures. Moreover, there is no specific law addressing domestic violence, and generally, citizens do not recognize the problem. Several organizations are trying to educate women about their rights and sensitize public opinion to women's issues and problems.

Anti-Semitism remains a problem in Poland, but in recent years government officials have been making great strides in combatting it.

In an example of anti-Semitic graffiti in Cracow, a Star of David is drawn hanging from a gallows.

The government is committed to children's welfare, although a lack of resources prevents the implementation of many initiatives, especially in the area of health care. In addition, prostitution among teenage girls is on the rise.

Although the constitution prohibits discrimination based on disability, in practice this provision is not enforced effectively, and people with disabilities still encounter architectural barriers, both in public and private facilities.

The government cooperates with the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Many non-governmental human rights organizations operate in the country without governmental restrictions.

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# Portugal



The Republic of Portugal is situated in southwestern Europe, on the Atlantic Ocean, bounded on the north and east by Spain. Lisbon is the capital city. Portugal has a population of approximately 10 million. Ethnic groups include Portuguese and an African minority that emigrated to Portugal during the decolonization process. Portuguese is the official language. About 97 percent of the Portuguese are Roman Catholic; the remainder are affiliated with Protestant churches (1 percent) and other religions (2 percent).

Since the beginning of the twentieth century, Portugal has been ruled by dictatorships. Antonio de Oliveira Salazar ruled from 1928 until 1968. The years following were characterized by a succession of military coups. However, in 1976, the country

returned to civilian rule. The first civilian president was elected in 1986; in the same year, Portugal entered the European Community (now the European Union).

Today Portugal is a parliamentary constitutional democracy. The president is the head of state. The prime minister and the cabinet run the government. The unicameral Legislative Assembly (Parliament) holds the legislative power. The judiciary is independent.

Portugal enjoys a market-based economy. There has been a marked decline of employment in agriculture, whereas employment in the industrial sector has not grown. An increasing portion of the workforce is now employed in public service.

The constitution grants human rights to all citizens, and the government generally respects these provisions in practice. However, problems persist in a few areas. For example, there have been allegations of excessive use of force by the police. Moreover, prison conditions remain poor, due to overcrowding and inefficient administration. Major complaints include poor-quality food, health care, and sanitation. Nevertheless, the authorities always permit visits by human rights monitors.

The judiciary system is inefficient due to a huge backlog of cases.

Women are still underrepresented in government and employment. They generally receive lower salaries for equal work. In addition, violence against women, including domestic violence, is common, but the law provides severe penalties for the perpetrators of various forms of physical abuse against women. However, many cases go

and pedophilia are still a problem as are street children

The law protects the rights of the disabled in employment, education, and other social services. However, many private facilities remain inaccessible to people with disabilities. Other human rights issues affect Portugal. There is concern about racial discrimination and xenophobic acts committed against both the Roma and people from Portugal's former African colonies.

Portugal cooperates with the United Nations High Commissioner for Refugees and several other humanitarian organizations in assisting refugees. Moreover, qualified asylum seekers are able to receive residence permits from the Portuguese government.

The government cooperates with many local and international organizations dealing with human rights issues. Although the authorities have been generally cooperative, many of the organizations have complained about slow investigations and delayed prosecution.

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Immigrants from Cape Verde, a former colony, celebrate May Day while waving a Portuguese flag, May 1, 1996.

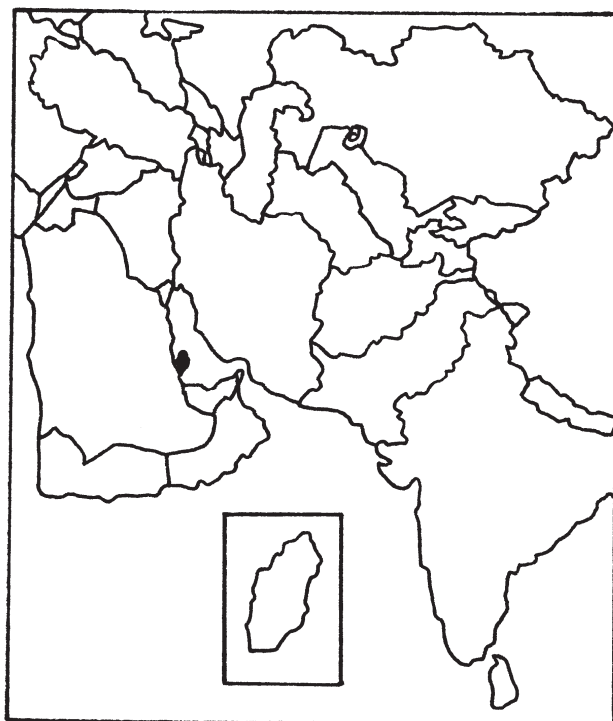
unreported because of cultural and social pressures. Although the government is very committed to children's welfare, child labor

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# Qatar



Qatar occupies the Qatar Peninsula, jutting into the Persian Gulf from the eastern coast of the Arabian Peninsula. It has an area of 4,412 square miles. The capital and leading port is Doha. The population of Qatar in 1999 was estimated at 720,000, including many migrant laborers from neighboring states. The official language is Arabic, although English is widely used in government and commerce.

## BACKGROUND

Petroleum provides most of Qatar's income. The country also produces natural gas, cement, and fertilizer. Herding is the principal agricultural occupation.

In 1916, Qatar became a British protectorate; it became independent when the British left the Persian Gulf area in 1971.

Qatar is governed by the Al-Thani family through its head, the amir, who is chosen from and by the adult males of the family. The amir is also prime minister, and he appoints the executive Council of Ministers. Qatar has no legislature. The current amir, Sheikh Hamad bin Khalifa al-Thani, overthrew his father in June 1995, with the support of his family and other leading Qatari families.

Citizens cannot peacefully change the government or the political system. The political institutions combine traditional Bedouin Arab tribalism with modern bureaucracy.

The amir holds absolute power, though this power is moderated by religious law, consultation with leading citizens, rule by consensus, and the right of any citizen to ask the amir to appeal government decisions. The amir issues new laws after consultation with an appointed advisory council that helps to formulate policy.

In July 1998, the amir established a democratically elected municipal council with representatives from the entire country. All citizens over the age of eighteen, both male and female, can vote and run for office on the council. The first election took place in March 1999.

Qatar has efficient police and security services. The civilian security force, controlled by the Interior Ministry, includes the police, the General Administration of Public Security, and the Investigatory Police, who are responsible for sedition and espionage. The Interior Ministry has a unit that performs internal security investigations and gathers intelligence, and there is an independent civilian intelligence service.

## HUMAN RIGHTS

There have been no reports of torture for several years. The government allows most types of corporal punishment prescribed by Islamic law, but does not allow amputation. The government does employ the death penalty.

Prison conditions generally meet minimum international standards. The authorities generally charge suspects with crimes within forty-eight hours. With foreigners, the police notify their consulate of their detention. Suspects in security cases are usually denied access to counsel and may be detained indefinitely while under investigation; however, recently there has been no incommunicado detention. Involuntary exile is rare.

The court system is nominally independent, but most judges are foreign nationals whose residence permits are granted by the civil authorities, and who thus serve at the government's pleasure. Civilian judges are becoming more common.

Respect for the sanctity of the home and the privacy of women protects most citizens and residents against arbitrary intrusions. Police must obtain a warrant before searching a residence or business, except for in cases involving national security or emergencies. There were no unauthorized searches of homes during 1998 or 1999. The security forces are believed to monitor the communication of suspected criminals, those considered security risks, and some foreigners.

The government lifted restrictions on freedoms of speech and of the press in 1996, and also expanded press freedom, but there are still press restrictions. The government formally ended most censorship of the media in 1995, and since then the press has not suffered from government interference. However, journalists practice self-censorship. Broadcast media are state

owned, but the private satellite channel Al-Jazeera operates freely. Censors still work in broadcast media under the Ministry of Religious Endowments. Pornography and hostility to Islam are subject to censorship, but this is applied irregularly. Customs officials screen the print and tape media for pornography, but allow non-Muslim religious items to be sold to the public. Citizens and residents have increasing, uncensored, and unrestricted access to the Internet, which is provided through the state-owned telecommunications monopoly.

Citizens enjoy broad freedom of speech, yet within the restraints of a very traditional society, and do not believe that the government monitors private speech. The foreign population does not have the same freedom and self-censors its speech accordingly. There is no legal provision for academic freedom. Most instructors at the University of Qatar exercise self-censorship.

There are almost no freedoms of assembly and association. The state does not allow political parties or activity or membership in international organizations that are critical of any Arab government. Private societies must register with the government. Security forces monitor their activities.

The state religion is Islam, as interpreted by the conservative Hanbali school of the Sunni branch of Muslim. Public worship by non-Muslims is not allowed, but the government protects private services conducted behind closed doors if prior notification is given to the authorities. The police provide traffic control for Catholic services attended by 1,000 or more persons. The government recently began issuing visas to Christian clergy sponsored by foreign embassies. Non-Muslims may provide religious instruction to their children, but may not proselytize. Conversion from Islam is traditionally a capital offense, but

there have been no executions for such conversion since Qatar achieved independence. Shi'a Muslims can practice their faith freely; however, they refrain from provocative public practices such as self-flagellation.

Internal travel is unrestricted, except around sensitive military and oil installations. Citizens who criticize the government may have their right to travel abroad restricted. All citizens have the right to re-enter Qatar, but immigration restrictions for foreigners are designed to limit the labor pool to Qatar citizens. Foreign workers need permission to enter and leave the country, but their dependents may leave freely.

The government has no policy regarding refugees or asylum. Those attempting to enter illegally, even from nearby countries, are refused entry. Asylum seekers who can obtain sponsorship or employment are allowed to enter and stay as long as they are employed.

Discrimination based on gender, race, religion, social status, and disability is practiced at all levels.

Violence against women and spousal abuse are not widespread. Employers mistreat some foreign domestics, who usually do not press charges for fear of losing their jobs. Under Islamic law, all physical abuse is illegal. The maximum penalty for rape is death. The police actively investigate reports of violence against women and recently have demonstrated willingness to arrest and punish offenders, although citizens usually receive lighter punishments than foreigners. Foreign wives of local and foreign men have been filing more and more complaints of spousal abuse.

The activities of women are restricted. For example, to apply for a driver's license, a woman needs permission from a male guardian. In general, women are free to

travel. However, male relatives may prevent women from leaving the country by giving their names to immigration officers. Women's roles have traditionally been restricted to motherhood and homemaking, but some are now employed in education, medicine, and the media. There are not enough professional women to determine whether they are receiving equal pay for equal work. In recent years, more women have been receiving state scholarships to gain an education overseas. The amir has given his second wife, mother of the heir apparent, the job of establishing a university in Doha. In 1996, Qatar appointed a female undersecretary to the Ministry of Education.

Qatar enforces children's rights through free public education (elementary through university) and complete medical care protection. Education is compulsory through the age of fifteen. Most foreign children do not receive free education or medical coverage. There is no cultural pattern of child abuse. Qatar does not tolerate forced and bonded labor by children. Children between the ages of fifteen and eighteen may work with the approval of their guardians, and some children work in family-owned businesses. Child labor is rare.

Qatar does not require accessibility for the disabled, who also face social discrimination. Qatar maintains a hospital and schools that provide excellent free services to the mentally and physically disabled.

The right of association is limited, and workers cannot form labor unions. However, almost all workers have the right to strike after their case has been ruled on by the Labor Conciliation Board. Employers may close down or fire employees once the board has heard the case. Government employees, domestic workers, and members of the employer's family cannot strike. No

worker in a public utility or health or security service may strike if the strike would harm the public or lead to property damage. Strikes are rare.

Qatar prohibits forced or compulsory labor. Three quarters of the workforce are foreign workers whose employer controls their residency permits; this leaves them vulnerable to abuse. For instance, employers must give their consent before foreigners are allowed to leave the country. Some employers withhold this consent to force employees to work for longer periods than they wish or originally agreed to.

There are no local human rights organizations. No international human rights or-

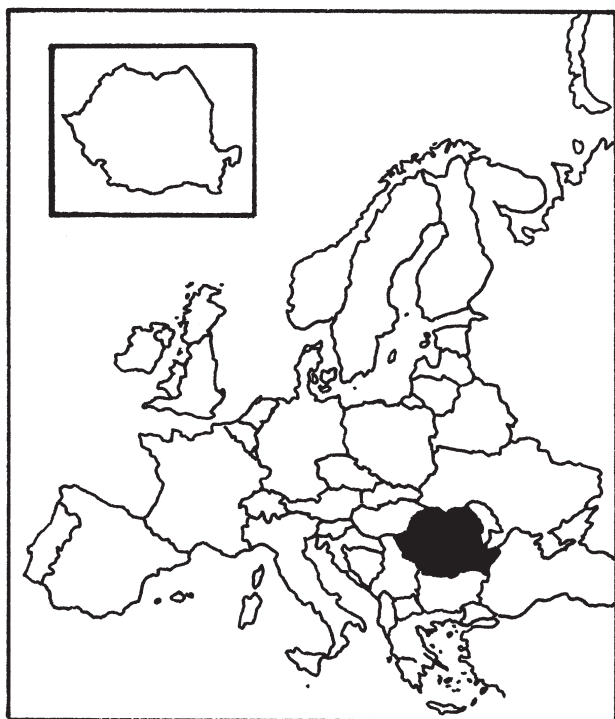
ganizations have asked to investigate conditions in the country. However, Amnesty International and foreign embassies were invited to observe the trials of those accused in a 1996 coup attempt.

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# Romania



Romania is a country located in south-eastern Europe, bordered by Moldova, Ukraine, Hungary, Bulgaria, and Yugoslavia. The population is approximately 23 million. Most of the population (89 percent) is ethnic Romanian, but there is a large Hungarian minority (9 percent). The main languages are Romanian, Hungarian, and German. Most Romanians are members of the Romanian Orthodox Church. The capital is Bucharest. Romania is a republic headed by a president.

## BACKGROUND

Long dominated by the Ottoman Empire, Romania achieved its independence in the late nineteenth century. After World War I, it acquired the region of Transylvania,

which contained a large minority of Hungarians. Romania was an ally of Germany during World War II. After the war, Romania was forced to join the communist bloc of the Soviet Union.

For the next forty years, Romania was run by a harsh Communist Party dictatorship. Although the Romanian government operated more freely than some of the Soviet Union's other European client states, this freedom was not granted to individual citizens. The Romanian Communist Party ruled harshly, and the government's security forces were some of the most repressive in the communist world.

With the rise to power of Mikhail Gorbachev in the Soviet Union, Eastern Europe began to free itself from Soviet control. Romanians joined this move toward freedom. At the end of 1989, many Romanians began to gather in anti-government demonstrations. On December 16, 1989, government security forces opened fire on a crowd of protesters. Hundreds of people were killed. Romania's dictator, President Nicolae Ceausescu, declared a state of emergency.

After the protests spread through other cities, the army abandoned the government and joined the rebellion. Despite the support of his security forces, Ceausescu was overthrown. After a brief trial, Ceausescu and his wife were found guilty of genocide and executed on December 25, 1989.

The new government was dominated by ex-communists, but they finally lost power in the 1996 elections.

Romania remains a poor country. The transition from a state-controlled economy to a market economy has left the country

struggling to match the prosperity of some of the other, more successful, ex-communist states.

## HUMAN RIGHTS

Although the government protects the human rights of Romanian citizens, problems still exist.

The judiciary is theoretically independent. However, it sometimes succumbs to pressure from the executive. The courts, however, have been showing greater independence from government influences.

The police use beatings and torture against suspects. Some of those arrested have died while in police custody. Extrajudicial killings by the police remain regular occurrences. There have been investigations of police abuse, but with little result. There has also been a gradual improvement in police behavior, but much more remains to be done.

Although prisons in Romania do not meet international standards, they are improving. The government is building new modern prisons in an attempt to match the standards of the rest of Europe. Conditions, however, remain harsh. Prison authorities still use the "cell boss" system, in which some prisoners are chosen to help control the others. This system often leads to the abuse of prisoners by other prisoners. The government does allow visits by human rights monitors.

The government protects the privacy of its citizens and prohibits illegal monitoring, including phone tapping, of citizens. The security services do have the right to monitor phone conversations in national security cases, if they first gain court approval.

The constitution provides some protection for free speech and freedom of the press. The government, however, has the right to prosecute people who "defame the

country" or commit "offenses to authority." This allows the government to arrest journalists who report on topics that the government finds troublesome. For instance, a number of journalists were arrested after reporting on government corruption. Some journalists have also been targets of violence while investigating government officials. Still, journalists function with a fair degree of freedom, and there is a wide selection of newspapers in Romania.

Although the constitution protects the right to worship freely, the government has been charged with failing to provide sufficient protection to all religious groups. Some local officials have been charged with harassing non-Orthodox Christians.

Discrimination is common against Hungarian and Roma minorities. A government decree enacted in 1999 permits students to be taught in Hungarian and Roma. Anti-Semitism is also widespread. Some newspapers attack Jews in print, and a number of Jewish cemeteries have been desecrated with neo-Nazi graffiti. Most political leaders condemn anti-Semitism and other forms of discrimination.

Romania remains one of the more homophobic countries in Europe. Consensual sex between adults of the same sex remains illegal, and some Romanians remain in jail for this reason.

Violence against women remains a serious problem. The government prohibits discrimination on the basis of sex, but it does not do enough to stop violence and discrimination against women. Rape is common, and police have difficulty prosecuting rapists because the law puts a heavy burden of proof on the prosecution (a rape must be witnessed and the rapist can avoid punishment if he marries his victim). Spousal abuse is common. Women are paid significantly less for the same work that men do.

Hundreds of street children such as this one live in Bucharest, October 1988.

Romania tries to protect the rights of children, but financial limitations mean that many children go unprotected or underprotected. Particularly problematic are Romania's 30,000 orphans living in state institutions, who are neglected and are not provided with sufficient medical care, food, and emotional support.

Disabled people's rights are not well protected by the government.

The government allows both local and international human rights groups to operate without restrictions. Officials are generally,

but not always, responsive to the recommendations of human rights monitors.

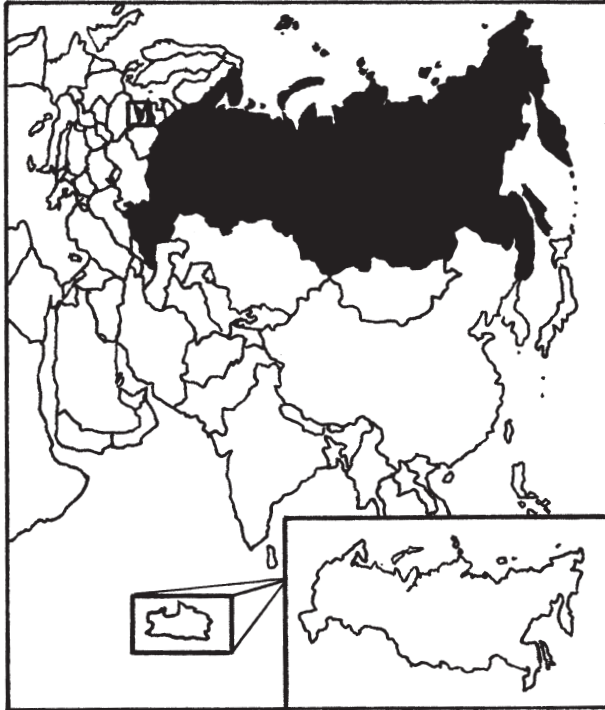
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# Russia



Russia is located in the north of Eurasia, and its modern boundaries (17.1 million square kilometers) encompass one eighth of the earth's landmass. It is home to approximately 148 million people. Russia is a multinational state with 130 ethnic groups; however, the majority of its population are ethnic Russians. In Russian history, the leading religions have been Russian Orthodox Christianity (throughout Russia) and Islam (in particular regions), although the years of communist rule in Russia have reduced the population's commitment to religious faiths.

## BACKGROUND

Until the beginning of the twentieth century, Russia was a monarchy. The coup d'état of October 1917, and the civil war that fol-

lowed, led to the formation of the Union of Soviet Socialist Republics (USSR) and its fifteen theoretically autonomous republics. The Soviet government was controlled by the Communist Party, which ruled Russia and its sister republics with brutal severity. The four Soviet constitutions of 1918, 1924, 1936, and 1977 fulfilled a largely propagandistic role; there were no real state-protected freedoms in Russia. In actuality, the legal system was deformed by totalitarian rule, the principle of the primacy of state and society over the interests of the individual were instilled, and millions of people were persecuted in the name of communist ideology.

The process of *perestroika* (restructuring) that began in the 1980s and the collapse of the USSR that followed in 1991, led to Russia's declaration of independence and the adoption of a new constitution in 1991. Currently the Russian Federation, which is made up of eighty-nine regions, is a presidential republic. The president is elected directly by the people and stands at the center of the federal government system. The powers of the current president, Vladimir Putin, are extremely broad—at times excessively so—and the checks and balances that are supposed to limit his power are ineffective. The Russian Federal Assembly is composed of two chambers: the Council of the Federation and the State Duma. The Council of the Federation is made up of two representatives from each region of the federation, and the State Duma is elected by popular vote for a term of four years.

The collapse of the USSR forced the Russian government, which had come to power on a wave of demands for change, to grant civil and political rights to the popu-



A teenage boy kept in an isolation room as punishment for unruly behavior. Moscow, April 1992.

lation. For the first time, the people were given a choice of candidates in elections, and a diversity of ideologies, politics, and parties became a reality. The principle of division of powers was established, and the right to private property and a market economy were recognized. Trial by jury was introduced; human and civil rights and freedoms in accordance with the constitution were recognized and guaranteed according to universally accepted principles and standards of international law.

## HUMAN RIGHTS

The formal inclusion of human rights standards in the Russian constitution, howev-

er, did not guarantee their actual fulfillment in practice. While Russia's human rights record is far better than that of its predecessor, the Soviet Union, in practice, human rights often are restricted, ignored, or circumvented by government officials.

The development of democracy in Russia has not been easy or simple. This is the price to be paid for the decades of strict dictatorship and widespread terror. A constitutional crisis in 1993 was resolved by means of an armed conflict between supporters of the president, Boris Yeltsin, and the Parliament, in which Yeltsin prevailed. Election campaigns are openly financed in violation of the law, and corruption among officials has taken on a scale that threatens

society. Critics argue that Russian democracy has been moving in the direction of giving the president far too much power. President Putin, although elected in reasonably fair elections, acts in many ways like a military strongman.

Many human rights are not fully respected in Russia. Property rights, in particular, do not have deep roots in Russian society or institutions. The privatization of government property, which was then divided among a narrow group of individuals, helped accelerate the formation of a criminal economy. In addition, low standards of living (the minimum wage in September 1999 was less than \$4 a month), as well as restrictions on freedom of enterprise through an unreasonable system of taxation, have created a Russia divided between the wealthy and corrupt and the poor and exploited. The sad state of the economy and massive impoverishment of the population in the post-*perestroika* period have directly affected human rights in the social sphere. Rights formally guaranteed in the constitution, including the right to work, the right to social security, the right to health care, and others are violated on a significant scale.

The freedoms of conscience and religion guaranteed by the constitution are violated by the Freedom of Conscience and Religious Associations Act adopted in 1997. When various churches and communities were registered on the wave of *perestroika*, in accordance with the liberal 1990 law, and received the opportunity to operate openly in Russia, this aroused the sharp displeasure of the Russian Orthodox Church, which considers Russia to be its canonical territory. Under its influence, the State Duma overwhelmingly adopted a restrictive law, in accordance with which all other religions or

sects were obliged to reregister. Those religions that could not prove that they had existed in Russia since 1982 were limited as to their rights and activities.

In 1998, at the initiative of a Moscow prosecutor, a trial was held to disband a local community of Jehovah's Witnesses, which was the largest in the country. The primary accusations were that its members incited religious discord (which they manifested by recognizing their religion as the only true one by means of an incorrect interpretation of the Bible from the viewpoint of the prosecutor), refused to participate in political life (which includes participation in elections, celebration of state and other holidays, including Russian Orthodox Christmas), and demanded alternative civil service in place of military service.

The state cannot ensure all citizens the equal protection of the law in the case of discrimination. The collapse of the USSR and the heightening of ethnic conflicts have given birth to waves of hundreds of thousands of migrants and refugees. In certain regions of the North Caucasus (Chechnya, Dagestan) military action is under way from which the peaceful citizenry suffer the most. The Russian Army's brutal suppression of Chechen freedom fighters has resulted in a massive human rights catastrophe in that region. There are no less than 200,000 homeless people in Russia today, and the refugee population, victims of war and conflict, is growing daily.

The state of human rights is obviously troubled in the arena of justice. Due to a lack of material resources, the jury system required by the constitution is in place and operating in only nine of the eighty-nine regions of the federation. Prison conditions in the majority of prisons are inhumane and can be viewed as tantamount to torture. The practice

Woman cleaning up the remains of her condo in the destroyed town of Grozny, Chechnya, April 1995. Since this photo was taken, Grozny has been even more badly damaged.

of actual torture of those arrested and detained is widespread. Tuberculosis among prisoners has taken on epidemic proportions.

Russian citizens are forced to continuously defend their rights against the state. But many of Russia's human rights difficulties are rooted in its history. Understandably, it is impossible to turn a communist dictatorship into a democracy overnight, especially since Russia has never been a country with a highly developed legal culture, and human rights have tra-

ditionally been neglected. Freedoms of speech, thought, association, and movement are all achievements of recent years.

A human rights ombudsman has been selected, and the formation of his staff is nearing completion. The recent Russian application to join the European Court of Human Rights has enormous significance for the future realization of these rights and freedoms. The ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms has

opened the door to European justice for Russian citizens.

A key challenge facing Russia today is to ensure that the government abides by its commitments to protect human rights. If Russia can meet this challenge, it would mark an enormous transformation from the communist era.

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# Rwanda



The Republic of Rwanda is situated in central Africa, bounded on the north by Uganda, on the east by Tanzania, on the south by Burundi, and on the west by the Democratic Republic of the Congo. Kigali is the capital city. The population of Rwanda, estimated at 7.6 million, is composed of three major ethnic groups: the Hutus, who comprise the majority of the population (80 percent), are farmers of Bantu origins; the Tutsi (19 percent), who may have arrived in the fifteenth century and until 1959 were the dominant caste; and the Twa (1 percent), who are descendents of the early settlers in the region. About 74 percent of the population is Christian; the rest follow Islamic and traditional beliefs. French, English, and Kinyarwanda are the main languages.

## BACKGROUND

A Belgian colony, after World War II Rwanda became a United Nations (UN) trust territory with Belgium as the administrative authority. During their years in power, the Belgians did much to exacerbate tensions between the Tutsi and Hutu ethnic groups. In 1959, on the eve of independence, the Tutsi monarchy was overthrown by a revolt organized by the Hutu population. Consequently, more than 160,000 Tutsi were forced to flee to neighboring countries. Two years later, the Party of the Hutu Emancipation Movement (PARMEHUTU) won the UN supervised elections and formed a new government. In 1962, Rwanda achieved complete independence from Belgium.

In 1973, a military coup dissolved the National Assembly and abolished all political activity. In 1978, the Rwandans went again to the polls. President Juvénal Habyarimana, leader of the National Revolutionary Movement for Development (MRND), was elected president. He promised to eliminate the widespread corruption and to transform Rwanda from a one-party state to a multiparty democracy. President Habyarimana was re-elected in 1983 and 1988. Despite his promise to allow more freedom and justice, Habyarimana and his Hutu followers kept themselves in power by fanning the flames of ethnic hatred against the Tutsi minority.

In 1990, the Uganda-based Rwanda Patriotic Front (RPF), made up of ethnic Tutsi Rwandan exiles, invaded Rwanda, claiming to fight for greater justice. In 1992 peace

talks began. In April 1994, the airplane carrying President Habyarimana was shot down. The Tutsi RPF was blamed for the attack, although it was almost certainly extreme members of Habyarimana's own party who shot down his plane, most likely to halt the peace talks. The government, using the attack as an excuse, organized a mass slaughter of the Tutsi population. Military troops and militia groups began killing all Tutsis, as well as Hutu political moderates, precipitating one of the worst genocides in history. Concurrently, the RPF resumed the civil war, quickly defeated the Rwandan Army, and took control of the country. They did not do so, however, in time to stop the mass killings. As a result of the civil war and the genocide, more than 800,000 people were brutally murdered. In addition, after the murders 2 million Hutus,

fearing Tutsi revenge, had escaped to Zaire, Tanzania, and Burundi. The RPF has retained the control of the government since then.

Rwanda's extremely poor economy was further challenged by the civil war. Most of the country's economic infrastructure was destroyed. The overall economy largely relies on international aid and humanitarian operations. About 90 percent of the population survives through subsistence agriculture; the industrial sector is completely neglected. Tea and coffee are the main exports.

#### HUMAN RIGHTS

The RPF is a much better defender of human rights than was the Hutu government of President Habyarimana, but problems still

The skulls of Tutsis murdered by Hutus, July 1995.

remain. The human rights record in Rwanda continues to be poor in several areas.

Because the RPF remains the ruling and only political party, citizens do not have the right to change their government. Numerous human rights abuses are reportedly committed by the security forces, in the form of extrajudicial killings, torture and beating of suspects, and arbitrary arrest and detention. The government occasionally takes some steps to punish the perpetrators. The number of disappearances has been increasing, and credible reports identify some of the missing persons as being former Hutu insurgents trying to return to their homes in the northwest region.

Although some Hutus are unfairly targeted by government forces, Hutus have

also been guilty of attacks and human rights violations against innocent Tutsis. Insurgent Hutu militias, which include members associated with the 1994 genocide, continue to commit hundreds of killings, targeting Tutsi refugees from the Democratic Republic of the Congo, Hutu governmental officials who work with the Tutsis, local Hutu politicians who also work with the Tutsis, and those Hutus who refuse to support the insurgents' cause. These actions have increased the friction between the Hutu population and the government.

Prison conditions are harsh. Overcrowding is a major problem, and sanitary conditions are extremely poor. Thousands of persons have died while in custody in the past few years. Malnutrition, inadequate

medical care, and mistreatment have been regarded as the main causes of those deaths.

The judicial system is inefficient and subject to the influence of the executive. Pre-trial detentions are lengthy, with 90 percent of the persons incarcerated awaiting trial on genocide charges. The shortage of lawyers, coupled with the extreme poverty of most defendants, make it almost impossible for the accused to be legally represented.

The government restricts freedoms of speech and the press. Media sources are restricted and most journalists practice self-censorship. The government owns the only radio and television stations.

The government also restricts freedoms of assembly and association.

Discrimination and violence against women are serious problems. Women face discrimination mostly in education, employment, and property issues. The government appears to be committed to children's welfare and, with the help of local and international organizations, is trying to secure assistance in education, health care, and other primary needs. Widespread poverty, however, interferes with the government's ability to carry through on its intentions regarding children's welfare.

Commitment has also been shown by the government's effort to reconcile ethnic dif-

ferences and tensions between the Tutsi and Hutu. The process, however, is slow. Solid cooperation has been established between the government and the United Nations High Commissioner for Refugees in assisting refugees and asylum seekers.

A variety of local and international human rights groups operate in the country; however, governmental restrictions are often imposed. The UN Human Rights field office for Rwanda has been closed since May 1998 because of a disagreement on continuing its monitoring function. Some Tutsi resent the UN because it did not act to stop the 1994 mass murders.

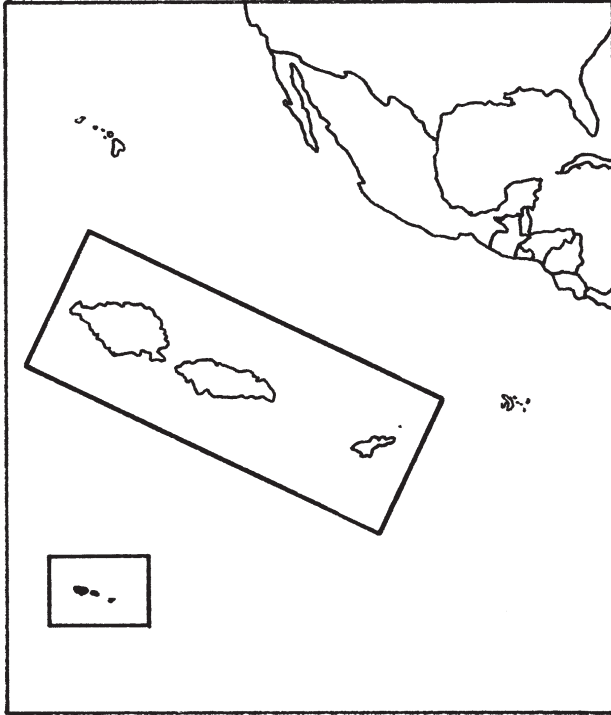
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# Samoa



The Independent State of Samoa, formerly known as Western Samoa, consists of a group of islands in the South Pacific Ocean, about halfway between Hawaii and New Zealand. Apia is the capital city. Samoa's 1999 population was estimated at 229,979. Samoans constitute nearly 93 percent of the population, whereas Euronians (people of mixed Samoan and European blood) constitute 7 percent of the population. Virtually all the population is Christian. Samoan and English are the official languages.

Samoa is a constitutional democracy. Its government features an executive branch, a unicameral legislative assembly, and an independent judiciary (the Lands and Titles Court, the Supreme Court, and the Court of Appeals).

Traditionally, the economy has been dependent on development aid, private family remittances from overseas, and agricultural exports (coconut cream, coconut oil, and copra). Agriculture employs two-thirds of the labor force but is vulnerable to devastating storms. The manufacturing sector mainly processes agricultural products. Tourism is an expanding sector. The government has directed its efforts to expand the economy by deregulating the financial sectors, encouraging investment, and continuing fiscal discipline.

The history of Samoa is marked by the disputes over the control of its territory between the United Kingdom, the United States, Germany, and New Zealand. The 1889 Final Act of the Berlin Conference on Samoan Affairs brought Samoan independence and neutrality. After the death of King Laupepa in 1898, a series of conventions resulted in the annexation of Eastern Samoa to the United States, which became known as American Samoa and remains a U.S. territory. Germany took control of Western Samoa. In 1914, after the outbreak of war in Europe, New Zealand occupied Western Samoa and was granted a League of Nations mandate over the territory.

In December 1946, Samoa was placed under a UN trusteeship with New Zealand as administering authority. From 1947 to 1961, a series of constitutional advances brought Samoa from dependent status to self-government and finally to independence. The new constitution was approved in 1960; formal independence was achieved in 1961.

The government generally respects the human rights of its citizens. Some abuses

arise out of political discrimination against women and those who are not family heads. The constitution prohibits discrimination based on race, sex, religion, disability, language, or social status. However, women are often subject to discrimination. In addition, social custom tolerates their physical abuse at home. Victims of rape usually refrain from pressing charges because tradition and custom discourage them from reporting the crime.

Societal pressures and customary law sometimes interfere with the ability to conduct fair trials. There are also some restrictions on freedoms of speech, press, and religion. In particular, village councils

sometimes banish or punish families that do not adhere to the prevailing religious belief of the village.

The government has passed no legislation pertaining to the status of disabled persons or regarding accessibility for the disabled.

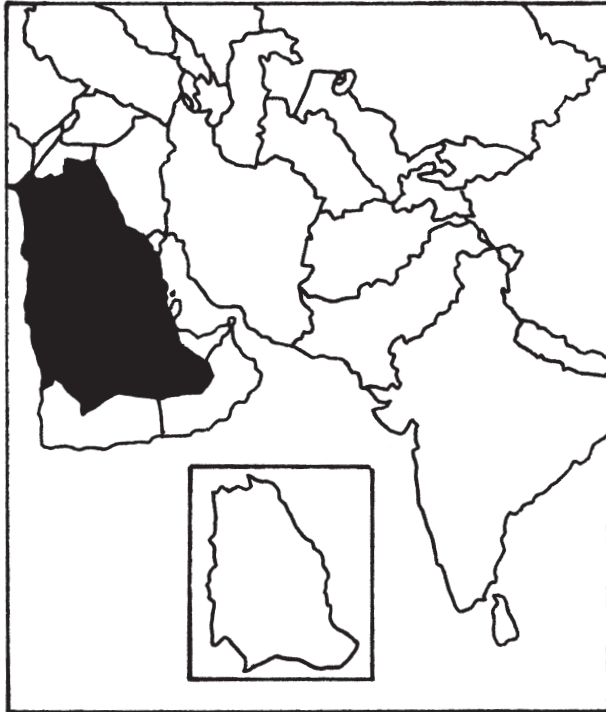
Human rights organizations operate with no interference by the government.

*Barbara and Michela Zonta*

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# Saudi Arabia



Saudi Arabia is located on the Arabian Peninsula and is bordered by Kuwait, Iraq, Jordan, Yemen, Oman, Qatar, and the United Arab Emirates. The capital is Riyadh. The population of Saudi Arabia is approximately 21 million, made up of Arabs (90 percent) and Afro-Asians (10 percent), nearly all of whom are Muslim. There are about 4 million foreign workers. The government is a monarchy ruled by King Fahd.

## BACKGROUND

Arabia was the birthplace of the prophet Mohammed, who was the founder and first leader of Islam. Mohammed, who lived in the early seventh century, was the first leader to unite the Arabian Peninsula. The

Arabian Peninsula became the site of Islam's two holiest sites: the cities of Mecca, where Mohammed first preached the new faith, and Medina, where he spent years in exile. After Mohammed's death, the peninsula was ruled by a succession of Islamic dynasties over the centuries.

In 1913, Ibn Saud led a revolt against the Ottoman Turks and retook part of the peninsula. With British support, he became the new ruler of the region, controlling most of the peninsula, with the exception of the southeastern coastal areas. Ibn Saud died in 1953, but the throne passed to members of his family.

Saudi Arabia is a vitally important member of the Muslim world. Visiting Mecca one is a sacred duty of all Muslims. Millions of Muslims make the pilgrimage every year.

Saudi Arabia gets most of its vast wealth from oil exports. The country is a leading member of the Organization of Petroleum Exporting Countries (OPEC). Saudi Arabia's oil profits, combined with its low population, give its people one of the higher per capita incomes in the world. Because of the benefits the government can afford to provide to the Saudi people as a result of this oil-based wealth, there has been relatively little resistance to the Saud family's autocratic rule.

## HUMAN RIGHTS

The Saudi government does not do a good job of protecting the human rights of its people. Thus the king of Saudi Arabia does not allow citizens to freely choose their own

government. There are also many other human rights problems in Saudi Arabia.

Saudi Arabia is also dependent on Islamic law as the foundation of its judicial system. Islamic law (called shari'ah), as interpreted by conservative Saudi Muslim clerics, greatly restricts the rights of Saudis, particularly those of Saudi women. By contrast, Iran, which also uses Islamic law as the basis for its legal system, has a more liberal interpretation of Koranic verses and law.

Beyond strict laws, Saudi security forces regularly abuse the rights of detainees and prisoners. Police are believed to use torture. The use of beatings and sleep deprivation is common. The government makes little effort to restrain the behavior of its security forces. Prisoners are usually brought to trial with reasonable speed, but the Saudi government provides few safeguards to insure against arbitrary and extended detentions. Human rights advocates believe that a number of people are unfairly detained for extended periods every year. In particular, those arrested for political reasons are often detained by the security forces for indefinite periods of time.

Saudi courts hand down the type of harsh punishments that most of the world considers human rights violations. Saudi criminals can be flogged, have a limb cut off, or be executed by beheading. In 1999, the Saudi government executed more than 100 people. Amputations are less common. In 1999, there were two reports of robbers having their right hands and left legs chopped off.

The independence of the judiciary is usually respected in practice but Saudi courts are uneven in their administration of justice. Members of the government, the royal family, their friends, and their associates are not required to appear before Saudi courts in most matters.

Saudi prisons meet international standards. Most prisoners are usually treated reasonably well, provided with good sanitation and sufficient food. However, human rights monitors are not allowed to visit Saudi prisons.

The Saudi government does not protect its people's right to privacy. Government officials open private mail, searching for illegal or subversive materials (including pornography or non-Muslim religious material). The government also employs informal spies, who report on private conversations.

There is no freedom of speech in Saudi Arabia. Saudis are not allowed to criticize the government, Islam, or the royal family. The press practices self-censorship and does not cover sensitive issues. Foreign journals are censored before being allowed into the country. The government controls radio, television, and Internet access and content. Academic freedom is also restricted.

The Saudis do not protect religious freedom. Islam is the official religion. No other religions are allowed to be established. Public non-Muslim religious activity is forbidden, and the government arrests many of those who try to violate this law. This is particularly difficult for Saudi Arabia's immigrant workers, especially the large group of Filipinos, who are mostly Catholic. Even Muslims are restricted in their right to worship freely. Saudi Arabia follows the Sunni branch of Islam, and so targets those Muslims who follow Islam's Shi'a branch. Shi'a Muslims have been arrested on slight pretexts and held in jail for lengthy periods of time. Also, Shi'a clerics have been attacked by ardent Sunni believers. In addition, Shi'a Muslims are discriminated against in employment.

There is ethnic discrimination in Saudi Arabia. In particular, as mentioned earlier, Saudi Arabia has a large population of im-

migrant workers who are subject to discrimination. They have few legal rights and are vulnerable to immediate expulsion for small crimes, including for practicing a religion other than Islam. With little government protection, workers also are vulnerable to physical abuse by their employers.

Women do not have their rights protected in Saudi Arabia. Women have no political rights. Women's testimony does not have equal weight in the legal system. It takes the testimony of two women to equal the weight of a man's testimony. Violence against women is common. Also, Saudi men can prevent their female relatives from leaving the country. Women are forbidden from working in many fields and make up only a small part of the workforce. Women must also wear clothes which hide their entire bodies from the gaze of men. Women must sit in separate areas in public places. Women are not allowed to drive cars.

Other than restricting the activity and freedom of girls, Saudi Arabia generally protects the rights of children.

The rights of the disabled are not completely protected, and not all facilities are accessible to those who are disabled. The government has, however, been working to increase awareness of the problems and needs of the disabled.

Saudi Arabia does not allow free access to international human rights monitors.

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# Senegal



The Republic of Senegal is situated in West Africa on the Atlantic Ocean, between Mali, Mauritania, Guinea, Guinea-Bissau, and Gambia. Dakar is the capital city. The country's population is approximately 10 million. Ethnic groups include Wolof (43 percent), Fulani and Toucouleur (23 percent), Serer (15 percent), Diola, Mandingo, and others (19 percent). In addition, about 50,000 Europeans (mostly French) and Lebanese reside in the country. French is the official language; however, most Senegalese speak one of Senegal's indigenous languages. About 92 percent of the population is Muslim, whereas the remainder are Christian (2 percent) or follow indigenous beliefs (6 percent).

## BACKGROUND

A French colony, Senegal achieved independence in 1960. The government is decentralized and divided into ten administrative regions, each headed by a governor appointed by and responsible to the president. There is also a 140-member unicameral National Assembly. The constitution provides for the independence of the judiciary.

The country's economy is largely based on agriculture, particularly on peanut production. However, farming production is not sufficient for the country's food needs. Fish products, phosphates, fertilizers, and tourism represent the major sources of foreign exchange. They account for about one-third of the gross domestic product (GDP). The per capita GDP is estimated at \$600 annually. In recent years, the government has been implementing a series of economic reforms to encourage private enterprise and foreign investment. Nevertheless, Senegal continues to rely heavily on international financial assistance.

Senegal maintains a high profile in many international organizations, including the United Nations (UN), and keeps good relations with other African countries.

## HUMAN RIGHTS

The human rights record has significantly improved in recent years. However, problems persist in some areas. Citizens cannot fully exercise their right to change the government. The Socialist Party continues to dominate the political life, with the last parliamentary elections in 1998 being ham-

Refugees build a traditional straw hut, August 1989.

pered by fraud, irregularities, and flaws in the system. There were also several violent incidents related to the elections.

Soldiers of the secessionist Movement of Democratic Forces of the southern Casamance region continue to commit human rights abuses, including killings, beatings, and other acts of violence against civilians. The government forces, in the course of violent clashes with the insurgents, also were reportedly responsible for civilian deaths.

The security forces are reported to beat and torture suspects during questioning and pretrial detention. In addition, the authorities at times violate constitutional provisions prohibiting arbitrary arrest and detention. Pretrial detentions are lengthy,

with an average of two years passing between the charging phase and trial.

The judiciary is subjected to the influence of the executive and external pressures, due to their low salaries and insufficient resources. Prison conditions are poor, with overcrowding and inadequate nutrition and health care being the major problems.

Freedoms of speech and the press are generally respected. Magazines, newspapers, and radio stations are owned privately and operated independently. The only television station is owned by the government. On occasion, the authorities restrict freedom of assembly by denying authorization for public demonstrations organized by unions or political parties.

Antidiscrimination laws are not enforced, especially those that are supposed to protect women. Women continue to be underrepresented in government, political life, and business. Discrimination against women is particularly evident in rural areas where Islamic and traditional customs are strong. These traditions confine women to traditional roles. In addition, women have limited educational opportunities.

Violence against women, including domestic violence, is widespread. However, most cases go unreported and generally the police do not intervene in domestic disputes. Child abuse is also a problem. In particular, female genital mutilation is still practiced in rural areas. In January 2000, the government banned the practice.

The government cooperates with the United Nations High Commissioner for Refugees and provides assistance to refugees and asylum seekers from other countries.

Several human rights groups operate freely in the country and publish their findings on human rights cases. The government is generally very receptive to their views.

*Barbara and Michela Zonta*

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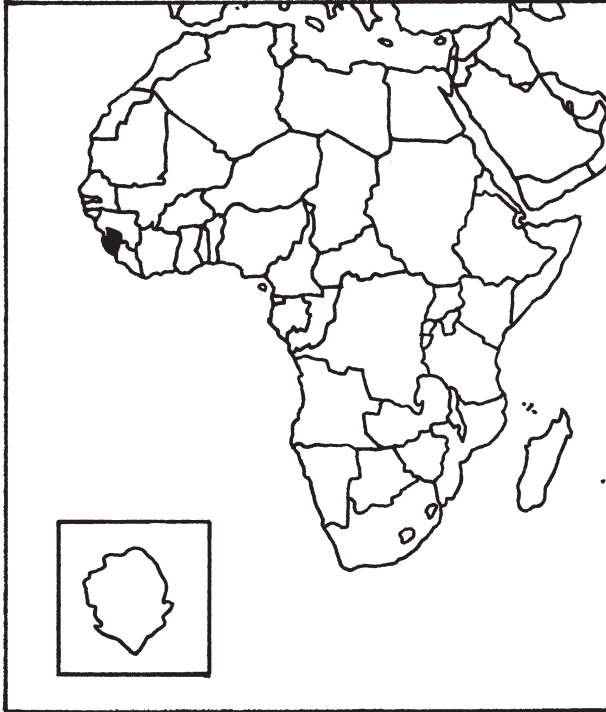
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# Sierra Leone



The Republic of Sierra Leone is situated in West Africa, bordering the Atlantic Ocean, between Guinea and Liberia. Freetown is the capital city. The country's population is approximately 5 million. Ethnic groups include about twenty African ethnicities (90 percent), Creoles, refugees from Liberia's recent civil war, and small percentages of Europeans, Lebanese, Pakistanis, and Indians. English is the official language, although only a literate minority speaks it. All ethnic groups speak distinct primary languages and many use Krio, an English-based Creole, as their second language. About 60 percent of the population is Muslim, whereas the remainder professes traditional beliefs (30 percent) and Christianity (10 percent).

## BACKGROUND

A British colony, Sierra Leone achieved independence in 1961 and established a parliamentary system of government while staying within the Commonwealth (formerly the British Commonwealth of Nations). Despite democratic beginnings, its recent history was characterized by a succession of military coups. In 1997, the democratically elected government of President Ahmad Tejan Kabbah was overthrown by members of the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF), who established a junta rule. However, in 1998, the AFRC and RUF were defeated by the Economic Community of West African States Cease-Fire Monitoring Group (ECOMOG), with a strong Nigerian contingent, which suppressed the rebellion and planned the return of a democratic government.

The next two years were chaotic. A democratic government was reestablished, but RUF guerrillas continued to operate, savagely attacking their opponents and innocent bystanders alike. The intervention of United Nations (UN) troops, backed by a British military unit, helped to push the RUF out of the cities, but did not destroy it entirely. At present, the situation has not stabilized.

Sierra Leone is a constitutional democracy with a unicameral legislature. The president is both the head of state and head of government. He appoints the ministers of the cabinet with the approval of the House of Representatives. The latter holds the legislative power, and its eighty seats are dis-

Rebels chop off the hands and limbs of innocent civilians, April 1999.

tributed proportionally among sixty-eight party representatives elected by popular vote and twelve paramount chiefs elected in separate elections. The judicial system is based on English common law and customary laws. In theory, the judiciary is independent, but it is not necessarily so in reality.

Most of Sierra Leone's governmental structure is haphazard. The years of fighting, and the ongoing threat of guerrilla attacks, have left in place a government bureaucracy that barely functions.

Sierra Leone remains a very poor country. Most of the population is engaged in subsistence agriculture, and the light manufacturing sector focuses primarily on the processing of raw materials. The junta period, from May 1997 to February 1998, led

to UN sanctions, and the continued civil strife has brought normal extraction of raw materials and agricultural production almost to a complete halt. The government's budget relies heavily on foreign assistance to reconstruct the economy and rebuild schools, hospitals, roads, and bridges that were damaged or destroyed in the conflict.

Sierra Leone is a member of a number of African and international organizations, including the UN and its specialized agencies; the Commonwealth; the Organization of African Unity; and the Non-aligned Movement.

## HUMAN RIGHTS

The country's human rights record continues to be poor in most areas. Members of

the security forces and Civil Defense Forces (CDF) continue to kill, torture, and beat suspected rebels or collaborators of the ARFC and RUF.

On the other hand, the ARFC and RUF forces continue to commit even more serious abuses, including mass killings, rape, mutilations, destruction of property, kidnapping, and other brutal assaults against civilians, political opponents, and members of non-governmental and humanitarian organizations, including employees of the International Committee of the Red Cross. There were reports of civilians decapitated, burned alive, or wounded with machetes. During the spring of 2000, journalists in Sierra Leone took photographs of men, women, and children whose hands had been hacked off by the rebels. No reason was given in many cases for these acts of violence. Other reports highlight villagers, missionaries, and aid workers being abducted and forced into labor, women being forced into sex slavery, and young boys being recruited as child soldiers. The rebel campaign known as "Operation No Living Thing" has resulted in the internal displacement of thousands of people. In addition, hundreds of thousands of people have crossed the borders into Guinea and Liberia to escape the conflict.

Due to the civil conflict, the judicial system has not been functioning in many parts of the country, with the government forces arresting and detaining without formal charge persons suspected of collaborating with the rebels. The shortage of judicial officers and facilities is causing long pretrial detentions.

Prison conditions are harsh and life-threatening. Overcrowding, inadequate nutrition, poor sanitation, and almost non-existent health care are reported as major problems.

Journalists and human rights activists have been targeted by the rebel forces and a number have been wounded and killed. The government has become increasingly restrictive in regard to the press and security-related issues.

Due to a low literacy rate and the high cost of newspapers and television, the radio remains the most popular means of public information. There are several private and state radio stations covering a variety of political viewpoints. Although the government respects academic freedom, most higher education institutions have been destroyed by the civil conflict.

The constitution prohibits discrimination based on ethnicity, sex or gender; however, members of minority groups face discrimination in government, business, and the military. In addition, residents of non-African descent, notably the Lebanese community, are restricted in their right to obtain citizenship.

Women are discriminated against in education, employment, health facilities, and social freedom. Women's rights and status vary according to the customary laws of each ethnic group, but are generally low. Violence against women, including spousal abuse, is common. However, police rarely intervene in domestic disputes. Prostitution is on the rise because of an increased displacement of women from their homes. Female genital mutilation is widely practiced.

The government is committed to children's welfare, but currently the resources to provide basic education and health care are insufficient. Child labor and recruitment by the military forces are serious problems. In particular, rebels forces have been forcing young boys into involuntary servitude as soldiers and young girls into sexual slavery.

The ability of citizens to move about within the country is restricted for security reasons. The government cooperates with the United Nations High Commissioner for Refugees on repatriation and asylum matters.

There are several domestic and international human rights organizations operating in the country. The government is usually cooperative and responsive to their views.

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# Singapore



The Republic of Singapore is a group of islands in Southeast Asia, between Malaysia and Indonesia—the most important of these, the island of Singapore, contains 90 percent of Singapore’s land area and lies just across from the Malay Peninsula. Singapore is the capital city. Singapore’s population was estimated at 3.5 million in 1999 and consists of Chinese (76.4 percent), Malays (14.9 percent), Indians (6.4 percent), and other ethnic groups (2.3 percent). Buddhism, Islam, Christianity, Hinduism, Taoism, and Confucianism are among the religions practiced throughout the country. Chinese, Malay, Tamil, and English are the official languages.

## BACKGROUND

Singapore has an open, free-market economy, based on strong service and manufacturing sectors and excellent international trading links derived from its history as a trade center. Although Singapore faced the Asian financial crisis better than its neighbors, it suffers from serious financial problems resulting from rising labor costs as well as the strength of the Singapore dollar relative to its neighbors’ currencies. The government has made a variety of efforts to address this labor cost problem, including cutting costs, increasing productivity, improving infrastructure, and encouraging high value-added industries.

Singapore is a parliamentary republic. The executive branch of the government consists of the president and the prime minister. A unicameral, eighty-three-member Parliament constitutes the legislative branch, whereas the judiciary consists of a Supreme Court, the Court of Appeals, and a number of subordinate courts. Singapore’s democracy is limited in practice by the fact that the ruling party has won all elections since 1959. Voting is not rigged, but some critics charge that the government uses various techniques, such as defamation suits, to prevent opposition parties and others from making public their concerns.

Singapore was little known to the West until 1819, when Sir Thomas Stamford Raffles arrived as an agent of the British East India Company. In 1867, the Straits Settlements (Singapore, Penang, and Malacca)

became a British Crown colony. The Japanese captured the island of Singapore in 1942, but the British eventually recaptured it in 1945. Singapore remained a British colony until 1946, when the Straits Settlements was dissolved. In 1959, Singapore became self-governing, and, in 1963, it joined the newly independent Federation of Malaya, Sabah, and Sarawak to form Malaysia. After a period of friction between Singapore and the central government in Kuala Lumpur, Singapore separated from Malaysia on August 9, 1965, and became an independent republic.

## HUMAN RIGHTS

The government generally respects the human rights of its citizens, but there are still problems in some areas.

The constitution prohibits torture. However, the police occasionally mistreat detainees by depriving them of sleep, interrogating them in cold rooms where the prisoners may be stripped of their clothes and doused with water.

The government authorities sometimes use their discretionary powers to infringe on citizens' privacy rights. Although the police must have a warrant in order to conduct a search, they may search a person, home, or property without a warrant if they decide that such a search is necessary to obtain evidence.

The constitution provides for freedoms of speech and expression. However, there are official restrictions on these rights. In practice, the government restricts freedoms of speech and of the press and intimidates journalists into practicing self-censorship. The government may prohibit or place conditions on publications that incite violence, that counsel disobedience to the law, that might arouse tensions among the various

racial, religious, and language groups, or that might threaten national interests, national security, or public order. The government routinely uses these laws to discourage political opposition and criticism. Newspapers printed in Malaysia may not be imported. The Singapore Broadcasting Authority (SBA) develops censorship standards for the broadcasting industry as well as for the Internet.

The constitution grants citizens the rights to peaceful assembly and association but permits Parliament to impose restrictions "as it considers necessary or expedient" in the interest of national security, thus the government restricts these rights in practice. The government closely monitors political gatherings, regardless of the number of persons present. Most associations, societies, clubs, religious groups, and other organizations with more than ten members must be registered with the government under the Societies Act. In 1999, a leader of the opposition party claimed that the public speaking permits he requested were denied. When he attempted to hold meetings in 1998 and 1999, he was fined and jailed for lack of a permit.

The constitution provides for freedom of religion, and the government generally respects this right in practice, although it bans some religious groups. In particular, it banned Jehovah's Witnesses in 1972 and the Unification Church in 1982. The government does not tolerate any speech or action, including religious speech or action, that may affect racial or religious harmony. The government forbids what it deems to be "inappropriate involvement" of religious groups in political affairs.

The constitution provides citizens with the right to change their government peacefully through democratic means. However, the People's Action Party (PAP), which has

held power continuously for over four decades, uses the government's extensive powers to place significant obstacles in the path of political opponents. In particular, the PAP uses patronage, political control of the press and the courts, restrictions on opposition political activities, and its complete control of the political process to maintain its power.

Women have the same legal rights as men in most areas, although few hold leadership positions. Violence against women does occur, but is generally prosecuted by the authorities.

There are no non-governmental organizations, with the exception of the opposition political parties, that actively and openly monitor alleged human rights violations.

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# Slovakia



The Slovak Republic (also known as Slovakia) is in central Europe, south of Poland. Bratislava is the capital. Slovakia's population, which was estimated 5.4 million in 1999, comprises the following ethnic groups: Slovak (85.7 percent), Hungarian (10.7 percent), Roma (1.5 percent), and Czech (1 percent). Over 60 percent of the population practices Roman Catholicism; the rest of the population is atheist (9.7 percent), Protestant (8.4 percent), Eastern Orthodox (4.1 percent), or practices other religions (17.5 percent). Slovak is the official language, although Hungarian is also widely spoken.

Slovakia is a parliamentary democracy. The president, the prime minister, and the cabinet represent the executive branch of the government, while the legislative branch consists of the unicameral Nation-

al Council of the Slovak Republic. The Supreme Court and the Constitutional Court form the judiciary.

Slovakia's history has been marked by centuries of foreign rule, mainly by Hungary. In 1918, it joined with its neighbors to form the new nation of Czechoslovakia. After World War II, Czechoslovakia became a communist nation within Soviet-ruled Eastern Europe. When Soviet Union collapsed in 1989, Czechoslovakia became an independent country once again. The Slovaks and the Czechs eventually separated peacefully on January 1, 1993.

Slovakia has experienced a great deal of difficulty in its transition from a centrally controlled economy to a modern free-market oriented economy. Its gross domestic product (GDP) growth has been slow; the budget and current account deficits are too large; external debt is growing uncomfortably fast; unemployment is high and rising; corrupt insider deals persist; and demand is weakening for Slovakia's key exports. The government has been trying to address these problems by trying to join the Organization for Economic Cooperation and Development and European Union; cutting government wage and infrastructure spending; boosting some taxes and regulated prices; expanding privatization to companies formerly considered strategic; restructuring the financial section; encouraging foreign investment; and reenergizing the social partnership with labor and employers.

The government generally respects most of the human rights of its citizens.

Among the violations that continue to be reported are police brutality and neo-Nazi skin-



An abandoned Roma girl who suffers from a skin disorder, September 1994.

head violence against Roma. The Roma, who represent the second largest ethnic minority in the country, suffer from high levels of poverty and face significant societal discrimination in employment, housing, and the administration of state services. Some anti-Semitic incidents occur at times, and some discrimination against the Hungarian minority appears to persist. Discrimination and violence against women, particularly sexual violence, and the abuse of children also represent serious and underreported problems. Among the most frequent crimes committed against children are nonpayment of child support, sexual violence, drug abuse, and beatings.

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases.

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# Slovenia



The Republic of Slovenia is located in southeastern Europe, near the Eastern Alps. It borders the Adriatic Sea, Italy, Hungary, Austria, and Croatia. Ljubljana is the capital city. The population, which was estimated at nearly 2 million in 1999, comprises Slovenes (91 percent), Croats (3 percent), Serbs (2 percent), Muslims (1 percent), and other ethnic groups (3 percent). Slovenian is the official language, although 6 percent of the population speaks Serbo-Croatian. The majority of the population practices Roman Catholicism. Other religions include Lutheranism and Islam, and 4 percent of the population is atheist.

Slovenia is a parliamentary democracy. The president (the head of state) represents the executive branch of the government, while a unicameral legislature makes up

the legislative branch. The Constitutional Court, several regular courts, and the Supreme Court form the judiciary.

The history of Slovenia is marked by centuries of foreign rule, particularly by Bavarian dukes and the Republic of Venice. Its territory was part of the Hapsburg Empire from the fourteenth century until 1918, when it joined with other southern Slav states in forming the Kingdom of Serbs, Croats, and Slovenes—later renamed the Kingdom of Yugoslavia. Yugoslavia fell to the Axis powers during World War II. After communist resistance to German and Italian occupation, it became a communist country under the leadership of Josip Broz, known as Tito. During the communist era, Slovenia became Yugoslavia's most prosperous republic. After Tito's death, Slovenia underwent a flowering of democracy. The Republic of Slovenia declared its independence on June 25, 1991.

Since independence, Slovenia has pursued economic stabilization and further political openness. Slovenia has one of the highest per capita gross domestic products (GDPs) of all the economies of the region. It also exhibits fairly moderate inflation and a comfortable level of international reserves. Industry (mid- to high-tech manufacturers) and construction comprise more than one third of its GDP, and services—particularly financial services—make up an increasing share of output (60 percent).

Slovenia is a member of the United Nations, a participant in the Stabilization Force deployment in Bosnia, and a charter World Trade Organization member.

The government respects the human rights of its citizens, and the law and judiciary provide adequate means of dealing with individual instances of abuse. Violence against women occurs but is prosecuted by the authorities. The rights of children are also protected. Legally, there is no discrimination allowed against the disabled. In practice, not all facilities are accessible to the disabled, but the government is working to improve this situation.

Independent human rights monitoring groups promote respect for human rights

and freedoms and freely investigate complaints about violations.

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# Solomon Islands



The Solomon Islands are situated in the southwest Pacific, east of New Guinea, and include hundreds of small islands. Honiara (or Guadalcanal) is the capital city. Three major ethnic groups comprise the population of approximately 455,000: Melanesian (93 percent), Polynesian (4 percent), and Micronesian (1.5 percent). English is the official language; however, about 90 local languages, including Solomon Islands pidgin, are spoken as well. About 93 percent of the population is Christian, with the five major creeds being Anglican (34.7 percent), Roman Catholic (19 percent), Baptist (17 percent), Methodist (11 percent), and Seventh-Day Adventist (10 percent).

A British protectorate, in 1978 the Solomon Islands became an independent country within the Commonwealth.

The country is a parliamentary democracy. The British monarch, Queen Elizabeth II, is the head of state, and is represented by a governor general. The prime minister, who is elected by the Parliament, holds the executive power together with the governor general. The unicameral Parliament represents the legislative power. The judiciary is independent.

The majority of the population is engaged in subsistence farming and fishing. A major activity on the islands is export of tropical timber. However, due a drastic drop in demand in 1998 following Asia's economic troubles, 50 percent of the workers have lost their jobs. Moreover, civil service employment, which accounts for 37.5 percent of all jobs for the workforce, has been reduced by 5 percent.

The constitution provides for the fundamental human rights, and the authorities enforce these provisions in practice, with some exceptions. Ethnic conflict in Guadalcanal in 1999 led to a state of emergency, several deaths, kidnappings, and 23,000 people leaving the area. The four-month-long state of emergency extended the powers of the police and limited the rights of free press and freedom of association. The police were given extensive arrest and search powers and were responsible for at least two extrajudicial killings.

There have been other reports of excessive use of force by the police. Prison conditions meet minimum international

standards. A new facility that was supposed to be available by 1997 remains unfinished due to lack of funds.

The government has granted first asylum to refugees from Papua New Guinea's Bougainville Island since the 1989 conflict began there. However, the majority of refugees returned home following the peace settlement of 1998.

The role of women in the Solomon Islands is still very limited because of a traditional male dominance. In 1997, only one of the fourteen women running for congress was elected. Spousal abuse is common, but charges are rarely filed. Women are usually illiterate and unaware of their rights. In addition, the high unemployment rate has prevented women from having a more active role in economic and political life. The National Council of Women and the government's Women Development Division are trying to improve women's status in the Solomon Islands.

Although the government is committed to children's welfare in education and health, a lack of funds has limited the implementation of this commitment in practice.

The constitution does not specifically address the rights of the disabled. They are usually left in the care of their families and to the initiative of a few private organizations. The Solomon Islands Red Cross is currently raising funds to build a center for children with disabilities.

In 1999, the government permitted prison visits from human rights monitors, such as Amnesty International.

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# Somalia



Somalia is a country situated in eastern Africa, bordering the Gulf of Aden and the Indian Ocean, and situated to the east of Ethiopia. Mogadishu is the capital city. The country's population is estimated at 7 million. Major ethnic groups include Somali (85 percent) and Bantu and Arabs (15 percent). In addition, approximately 2,000 Italians and 1,000 Indians and Pakistanis reside in the country. About 99 percent of the population is Sunni Muslim. Somali is the official language, although Arabic, Italian, and English are widely spoken as well.

## BACKGROUND

During the European conquests of Africa, Somalia was divided into two parts and ruled separately by the British and the Ital-

ians. Somalia achieved independence from the United Kingdom in June 1960 and from the Italian-administered United Nations (UN) trusteeship in July 1960. The two halves then merged, and the Republic of Somalia was formed and a constitution adopted in June 1961. However, during the post-independence period, clan loyalties and regional interests disrupted the process of creating a party-based constitutional democracy, which ended abruptly with a military coup led by Major General Muhammad Siad Barre in October 1969.

Siad Barre became the president of the Supreme Revolutionary Council, establishing a socialist dictatorship with close ideological and economic dependence on the Soviet Union. This cooperation lasted until the 1977 Ogaden War between Somali forces and Ethiopia, during which the Soviets switched their support to Ethiopia. Somalia was then forced to look to the West for military and economic aid.

Within Somalia, insurgencies hostile to Barre developed in the northeast and northwest regions. By 1990, the political and economic situation was so precarious that the government collapsed. Siad Barre and forces loyal to him fled the country. Subsequently, military leaders of the various organized factions took control of Somalia and started a series of small wars with one another. The resulting chaos and loss of life, with hundreds of thousands of Somali fleeing their homes, forced the international community to intervene. A massive famine was under way in Somalia, and without intervention many thousands of Somalis were likely to die. Consequently in

Italian United Nations troops on patrol, July 1993.

1992, the UN and other nations launched Operation Restore Hope, followed by the United Nations Operations in Somalia (UNOSOM). These operations eventually collapsed into failure as UN forces, even backed by troops from the United States, were unable to stop the endemic clan warfare. Foreign troops withdrew, leaving Somalia in chaos.

At present, Somalia has no central government or judicial system. The political situation continues to be characterized by anarchy and interclan fighting. Some form of orderly government has been established in the northwest regions, formerly British Somaliland, which claims independence and international recognition. In the south, however, as many as thirty factions vie for

some degree of authority in the rest of the country. International efforts to forge a peace accord have not produced significant results.

Somalia remains one of the world's poorest and least-developed countries, with few natural resources and a small industrial sector. Moreover, the economy has been devastated by the civil war. Agriculture remains the most important sector, with livestock accounting for about 65 percent of export earnings. Most facilities have been shut down because of the civil strife, resulting in a lack of employment opportunities and increased poverty. The country relies heavily on foreign economic assistance from organizations such as the European Community and the World Bank.

## HUMAN RIGHTS

The human rights record is extremely poor, and the essential problem remains the lack of political rights in the absence of a central government. Many civilians continue to be killed as a result of fighting among various clan factions. Arbitrary arrest, hostage taking, kidnapping, torture, and rape often result from the actions of clan militias. Many political prisoners have been killed. About 40 percent of the population has been displaced as a result of the civil war.

In the absence of constitutional or other legal protections, mostly Islamic or local traditional courts operate throughout the country, often denying citizens their basic rights. Many people have been summarily executed by these courts.

Prison conditions vary by region. However, according to international relief agencies, they remain life threatening in many locations.

Each regional faction controls the print media in its area. Freedom of the press is very limited. Journalists avoid criticizing clan leaders or their followers. Most citizens obtain news chiefly from the BBC.

Religious freedom is restricted and largely controlled by Islamic local administrations, which exercise social pressure to respect Islamic traditions. A few Christian international relief organizations operate without interference, although they are prohibited from proselytizing.

Women continue to face societal discrimination. In addition, violence against women is widespread. Women have no political power. Female genital mutilation is practiced almost everywhere in the country.

Children remain the chief victims of the civil strife and continuing violence. School attendance is minimal and the higher education system is not organized. The result is an estimated total illiteracy rate of more than

75 percent. Young boys are recruited by various militias and by marauding gangs.

Members of minority groups living in an area controlled by a different clan are generally subject to discrimination in employment and public services. They are occasionally harassed, intimidated, and forced to work for local gunmen.

Freedom of movement is restricted in most parts of the country by checkpoints controlled by militias loyal to one clan or faction. Most Somalis do not have official documents allowing them to travel abroad. Many people continue to flee, without official papers, to neighboring countries. However, in the past two years, security conditions have improved in some areas, allowing Somali refugees and displaced people to return to their homes. The United Nations High Commissioner for Refugees has been facilitating the repatriation process of thousands of Somali refugees who had fled to Ethiopia.

Several local human rights non-governmental organizations are active in the country, however with some limitations. Amnesty International has been permitted to visit some regions and conduct seminars on human rights. In 1998, the Red Cross had to evacuate its staff from Somalia following attacks and the kidnapping of ten of its workers.

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# South Africa



The Republic of South Africa is situated in the southern tip of Africa, bounded on the north by Namibia, Botswana, and Zimbabwe, and on the northeast by Mozambique and Swaziland. Pretoria is the capital city. The country's population of approximately 42 million is ethnically diverse. It comprises Africans (about 75 percent), who are divided in a number of different ethnic subgroups; whites (about 14 percent), who are descendants of Dutch, French, English, and German settlers; coloreds (about 9 percent), who are mixed-race peoples, whose ancestors were the earliest settlers and indigenous people; and, finally, Asian Indians (about 2 percent), who are concentrated in the KwaZulu state and are descendants of Indian workers brought to South Africa in the mid-nineteenth century.

The eleven official languages are Afrikaans, English, Ndebele, Pedi, Sotho, Swazi, Tsonga, Tswana, Venda, Xhosa, and Zulu. Predominantly Christian, South Africans also follow traditional beliefs, Hinduism, Islam, and Judaism.

## BACKGROUND

Since 1994, a new era has begun in the history of South Africa. The country's first non-racial elections, held on April 26–29, 1994, ended the system of white dominion and racial separation known as "apartheid." Nelson Mandela, leader of the African National Congress (ANC), was elected president. A new constitution came into effect on February 3, 1997.

Following the June 1999 national elections, Thabo Mbeki replaced Nelson Mandela as president.

The president is the chief of state and holds the executive power. The legislative power is shared by a bicameral Parliament, composed of the National Assembly (400 members) elected by a system of proportional representation, and the National Council of Provinces, consisting of delegates from nine provinces. In the 1999 elections, the ANC won the majority of seats in the National Assembly.

The constitution provides for the independence of the judiciary system.

South Africa has a productive and diversified economy based primarily on manufacturing, mining, and agriculture. However, its economy shares many characteristics of developing countries, including a division of labor between the formal

Black protestors arrested for the crime of demanding an end to white control of government, 1992.

and the informal sectors, and a starkly uneven distribution of wealth among the population. The latter is particularly evident in the income disparities between urban and rural citizens, and between whites and blacks. Nevertheless, in the past several years, the transition to increasingly democratic government policies has positively affected economic growth, including the creation of new jobs, better opportunities in education, the integration of business into the international system, and the acceleration of liberal trade facilitated by both domestic and foreign investment. The unemployment rate is officially estimated at approximately 30 percent, and most of the unemployed are black South Africans. However, the latter are increasingly gaining access to upper-level management positions, including those in the enterprise sector and the media.

After the April 1994 elections, the sanctions imposed by the international community during the apartheid era were lifted, and South Africa emerged from isolation. In June 1994, South Africa rejoined the Commonwealth and the United Nations. It also joined the Organization for African Unity.

## HUMAN RIGHTS

The constitution guarantees all fundamental human rights to South African citizens, including equality before the law and prohibits discrimination. The government generally respects these provisions in practice. However, a few problems persist in some areas.

Members of the security forces continue to commit human rights abuses in the forms of excessive use of force during ar-

rest, torture, and mistreatment of detainees. There were numerous reports of deaths that were caused by police action or that occurred while prisoners were in police custody. In some cases, the government has investigated and punished the perpetrators of these abuses.

In some areas, especially the KwaZulu, political violence and tension remain high, resulting in hundreds of extrajudicial killings. In KwaZulu, the violence is primarily a result of friction between Zulu extremists and supporters of the ANC Party.

The murder of white farm families by black assailants is also a problem and has received considerable media attention. These murders are a result of the extreme income disparity between whites and blacks, as well as a legacy of the apartheid era when police spent more time enforcing racial discrimination than trying to prevent crimes. The high incidence of common crimes and organized criminal activity represents a grave public concern, often resulting in vigilante action and mob justice. The South African police have, however, made some small improvements in their ability to deal with their country's high crime rate.

The judiciary system is understaffed, underfunded, and overburdened. Consequently, in some cases, pretrial detention can extend for up to two years. Prisons are seriously overcrowded. Occasionally, juveniles awaiting trial are imprisoned with adult inmates.

The constitution provides for freedoms of speech and the press, and the government respects these freedoms in practice. However, several laws remain in effect that allow the government to force journalists to reveal their sources and to limit the publication of information regarding the security forces, prison conditions, and mental institutions.

The rights to peaceful assembly and association, including the right to form trade unions and to strike, are respected.

Although there are legal and constitutional protections against discrimination based on sex, women continue to be subject to customs and traditions that prevent them from fully enjoying their civil rights. In addition, violence against women is a serious problem and includes rape, battery, assault, and domestic violence. The unwillingness of police to enforce current legislation on marital rape often discourages women from pressing complaints of spousal abuse.

The government is committed to children's welfare, including education, health, and basic needs. However, the demand for such services far exceeds the resources available. Violence against children is widespread. Female genital mutilation is still practiced in some rural areas. Child prostitution has become increasingly common in urban areas.

Although the constitution prohibits discrimination on the basis of disability, the disabled continue to face discrimination in employment, both in the public and private sectors. In addition, constitutional provisions mandating accessibility to public buildings and transportation for persons with disabilities are rarely enforced.

South Africans have freedom of movement within the country and can freely travel abroad, as well as emigrate and repatriate. The government addresses refugee and asylum status issues in accordance with the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. It also cooperates with the United Nations High Commissioner for Refugees in assisting refugees and in providing first asylum. In recent years, the increased number of illegal immigrants

occasionally resulted in wrongful deportations of legal aliens.

There are several human rights groups conducting investigations and publishing their findings without any governmental restriction. The Human Rights Commission was created by the government to promote and enforce fundamental human rights throughout the country. It has the power to conduct investigations, issue subpoenas, and hear testimony under oath.

The Truth and Reconciliation Commission, formed in 1996 and chaired by 1984 Nobel Peace Prize winner Archbishop Desmond Tutu, is empowered to investigate human rights abuses that occurred

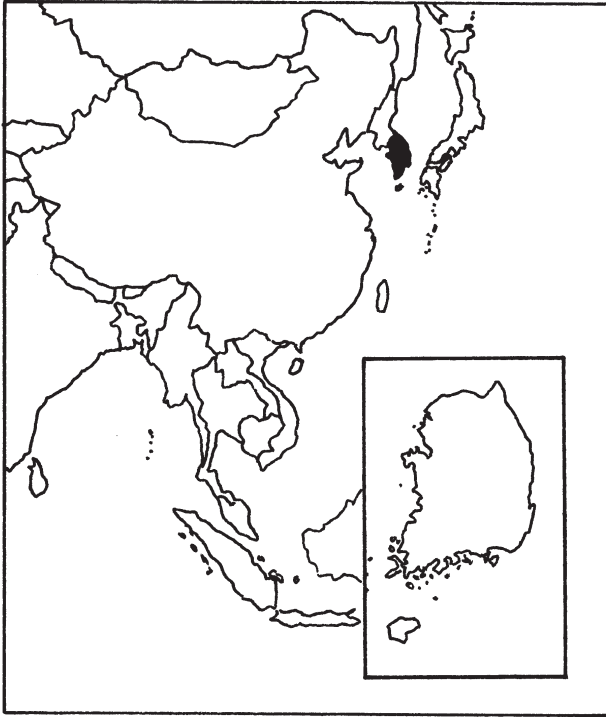
during the apartheid era, and to grant amnesty for full disclosure of politically motivated crimes. It also attempts to gain compensation for victims of these abuses.

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# South Korea



South Korea is located on a peninsula in eastern Asia. The Korean Peninsula is home to two nations with different political and economic systems. The Republic of Korea is located on the south side of the peninsula and the Democratic People's Republic of Korea, on the north. The Koreans are one people who have shared long history and culture. South Korea has approximately 47 million people, almost all of whom are ethnically Korean. The gross national product per capita surpassed the \$10,000 mark in 1996.

The 1948 Korean constitution declares that the national sovereignty lies with the people and guarantees basic human rights. According to the constitution, Korea values liberal democracy, the rule of law, a welfare state, and international peace and declares

peaceful reunification to be its "historical mission." The president, elected directly by the people, is the head of the nation as well as of the executive branch. The National Assembly, which is the legislative branch, is composed of one house, made up of approximately 300 members directly elected by the people.

## BACKGROUND

Imperial Japan conquered Korea in the early 1900s and controlled it until 1945, when Japan's defeat in World War II gave Korea its freedom. However, the Korean Peninsula was divided by the 38th parallel, the north of which was controlled by the Union of Soviet Socialist Republics (USSR, or the Soviet Union), and the south by the United States. This division led to the creation of two separate Koreas, one capitalist and semi-democratic, the other a communist dictatorship. The conflict between the two resulted in the bloody Korean War (1950–1953), which did nothing to unify Korea but left many hundreds of thousands dead.

In South Korea, the strongman Lee Seung Man's regime was replaced, after a coup, by one led by General Park Jung Hee in 1961. This military despotism lasted for thirty-two years. In the name of economic growth, the military regime limited people's human rights and freedoms with the help of the army and the secret police. The military regime came to an end in June 1987 with the rise of a nationwide democratic movement. After 1987, South Korea gradually became democratic.

Kim Dae Jung, an opposition leader who suffered from political oppression during the military rule, won the 1997 presidential elections. President Kim assumed the task of enhancing democracy and human rights. South Korea today is much more respectful of human rights than it was only a dozen years ago.

## HUMAN RIGHTS

The South Korean constitution protects human rights and generally the government respects and abides by its provisions. There are, however, a number of problem areas.

Since the end of military rule, oppression of individual liberty has decreased. Although there is no sign that capital punishment is likely to be abolished, death sentences are decreasing in number. There are no reports of terror or kidnappings being committed by the secret police. It has been several years since a demonstrator was killed by the police.

South Korea has ratified the international Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1995. Nevertheless, there are reports of police keeping criminal suspects awake for long periods of time, using physical or verbal abuse, and practicing intimidation. Students arrested during demonstrations and workers arrested during strikes are subject to harsh and insulting treatment by the police. From 1993 to 1998, there were 1,353 cases of citizens suing officials for violence, confinement, and torture. Public prosecutors chose to indict police officers in only a small percentage of these cases.

Prison conditions remain less than ideal. Prison rules concerning visits, exercise, and discipline are harsh.

Free speech and free assembly are allowed but restricted. Every demonstration requires permission from the police chief.

South Koreans have a right to privacy. Currently, it is only possible to tap phones with a warrant issued by a judge. Security agencies legally tap 6,000 to 7,000 phones a year, but some human rights groups are of the opinion that there are far more illegitimate tapings. Koreans are issued an identification card when they reach the age of seventeen. Along with personal information, citizens must file their fingerprints, which the police store in digital form.

The government supports rights for the disabled in theory, but in practice the disabled face discrimination and limitations on their ability to lead a decent life. Facilities specifically for the convenience and accessibility of the disabled are rare: only 37 percent of public buildings are equipped with such facilities.

The Korean constitution and labor laws protect workers' rights. South Korea became a member of International Labor Organization in 1991. There have been no reports of compulsory or child labor. A minimum wage system is in place, and the work week is limited to forty-four hours.

Female workers have to tolerate bad labor conditions and discrimination in the work place. Discrimination toward women in all areas of life is common. Because of traditions giving women second-class status, women have little chance of reaching the upper ranks in business or political life.

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# Spain



The Kingdom of Spain is situated on the Iberian Peninsula in southwestern Europe, between the Atlantic Ocean and the Mediterranean Sea. It is bounded on the north by France and on the west by Portugal. Madrid is the capital city. Spain has a population of approximately 40 million. Ethnic groups include Spanish, Basques, Catalans, and Gallegos. The official language is Spanish, although Catalan, Galician, and Basque are spoken as well. The vast majority of the population are members of the Roman Catholic Church.

## BACKGROUND

From 1939 to 1975, Spain was ruled by the dictatorship of General Francisco Franco. During World War II, Spain remained neu-

tral, although it had pro-Axis sympathies. In 1955, Spain became a member of the United Nations. Upon Franco's death in 1975, Prince Juan Carlos, who was designated Franco's heir, became king of Spain. In 1977, a constitutional monarchy was proclaimed, and liberal elections followed shortly afterward. The 1978 constitution issued by the newly elected Parliament is still in force.

The king is the head of state. The president, who is chief executive and head of government, and the cabinet (Council of Ministers) make up the executive branch. A bicameral Parliament represents the legislative power. The judiciary is independent. In practice, Spain has a healthy and functioning democratic system.

Spain has a market-based economy, which relies primarily on private enterprise. In 1998, Spain's economy grew at a rate of 3.9 percent. Unemployment remains high.

## HUMAN RIGHTS

The constitution provides for all fundamental human rights, and the government respects these provisions in practice. However, violations have been reported in a few areas.

The authorities are still investigating allegations of the use of excessive force by the police that resulted in the death of twenty-seven civilians who were suspected of affiliation with the Basque Fatherland and Freedom (ETA) organization and its terrorist activities. The ETA is responsible for numerous human rights violations of its own, including the assassination of gov-

Fascist gather and salute in a commemoration paying tribute to the dictator Francisco Franco, November 20, 1992.

ernment officials and ETA opponents. The ETA's goal is to achieve independence for the Basque region of Spain.

The Spanish police are allegedly responsible for illegal detentions, torture, and mistreatment of detainees under custody. Amnesty International has also reported on abuses committed by police officers against North African immigrants.

Prison conditions meet minimum international standards. However, monitors of the European Committee for the Prevention of Torture reported severe overcrowding, abuse of inmates by prison guards, and inadequate food.

The constitution grants freedoms of speech and the press. For the most part the government supports these rights; however, in the past few years the authorities

have ordered the closure of a few newspapers because they supported the cause of the Basque terrorists (ETA). In 1999, the courts permitted two of the newspapers to reopen.

Although the law prohibits discrimination based on gender, women continue to play a minor role in both government and society. Their representation in Parliament never exceeded 25 percent of the total seats available.

Women face discrimination in employment and salaries. They represent 43 percent of the total workforce, although their unemployment rate is more than double that of men. Violence against women is a problem. In 1998, more than 19,000 cases of abuse were reported to the police, but non-governmental organizations claim



every year that the number is much higher. However, the government has funded many programs, including legal and psychological counseling, medical assistance, public awareness campaign, and shelters for female victims of abuse. The trafficking of women from Latin America, Africa and Eastern Europe has become a serious problem.

The law protects children's rights, and the government is very committed to child welfare. Child abuse is severely punished by law, and the authorities have been willing to deal efficiently with the problem.

The constitution forbids discrimination based on ethnicity. However, the Roma, who make up possibly 2.5 percent of the Spanish population, continue to complain about discrimination in jobs, schools, and housing. In addition, immigrants from North Africa complain of discrimination and mistreatment by the authorities and employers.

The government cooperates with United Nations High Commissioner for Refugees (UNHCR) and the Spanish Committee for

Assistance to Refugees. The UNHCR advises the Spanish authorities throughout the asylum process. Asylum seekers filing inside Spain usually wait two months before asylum is ruled upon, whereas those filing at the border can receive a decision in seventy-two hours.

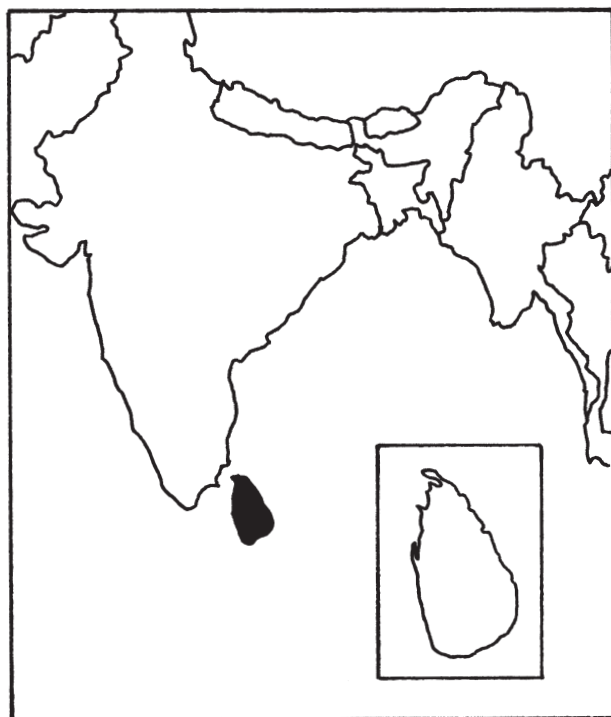
Many local and international human rights organizations, including the Human Rights Association of Spain in Madrid and the Human Rights Institute of Catalunya in Barcelona, operate without government restriction. Government officials are usually very responsive to allegations of human rights violations.

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# Sri Lanka



Sri Lanka, formerly known as Ceylon, is an island nation located off the southern tip of India. It has a land area of approximately 25,000 square miles and a population of about 19 million. The larger part of the island is covered with low hills and plains. There is also a range of mountains in the southern central region.

## BACKGROUND

Like the South Asian mainland, Ceylon formerly was part of the British Empire. Ceylon became independent in 1948. It has been a constitutional democracy ever since. In 1972, the government changed the name of the country to Sri Lanka, the traditional name for the island.

The primary focus of concern for human rights observers has been abuses arising from the ongoing conflict between the dominant Sinhalese (about 75 percent of the population) and the minority Tamils (the island's largest minority group). The Sinhalese, who are predominately Buddhist, are descendants of Indo-Europeans who migrated into the Indian subcontinent thousands of years ago. The Tamils, who are mostly Hindus, are a Dravidian people who speak Tamil—a language unrelated to Sinhalese. Although Tamils have also lived on the island for thousands of years, the great majority of Sri Lankan Tamils are descendants of South Indians brought by the British to work on tea plantations. There are also a number of smaller minority groups, including a Muslim community descended from traders who settled on the island.

Under the United National Party (UNP), a group led by Westernized Sinhalese who advocated, among other policies, ethnic inclusiveness, the country was initially prosperous in the years immediately following independence. However, the economy took a downward turn around the same time that the Sri Lanka Freedom Party (SLFP), led by ethnically oriented Sinhalese politicians, rose to power in the mid-1950s. The new government actively promoted Buddhism and traditional Sinhalese culture—a move that antagonized the island's ethnic and religious minorities. Among other measures, Sinhalese was declared the nation's only official language.

Although political power swung back and forth between the inclusivist UNP and the

ethnically oriented SLFP, the net effect of the ongoing political process over the next several decades was polarization between the Sinhalese and Sri Lanka's other ethnic groups, particularly the Tamils. This ethnic tension was exacerbated by the nation's economic woes. In response to the SLFP government's discriminatory policies, Tamils staged protests, and, in time, rioted. The Sinhalese majority countered with violence of its own. These early tensions set the stage for an ethnic conflict that would eventually produce human rights atrocities of the worst kind.

By the late 1970s, the growing resentment among the Tamils had led to a separatist movement in the Tamil provinces in northern and eastern Sri Lanka. Guerrilla bases were established in these areas as well as in southeast India, where the rebels were supported by their ethnic kin. The insurgents engaged in typical guerrilla activities, such as ambushes of government troops. The Liberation Tigers of Tamil Eelam (LTTE), better known as the Tamil Tigers, became the dominant rebel group.

While neither side in the conflict had ever been particularly careful about respecting the human rights of members of the other community, the situation degenerated after 1983. LTTE bombed civilian targets and murdered non-Tamils, including Muslims and other non-Sinhalese. The guerrillas also ruthlessly attacked Sinhalese villages located near the borders of the Tamil provinces. The government responded with reprisal raids, using military tactics that resulted in the deaths of innumerable civilians. Despite many setbacks, by 1987 the Sri Lankan military finally began to gain the upper hand against organized resistance. At that point, however, India intervened.

Caving in to the wishes of its stronger neighbor, the Sri Lankan government

agreed to allow Indian troops to occupy its Tamil provinces. The ostensible purpose of the intervention was to protect Tamils from the Sinhalese majority, although some observers felt India was more concerned about losing face if the rebels it had supported were defeated by Sri Lanka. In exchange for permitting its military to take control of the situation, India promised, among other things, to disarm the rebels. At first, all seemed to go well. But after three months of an uneasy truce, LTTE declared war on the Indian peace-keeping force. The renewed fighting continued for several years. By the time India pulled out in 1989, nothing had been resolved. Then, in 1990, LTTE began a new offensive against the Sri Lankan government.

The Sri Lankan military was able to conquer the former LTTE strongholds in the north by the middle to late 1990s, but the Tigers continued to conduct effective operations against Sri Lankan forces in other parts of the country. In an incident that was widely reported around the world, a Tiger suicide bomber drove a truck filled with explosives into the Central Bank in the capital city of Colombo, killing more than 90 people and injuring over 1,600. This attack, more than any other single incident, has caused LTTE to be regarded as a terrorist organization by outside observers.

## HUMAN RIGHTS

Aside from the human rights violations arising directly from this conflict, Sri Lanka is generally regarded as having a moderate to good human rights record. Freedom of movement within Sri Lanka has suffered because of the insurgency. The government has also violated privacy rights and restricted freedom of the press, particularly in connection with coverage of military oper-

ations. One sore point for journalists and others is that the government made it illegal to advocate an independent Tamil nation, even by peaceable means. Domestic newspapers and foreign television broadcasts have been censored when it was judged expedient to do, and security forces have been guilty of harassing journalists.

Conditions in Sri Lankan prisons are below minimum international standards, primarily because of overcrowding and the lack of sanitary facilities. The large number of detentions arising from conflict with the Tamil Tigers has had a significant impact on the already substandard conditions in centers of short-term detention. The government has allowed the International Red Cross to visit hundreds of detention centers. This openness to international scrutiny did not, however, extend to the secret detention centers discovered in recent years.

Unrelated to the conflict with Tamil insurgents, Sri Lanka has had ongoing problems in the areas of discrimination and violence against women, child prostitution, and child labor. Sexual assault, spousal abuse, and prostitution are widespread social problems. While amendments to the Penal Code and new laws introduced in recent years seek to address this problem, many women's organizations have expressed the opinion that greater sensitization of police and judicial officials is required before such changes will have a significant impact on women's lives.

About half of the workforce is female. Although the Sri Lankan constitution provides for equal opportunities in government employment, women have no legal guarantees in the private sector, where they often face discrimination and sexual harassment. While women have equal rights in civil and criminal law, issues related to family law are handled by the customs of each ethnic

or religious group. For example, the minimum age for marriage for women was raised from twelve to eighteen years in 1995, except in the case of Muslims, who were allowed to continue to follow their custom of allowing very young women to marry.

Government officials seem to be genuinely concerned about the welfare and rights of children but are limited by a lack of resources. Areas where the government has demonstrated its strongest commitment to children are in its extensive public education and medical care systems. Education is mandatory up to the age of twelve and university education is free. Health care is also free.

Estimates of the number of child prostitutes vary widely, from 2,000 to 30,000. Some of these child prostitutes cater to tourists, and the Sri Lankan government has pushed for greater international cooperation in bringing to justice visitors who are guilty of pedophilia. Labor force surveys have found that at least 20,000 children are engaged in full-time employment. Thousands of others work as domestic servants. Asserting that the bulk of its enforcement resources are tied up with battling LTTE, the government has not aggressively attacked abuses in this area. The government has, however, supported a high-profile UNICEF advertising campaign against child labor.

Civilian human rights abuses pale when compared with the atrocities arising from the LTTE insurgency. The conflict has claimed over 50,000 lives, with some estimates ranging much higher.

Many of the human rights abuses on the government side of the conflict were committed by irregular security forces. In addition to regular security forces, made up of the police and the military, there exist more than 15,000 members of the Home Guards,

an armed force drawn from local communities and responsible to the police, who provide security for Muslim and Sinhalese communities in or near the war zone. The government has also armed Tamil militias opposed to the LTTE, and these groups tend to act independently of the government.

Government forces frequently detain hundreds of individuals. In some cases, Tamils have been detained without charge for up to four years. During the 1997 military campaign, security forces committed at least thirty-three extrajudicial killings and killed LTTE prisoners captured on the battlefield. In addition, a dozen or more individuals disappeared from security force custody. Torture at the hands of security forces remains a serious problem.

One of the more significant atrocities to attract international attention in recent years—a mass murder of 400 Tamils—was committed by regular army troops.

Despite legal prohibitions, security forces continue to detain, torture, and otherwise mistreat persons. While security force personnel have been fined under civil law, they have not been prosecuted as criminals. Particularly during interrogations, detainees, both male and female, have been mistreated and tortured. The great bulk of torture victims are Tamils suspected of being LTTE insurgents or of having LTTE connections.

Methods of torture include beatings (particularly on the bottoms of the feet), suspension by the wrists or the feet, electric shock, burnings, and near drownings. Victims have also been compelled to assume contorted positions for extended periods of time or to have bags containing insecticide, chili powder, or gasoline placed over their heads. Detainees have reported broken bones and other seri-

ous injuries resulting from their detention.

The LTTE also has attacked civilians and committed extrajudicial killings, including killing prisoners captured on the battlefield. Despite government inroads in the Tamil provinces, the LTTE remains in control of large sections of these areas. The LTTE continues to be responsible for disappearances, torture, arbitrary arrests, detentions, extortion, and other human rights violations.

It is difficult to feel optimistic about the future of human rights in Sri Lanka. Even if hostilities between the government and LTTE were to cease, tensions created by decades of ethnic strife would prevent the nation from returning to the peaceful multicultural society it briefly became in the early years following independence.

The Sri Lankan government also appears ambivalent about human rights. While it has been open to allowing international observers into the country, the national government seems unable to compel its security forces to adhere to human rights standards. Another negative indicator is that several human rights groups have left Sri Lanka in recent years, citing unacceptable restrictions by the Sri Lankan government.

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# Sudan



Sudan is located in northern Africa, bordered by Egypt, Chad, Libya, Central African Republic, Democratic Republic of the Congo, Uganda, Kenya, Ethiopia, and Eritrea. It is the country with the greatest land mass in Africa. It has a population of approximately 34 million. More than half the population are black Africans, and ethnic Arabs make up about 40 percent. The capital is Khartoum. The government is an Islamic republic headed by a president.

## BACKGROUND

Sudan is a meeting ground of two cultures and traditions. In the south, African influences and ethnic groups have dominated; in the north, Arab and Arabized Africans have been most prominent. Politically, the

Arabs have tended to dominate most of Sudan's history, even though black Africans make up the majority of the population.

For most of the nineteenth century, Sudan was controlled by Egypt. During the period when Britain controlled Egyptian policy, Sudan was also a British client state. After Egypt broke away from Britain's control, Sudan also asserted its independence. Sudan declared its complete independence in 1956.

During the 1980s and 1990s, the government was dominated by the military. In 1989, a military coup brought to power the National Salvation Revolution Command Council (RCC), which suspended democracy and turned Sudan into a military Islamist state.

In the 1990s, the government moved to align itself with the more extremist Islamic states. During the Persian Gulf War, Sudan, unlike most of the Arab world, was sympathetic to Iraq. Egypt blamed Sudan for being behind an assassination attempt against its president, Hosni Mubarak. Sudan was also suspected of working with Islamic terrorists who attacked U.S. embassies in Tanzania and Kenya. (Because of these suspicions, the United States launched a missile strike against a factory in Khartoum that was believed to be a location where chemical weapons were being manufactured.)

Most of Sudan's problems can be traced to the ongoing civil war between the Arab-dominated government, which controls the north and center of the country, and the black African rebels of the south. The

rebels are organized into the Sudan People's Liberation Army (SPLA). The war has led to the deaths of at least 2 million people and has resulted in widespread famine and disease.

## HUMAN RIGHTS

Sudan does not protect the human rights of its people. First, the Sudanese people do not have the right to choose their own government. Democracy does not function in Sudan, and it is clear that the Arab-controlled government does not represent the country's black majority. Second, the government uses security forces and repressive laws to maintain a tight hold on the population and to prevent any political change.

The army, police, and security forces all commit human rights abuses. Although forbidden by the Sudanese constitution, torture is widespread. Prisoners die each year as a result of police torture. The army is responsible for a number of extrajudicial killings every year. Anti-government rebels are also responsible for extrajudicial killings. Both sides use land mines indiscriminately, causing large numbers of civilian and military deaths. Many human rights advocates believe that using land mines in any capacity is a human rights violation.

The Sudanese government's prosecution of the war against southern rebels has been responsible for numerous human rights violations. Government troops have destroyed villages, murdered village leaders, and created millions of refugees. Troops have committed mass rapes and have been responsible for numerous kidnappings. Pro-government militias, which are active in war-torn areas of Sudan, are also responsible for numerous human rights abuses.

*Christian resident shows evidence of torture inflicted by Muslim government officials.*

Militias often have been accused of killing innocent civilians.

Sudan's legal system violates international human rights standards. Convicted criminals can be flogged, have a limb amputated, or be executed by hanging. As a result of the Sudanese government's attempts to enforce Islamic standards and dress codes, female students have been flogged for committing the "obscene act" of wearing pants.

Sudan's courts are not independent. Judges bow to government pressures and will almost always convict those accused of anti-government activities. In the war zones of the south, even the weak protections provided by Sudan's judicial system do not

exist. There, those accused of crimes are often summarily executed by army officers without any criminal trial.

Sudan's prisons do not meet international standards. They are overcrowded, unsanitary, and mix minors with adults. The government does not permit visits by human rights monitors. Many prisoners, especially those held for political crimes, are held for months without being brought to trial or having access to family or lawyers.

Sudan does not protect its citizens' right to privacy. Warrantless searches are common. Police break into homes looking for anti-government dissidents. Government officials open private mail and tap private phone lines.

Sudan does not protect free speech. Sudanese newspapers are closely watched by government censors. Journalists are arrested for publishing articles displeasing to the government. Radio and television stations are controlled by the government. There is no academic freedom in Sudan.

Sudan does not provide its citizens with freedom of religion. The Sudanese constitution declares that Islam is the basis of law in the country, and hence, other faiths are persecuted. Other religious faiths are allowed to function, but they are subject to regulation, surveillance, and intermittent harassment. The government has restricted the building of Catholic churches. Christians are especially targeted in Sudan because many of the southern rebels are Christians. Christians are sometimes beaten, arrested, and occasionally murdered for their faith. Conversion from Islam to another religion is punishable by death.

Violence and discrimination against women are common. The police generally ignore domestic disputes, and spousal abuse usually goes unpunished. The gov-

ernment's interpretation of Islamic law gives women second-class status in Sudan. Women are usually subjugated to their male relatives' wishes in matters of property rights, marriage, and divorce. Women are allowed to work in some professions, but they are limited to low-level positions. Women are supposed to wear modest clothing that covers much of their bodies. Female genital mutilation is common, especially in the north.

Children's rights are not well protected in Sudan. Schools are underfunded and many children do not receive a good education. The government practices forced conscription into the army of young men and boys. Child abuse and neglect are common, particularly in the wartorn south. Girls as young as four are subject to genital mutilation.

Discrimination is a problem in Sudan. The Sudanese government discriminates against black Africans in the south. In addition, citizens who do not speak Arabic are discriminated against in the work place and in schools. In universities, all subjects are taught in Arabic, making a college education difficult to obtain for non-Arabic-speaking southerners.

The government does not discriminate against people with disabilities, but also makes no special effort to provide facilities for them.

Sudan is one of the few countries in the world where slavery still survives. As a side effect of Sudan's civil war, black Africans from southern Sudan, including children, are kidnapped and forced to work for northern Arabs as agricultural laborers or household servants. Government troops are often accused of capturing and selling slaves. There has been much international condemnation of Sudanese slavery, but no effective action has been taken to end it.



The government allows limited visits by international human rights monitors. However, the government does not allow local human rights groups to be organized. In addition, the government also interferes with international relief efforts in southern Sudan.

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# Suriname



The Republic of Suriname is in northern South America, bordering the North Atlantic Ocean between French Guiana and Guyana. Paramaribo is the capital city. Suriname has a population of approximately 450,000, and it is one of the most ethnically varied countries in the world. Ethnic groups include South Asians (37 percent), Creoles (31 percent), Javanese (15.3 percent), Maroons (10.3 percent), and indigenous Amerindians (2.6 percent). Dutch is the official language, although English and other languages are widely spoken as well. Major religious denominations include Hinduism (27.4 percent), Islam (19.6 percent), Roman Catholicism (22.8 percent), Protestantism (25.2 percent), and indigenous beliefs (5 percent).

## BACKGROUND

Suriname achieved independence from Netherlands in 1975 and became a parliamentary democracy. In 1980, the government was overthrown by a military coup that suspended the constitution, dissolved the legislature, and formed a new regime ruling by decree. In 1982, the United States and the Netherlands suspended economic and military cooperation in response to increasing human rights violations and the leftist orientation of the regime. In 1987, the regime agreed to hold free elections and return the country to a civilian government. Free and fair elections were held in 1991 and in 1996.

Suriname is a constitutional democracy. The executive branch is headed by the president. The president is elected by a two-thirds majority of the unicameral National Assembly, a body vested with legislative power and selected by popular vote.

The president appoints a sixteen-minister cabinet, and he is advised by a State Advisory Council, whose members are representatives of all political parties and of workers' and employers' organizations. The vice president is the chair of the council. The country is divided into ten administrative districts, each headed by a district commissioner appointed by the president. The constitution provides for the independence of the judiciary.

Suriname is a member of the United Nations and of the Non-aligned Movement. It is also a member of the Caribbean Community, the Economic Commission for Latin America, the World Bank, and In-

ternational Monetary Fund, among others. The government has shown a strong commitment to strengthening regional ties, especially in resolving long-standing border disputes with Guyana and French Guiana.

Narcotic trafficking is a serious problem; Suriname appears to be a transit location for quantities of cocaine transported to Europe and the United States. In order to fight this problem, the United States has been helping to train anti-drug personnel in Suriname.

The country's economy is dominated by the bauxite industry, which accounts for about 70 percent of export earnings. Gold mining is increasingly important to the economy. However, unregulated activity has created serious consequences for the envi-

ronment. The estimated annual per capita income is about \$1,372. There is no minimum wage legislation, and the average salary does not provide a decent living for most families.

## HUMAN RIGHTS

Suriname's human rights record continues to be poor in several areas. The government has taken no significant actions to investigate human rights abuses that occurred under previous regimes.

The security forces and the police routinely mistreat detainees during arrests and interrogation. Prison conditions are harsh and unsanitary, with overcrowding, inadequate nutrition, and medical care being the major issues of concern for human rights activists. In addition, prison guards systematically abuse prisoners. Pretrial detentions are lengthy. The judiciary system is understaffed and under dispute and suffers from a huge backlog of cases.

The government generally respects freedoms of speech and the press. However, there have been reports of journalists being intimidated and harassed by former members of the military regime.

Several social groups continue to face various forms of discrimination, despite constitutional provisions prohibiting such practices. Ethnic minorities, including Maroons and Amerindians, have limited access to the political process.

In addition, women remain underrepresented in government and political parties and do not have equal access to education, employment, and property. Furthermore, violence against women, including domestic violence, is a serious problem, and it is not sufficiently addressed by the authorities. Trafficking in women and girls for prostitution is on the rise.

*Barge bringing supplies to a logging company. In some areas of Suriname, rivers provide the major means of transport, September 1997.*

The government is not fully committed to children's welfare. Although compulsory until twelve years of age, in practice education is unavailable to some school-age children because of the lack of transportation, facilities, and teachers. There are reports of widespread malnutrition among poor children. The authorities rarely enforce constitutional provisions prohibiting child labor and prostitution; consequently, in urban areas many children are found working as street vendors or are exploited for prostitution.

The law does not address the rights of the disabled.

Citizens enjoy freedom of movement within the country and may travel abroad. The government cooperates with the Unit-

ed Nations High Commissioner for Refugees in assisting refugees and asylum seekers.

There are several local human rights groups operating without restriction in the country. However, the authorities are often not cooperative or responsive to their views.

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# Swaziland



The Kingdom of Swaziland is situated in southern Africa, between Mozambique and South Africa. Mbabane is the capital city. The country's population is about 1 million: African, 97 percent, and European, 3 percent. Most of the population is Christian, although a significant proportion (about 40 percent) profess traditional beliefs.

## BACKGROUND

A British colony, Swaziland achieved independence in 1968. Swaziland is a monarchy and an independent member of the Commonwealth. According to Swazi law and custom, supreme executive, legislative, and judicial authority is vested in the king (Mswati III). However, in practice the king governs in conjunction with a partially

elected Parliament and an independent judiciary, although legislation and political policies must be approved by the king. In 1973, the constitution was suspended and the king has ruled by decree ever since. All political parties are prohibited.

The country's free-market economy is largely based on subsistence agriculture, which employs about 60 percent of the population. However, a diversified industrial sector has started to grow. Swaziland's main source of hard-currency earnings comes from exports of soft drink concentrate, sugar, and wood pulp, which are produced by large firms owned mostly by foreigners. Because of its location, Swaziland is heavily dependent on South Africa, from which it receives almost all of its imports and to which it sends more than half of its exports.

Swaziland is a member of the United Nations and of the Organization of African Unity, and it maintains diplomatic missions in several countries.

## HUMAN RIGHTS

Swaziland's human rights record is poor in several areas. Citizens do not have the right to change their government. In 1996, the king appointed a Constitutional Review Commission with the purpose of examining the suspended constitution, promoting civic education, and determining the citizens' wishes for the future of the government. However, little progress has been made toward accomplishing those projects.

The police use torture and other degrading treatment during interrogation of sus-

pects, and the government takes little or no action to investigate these abuses. Occasionally, the authorities also infringe on citizens' right to privacy by conducting searches without warrants.

Prison conditions are generally poor, with overcrowding a major problem, further aggravated by the judiciary's policy of not allowing bail for certain criminal offenses.

The government restricts freedoms of assembly and association. A 1973 decree bans political parties and prohibits meetings, demonstrations, or processions of a political nature in public places without the consent of the authorities. In addition, trade union organizations cannot participate in the social and political affairs of the country, resulting in a serious limitation of workers' rights. However, the government

has recently shown some commitment to bringing labor laws into conformity with international standards.

Freedom of speech and freedom of the press, as well as academic freedom, are also subject to restriction. The prohibition of political gatherings has created an atmosphere of general self-censorship. Journalists are discouraged from reporting opinions critical of the royal family and national security policies. Occasionally, they are victims of harassment. The state-owned media are the most successful at reaching the public, and they usually avoid covering sensitive issues.

Women continue to face legal as well as societal discrimination in education, employment, property, and family issues. Customs and laws treat women as totally

subordinate to men. In addition, violence against women, including spousal abuse, is widespread, and rural women have little recourse against it. However, the government recently has shown some commitment to addressing women's rights by establishing a task force to solve domestic gender issues and organizing workshops to sensitize the general population on women's issues.

The government has also shown limited concern about the issue of improving children's rights and welfare. The law does not provide free compulsory education. However, the government partially finances the education system. Child abuse and the growing number of street children in urban areas are serious problems. In addition, young children are frequently made to work as laborers in rural settings.

Citizens are generally free to travel within the country and abroad. Some limitations apply to women, who require a male

relative's or their husband's permission both to apply for passport and to leave the country. In addition, some members of ethnically mixed groups and political dissenters frequently experience lengthy processing delays in obtaining passports or citizenship documents.

The government cooperates with the United Nations High Commissioner for Refugees in assisting refugees and asylum seekers. It also permits domestic human rights groups to operate.

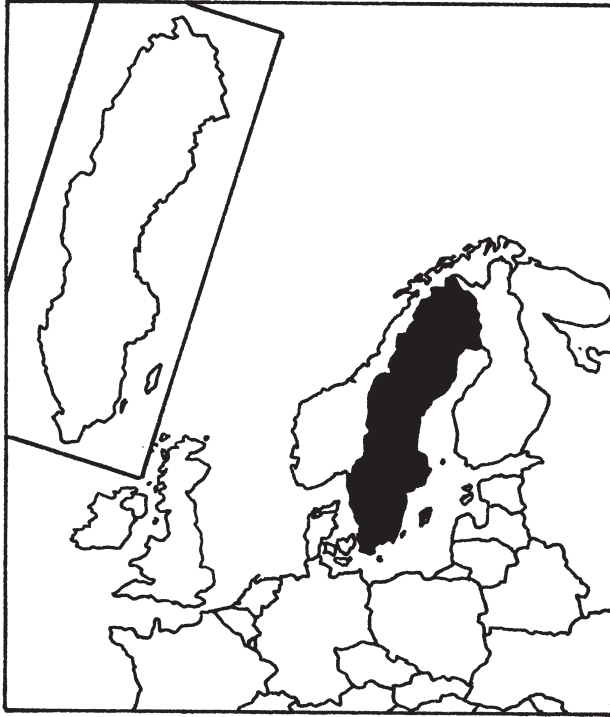
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# Sweden



The Kingdom of Sweden is situated in northern Europe, bounded on the west by Norway, on the northeast by Finland and the Gulf of Bothnia, on the southeast by the Baltic Sea, and on the southwest by the Kattegat, the channel that runs between Sweden and Denmark. Stockholm is the capital city. Sweden has a population of approximately 8.8 million. Ethnic groups include Swedes, Finns, and Lapps. In addition, there are approximately 960,000 immigrants from Asia, Africa, South America, and the rest of Europe. Swedish is the official language, although minorities speak Finnish and, Lapp, or Saami. Most Swedes (87 percent) belong to the Lutheran Church; the remainder are Catholics, Eastern Orthodox, Baptists, Muslims, Jews, and Buddhists.

In 1815, following the Congress of Vienna, Sweden became part of a dual monarchy with Norway. In 1905, however, the countries separated peacefully. During World War I and World War II, Sweden remained neutral. It was one of the founding members of the United Nations and has maintained a non-aligned position during the twentieth century.

The Kingdom of Sweden is a constitutional monarchy. The king is the head of state. The prime minister, who is chief executive and head of the government, and the cabinet make up the executive branch. The unicameral Parliament (Riksdag) of 349 members is responsible for electing the prime minister and has legislative authority. The judiciary is independent.

The country has a well-developed industrial economy in which more than 90 percent of the companies are privately owned. Furthermore, Swedes enjoy a high standard of living and extensive social welfare services.

The government generally respects all fundamental human rights and freedoms of its citizens. However, problems persist in a few areas.

The authorities cooperate with the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. The government provides first asylum and usually grants the right to residence for those who file a request. Nevertheless, there have been complaints of a lack of legal counseling and the expulsion of some asylum seekers within seventy-two hours of their arrival.



Violence against women still exists, and thousands of assault cases are reported each year, occurring disproportionately in immigrant communities. The authorities provide extensive support and protection for women at high risk of abuse. In addition, the government funds many voluntary organizations that offer shelter and counseling for women in distress. Although the authorities usually investigate and prosecute the perpetrators, women continue to complain that the sentences for spousal abuse are too lenient.

Trafficking in women for prostitution has been a growing problem. In 1999, Sweden made prostitution illegal.

Although the United Nations Development Program has recognized Sweden as one of the nations with the highest ranking on gender equality—a high percentage of women serve in business and politics—both men and women continue to allege discrimination in some areas.

As far as children's welfare is concerned, the government has created many educational and health programs designed to benefit and protect children. The govern-

ment provides compulsory free primary education and free medical and dental care for children up to age sixteen. Moreover, parents receive an allowance worth about \$1,000 a year for each child under sixteen. However, although child abuse is not common in Sweden, recent data have shown that this phenomenon is on the rise.

The government is also very committed to assisting and accommodating the disabled. They receive many social services, including free home health care.

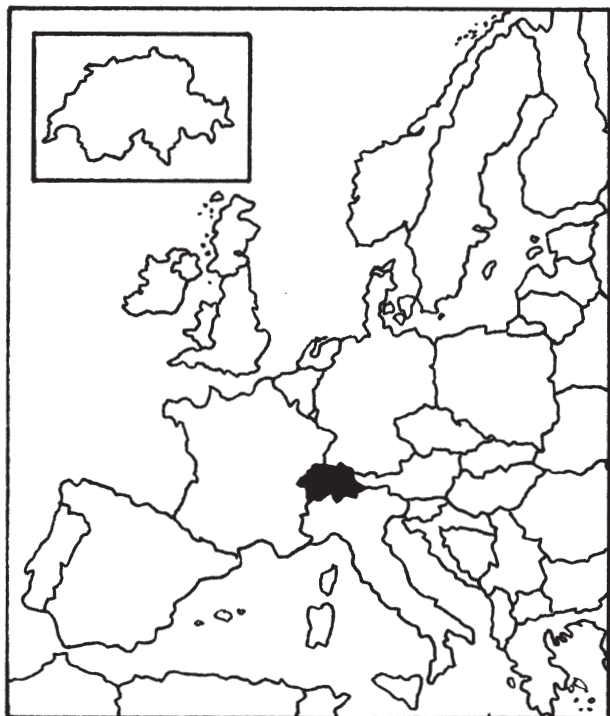
Several local and international human rights organizations operate in the country, and the authorities are fully responsive and cooperative with their activities.

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# Switzerland



The Confederation of Switzerland (also called the Swiss Confederation) is in western Europe, bounded on the north by Germany, on the east by Austria and Liechtenstein, on the south by Italy, and on the west by France. Bern is the capital city. The population of Switzerland is estimated to be 7 million. The Swiss speak a variety of languages, including German (64 percent), French (19 percent), Italian (8 percent), Romansch (1 percent), and other languages (8 percent). Roman Catholicism (46 percent) and Protestantism (40 percent) are the two major religions.

The Swiss Confederation has been internationally recognized as an independent

and neutral country since 1815 (Treaty of Vienna). In 1848, the Swiss Confederation promulgated its constitution, which was modeled after the U.S. Constitution, and it was amended in 1874. Switzerland remained neutral in both world wars.

The Swiss Confederation is a constitutional democracy, divided into twenty-six cantons, or administrative districts. The president holds the executive power and is elected by the bicameral Parliament. Because of the multicultural and multilingual diversity of the confederation, much administrative autonomy is given to the individual cantons.

The country's economy is largely based on machinery, banking, pharmaceuticals, watches, and textiles. Citizens of the Swiss Confederation enjoy one of the highest standards of living in Europe.

The government generally respects the human rights of its citizens. However, some problems persist in a few areas.

The security forces occasionally commit human rights abuses in the form of harassment and excessive use of force against immigrants. Prisons are overcrowded, and human rights groups have asked the government to take additional measures to solve this problem.

Freedom of religion is not restricted.

Women actively participate in political life and generally are not subjected to discrimination in employment, salary, and career opportunities. They participate in political life as well and hold 51 of the 246 seats available in Parliament. Nevertheless, violence against

Demonstration against racism in Zurich, November 1991.

women remains a serious problem. Recent statistics show that one in every five women living in Switzerland has experienced physical or sexual abuse at least once in her life, with approximately 40 percent being psychologically or verbally abused. The law is very severe in cases of spousal abuse. Women in distress receive private or governmental counseling by many available agencies. However, the number of shelters is not sufficient to host all the women and children who are victims of abuse.

The government has demonstrated a strong commitment to children's welfare. The federal as well as the cantonal governments provide children with free medical

care and education. Long sentences are given to child abusers.

Several laws protect the rights of the disabled against any form of discrimination. However, the government does not explicitly mandate accessibility to buildings and transportation for the disabled.

The Swiss Confederation has generally welcomed most refugees and cooperates with the United Nations High Commissioner for Refugees. However, in recent years, due to a high number of asylum-seekers from the Balkan War, the government has tightened its liberal policies regarding first asylum and asylum status. In July 1999, the government implemented an emergency

measure to control what it considered abuse of asylum procedures. These new policies refuse asylum to asylum seekers who cannot prove their identity and that they would be persecuted if they returned to their home country. Some human rights advocates believe that this policy change has led to people being wrongly expelled from Switzerland and also that this has created a situation where police are using the law to detain and harass those seeking asylum.

Local and international human rights groups operate freely in the country. The In-

ternational Committee of the Red Cross has its headquarters in Geneva, Switzerland.

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# Syria



The Syrian Arab Republic is in the Middle East. It is located between Lebanon and Turkey, bordering the Mediterranean Sea. Damascus is the capital city. Syria's population is estimated at 17.2 million. In addition, there are about 38,200 people living in the Israeli-occupied Golan Heights. The population is mostly of Arab descent (90.3 percent) but includes Kurds, Armenians, and other ethnic groups (9.7 percent). Sunni Islam represents the majority religion (74 percent). Other people belong to Alawite, Druze, and other Muslim sects (16 percent) or to various Christian sects (10 percent). Small Jewish communities can be found in Damascus, Al Qamishli, and Alep-

po. Arabic is the official language, although Kurdish, Armenian, Aramaic, and Circassian are widely understood.

Syria is the site of many ancient civilizations, with a history stretching back to the beginnings of history. For most of the last few hundred years it was controlled by the Ottoman Empire. In 1920, an Arab kingdom was established. In 1963, a group of Syrian army officers took over the government in the name of the Arab Socialist Resurrection Party (Ba'th Party). Syria has been ruled by the Ba'th Party ever since, dominated by the dictator Hafez al-Assad. His death in June 2000 led to the accession of his son, Bashar al-Assad. It remains unclear whether the son will wield the same power that the father did.

Syria has been heavily involved in the political and military conflicts in the Middle East. Wars with Israel have lost Syria the area known as the Golan Heights. However, Israel's invasion of Lebanon in 1982 gave Assad both the excuse and the opportunity to expand his influence in Lebanon. Even though Lebanon is an independent country, Syria continues to have great influence in its government.

## HUMAN RIGHTS

The human rights situation in Syria is poor. The people do not have the right to peacefully change their government, and the government uses force to maintain its power. The government is also believed to be responsible for widespread human rights

abuses in neighboring Lebanon, where it still stations troops. The recent accession of Bashar al-Assad to his father's position as leader of Syria may lead to a change in Syrian human rights policies.

The government does not use political assassinations, but political conflicts between the government and supporters of President Assad's brother, Rif-at al-Assad, have resulted in deaths on both sides. The police are believed to sometimes detain political prisoners for long periods of time. Very little is known about the condition of these prisoners.

The use of torture by police and security forces is believed to be widespread. Methods of torture include beatings, electric shocks, and pulling out fingernails. The government does not prosecute those believed to be guilty of using torture. The police often make arbitrary arrests with little or no evidence. They often detain alleged criminals for extended periods of time.

Syrian courts are sometimes corrupt and are often influenced by pressure from the government. In security cases, the government is able to determine verdicts. The Supreme State Security Court does not follow international standards of justice. In civil cases, the judiciary sometimes shows a fair degree of independence. Military courts are alleged to operate with few restrictions and regularly violate the human rights of those called before them.

Syrian prisons do not meet international human rights standards. Food and medical care are poor, and prisoners have few rights. They are sometimes denied the right to see family members. The government does not permit visits by human rights advocates.

The government restricts the right to privacy. Government agents listen to phone

conversations, and police are able to enter private homes on very little pretext.

The government does not protect freedom of speech and freedom of the press. The government does not allow criticism of the president, the government, or government policies. All newspapers and television and radio stations are owned by the government. Journalists practice self-censorship. Foreign publications circulate fairly freely. Academic freedom is restricted.

Freedom of assembly is not protected. The government restricts public demonstrations and uses force to prevent unauthorized protests.

The government generally protects freedom of religion. Although an Islamic country, Christians, Jews, and people of other faiths are free to practice their religion in Syria. Ethnic discrimination is more common than religious discrimination. Ethnic minorities are generally protected from discrimination, but the Kurds, who live in northern Syria, face ongoing discrimination. This may be because the Kurds, unlike other Syrian ethnic minorities, wish to form their own state and thus pose a threat to the Syrian state's territorial integrity.

Women face heavy discrimination in Syria. Violence against women is common. Spousal rape is not considered a crime, and many women refuse to seek help in cases of spousal abuse because of fear of social stigma. The law favors men over women, particularly in divorce and property matters. Nevertheless, compared to other Islamic countries, Syria has a sizable number of women serving in government positions in the bureaucracy, the judiciary, and the armed forces.

Child abuse occurs but there is no societal pattern of child abuse. The government

does little to prevent discrimination against the disabled.

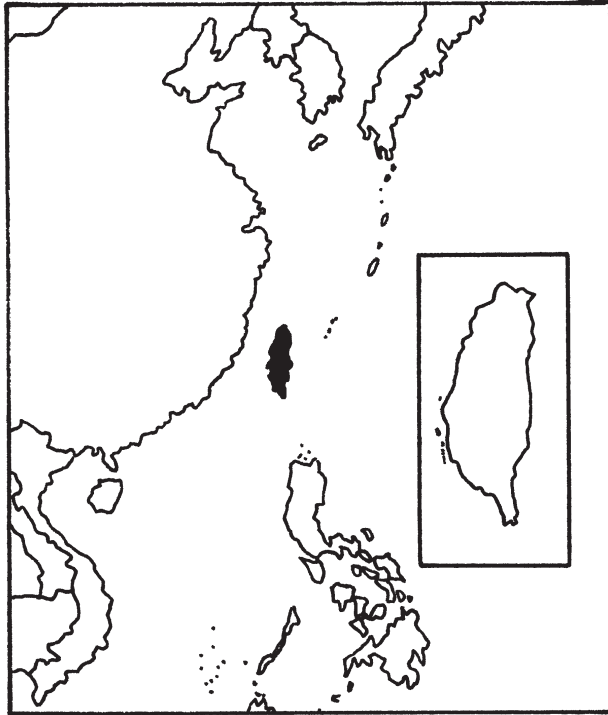
The government does not allow local human rights groups to operate. International human rights groups have occasionally been allowed to visit Syria for short periods of time.

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# Taiwan



Taiwan is an island located in Asia between the East China Sea and the South China Sea. Its nearest neighbor is China. Taiwan has a population of approximately 22 million, most of whom are ethnic Taiwanese. Descendants of mainland Chinese make up 14 percent of the population. The capital is Taipei. Mandarin Chinese is the official language. Most Taiwanese practice a mix of Buddhism, Taoism, and Confucianism. Taiwan is a democratic republic headed by a president. Taiwan's official name is the Republic of China, but the People's Republic of China (PRC) insists that Taiwan is part of the PRC, and therefore can have no independent name. As a result, most of the world's nations, do not use the name Republic of China for fear of offending the PRC. This is the reason Taiwan has no seat in the United Nations (UN).

## BACKGROUND

For most of China's history, Taiwan was an independent island, free from Chinese control. Although the Taiwanese borrowed from Chinese culture and adopted many Chinese practices, they still kept their own traditions and language. In the seventeenth century, China acquired Taiwan, and some Chinese began immigrating to the island, giving it a more pronounced Chinese flavor.

In 1895, Japan annexed Taiwan after defeating China in a war. The Japanese controlled the island from 1895 to 1945, at which point the island returned to Chinese control, at the end of World War II.

In 1949, the Nationalist government of China was defeated in a civil war with the Communists. Nationalist troops and refugees fled to Taiwan, which became their only remaining portion of the former Chinese Empire. The rest of China was under the control of the Communist Party and was renamed the People's Republic of China.

After 1949, therefore, there were two Chinas. Mainland (Communist) China, which included hundreds of millions of people, and Taiwan (Nationalist China), which had only a few million. Both the government of mainland China and the government of Taiwan insisted that there was only one China, and each one also insisted that it was the sole, rightful ruler of that single Chinese entity. Both these claims were false—for all practical purposes there were two separate Chinas, each with its own government—but they kept alive the dream that one day the two Chinas would be reunited.



Taiwan might have quickly lost this uneven contest if not for the fact that during the cold war Taiwan was protected from communist invasion by U.S. troops and U.S. naval ships. Even after the United States established relations with mainland China (and Taiwan was replaced by mainland China in the UN), American military strength protected Taiwan.

During the cold war, Taiwan was an authoritarian state under the control of the Kuomintang (the Nationalist Party). In the late 1980s, Taiwan began to slowly move to create a more democratic government. In 1996, it held its first open presidential elections. In new elections held in 2000, the Nationalist Party lost control of the country, confirming Taiwan's transition to a democratic system.

Most Taiwanese would probably prefer to remain independent and keep their newly won democratic freedoms rather than merge with mainland China and come under the control of the Communist Party. Fear of China's military power, however, keeps the Taiwanese government from openly declaring its independence.

Taiwan is a prosperous country whose wealth comes mostly from manufacturing. Taiwanese businessmen invest in economic endeavors throughout Asia, including those in mainland China. The Taiwanese have a high per capita income.

## HUMAN RIGHTS

Taiwan generally a good job of protecting human rights. However, there are some human rights problems, largely stemming from Taiwan's long periods under authoritarian rule.

As the elections of 1996 and 2000 prove, the Taiwanese have the key human right of being able to choose their own government.

Taiwan's elections are free and open, with all parties sharing in the possibility of victory. Elections have been marred by some corrupt practices—vote buying and slanted media coverage—but these do not seem to have affected their essential fairness.

Although the Code of Criminal Procedure forbids violence and threats against those accused, there are reports of police abuse. Torture is officially forbidden, but it still sometimes occurs. In Taiwan's legal system, there is a heavy emphasis on obtaining confessions in order to prove guilt. Police often use coercive methods, sometimes verging on torture, to gain confessions. In some cases, these confessions seem to have little connection to the physical realities of the crime. However, there are ongoing efforts, which seem to have been somewhat successful to reduce these police abuses.

The constitution created an independent judiciary, but problems with corruption remain. Some judges take bribes, and others can be swayed by government pressure.

Prisons in Taiwan usually meet international standards. Yet there are still problems. Prisons are usually overcrowded, and often those detained for crimes spend excessive time in jail before being brought before a judge. Prisons allow visits by human rights monitors.

In theory, Taiwan grants its citizens the right to privacy, but in practice it is very easy to obtain wiretaps of telephone conversations. The police also often conduct searches of private residences without obtaining warrants and subject people to roadblocks and identity checks.

Taiwan generally does protect freedom of speech and freedom of the press. Taiwan has a lively collection of media outlets, and journalists criticize the government freely. Television stations are somewhat more cir-

Prepared for protestors, police in riot gear stand in front of a government building, 1996.

cumscribed in expressing their views, and some stations are under the influence of the government. The only major restriction on freedom of the press is in the form of police raids against printers of pornography. There is little restriction on academic freedom. Workers are able to form unions and, with some restrictions, can strike for better wages.

Freedom of religion is protected in Taiwan. Most Taiwanese practice a combination of Buddhism, Taoism, and Confucianism, but there are also significant numbers of Christians, who are able to worship in complete freedom.

The Taiwanese constitution prohibits discrimination against women. Despite this prohibition, discrimination exists. Women

are not widely represented in business or politics. Their pay tends to be somewhat lower than that of men working in the same jobs. Violence against women is also a problem. Spousal abuse, when it occurs, is often hidden because of the societally imposed shame that women feel. There is a great deal of pressure on women to avoid calling for help from the police or the courts. The government has made some progress in reducing the level of domestic violence.

The government protects the rights of children, but abuses still occur. Domestic child abuse is a problem, but a number of government departments are dedicated to reducing its prevalence. Child prostitution also occurs. The government is trying to eliminate this practice.

Discrimination against the disabled is illegal, and the government has mandated that all buildings be accessible to the disabled. New buildings generally comply with this mandate, but older buildings often do not provide access. Societal discrimination against the disabled remains a problem.

Taiwan's non-Chinese minority consists of the descendents of the Malayo-Polynesians. There are numerous laws protecting the aboriginal peoples, but the country has a long history of abuse and discrimination against them.

Domestic and international human rights groups are allowed to operate freely in Taiwan.

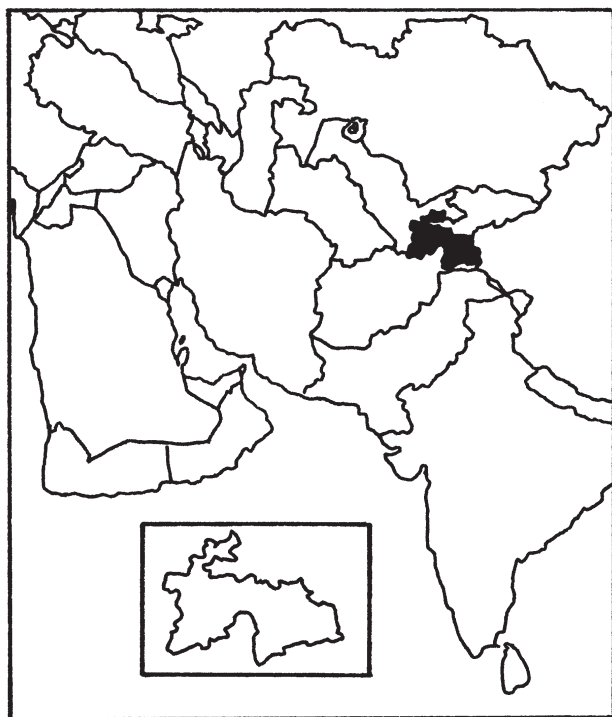
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# Tajikistan



The Republic of Tajikistan is located in central Asia, west of China. Dushanbe is the capital city. The population was estimated at 6.1 million in 1999. It comprises Tajiks (65 percent), Uzbeks (25 percent), Russians (3.5 percent), and other ethnic groups. Sunni Islam and Shi'a Islam are practiced by 80 percent and 5 percent of the population, respectively. Tajik is the official language, although Russian is also spoken in government and business.

## BACKGROUND

Tajikistan was conquered by the Russian Empire in the nineteenth century and then became a part of the Soviet Union after the Russian Revolution of 1917. After the fall of

the Soviet Union in 1991, Tajikistan declared its independence.

Tajikistan is nominally a republic. Its constitution was adopted on November 6, 1994. The executive branch of the government consists of the president, the prime minister, and the council of ministers. A unicameral Supreme Assembly makes up the legislative branch, and the judiciary consists of the Supreme Court.

Since the country achieved independence from the former Soviet Union on September 9, 1991, it has experienced three changes of government and a five-year civil war. A peace agreement was signed in June 1997, but implementation has been slow. The 1999 presidential election was considered neither free nor fair.

Tajikistan features the lowest per capita gross domestic product among the former Soviet republics. Its economy is based on the agricultural sector, with cotton being the most important crop. Among its mineral resources are silver, gold, uranium, and tungsten. The industrial sector is dominated by a large aluminum plant, hydropower facilities, and small, obsolete factories mostly in light industry and food processing. The country depends on aid from Russia and Uzbekistan and on international humanitarian assistance for many of its basic needs.

## HUMAN RIGHTS

The government restricts the human rights of its citizens in several areas.

Extrajudicial killings and extortion are committed routinely by security forces for

a variety of reasons, both political and economic. In addition, some murders are committed by the former opposition troops, as well as independent warlords.

Although torture is prohibited by the constitution, in practice the government violates this provision. Security officials regularly beat detainees in custody and use systematic torture to extort confessions. Security officials are also probably responsible for the large number of disappearances of persons taking place each year. In addition, the taking of hostages is very common, both for revenge or as bargaining chips in negotiations. Harsh prison conditions, a lack of food, and inadequate medical treatment often result in a significant number of deaths of prisoners in custody.

Arbitrary arrest and detention, as well as lengthy pretrial detention, represent a serious problem. The judicial system is very inefficient. There are often long delays before trials. Furthermore, judicial officials are influenced heavily by both the political leadership and, in many instances, by armed paramilitary groups. In general, judges are poorly trained and lack understanding of the concept of an independent judiciary. Corruption is commonplace.

Although the constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, the authorities routinely infringe on citizens' right to privacy.

In addition, the government severely restricts the freedoms of speech and the press. Journalists, broadcasters, and individual citizens who disagree with government policies have difficulty speaking freely or critically. The government exercises control over the electronic media, printing presses, the supply of newsprint, and

broadcasting facilities. Self-censorship is very common among journalists and editors, who are fearful of reprisals from both government officials and semi-independent military warlords.

The authorities strictly control the freedoms of assembly and association of political organizations. The government also interferes with citizens' right to change their government peacefully and freely. Democracy does not function well in Tajikistan. Moreover, some opposition party activists are either in jail or in self-exile abroad.

The constitution prohibits discrimination on the basis of nationality, race, sex, language, religious beliefs, political persuasion, social status, knowledge, and property. However, in practice there is widespread discrimination, stemming in part from cultural tradition as well as from the lingering hostilities in the aftermath of the 1992 civil war.

Violence against women, particularly rape and spousal abuse, is a common problem. In both urban and rural areas, many cases of spousal abuse go unreported and many of those cases reported are not investigated. There is a widespread reluctance to discuss the issue or provide assistance to women in abusive situations. Furthermore, prostitutes operate openly at night, and trafficking in women is common—particularly among groups involved in the narcotics trade with Afghanistan—despite the laws against keeping brothels; procuring, making, or selling pornography; infecting another person with a venereal disease; and sexual exploitation of women. In rural areas, women are often physically harassed by conservative Muslims for not wearing traditional attire. Girls often are pressured into marrying men that they do not choose. Illegal polygamy is also common.

Discrimination against the disabled is a problem, despite the 1992 Law on Social

Protection of Invalids, which stipulates the rights of the disabled to employment and adequate medical care. Furthermore, the government does not require employers to provide physical access for the disabled.

Although the government allows international human rights groups to perform certain activities—such as holding seminars on the rule of law, an independent judiciary, and international humanitarian law—citizens rarely form their own human rights organizations out of fear of persecu-

tion by the government or extragovernmental elements.

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# Tanzania



The United Republic of Tanzania is a country in eastern Africa, bordering the Indian Ocean, between Kenya and Mozambique. Dar es Salaam is the capital city. The population, which was estimated to be 31.2 million in 1999, consists mainly of people belonging to different Bantu tribes (95 percent). Other ethnic groups include Asians, Europeans, and Arabs. Arabs are particularly present in Zanzibar, where more than 99 percent of the population is Muslim. Forty-five percent of the population practices Christianity; Islam and a number of indigenous beliefs are practiced by 35 percent and 20 percent of the population, respectively. Swahili (called Kiunguju in Zanzibar) and

English are the official languages of Tanzania. Arabic is widely spoken in Zanzibar.

## BACKGROUND

Tanzania is one of the poorest countries in the world. Its economy is largely based on agriculture, which provides 85 percent of its exports and employs 90 percent of the workforce. The industrial sector is mainly limited to processing agricultural products and producing light consumer goods. The World Bank, the International Monetary Fund, and other donors have provided funds, with only limited success, to rehabilitate Tanzania's deteriorated economic infrastructure.

The government of the republic consists of an executive branch (the president, the vice president, and the prime minister), a legislative branch (unicameral National Assembly), and a judiciary (Court of Appeal, High Courts, district courts, primary courts, and Islamic courts in Zanzibar).

European exploration of Tanganyika (Tanzania) began in the mid-nineteenth century. In 1891, the German government took over direct administration of the territory from the German East Africa Company and appointed a governor with headquarters at Dar es Salaam. European rule provoked African resistance, culminating in the Maji Maji rebellion of 1905–1907.

German colonial domination of Tanganyika ended after World War I, when control of most of the territory passed to the United Kingdom under a League of Nations mandate. After World War II, Tanganyika

Girls drawing water from a well. Lack of clean water is a problem in some Tanzanian villages.

became a United Nations trust territory under British control. Subsequent years witnessed Tanganyika moving gradually toward self-government and independence.

Tanganyika achieved independence on December 9, 1961. Tanganyika became a republic within the Commonwealth a year after independence. Zanzibar became independent in 1963. On April 26, 1964, Tanganyika united with Zanzibar to form the United Republic of Tanganyika and Zanzibar, renamed the United Republic of Tanzania. In 1995, the nation held its first multiparty elections for president and legislature since becoming a republic.

## HUMAN RIGHTS

The government restricts the human rights of its citizens in several areas.

The constitution prohibits the use of torture and inhumane or degrading treatment, but the police regularly threaten, mistreat, or beat suspected criminals during and after their apprehension and interrogation. Police also use the same means to obtain information about suspects from family members not in custody. Pervasive corruption is a serious problem in the police force. Furthermore, prison conditions are harsh and dangerous. Prisons are generally overcrowded, and serious diseases, such as dysentery, malaria, and cholera, are common and result in many deaths. Arbitrary arrest and detention are also problems.

The constitution provides for an independent judiciary, but political interference is very common. Lower levels of the judiciary, in particular, are corrupt and inefficient.

The state routinely interferes with privacy rights. Moreover, despite the constitutional provisions for freedoms of speech and of the press, the government limits these rights in practice. Such laws as the Newspaper Act and the Broadcasting Act limit the media's ability to function effectively, and the government often pressures journalists to practice self-censorship. The government also denies its political opponents unrestricted access to the media.

Government limits the freedoms of peaceful assembly and of association. Opposition politicians have been arrested for holding meetings, distributing information, and performing other acts that the government regards as seditious. Furthermore, the constitution and the law stipulate that citizens cannot establish new political parties.

The government imposes some limits on the freedom of movement within the coun-



try, as well as on foreign travel, emigration, and repatriation. Passports for foreign travel may be difficult to obtain, mostly a result of bureaucratic inefficiency and officials' demands for bribes.

The constitution prohibits discrimination based on nationality, tribe, origin, political affiliation, race, or religion. Discrimination based on sex, age, or disability, however, is not prohibited specifically by law. Discrimination against women and religious and ethnic minorities is common and represents a serious problem. In particular, the Muslim community claims it is discriminated against by the Christian population.

Violence against women is widespread. The Marriage Act of 1971 made a statement criticizing spousal battery, but did not prohibit it or provide for any punishment. Traditional customs that subordinate women remain strong in both urban and rural areas. Women may be punished by their husbands for not bearing children. It is accepted that a husband may treat his wife as he wishes, and wife beating occurs at all levels of society. Cultural, family, and social pressures prevent many women from reporting abuse to authorities. Custom and tradition often hinder women from owning property. Male colleagues often harass women seeking higher education. In Zanzibar, women face discriminatory restrictions on inheritance and ownership of property because of concessions by the government and courts to customary and Islamic law.

Although the government officially discourages the practice of female genital mutilation, this practice is still performed at an early age by approximately 20 of the country's 130 main ethnic groups, affecting 18 percent of the female population. In some ethnic groups, the practice is compulsory, and in others, a woman who has not undergone the practice may not be allowed to marry.

The government does not mandate access to public buildings, transportation, or government services for persons with disabilities. Although there is no official discrimination against the disabled, in practice the physically disabled effectively are restricted in their access to education, employment, and other state services due to physical barriers.

In general, workers do not have the right to form or join organizations of their choice.

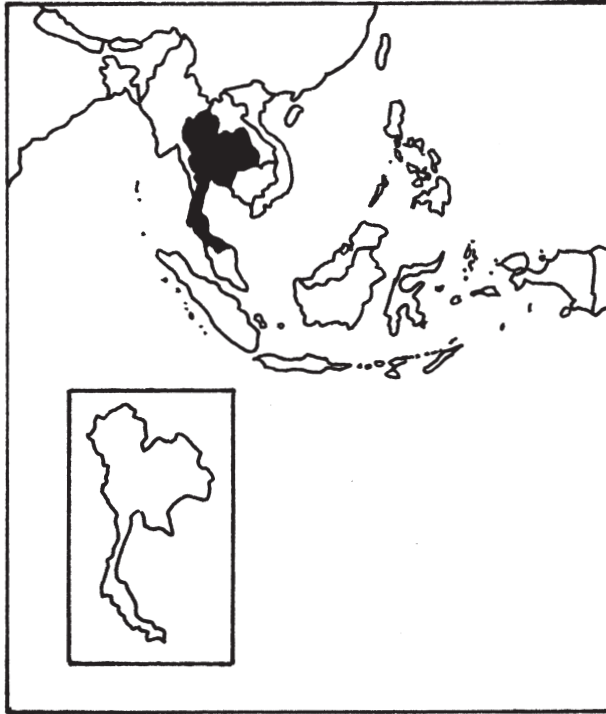
Although international human rights groups are welcome to visit the country, the government has obstructed the formation of local human rights groups, denying them registration.

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# Thailand



The Kingdom of Thailand is in Southeast Asia, bordering the Andaman Sea and the Gulf of Thailand, southeast of Myanmar (Burma). Bangkok is the capital city. Thailand's population was estimated at 60.6 million in 1999. It includes Thai (75 percent), Chinese (14 percent), and other ethnic groups (11 percent). Buddhism is the majority religion (95 percent). Nearly 4 percent of the population practices Islam; Christianity, Hinduism, and other religions are practiced by a very small percentage of the population. Thai is the official language, and English is the secondary language of the elite. Several ethnic and regional dialects are also spoken throughout the country.

## BACKGROUND

After years of rapid economic growth, Thailand has been experiencing a severe economic crisis since July 1997, when the government decided to float the national currency. With the depreciation of the Thai baht and the collapse of domestic demand, imports have fallen off sharply. Foreign investment for new projects, the longtime catalyst of Thailand's economic growth, has also slowed.

Thailand is a constitutional monarchy. The executive branch of the government consists of the king and the prime minister. The bicameral National Assembly makes up the legislative branch, and three different levels of courts—the highest of which is the Supreme Court—form the judiciary.

Thailand has never been colonized. Thais date the founding of their nation to the thirteenth century. According to tradition, in 1238, Thai chieftains overthrew their Khmer overlords at Sukhothai and established a Thai kingdom. Beginning with the Portuguese in the sixteenth century, Thailand had some contact with the West, but until the 1800s, its relations with neighboring nations, as well as with nearby India and China, were of greater importance. Thailand did not establish firm connections with Western powers until the end of the nineteenth century. In 1932, a bloodless coup transformed the government of Thailand from an absolute to a constitutional monarchy. Although nominally allowing elections, in reality Thailand was ruled by a series of military governments inter-

spersed with brief periods of democracy from that time until the 1992 elections. Since the 1992 elections, Thailand has been a functioning democracy with constitutional changes of government.

## HUMAN RIGHTS

The government generally respects the human rights of its citizens, although some problems persist in several areas.

Some police officers have been responsible for using lethal force in apprehending criminal suspects. Although the Criminal Code prohibits cruel, inhumane, or degrading treatment or punishment, some police occasionally beat suspects in order to coerce confessions. Security forces in border areas have also been accused of beating people. Prison guards often resort to physical abuse and extrajudicial killings of both Thai and foreign prisoners in cases of disciplinary problems. Moreover, prison authorities sometimes use solitary confinement to punish difficult prisoners. They also use heavy leg irons randomly and without apparent cause. Prisoners caught in escape attempts were reported to have been beaten severely.

Although the constitution provides for an independent judiciary, the courts have a reputation of being moderately corrupt.

The government generally respects the privacy of its citizens, but security services have been accused of infringing upon this right by monitoring persons who espouse extremist or highly controversial views, including foreign visitors.

The government may restrict freedoms of speech and of the press to preserve national security, maintain public order, preserve the rights of others, and protect the public morals. Moreover, the 1997 constitution prohibits criticism of the royal family, threats to national security, or speech likely to incite disturbances or criticize Buddhism.

*Soldiers gathered as part of crackdown on pro-democracy demonstrators, May 1, 1992.*

The constitution mandates equal treatment under the law regardless of social status, religion, race, or sex. In practice, however, some discrimination exists. Violence against women, especially domestic abuse, continues to be a serious problem. Although under the Criminal Code rape is illegal, a husband cannot be prosecuted for spousal rape. Prostitution represents one of the major problems in the country. Although illegal, it is often protected by local officials with commercial interests in its continuation.

Thailand is a major source, transit, and destination for trafficking in women and children. Some women are forced into prostitution, and coerced prostitution often involves women from hill tribes and neighboring countries. Foreign women,

without family ties in the country, are particularly vulnerable to physical abuse, confinement, and exploitation. Some women are lured to Thailand with promises of jobs as waitresses or domestic helpers but then are forced to work as prostitutes.

Child labor and the relatively short compulsory education requirements of schooling until age nine remain areas of concern.

Although the law requires that firms hire one disabled person for every 200 other workers, this provision has not been enforced. The new constitution provides for access to public facilities by disabled persons, but laws implementing these provisions have not yet been enacted.

The integration of ethnic minorities into society is limited. Only half the estimated 700,000 to 800,000 members of hill tribes are reported to hold citizenship papers or certification that they are eligible for future citizenship. The remainder lack docu-

mentation, and thus access to government-provided education and health care. As non-citizens they are also barred from participating in the political process.

According to union leaders, employers often discriminate against workers seeking to organize unions.

A wide variety of local human rights organizations operate in the country without government restriction. In 1999 new legislation created a permanent National Commission on Human Rights.

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# Togo



The Republic of Togo is located in west Africa. Its neighbors are Ghana, Benin, and Burkina Faso. Its population is approximately 5 million, divided between a large number of ethnic groups. No ethnic group is a majority of the population. The capital is Lomé. Most of the population practice traditional beliefs; about 20 percent are Christians and 10 percent are Muslims. The government is a republic headed by a president.

Togo became a German colony in the 1880s but was taken over by the French after World War I. The French granted Togo its independence in 1960. Togo's governments have been characterized by military rule and electoral fraud.

The country is fairly poor, with an annual per capita income of less than \$1,000.

Major exports include coffee, cocoa, and cotton.

## HUMAN RIGHTS

The government does not do a good job of protecting human rights.

The citizens of Togo do not have the right to change their government. Although elections occur, they are fraudulent. Government officials and police rig election results to ensure the victory of the ruling elite. During elections, government-sponsored violence has led to many deaths.

The police arbitrarily arrest and beat suspects; these police abuses are widespread. The police also have been responsible for a number of extrajudicial killings; however, the number has been decreasing. Union and opposition leaders have been killed while in police custody. Sometimes "troublemakers" are made to "disappear" by government forces. When police do arrest people, it is often with little or no legal justification for doing so. Sometimes those arrested are kept incommunicado for days.

Torture by the police is also common. Torture includes beating, burning, and starvation. The police are believed to have tortured a human rights monitor to death. Police are not prosecuted for these crimes.

Prison conditions are poor. Overcrowding, poor food, and sometimes non-existent sanitation facilities are all serious problems. Disease is very common. Prison guards charge inmates fees to use the toilet or take a shower.

Togo's court system is overburdened and understaffed. Judges are supposed to be

This refugee from Togo says he faces torture if he goes home. Nevertheless, he is being sent back from Sweden, August 1993.

independent, but in reality they respond to pressure from the president and other senior officials.

The right to privacy is not well protected. Police and security forces enter homes and search them without warrants. The government also taps into private phone conversations. The constitution provides for freedoms of speech and of the press, but the government does not protect these rights. Journalists are harassed by physical attacks as well as by government lawsuits. Police also have invaded the offices of pro-opposition newspapers, wrecked equipment, and seized copies of the newspapers. In spite of this ongoing harassment, Togo still has an active and lively press.

Citizens are not allowed to protest or assemble freely despite constitutional provisions. Police regularly break up anti-government demonstrations.

The government does not interfere with the right to worship freely.

Discrimination against women is serious and pervasive despite constitutional protections. Women have little opportunity to advance in Togo's business or political worlds. Female genital mutilation is common in some ethnic groups; the government has passed a law forbidding it, but this law is not rigorously enforced. Forced prostitution is also a serious problem. In addition, domestic violence remains a serious problem. Although there are laws pro-

tecting women from domestic violence, the police do not generally involve themselves in disputes between spouses.

Children's rights are not well protected. Children are often used as forced laborers, and there are not sufficient resources allocated by the government to ensure that all children receive an education, although school attendance is mandatory for both boys and girls until age fifteen.

The government does not provide easy access for human rights monitors. The police often arrest human rights advocates. Even so, there are a number of local human

rights groups that are very active in monitoring the situation in Togo.

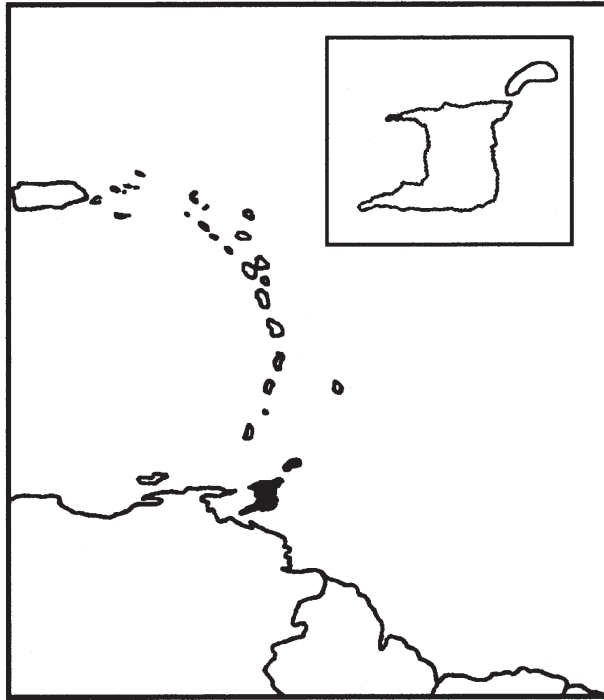
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# Trinidad and Tobago



A two-island nation located in the Caribbean, the Republic of Trinidad and Tobago is located near Venezuela. The population is slightly more than 1 million and is divided almost equally between the descendants of African slaves and South Asian indentured servants. English is the official language. The main religions are Catholicism, Protestantism, and Hinduism. The country is a parliamentary democracy headed by a prime minister.

Captured by the English in 1802, Trinidad and Tobago remained a British colony until 1962, when it gained its independence. The country has extensive oil reserves and an oil refining service sector that also processes Middle Eastern oil imports.

Trinidad and Tobago is a democracy. The electoral generally functions well but some tensions have resulted between people of African ancestry and people whose ancestors came from South Asia. A milestone was achieved in 1995, when Trinidad and Tobago chose its first South Asian prime minister, Basdeo Panday.

## HUMAN RIGHTS

Trinidad and Tobago is a satisfactory defender of its people's human rights.

The citizens of Trinidad and Tobago are able to freely choose their own government. The system of government is parliamentary and is modeled on that of Britain. Elections are free and open, and the government does not interfere with the electoral process.

The police generally act within the law and do not abuse prisoners. The police do not use torture. Prisoners in Trinidad and Tobago are reasonably well treated. There is some overcrowding in prisons, however, which causes more rapid spread of disease. The government is building new facilities to solve this problem.

The judiciary is independent, and the courts provide defendants with a fair trial. The worst problem is inefficiency, which leads some cases to be dismissed because of errors by police or the courts.

The law protects the rights to privacy, free speech, and a free press. There are a number of active and independent newspapers that criticize the government without fear of interference. The government also protects academic freedom, and the right to worship freely.



The government protects the rights of all ethnic groups. There is some racial tension between black and South Asian people in Trinidad and Tobago, and these tensions have led to some discrimination, particularly by South Asians toward blacks.

Discrimination against women remains a problem in Trinidad and Tobago. Women serve in all areas of the economy and government, but men generally hold the higher, better-paying positions. Spousal abuse is also common. The government has taken steps to reduce violence against women. The government's efforts are sometimes handicapped by a cultural tradition that views spousal abuse as acceptable. As a result of this tradition, some police are reluctant to intervene in cases of spousal abuse.

Generally, the government protects the rights of children. Trinidad and Tobago is a

poor country, however, and the government is not able to provide all the services that it might. Because of this, some children do not have access to a healthy learning environment. Schools remain overcrowded and in poor condition.

The government cooperates with all local and international human rights groups and monitors.

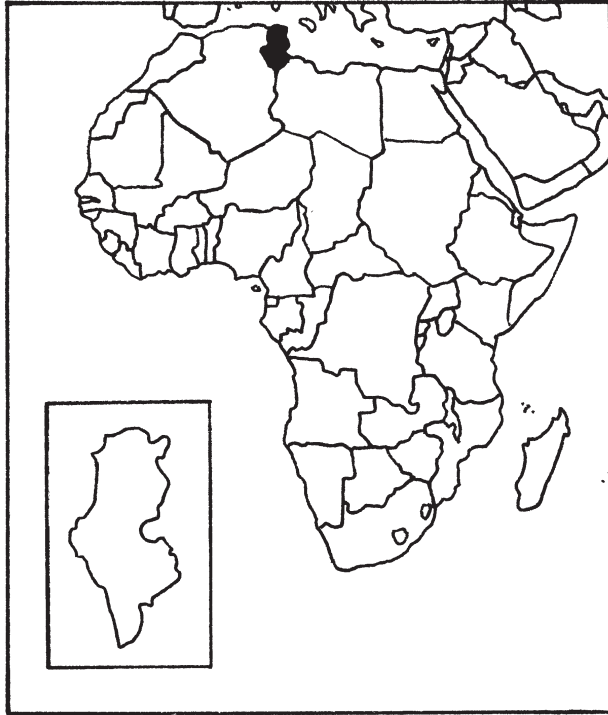
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# Tunisia



The Republic of Tunisia is located in northern Africa, bordering the Mediterranean Sea, between Algeria and Libya. Its capital is Tunis, and it won independence from France in 1956. Its legal system, like that of other former French colonies in the region, is based on both French civil law and Islamic law. Its economy is diverse, with mining, energy, agricultural, manufacturing, and tourist sectors. The government is heavily involved in Tunisian commerce, although in the past decade, Tunisia has made an effort toward privatization and simplification of the tax structure. Tunisia is an associate country in the European Union (EU), which will gradually allow it to lower tariffs and remove other barriers to trade with the EU over the next ten years.

Although Tunisia has a republican government structure, which presupposes electoral choice, Tunisia is run by one political party, the Constitutional Democratic Rally (RCD). President Zine El-Abidine Ben Ali has been in power since 1987.

## HUMAN RIGHTS

Under the RCD, the government has been intolerant of political dissent and harshly restricts religious freedom. According to Amnesty International, at the close of 1999, Tunisia held over 1,000 political prisoners, most of them supporters of an unauthorized religious group, an-Nahda. Although Tunisia has been almost entirely free of political violence for several years, Tunisian officials insist that members of an-Nahda are extremists and terrorists, alleging that they played a role in isolated disturbances and also plotted a coup against President Ben Ali.

To this end, Tunisian authorities have increased restrictions on the Internet while at the same time increasing access to it. Human rights organizations' websites, such as Amnesty International, are reportedly blocked throughout the country. Tunisians cannot get free web-based email service because known human rights advocates within the country set up accounts on these sites. Activists within Tunisia have accused the government of intercepting and interfering with their Internet communications on a regular basis. Some students and professors have been detained for questioning because of their use of their Internet accounts.

Tunisian woman working on her land.

On May 3, 1999, for the second year in a row, the Committee to Protect Journalists named President Ben Ali as one of its “ten worst enemies of the press.” The government has refused Tunisian journalists permission to travel abroad, withheld press credentials, and placed under constant surveillance journalists who have written articles critical of the government. There are independent newspapers and magazines, including two journals published by opposition parties. However, Tunisian authorities impose a combination of direct and indirect censorship on all publications and require that all printers and publishers supply security forces with advanced copies. The government has blocked the publication of many articles in this manner.

Security forces within Tunisia have made use of torture and arbitrary detention in dealing with political dissidents and opponents of Islam. Torture methods included submersion of the head in water; electric shock; beatings with hands, sticks, and batons; cigarette burns; and food, water, and sleep deprivation. Other alleged torture methods include the “rotisserie” method: stripping prisoners naked, manacled their wrists to their ankles, suspending them from a rod, and beating them. Prisoners have also been beaten on the soles of their feet, hung on the doors of their cells until they lost consciousness, and confined in tiny, unlit cells.

The International Federation of Human Rights League published a report in No-

vember 1998 accusing Tunisian authorities of using torture in a “blatant, grave and systematic” manner. The report lists at least 500 known cases of torture between 1990 and 1998, including thirty cases where it resulted in the death of the prisoner. Many cases of torture go without notice, however, because authorities often deny medical examinations until the evidence has disappeared. The government does not allow international organizations to monitor prison conditions. At no time were any security officials disciplined for these blatant human rights violations.

Tunisian law allows authorities to arrest citizens without warrants and detain them incommunicado for up to ten days. During this ten-day period the accused do not have the right to legal representation. Human rights observers maintain that authorities often illegally extend this ten-day period by falsifying the date of arrest. In one recent case, a citizen was held for over a year before she appeared before a judge.

There is no limit to how long a case may be held over for trial, nor is there a legal imperative for a speedy hearing. The authorities also routinely require ex-prisoners to register at a police station every day, to which human rights activists have objected as unreasonable and which prevents these citizens from holding jobs. Relatives of prisoners and dissidents living abroad are subjected to police surveillance and mandatory visits to police stations to report any contact with their relatives. Telephone surveillance is said to be common, and those who wish to send faxes first must turn over their identification cards.

In Tunisia, citizens’ right to change their government is also curtailed. Electoral laws have been enacted to assist the ruling party, the RCD. Opposition presidential candidates have now been allowed to run

and campaign within limits set by the government, but many have charged that the process is unfair and favorable to the ruling party candidate. The legislative branch of government does not serve as a counterbalance to the executive. Rather, it serves as a rubber-stamp for executive decisions. Ballots are not considered secret, and many may not vote for the opposition for fear of reprisal.

Under the new economic liberalization, women are enjoying increasing access to the workforce, and the government has made serious efforts to advance the rights of women in the areas of property ownership, divorce, and inheritance. Approximately 43 percent of the incoming class of university students in 1998 was female. However, women still face discrimination in the private sector, and the illiteracy rate among women is double that of men. The government has also demonstrated its commitment to public education, and has made school compulsory until the age of sixteen. It has also drafted new and more effective laws to punish child abusers.

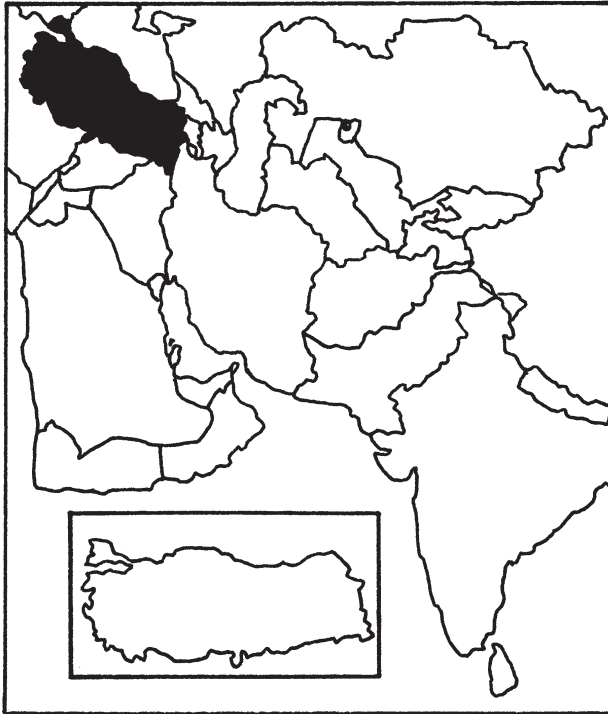
Tunisia is a country in the midst of a capitalist transition. Its methods of coercion and illegal punishment are archaic and clash with its new priorities, but these may change as the economy improves.

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# Turkey



Turkey is a Middle East country located between the Mediterranean and the Black Seas. Its neighbors are Bulgaria, Greece, Georgia, Armenia, Iraq, Syria, and Iran. Most of Turkey lies in Asia, but the part of Turkey that lies across the Bosphorus is considered part of Europe. The capital is Ankara. Turkey has a population of approximately 66 million. Some 80 percent are ethnic Turks, while most of the rest are ethnic Kurds. Turkish is the official language, although Kurdish and Arabic are also spoken. Almost the entire population follows Islam. The country is a parliamentary republic headed by a prime minister.

## BACKGROUND

For thousands of years Turkey, under different names, was occupied by a variety of

peoples, including Hittites and Persians. The Turks were a nomadic group who moved into the region after A.D. 1000.

In the 1300s, the Ottoman Turks became the dominant Turkish group, absorbing all of the others. By 1600, the Ottomans had succeeded in creating a vast empire that covered most of the Middle East, southeastern Europe, and northern Africa. The next 300 years saw the Ottomans fall into decline and lose territory. By the end of World War I, the Turks were confined to the boundaries of modern Turkey.

After the war, Kemal Ataturk, Turkey's first modern leader, molded his country into a modern, Westernized society. Islamic dress was frowned upon, and Turks were encouraged to adopt Western ideas and styles.

After World War II, Turkey became a key ally of the United States. Turkey became a member of NATO, and allowed nuclear missiles to be based on its soil. Turkey was the West's closest Islamic ally. Since the fall of the Soviet Union, Turkey has not been as tightly allied to the United States, but remains Western in its orientation. Because of this, Turkey is eager to join the European Union (EU).

During the twentieth century, Turkey has been plagued with two ongoing problems: political instability and friction with Greece.

The hostility between Greece and Turkey dates back to the Ottoman Empire, when Turkey ruled and oppressed Greece. In the aftermath of World War I, there was more tension, leading eventually to a small war and the expulsion of many Turks from Greece and many Greeks from Turkey. Tensions were raised again in 1974, when

Turkey invaded Cyprus, a small island off the coast of Turkey, and took over those parts of the island occupied by ethnic Turks. Greece supported the Cypriots, most of whom were ethnic Greeks, and has demanded ever since that Turkey withdraw from Cyprus. Today, Turkish troops remain in eastern Cyprus.

Political instability, fueled by conflicts between left- and right-wing parties, as well as between Islamic and secularist parties, has made it difficult for Turkey's civilian government to maintain its hold on power. The Turkish army has intervened a number of times and even imposed military rule on occasion to solve what it viewed as political crises. Most recently (1997), the military forced an Islamicist government to resign and called for new elections.

Turkey also has had to deal with the problem of its large Kurdish minority. Un-

willing to allow the Kurds to form a state of their own, the Turkish government has used repressive measures to keep Kurdish rebels under control. For the past fifteen years, this has fueled an ongoing war with the guerrilla fighters of the Kurdistan Workers Party (PKK).

### HUMAN RIGHTS

Turkey has a mixed human rights record. It protects some freedoms of its citizens but with many glaring gaps. The ongoing war with the Kurds of the PKK has led to many human rights abuses. The human rights abuses committed by the Turkish security services are part of the reason why the EU has turned down Turkey's application for membership.

For the most part, the Turkish people have the freedom to choose their own gov-

ernment. Elections are free and open, and many parties participate. The government, however, reserves the right to ban political parties that it believes are threats to the state. Parties that have been banned in the past include Islamicist parties and Kurdish parties.

The Turkish police and army are believed to be responsible for a number of extrajudicial killings. At least a dozen prisoners have died while in police custody, and it is suspected that they were murdered by the police. Kurdish independence advocates and guerrillas have been the victims of extrajudicial killings. The police and the army use force with little provocation. The Provincial Authority Law of 1996 authorizes soldiers to shoot any fleeing civilian who disobeys an order to halt. As a result, a number of unarmed people have died in confrontations with the police. The law was annulled in 1999, and further action is expected. The PKK is also believed to be responsible for some extrajudicial killings.

The Turkish police and army are believed to be responsible for a number of “disappearances.” Often, those who disappeared had connections to Kurdish resistance movements.

Torture is against the Turkish constitution, and the government seems to have made some effort to eliminate it, but it continues to be a widespread practice in Turkey. It has been charged that the Turkish police sometimes use torture in the interrogation of suspects and that some suspects die as a result of this torture. Hundreds of detainees are tortured every year. Methods commonly used include electric shock and using high-pressure water hoses. Human rights groups have also documented the use of other techniques, including beating of the genitalia, hanging the victims by their arms, and

various forms of sexual abuse. The government passed legislation in 1999 to punish torture by security officers, but in practice officers are rarely prosecuted or punished.

Prison conditions are poor in Turkey. Prisons are overcrowded, are short of medical supplies, have poor sanitation, and are plagued by abusive guards. Adults and juveniles are often housed together. Many prisons use prisoners to help enforce order; these prisoners are often more brutal than the guards in their treatment of fellow inmates. The Turkish government allows limited human rights inspections of its prisons.

Arbitrary detention and arrest are ongoing problems in Turkey. Detainees are often arrested on the slightest pretext and kept in detention for many days before having access to an attorney.

The Turkish constitution provides for an independent judiciary, but in practice this independence is sometimes compromised. Judges also tend to favor the government in cases concerning Kurdish militants, and therefore do not also allow these defendants their full rights under the law. Many judges are reluctant to penalize abusive police officers.

The government does an uneven job of protecting its citizens' right to privacy. The police often conduct warrantless searches, particularly in areas with large numbers of Kurds, and phone taps are believed to be common.

The government does not protect the rights of free speech and a free press. The Criminal Code forbids journalists from insulting the president, the Parliament, and the army. The government is particularly sensitive to articles that discuss either the questions of Kurdish independence or the secular nature of the Turkish state. Journalists who criticize the government are

sometimes imprisoned. The government also imprisons artists and writers who produce works that attack the government's policies. Despite these limitations, the Turkish media, both print and broadcast, actively discuss the many controversial issues faced by the government. However, the fear of arrest probably leads to some degree of self-censorship.

The constitution provides for free assembly, but this is restricted. Protestors are often beaten by the police. Occasionally army troops have used gunfire to break up demonstrations. Many protestors are arrested every year.

In theory the government protects the right to worship freely. In practice, however, the government puts limits on the religious activities of many Turks. The military, in particular, is opposed to the spread of what it views as Islamic radicalism. The government forbids women from wearing the traditional head scarves that are common in many other Muslim countries. Islamic fundamentalists are watched, harassed, sometimes arrested, and occasionally murdered. Members of other religious groups are sometimes harassed, but usually they are allowed to worship as they please.

Discrimination against ethnic minorities is a serious problem in Turkey. The Kurds especially face constant discrimination by both ordinary Turks and government representatives. The military's campaign against the PKK and its supporters has led to numerous human rights violations committed against Kurds. Arbitrary arrests, torture, and extrajudicial killings are all common. The government has also tried to

restrict the use of the Kurdish language in schools, in journalism, and in publishing.

Discrimination against women is reportedly widespread. In particular, spousal abuse is considered a serious and common problem. Culture and family pressures prevent most women from bringing spousal abuse to the attention of the authorities. In rural areas, some women have been killed by family members for committing adultery or being unchaste in some other way. These murders often were not prosecuted. Although women work in government and business, it is usually at lower wages and in more junior positions than men. In conflicts over child custody and other family matters, women have fewer legal rights than men.

In general, the government is committed to protecting the rights of children. Violence against children is still common, particularly in rural areas, but the government has used education campaigns as well as prosecution to reduce its occurrence.

The government allows visits by international human rights monitors, but it sometimes limits the activities of local human rights groups.

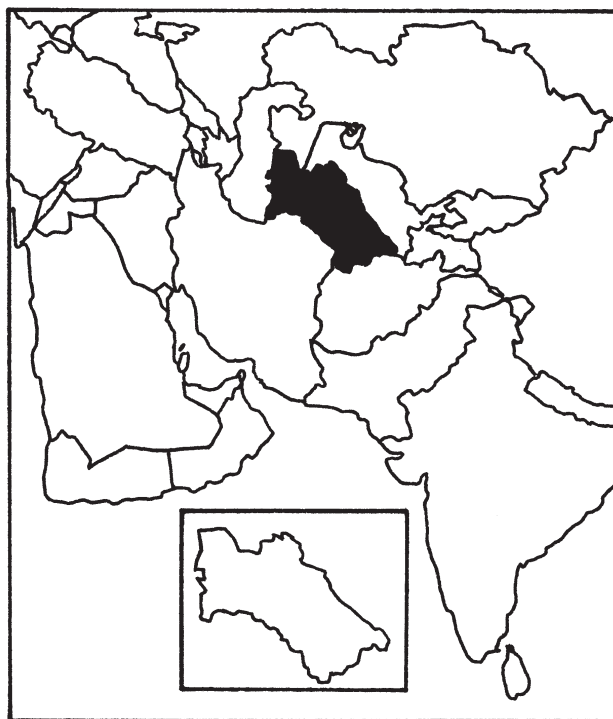
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# Turkmenistan



Turkmenistan is located in central Asia. Its neighbors are Kazakhstan, Uzbekistan, Afghanistan, and Iran. The capital is Ashgabat. The population of Turkmenistan is approximately 5 million. Turkmens make up 77 percent of the population, Uzbeks 9 percent, and Russians 7 percent. Most Turkmens are Muslim, but the Russian minority is largely Orthodox Christian. The government is a republic headed by a president.

Turkmenistan was conquered by the Russian Empire in the nineteenth century. The Russian Revolution created the Soviet Union, but did not give Turkmenistan its independence. Instead, it became a Soviet republic under the control of Moscow.

The collapse of the Soviet Union in 1991 gave the Turkmens the opportunity to de-

clare their independence. Turkmenistan officially became an independent state on October 27, 1991.

Despite the end of communism in Turkmenistan, the government continued to be run by ex-communist bureaucrats and officials. President Saparmurat Niyazov has ruled since 1990 (serving as the leader of the Turkmenistan Soviet Republic before independence). Turkmenistan remains a one-party state, as it was in the Soviet era.

The country is very poor. Its main exports are cotton, oil, and gas.

## HUMAN RIGHTS

Turkmenistan has a poor human rights record.

The people do not have the right to freely choose their government. Turkmenistan remains a one-party state, and the ruling party uses its control of the police, army, and media to remain in power, led by President Niyazov. Elections, when they occur, are characterized by abuses. Citizens are required to swear a personal oath of allegiance to President Niyazov.

The police are believed to be responsible for the death of prisoners in custody. Although it is supposed to be illegal, torture is still said to be common. Police reportedly use torture as a way of gaining confessions.

The police use arbitrary arrest as a means of suppressing popular dissent. Those who voice views critical of the government are often picked up and wrongfully charged with other crimes. The government has also targeted religious minorities for arbitrary arrest.

Prisons in Turkmenistan are overcrowded and unhealthy. Food is in short supply, and there are few facilities to allow prisoners to exercise. There is little protection from winter's cold or summer's heat. Some prisoners die from disease exacerbated by these poor conditions.

The Turkmenistan judicial system is neither fair nor independent. Judges are under the influence of the president and pass down whatever sentences the government wishes. Accused criminals are often denied their right to call witnesses or have access to a lawyer. Poor defendants who cannot afford a lawyer are often forced to represent themselves in court.

Privacy is not protected. The government is believed to open citizens' mail before it reaches them. Electronic wiretapping is also believed to be common.

The government does not protect freedom of speech or freedom of the press. People who speak out against the government are likely to lose their jobs, be expelled from their university, or even be arrested. All radio and television stations are controlled by the government, and all newspapers are subsidized by the government; none are critical of government officials. When citizens in exile publish reports hostile to the regime, the government sometimes reacts by punishing their relatives who remain in the country.

The government does not protect the right to freely assemble. Police regularly disperse protest rallies.

The government does not fully protect the right to worship freely. Sunni Muslims and Orthodox Christians are generally allowed to practice their faiths, subject to moderate government surveillance. Other faiths have been unable to register. The Bahai, for

example, are unregistered and have seen their places of worship closed and their services broken up. The government discourages evangelism by "foreign" religions.

Ethnic discrimination continues to be a problem in Turkmenistan. Russian speakers, in particular, are discriminated against. The government requires that most official business be conducted in Turkmen. Thus there are few Russians in important government posts.

Women are discriminated against in Turkmenistan. They do not serve in the higher levels of government or the professions. Cultural pressures keep many of them at home as wives and mothers. Domestic violence against women is believed to be common, but the government keeps no domestic violence statistics.

There is no societal pattern of child abuse in Turkmenistan. Boys and girls receive the same primary school education. Classes tend to be overcrowded, however, and educational standards are not high.

There is little help for the disabled. Facilities for the disabled are poor, including those for the mentally challenged.

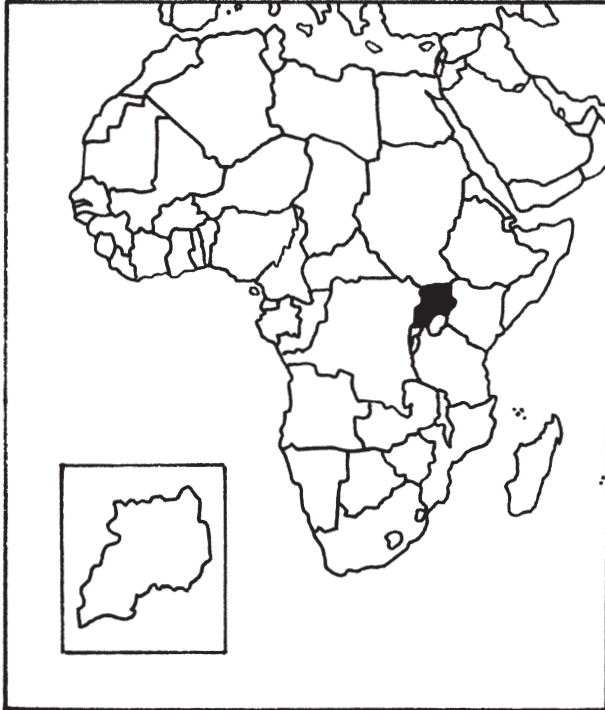
The government does not permit local human rights groups to exist. Foreign human rights representatives have had restricted access to the country during their visits.

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# Uganda



The Republic of Uganda is located in eastern Africa, between the Democratic Republic of the Congo to the west and Kenya to the east. Its capital is Kampala, and Uganda achieved its independence from Britain in 1962. President Lieutenant General Yoweri Kaguta Museveni serves as the chief of state and the head of government, having seized power in 1986. There is only one political organization in Uganda, the National Resistance Movement (NRM), which purports to represent the will of all Ugandans. The economy of Uganda is largely agricultural.

The NRM relies chiefly on the Uganda People's Defense Force (UPDF) for internal security. The president serves as commander-in-chief of this organization, in addition to his other duties. The Directorate of Military Intelligence serves as one of the in-

formation-gathering wings of the UPDF. The UPDF also cooperates with groups of vigilantes, particularly along its shared border with the Democratic Republic of the Congo, as that country's internal conflicts occasionally spill into Uganda. The UPDF, the directorate, and local groups under their control have all been charged with committing substantial human rights abuses in recent years.

## HUMAN RIGHTS

There have been no reports of political killings on the part of the government, but members of the UPDF and the directorate have committed extrajudicial killings. The police are often overzealous and brutal in the treatment of suspected criminals. In western Uganda, Muslims have complained of persecution and mistreatment at the hands of government officials. Some claim to have been tortured, ostensibly to exact confessions. Investigation continues into a 1998 incident during which police fired on students in a secondary school, killing one, and also into the death of a twenty-five-year-old man accused of stealing a bicycle who was subsequently tortured to death. Within Uganda in 1999, rebel groups, including the Allied Democratic Forces (ADF), Lord's Resistance Army (LRA), and Uganda National Rescue Front-II (UNRF-II) killed approximately 400 civilians, including children. These groups are also suspected of planting bombs in Uganda's major cities that took the lives of ten people.

Although there are no confirmed reports of politically motivated disappearances

A Ugandan man pondering a skull following a 1986 battle between rival guerrilla factions.

committed by the government, several Muslims remain missing who authorities suspected of sympathizing with rebel groups. It is believed that government forces have detained them. Rebel groups abduct civilians, many to be trained as guerrillas. Most victims are children or young adults. It is thought that the LRA abducted approximately 250 people in 1999, including young girls to be used as sex and labor slaves. According to Amnesty International, if not for the children it abducts, the LRA would have very few members. Although some of these persons have subsequently escaped or resurfaced, the United Nations Children's Fund (UNICEF) estimates that almost 5,000

children abducted by the LRA and ADF since 1987 remain missing. These organizations brainwash abducted children, forcing them to become guerrillas by beating them, sending them on long forced marches, and withholding food and water.

Prison conditions in Uganda remain harsh and life-threatening. There are no figures available on the number of deaths that have occurred due to terrible conditions, but many deaths are known to occur. Many prisons are grievously overcrowded, lacking such basics as running water or sanitation of any kind. Disease is rampant and uncontrolled because of the lack of medical care. Human rights groups have advocated a policy of state punishment that does not involve incarceration, but this has been rejected by judges who are afraid to appear corrupt. Citizens have been arbitrarily arrested and detained. Excessive detention without trial is commonplace, sometimes for periods of years. This both violates the constitutional rights of the prisoners and adds to the overcrowding of Uganda's prisons.

Freedom of speech and freedom of the press are generally respected, although some instances have been reported in which opposition politicians and journalists have been detained for questioning. They were all released within hours of their arrest. The media are generally free, and they frequently criticize the government. Internet access is widely available in urban areas and remains uncensored. Students and professors enjoy academic freedom in both public and private institutions.

The Ugandan government generally respects freedom of religion, with the exception of Muslims, who are occasionally harassed and incarcerated. Missionary groups are usually allowed into the country without incident, and religious facilities, including mosques, are allowed to operate freely.

Violence against women continues to be a problem. Uganda has no laws protecting women from physical abuse. All cases of battery must be tried under the charge of general assault. Although the Ugandan government has made provisions for the protection of mothers and children, the contents of these provisions have not been carried out because of a lack of personnel. Domestic assault is viewed, by society and the law, as a husband's prerogative. Consequently, women are more likely to file for divorce than to bring charges of assault.

Discrimination against women is traditional and widespread. Women are not given equal treatment to men in areas of divorce, inheritance, and adoption. In some areas, women are not allowed to hold property or to raise children without the presence of a man. Divorce on the grounds of adultery is more difficult for women to prove against men, and women have no legal recourse should their husbands take additional wives.

The government of Uganda has indicated its commitment to improve the welfare of its children. A universal primary education system is in place and is expanding its enrollment, although it is saddled with debt and a shortage of qualified teachers. Children have little protection against child abuse. Young girls are often raped by family members. This is rarely reported to authorities. Cases that have been reported to newspapers have been settled by the rapist or the rapist's family paying the girl's parents.

Female genital mutilation, although con-

demned by international health organizations, is currently practiced by only one tribe within Uganda, which now numbers fewer than 10,000 people. Ceremonies involving this mutilation are held every two years, the last one in 1998, during which a reported 965 females between the ages of fourteen and sixteen were subjected to the practice. The United Nations and other organizations continue to combat this practice through education.

There have been substantiated reports of trafficking in children and rebel groups continue to kidnap and indoctrinate many young people.

After the ravages of Idi Amin, one of the most tyrannical dictators of the twentieth century, Uganda is moving through the transition between authoritarian government and democratic republicanism. Although the economy has improved markedly in recent years, Uganda has many difficulties to overcome.

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# Ukraine



Ukraine is a European country with Russia, Belarus, Moldova, Romania, Hungary, Slovakia, and Poland as neighbors. Its population is approximately 50 million. Ukrainians make up 73 percent of the population, and Russians 22 percent. Ukrainian is the official language, but Russian is commonly used in some areas. The capital is Kiev. The government is a republic headed by a president.

## BACKGROUND

Slavic settlers moved into Ukraine more than 2,000 years ago. After invasions by Scandinavian Vikings, Ukraine became a center of civilization in eastern Europe. The princes of Kiev dominated the region and oversaw a thriving cultural and trading center. The Mongol invasions of the thirteenth

century destroyed Kiev as a military power. The center of gravity in the eastern Slavic lands then moved to the Principality of Moscow. Ukraine was divided between its neighbors, Russia, Poland, and Lithuania.

In the eighteenth century, Ukraine was absorbed into the Russian Empire. The Russian Revolution of 1917 transformed the empire into the Union of Soviet Socialist Republics, and Ukraine was renamed the Ukrainian Soviet Socialist Republic. Its independence was completely theoretical. Ukraine remained under Moscow's control.

The collapse of the Soviet Union in 1991 allowed Ukraine to declare its independence in December of that year. The new government made limited efforts to create a free-market economy but did little to create democracy in Ukraine. The old communist leadership remained, and still remain, powerful and entrenched in the country's government.

Ukraine has suffered an economic decline since independence. Unable to compete in the markets of the West, Ukraine's factories have been forced to cut back on their production and workforces. Per capita income has fallen. Inflation has had a harsh impact on the pensions of the elderly.

Ukraine maintains close economic and political ties with Russia.

## HUMAN RIGHTS

Ukraine does a poor job of protecting human rights.

The Ukrainians are able to freely choose their own government. Although the excessive influence of the government in busi-

Refugees leaving Ukraine stopped by a Polish border patrol, August 1, 1996.

ness and media gives those in power a significant advantage in elections, those elections are generally agreed to be free, fair, and open.

The police in Ukraine commit human rights abuses. Police beat prisoners, and there have been a number of occurrences of torture, some of which have resulted in the deaths of prisoners. Police also arrest people without warrants or on very slight pretexts.

Prisons in Ukraine do not meet international standards. Prisons are overcrowded and disease is common. Tuberculosis is a particular problem in Ukrainian prisons, and prison guards are often brutal.

The courts theoretically are independent, but in reality they are easily manipulated

by the government. Citizens do not always have access to free and fair trials. The judicial system is corrupt and inefficient. The government has done little to combat corruption in the courts or in the government itself, quite possibly because some government officials are profiting from those corrupt practices.

The government does not protect the right to privacy. Warrantless searches are common, and the government security forces are believed to read private mail and use wiretaps to listen to private telephone conversations.

The government does not fully protect freedom of speech and freedom of the press. Newspapers with differing political views are allowed to exist, but the government

uses tax code enforcement, libel cases, and inspections to put pressure on those newspapers it considers unfriendly. There is some evidence that journalists practice self-censorship to ward off government harassment. Television stations are often under pressure to broadcast reports favorable to the government. They operate with less freedom than do the print media.

The government does not fully protect the right to freely assemble. Most protests and demonstrations are allowed to occur without interference, but the police have sometimes used force to break up demonstrations or have denied groups the right to organize demonstrations.

The Ukrainian constitution protects freedom of religion, and the government generally tries to protect this right. All religious groups are required to register with the state. Government officials sometimes harass smaller non-Orthodox Christian groups. However, the government has also been cooperative with many groups, including Jewish groups, who wish to establish or reestablish places of worship in Ukraine. Anti-Semitism exists in Ukraine, but it is not government sponsored.

Discrimination against ethnic minorities remains a problem. Ukrainian police often harass foreigners and people of color, including Asian and African immigrant workers. Roma are also often the targets of harassment. In Crimea, where there is a Russian majority, Ukrainians and Tatars complain of discrimination in employment.

Discrimination against women is an ongoing problem. Women have lower pay than men for the same work and are less likely to be promoted. Violence against women, particularly at home, is also a serious problem. Spousal abuse is illegal, but the po-

lice are often reluctant to intervene in domestic disputes.

A serious problem in Ukraine is the exploitation of women for the purpose of prostitution. Ukraine is a major source of young women who are shipped to western Europe and the Middle East and forced to work as prostitutes. Once out of Ukraine, these young women have their passports taken away and are intimidated by gangsters into complying. Ukraine's relative poverty often makes young women desperate enough to give in to the offers of men who turn out to be pimps and pornographers. The government has used police task forces in efforts to crack down on those activities.

The government attempts to protect the rights of children, but the country's relative poverty means that many children suffer from economic deprivation. Many children are homeless, and many of these homeless children suffer from physical and sexual abuse.

Discrimination against the disabled is illegal, but the government does not do a great deal to prevent such discrimination. Few facilities are easily accessible to the disabled.

The government permits local and international human rights groups to operate in Ukraine. Some government offices are not cooperative with these groups, but generally the government tries to respond to their queries and criticisms.

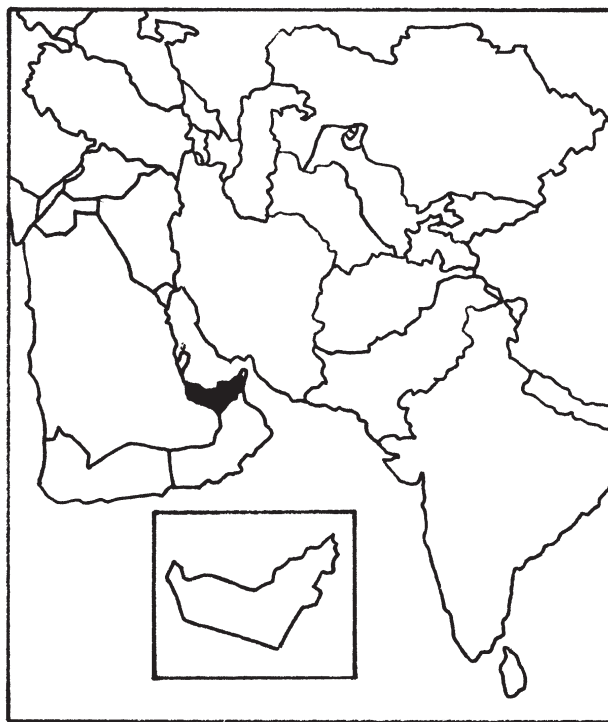
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# United Arab Emirates



The United Arab Emirates (UAE) is a small Middle East country located on the Persian Gulf. Its neighbors are Saudi Arabia and Oman. It has a population of approximately 2.3 million, 42 percent of whom are ethnic Arabs. The UAE has a large number of migrant workers from South Asia. The migrant workers make up half of the population but are not considered citizens by the government. Most of the population is Muslim, but many of the immigrant workforce are Christian or Hindu. The capital is Abu Dhabi. The government is a federation with power shared by a collection of emirates.

The UAE was originally seven small separate kingdoms (emirates) that joined to form a union. The emirates were dominated by Great Britain in the nineteenth and

twentieth centuries, but declared their independence in 1971.

The government is not democratic. The seven emirs constitute a Federal Supreme Council, which chooses a president to head the government. The people have no say—but some slight input—in how they are governed.

The UAE has extensive oil reserves, and oil production gives the population one of the highest per capita incomes in the world.

## HUMAN RIGHTS

The UAE has limited respect for human rights. The people do not have the right to choose their own government. There are no democratic institutions and people are not allowed form political parties. Political decisions are entirely in the hands of the UAE's seven emirs, although they do meet with people in traditional gatherings to hear complaints and requests.

Each emirate in the UAE has its own independent police force. The police in the UAE are believed to generally follow human rights standards. However, cases of torture or beating of suspects are believed to occur.

In accordance with Islamic law, the UAE uses lashings to punish criminals. Those convicted of adultery are sometimes given as many as 200 lashes. Those convicted of drunkenness have in some case received eighty lashes.

UAE prisons generally meet international standards. Prison beds are concrete slabs, but sick prisoners are able to stay in air conditioned parts of the prison and are allowed visits by family members.

The courts of the UAE are believed to be generally fair if sometimes harsh. Justice is divided between shari'a courts, which govern in matters that fall under religious law, and civilian courts. Neither religious nor civil courts use juries; all cases are tried by a judge alone. The emirs intervene in some cases, but this does not seem to be a common practice.

The government limits the rights of free speech and freedom of the press. Federal law stipulates that all publications should be licensed by the Ministry of Education. Criticism of the government can result in arrest and imprisonment. Some journalists are critical of the government, but this usually occurs only when some members of the government support the criticism. Sometimes government officials encourage journalists to write reports that target a government department that is not doing its job. Outside of this sanctioned criticism, journalists practice self-censorship and avoid attacking the government or its officials. Foreign newspapers are available, but sometimes have articles considered offensive to the government inked out.

Freedom of assembly is not protected. Demonstrations must receive government approval, and the government often withholds this approval. The government restricts freedom of religion. Islam is the official religion of the UAE, and other faiths have limits placed on their activities. Other religions are allowed to worship, but they are not allowed to proselytize publicly.

Discrimination against ethnic minorities is illegal but often still occurs. Abuse of for-

foreign workers is a particular problem. Foreign workers do not have all the rights of UAE citizens. Foreign women are reportedly abused by some employers.

Women do not have equal rights in the UAE. Traditional values force women into subservient roles. Women now have more opportunities in government and business than they have had in the past, but most jobs are still dominated by men. Women do not have full property rights. Violence against women is also a serious problem. The government does sometimes prosecute such abuse, but not as much as women's rights groups believe is necessary. Prostitution is also a problem; it is believed that significant numbers of women from the Soviet Union have arrived in recent years to work as prostitutes.

The government generally protects the rights of children. The rights of the disabled are also protected. There are no local human rights groups. International human rights groups are able to conduct some activities, and UAE society is becoming more aware of human rights issues than it has been in the past.

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# United Kingdom



The United Kingdom (UK) is an island nation between the North Sea and the Atlantic Ocean. Its nearest neighbors are France and Ireland. The UK is a collection of four entities: England, Scotland, Wales, and Northern Ireland. The first three are on the same island; the fourth sits on the northeast part of Ireland. The capital is London. The population is approximately 60 million. The English make up 81 percent of the population, Scottish 9 percent, Irish 2.5 percent, Welsh 2 percent, and West Indians, South Asians, and others make up about 3 percent. English is the language of almost the entire population. The main church is the Church of England, or the Anglican Church, but many UK citizens are also other varieties of Protestant, Catholic, Hindu, Muslim, and Sikh. The government is a constitutional monarchy headed by a prime minister.

## BACKGROUND

The United Kingdom is the modern descendent of the English monarchy. English kings and queens have ruled over England since Roman times. Wales was conquered in the thirteenth century, and Scotland was joined to the English crown in the seventeenth century. Both regions adopted many English customs, including the language, but they retained their own distinctive cultural traditions.

The English conquered Ireland over the fifteenth, sixteenth, and seventeenth centuries, and large numbers of Protestant immigrants, mostly from Scotland, then settled in the north of that country. When Ireland, which had a Catholic majority, achieved its independence in 1921, Northern Ireland, with a Protestant majority, remained separate and stayed connected to the United Kingdom. Beginning in the 1960s, Northern Ireland became embroiled in sectarian conflicts between the Protestant majority and the Catholic minority. Violent riots, bombs, and assassinations were used by both sides through the late 1990s. On April 10, 1998, representatives of the Protestant Northern Irish, the Catholic Northern Irish, the government of the United Kingdom, and the government of Ireland met and signed a peace settlement that may lead to an end of the fighting in Northern Ireland.

The English government began as a strong monarchy, but gradually the great landowners of England used Parliament, England's traditional legislature, to take power away from the monarchy. By 1837, the govern-

Three masked Catholics making gasoline bombs to attack Protestant police in Northern Ireland, 1984.

ment was being run by Parliament and the monarch was only a figurehead. Parliament gradually loosened voting requirements until, just after World War I, all English, Welsh, and Scots had the right to vote.

England's strong democratic tradition made it a model for many other countries seeking to expand human rights. Long before continental Europe moved toward granting more human rights, England gave its people the right to worship freely, the right to free speech, and the right to choose their own government.

Today Parliament remains the central governmental institution. Parliament is divided between the House of Lords and the House of Commons. The party holding the majority in the House of Commons picks

the prime minister. Scotland has its own regional assembly, with power over local issues, and in 1999 Wales elected an assembly with limited powers. Northern Ireland also has its own regional government, which operates under the authority of the United Kingdom.

The United Kingdom is a rich and prosperous nation. A healthy investment sector, plentiful oil reserves, and a thriving industrial base give the United Kingdom one of the highest per capita incomes in the world.

## HUMAN RIGHTS

The United Kingdom protects the human rights of its citizens.

UK citizens have the right to choose their

own government. Elections for the House of Commons are open and fair and represent the will of the people. The monarch and the House of Lords are not elected, but they have little more than symbolic power.

The police are generally well trained and do not usually use torture or usually abuse prisoners. Occasional human rights abuses occur, but these are largely the result of individual malfeasance. Some prisoners have died while in police custody.

One ongoing problem is the insensitivity and racism of some police officers. In one particularly famous case of the murder of a black man named Stephen Lawrence, the police were found to have failed to investigate it properly because of racism among officers. This gave credence to criticism from citizens of African or South Asian ancestry that police sometimes target them for harassment or fail to listen to their complaints. They are also stopped more often while driving their cars, simply because some policemen view racial minorities as possible criminals.

In Northern Ireland, police abuses are more common as a result of the high tensions that have been created by thirty years of conflict in that area. In the past, the police and security forces have used torture against suspected Irish Catholic militants. Currently such practices are believed to occur only rarely.

Prison overcrowding remains a problem, but for the most part prisoners are treated according to international standards. The courts are independent and trials are fair and open. Outside of Northern Ireland, the government protects the right to privacy. The government also protects the rights of free speech and freedom of the press. The United Kingdom has a lively and open press, and government leaders are fre-

quently the target of scathingly critical attacks. Television and radio are also free from government interference.

In most cases the government protects the rights to freely assemble and to protest. In Northern Ireland, the government sometimes intervenes to protect public order. In particular, the government has intervened to stop many of the traditional Protestant marches from going through Catholic neighborhoods, something that Catholics have long requested. While some Protestants have protested these prohibitions as violations of their human rights, others accept that they are probably a necessary part of reducing Catholic-Protestant tensions in Northern Ireland.

The government protects the right to worship freely. The rights of women are generally protected, but violence against women remains a problem. Spousal abuse is illegal, and the government pays for educational campaigns that attempt to reduce its occurrence. There are also numerous shelters for battered women who wish to escape from their husbands. In the work place, women can be found at all levels but still generally receive lower wages than men.

The United Kingdom is committed to protecting the rights of children. The government also protects the rights of the disabled. Homelessness, however, remains a recurring problem.

The United Kingdom's most serious human rights problems revolve around and concern Northern Ireland. For many years, the government of the United Kingdom allowed the local Protestants in Northern Ireland to run the region as they pleased; this resulted in systematic discrimination against the sizable Catholic minority. When Catholic resentment resulted in riots and armed conflict, the UK government inter-

Homeless people living in makeshift shelters in a London park, February 1991.

vened with military troops and attempted to force peace onto Northern Ireland. The government favored the Protestant majority and used brutal tactics to fight the militant Catholic guerrillas, the Irish Republic Army (IRA). Government methods included breaking up demonstrations, spying, and torture of suspects. It is only in recent years that the government has recognized that Northern Ireland's problems were created by Catholic, Protestant, and government actions. The April 10, 1998 peace agreement laid the groundwork for a future wherein human rights in Northern Ireland will be as well protected as they are in the

rest of the United Kingdom.

The government cooperates with local and international human rights groups. A number of these groups are based in the United Kingdom.

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# United States



The United States (U.S.) is located in North America. It is bordered on the north by Canada and on the south by Mexico. The capital is Washington, D.C. It has a population of approximately 275 million. Of those, 71 percent call themselves white, 12 percent are African Americans, 11.5 percent are Hispanic, and 4.5 percent are Asian or Native American. Most Americans are some variety of Protestant, but a significant, and growing, minority are Catholic. There are large communities of Jews, Hindus, and Muslims. Most Americans speak English, but Spanish is also widely spoken in some areas such as New York City; Miami, Florida; Los Angeles, California; and in much of the Southwest. The government is a democratic republic headed by a president.

## BACKGROUND

The United States was born from a demand for human rights. The original thirteen colonies were settled in the seventeenth and eighteenth centuries mostly by English immigrants who believed that they had certain rights, including the right to pass their own tax laws. When the English Parliament denied them these rights, they rose up in revolution. The American Declaration of Independence, drafted by Thomas Jefferson in 1776, states that “all men” have the right to “life, liberty, and the pursuit of happiness.” This idea, that men have certain inalienable rights, became the foundation of the new country. The U.S. Constitution enshrined these rights in the Bill of Rights, whose articles include provisions protecting free speech, freedom of the press, and freedom from unreasonable invasions of privacy. Even though these rights were not always safeguarded by the American government, that they existed at all made America a symbol to the rest of the world of the possibility and importance of human rights.

The American system of government shares power between a president, who serves as chief executive, and Congress (made up of the Senate and the House of Representatives), which is responsible for passing legislation. America also has a judiciary, led by the Supreme Court, whose main function is to interpret the Constitution and safeguard the human rights enshrined in the Constitution and its amendments.

Americans have often put limits on human rights. When Jefferson wrote that

“all men are created equal,” he did not include blacks (whether enslaved or free), women, or Indians. Part of the story of the next 200 years would be the process of gaining rights for all Americans, regardless of race or gender.

Most African Americans were kept as slaves in the southern states until the Civil War (1861–1865), when North and South fought largely over the issue of slavery. The North won, and slavery was officially ended by the passage of the Thirteenth Amendment to the Constitution in 1865. Racism, however, kept black Americans from enjoying their full civil rights. It was not until the civil rights movement, led by people like Martin Luther King, Jr. in the 1950s and 1960s, that laws were passed giving African Americans full civil rights. Even today, discrimination remains a problem.

Women acquired voting rights nationally in 1920. Even after this, women were largely excluded from the worlds of business and government. It was only in the post–World War II era that women began to enter the workforce in significant numbers. The feminist movement of the 1960s and 1970s helped to gain more recognition for women and to end some of the more blatant forms of discrimination, but it failed to achieve the passage of the Equal Rights Amendment, which if ratified would have barred all gender-based discrimination.

In the years since World War II, the United States has had a mixed record as an international advocate of human rights. It was American support that led to the passage of the United Nations Universal Declaration of Human Rights (1948), and the United States has generally supported democratic states around the world. During the cold war, however, the U.S. government often supported dictatorial regimes that also opposed the Soviet Union and communism. General Augusto Pinochet of Chile

and the Shah of Iran both ruthlessly suppressed and tortured their opponents, and both were good allies of the United States (in fact, both men came to power with the help of the U.S. Central Intelligence Agency).

In the years since the fall of the Soviet Union and the end of the cold war, the United States has become a more vocal advocate of human rights. It has also been more willing to use military force, through humanitarian intervention, to protect human rights. There remain some internal conflicts over human rights issues, particularly when these rights come into conflict with economic interests. This issue arose recently when Congress debated whether the United States should give the same trading privileges to China—with its many human rights violations—as it does to other countries. The United States is also sensitive to international criticism of its own human rights problems, such as its use of the death penalty and its large prison population.

## HUMAN RIGHTS

The United States generally protects the human rights of its citizens. For much of the world, in fact, the United States is a symbol of freedom and human rights. However, there remain some problem areas. Compared to the truly abhorrent human rights violations that occur elsewhere in the world, the human rights situation in the United States is very good, but many American human rights advocates argue that the United States, because it is viewed as an international model of freedom and human rights, should hold itself to a higher standard than other countries.

## POLICE AND JUSTICE

The police in the United States generally respect human rights. There are, however,



individual exceptions, which some critics believe make up a pattern of abusive behavior. Police in New York City, for example, have been involved in several human rights violations. One of the more infamous was the August 1997 arrest and abuse of Haitian immigrant Abner Louima, who was tortured by police officers with a broomstick in a men's lavatory. Other incidents of torture have been reported in cities across the nation, but they do not form a pattern of abuse. In the Louima case, the guilty officer was convicted and imprisoned.

Amnesty International has suggested that there is a pattern of police abuse—particularly against minorities—in some parts of the United States. Some police departments have admitted to using “racial profiling”—choosing cars for random drug or weapon searches simply because the driver was black or Hispanic. In April 1999, the Justice Department filed a federal lawsuit against the New Jersey State Police, accusing the police of having a “pattern and practice” of discriminatory traffic stops.

The U.S. judiciary is generally fair and independent, and protects the human rights of American citizens. Occasionally, an individual judge is corrupt, but there is no overall pattern of corruption. Some human rights advocates believe that judges sometimes can be too sympathetic to police and prosecutors.

Defendants who cannot afford their own lawyers are provided one at the state's expense, but the states vary in the amount they spend and in the quality of lawyers who serve as public defenders. Some poor defendants receive mediocre legal counsel, a violation of their human rights. This is particularly disturbing in cases where the death penalty may be applied if the defendant is found guilty. In one of these cases,

the defense attorney reportedly slept through part of the proceedings.

The American prison system generally meets international standards, but there are still problems. American prisons are often overcrowded, and often there are insufficient facilities to educate or rehabilitate prisoners. Most prison guards do not abuse prisoners, but cases of abuse still occur. Abuse and overcrowding sometimes has led to prison riots, in which inmates and guards have died.

The United States has an enormous prison population. As of 2000, America's prisons held more than 2 million inmates, which was the highest number in the industrialized world, both in raw numbers and as a percentage of the population. Many people are jailed as a result of America's ongoing war on drugs, which has resulted in the mandatory incarceration of thousands of convicted drug users and sellers each year.

The United States also has a disproportionately high number of African Americans in prison. African Americans make up only 12 percent of the population, but they make up 49 percent of the prison population. Part of this disparity is a result of the war on drugs. Although both whites and blacks are equally likely to use drugs—the usage rate is about 15 percent for each group—blacks make up 36 percent of those arrested for drug possession and 49 percent of those convicted of it. Some see these statistics as a sign of racism and an ongoing violation of African Americans' human rights.

The United States denies imprisoning people for political reasons, and for the most part this is clearly true, but some critics allege that there are political prisoners in the United States. Two of the more famous of these prisoners are Mumia Abu-Jamal, an African-American radical who was convicted of murder and is on death row, and

Leonard Peltier, an American Indian activist, who was also convicted of murder. In both cases, their defenders argue that the men were convicted because of their political beliefs, not because of their actions.

The use of the death penalty in America also disturbs many human rights advocates. The United States is one of the most prolific users of the death penalty. Along with China, Iran, and Saudi Arabia, it is one of the top four executioners in the world. The United States is also one of only six countries in the world that executes juvenile offenders. The others—Iran, Nigeria, Pakistan, Saudi Arabia, and Yemen—are all repressive authoritarian regimes. There are approximately 3,500 inmates on death rows in the United States. In 1999 there were ninety-eight executions, more than in

any year since the reimposition of the death penalty in 1977.

## IMMIGRANTS

The United States is the destination of choice for many refugees around the world, and many quickly find a safe haven here. However, those who enter the country illegally often are treated poorly. The Immigration and Naturalization Service (INS) houses, in prisons and holding camps, thousands of asylum-seeking refugees while the agency determines whether they will be granted asylum. Many of these refugees are treated poorly and have been forced to spend months in confinement.

In a connected human rights problem, the Illegal Immigration Reform and Immi-

gration Responsibility Act (IIRIRA), passed in 1996, expedited the evaluation proceedings for would-be asylum seekers. While the IIRIRA had the beneficial effect of processing refugees more quickly through the INS bureaucracy, it also had the negative result of giving refugees little time to prove their need for asylum. Human rights groups, such as Human Rights Watch, believe that this accelerated processing has led to the deportation of many genuinely deserving refugees.

### CIVIL LIBERTIES

The government of the United States protects the rights of free speech, freedom of the press, and freedom of assembly. The United States contains a vast number of print media outlets, television stations, and radio stations, all of which operate independently of the government. They are all free to criticize the government, and often do so.

The right to freely assemble is also protected and widely used. Demonstrations attacking government policies are a regular occurrence in the nation's capital. Some human rights groups criticized the behavior of the Seattle police during demonstrations against the World Trade Organization in December 1999. Non-violent demonstrators who were protesting, among other things, human rights abuses in the global marketplace, were attacked with pepper spray and tear gas.

### DISCRIMINATION

From the days of slavery to the land wars waged against Native Americans, the U.S. government has had a long history of discrimination against ethnic minorities. Such discrimination against African Americans remained legal in many parts of the nation

until passage of the Civil Rights Act of 1964. This law abolished discrimination on the basis of race in the public sector, but discrimination by individuals—in business and the private sector—remains a problem and still harms African Americans. African Americans, who on average earn less than other Americans, live in poorer neighborhoods and usually have less access to well-funded school systems. The racism of some employers, prevents many African Americans from obtaining better jobs and climbing out of poverty. The unemployment rate for black Americans is more than twice that of white Americans.

American Indians have also faced—and continue to face—discrimination. After most of their land was appropriated in the nineteenth century, they were left to languish on reservations under the not always benevolent supervision of the U.S. Bureau of Indian Affairs (BIA), which was established in 1836. Indians were forced to abandon their traditional ways of life, and many children were taken from parents to be “re-educated” into mainstream American society. On September 7, 2000, Keven Gover, head of the BIA, said, “On behalf of the Bureau of Indian Affairs, I extend this formal apology to the Indian people for the historical conduct of this agency.” Some Indians appreciated Gover's gesture, but most wanted the BIA to make more substantial efforts to rectify the wrongs that had been committed against them. Limited employment opportunities, high alcoholism rates, and a sense of cultural isolation still plague American Indians living on reservations today.

Women in the United States still face discrimination. While women serve as leaders in business and government, both these areas remain dominated by men, particularly in the upper echelons. Women tend to

earn less than men for doing the same work.

Violence against women is still a problem. While the government spends money on public awareness campaigns, police still are sometimes reluctant to intervene in domestic disputes. Most cities have shelters where battered women can seek refuge.

The United States generally does an adequate job of protecting the rights of children. However, children in poor areas, particularly those in inner cities, usually do not have access to high-quality schools.

The rights of the disabled are fairly well protected in the United States. Employers are not allowed to discriminate against the disabled unless it can be proved that the disability will make it impossible for the employee to be effective. All new buildings are mandated by law to provide equal access

for the disabled.

The mentally ill are not as well served as they could be. In the 1970s, American mental hospitals accelerated a process of “mainstreaming,” whereby the mentally ill were forced out of hospitals and given only outpatient care. Many of these people fell through the cracks of government programs and ended up wandering the streets. They swelled the ranks of the homeless and became a living rebuke to an otherwise prosperous United States.

Not all the homeless were mentally ill, of course. Of the approximately 500,000 homeless people in the United States, only one third were mentally ill. The limited safety net provided by government agencies—including an inadequate amount of public housing—meant that it was quite possible

for a poor family to be forced to live on the streets. In the 1980s and 1990s, “bag ladies” and “bag men,” so-called because they carried most of their possessions in bags (which they sometimes pushed around in grocery shopping carts) became a regular part of the urban landscape. While some cities built shelters for the homeless, others treated them as undesirables and tried to get them to move elsewhere instead of finding shelter for them. A number of cities have passed quality-of-life laws that make sleeping and lying in public places criminal offenses. New York City is the only major American city that guarantees homeless people shelter if they ask for it, although the quality of New York’s shelters is often mediocre.

Discrimination against gays, lesbians, and other people with alternative sexual orientations is a problem in the United States. Compared to most of the world, gays in America are relatively well treated. There are openly gay political figures, including members of Congress, gay media figures, and a plethora of magazines and newspapers that are marketed to the gay community. But hostility toward gays in the workplace, in schools, and in public, remains a problem. Violent attacks on gays — such as Matthew Shepard, who was beaten and left to die in Wyoming—still occur.

Prejudice against gays in government is also a problem. For example, for two years

(1997–1999) the U.S. Senate refused to confirm the appointment of a gay man, James Hormel, as ambassador to Luxembourg. In 1995, a Republican leader of the House of Representatives referred to openly gay Representative Barney Frank as “Barney Fag.” Most infamous is the American military’s policy toward gays. Every year, hundreds of gay men and women (1,145 in 1998) are expelled from the armed services simply because of their sexual orientation. Gay soldiers report being verbally and physically harassed. In one anti-gay attack in July 1999, Private Barry Winchell was beaten to death in his bed, where he had been sleeping.

The United States allows local and international human rights groups to operate freely. The United States has not, however, signed many of the international human rights agreements that have grown out of United Nations’ discussions, such as the anti-land mine treaty.

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# Uruguay



The Republic of Uruguay is located in South America, bordering the South Atlantic Ocean, between Argentina and Brazil. Montevideo is the capital city. The population of approximately 3.3 million includes descendants of Europeans (88 percent), Mestizos (8 percent), and people of African descent (5 percent). Most are Roman Catholic, although less than half the adult population attends church regularly. Spanish is the official language. During the past two decades, the combination of a relatively high rate of emigration of younger people and a low birth rate has resulted in a relatively older population. Among the countries in South America, Uruguay distinguishes itself for its high literacy rate, its large urban middle class, and relatively even distribution of wealth.

## BACKGROUND

A Spanish colony, Uruguay achieved independence in 1828, in the midst of ongoing conflicts between the British, Spanish, and Portuguese to control the Argentina-Brazil-Uruguay region. The remainder of the nineteenth century was characterized by political and economic instability, conflicts with neighboring countries, and large inflows of immigrants, mostly from Europe. At the beginning of the twentieth century, President José Batlle y Odóñez set the pattern for Uruguay's modern political development, initiating widespread political, economic, and social reforms.

In 1973, a civilian-military regime was established in an effort to control increasing economic and political turmoil. In 1984, national elections were held to bring about a return to civilian rule, and Julio Maria Sanguinetti, leader of the Colorado Party, won the presidency. The Sanguinetti administration consolidated the country's progress toward democratization and stabilized the economy through a series of reforms, including the attraction of foreign trade and capital.

Uruguay is a constitutional republic with a strong presidency and a bicameral legislature. Twelve cabinet ministers, appointed by the president, head executive departments. The judiciary is independent.

Uruguay's economy is a mixture of private and state enterprises and is based primarily on agriculture, which comprises more than 50 percent of the exports. The industrial sector is largely dependent on

the processing of agricultural products. The leading exports are meat, leather, and rice. Economic performance remains sensitive to conditions in Argentina and Brazil, because more than half of Uruguay's trade is conducted with its partners in South America. Annual per capita income was about \$8,600 in 1998.

## HUMAN RIGHTS

The government generally respects the human rights of its citizens, and the judiciary effectively addresses cases of individual abuse. The government supports democracy, political pluralism, and individual and civil liberties, including freedoms of speech, association, assembly, religion, and movement. However, problems persist in a few areas.

The government has disregarded calls for investigation into "disappearances" that occurred during the period of military rule. The American Convention on Human Rights has repeatedly recommended that the government address those disappearances and compensate the families of the victims. In 1998 a trial judge ordered the government to pay \$1.4 million to the families of torture victims.

The constitution prohibits torture or other brutal treatment of prisoners; nonetheless, police reportedly infringe on prisoners' rights, taking actions that result in unnecessary deaths of prisoners while in custody. In recent years, the authorities have increasingly prosecuted the perpetrators of such abuses. In some cases only disciplinary action has taken place.

Prison conditions remain poor, with inadequate sanitation and health care being the main problems. Human rights monitors are allowed to make prison visits, although all requests need to be approved by the Ministry

Families of people who have disappeared protesting military amnesty. It was probably the army that caused their relatives to disappear.

of Interior, which results in inevitable delays.

The judicial process is not timely in handing down sentences. Consequently, pretrial detentions are a serious problem, with approximately 68 percent of all persons incarcerated still awaiting trial. Sometimes, the length of time prisoners spend in pretrial detention exceeds the maximum sentence allowed for their crime.

Another area of human rights abuse is discrimination against women and the black minority. In particular, women continue to face societal discrimination in employment and salary. They remain

underrepresented in government and traditionally male-dominated professions. In addition, violence against women is widespread.

Blacks are not widely represented in the political and academic sectors of the society.

The government is committed to children's welfare and, with the help of the United Nations Children's Fund (UNICEF), has implemented a series of programs to secure proper health care and education for poor children. Some children continue to be exploited as street vendors in the informal sector, which tends not to be regulated.

The government generally cooperates with the United Nations High Commissioner for Refugees in assisting refugee and asylum seekers. It grants refugee status in accordance with the 1951 United Nations

Convention Relating to the Status of Refugees and its 1961 Protocol. It grants asylum only for political crimes.

Several local and international human rights organizations operate in the country without restriction, investigating and publishing their findings on human rights abuses. The authorities are generally supportive of their views.

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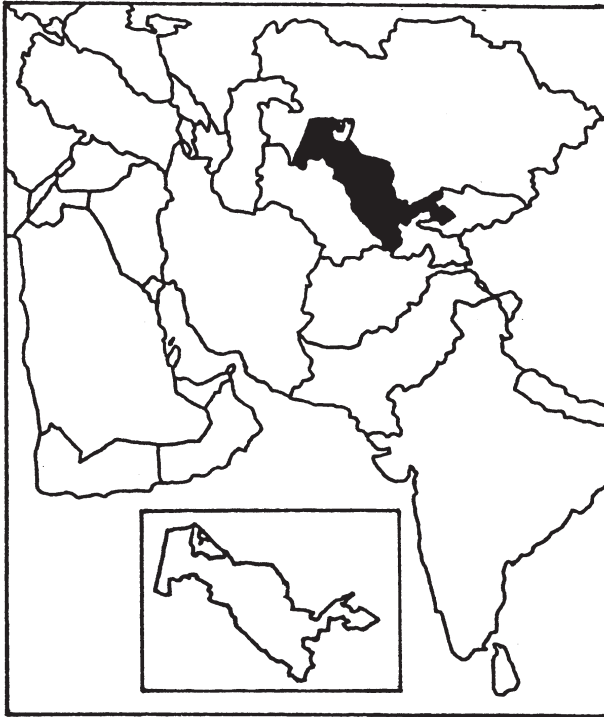
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# Uzbekistan



Uzbekistan is located in central Asia and is surrounded by Kazakhstan, Kyrgyzstan, Afghanistan, and Turkmenistan. It has a population of approximately 24 million. Uzbeks make up 80 percent of the population, Russians 6 percent, and Tajiks 5 percent. Most people speak Uzbek, but some use Russian as their first language. The capital is Tashkent. The government is a republic headed by a president.

Uzbekistan, like the rest of the region, was conquered by the Russian Empire in the nineteenth century. The Russian Revolution led to the creation of the Uzbek Soviet Socialist Republic, an entity that remained under the firm control of the Soviet Union's Communist Party based in Moscow.

Uzbekistan declared its independence from the Soviet Union in August 1991. This declaration became a legal reality with the collapse of the Soviet Union in December 1991. Despite the end of the communist era, Uzbekistan's new government remained dominated by former communists.

The country is fairly poor, and Uzbeks have a per capita income of \$2,500. Among its export products are cotton, gas, coal, and oil.

## HUMAN RIGHTS

The Uzbek government does not do a good job of protecting its citizens' human rights.

Uzbeks do not have the right to change their government. President Karimov was elected in 1991 in a rigged election. He has remained in power by using the police and army to repress all dissent. He has maintained the old repressive system of the former Soviet Union. Opposition parties are illegal; hence, there is no real democracy in Uzbekistan.

The judiciary is not independent. Judges are influenced by the president and his ministers. In political cases, judges almost always decide in favor of the government.

The police are guilty of numerous human rights abuses. Police and security forces torture prisoners. Some prisoners die while in police custody, often as a result of torture. Innocent people are often arrested by the police, sometimes because the government does not approve of their political opinions. The police use wiretaps to listen to people's phone conversations. Human

rights advocates are often targets of police harassment.

Prison conditions are very poor, with overcrowding and a lack of food being major problems. Disease among prisoners is common, and very little medical care is provided. Uzbekistan also puts some prisoners into labor camps.

The government does not protect the right to assemble freely, and unauthorized demonstrations are prohibited. Those who protest publicly are likely to face police brutality and imprisonment.

The government does not protect freedom of speech. Newspapers in Uzbekistan are under state control, and journalists do not publish articles critical of the government.

The government does not protect freedom of religion. Islamic leaders are often harassed by the police. The government has expelled female university students who choose to wear traditional Islamic dress, which is not encouraged by the state.

Women still face discrimination in Uzbekistan: they do not have equal opportunities to advance, either in government or in the private sector. Violence against women is an ongoing problem in Uzbekistan.

Ethnic minorities, particularly ethnic Russians, also face discrimination in employment and in access to education.

The government does not allow local or international human rights groups to operate.

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# Venezuela



The Federal Republic of Venezuela is situated in South America, on the Caribbean Sea and the Atlantic Ocean bounded on the east by Guyana, on the south by Brazil, and on the west by Colombia. Caracas is the capital city. Venezuela has a population of about 23 million. Ethnic groups include Spanish, Italian, Portuguese, Arab, German, African, and indigenous Indians. Spanish is the official language, although indigenous minorities speak several local languages. Most Venezuelans (96 percent) belong to the Roman Catholic Church.

## BACKGROUND

A Spanish colony, Venezuela achieved independence in 1811 under the leadership of Simon Bolivar, who formed a federation

with Colombia and Ecuador called Greater Colombia. In 1830, Venezuela became an independent republic; however, the following years were marked by a series of conflicts, dictatorships, and widespread corruption. From 1908 to 1935, Venezuela was under the dictatorship of General Juan Vicente Gomez. After his death, a military junta ruled the country until 1946, when the party of Romulo Betancourt won the majority of seats in a constituent assembly and drafted a new constitution. In 1948, the army overthrew the new democratic government and the dictatorship of Marcos Perez Jimenez was established. However, in 1958 the country returned to a civilian rule, and since then Venezuela has enjoyed a series of democratically elected governments.

Venezuela has had long-standing border disputes with Colombia and Guyana but seeks to resolve them peacefully.

Venezuela is a multiparty parliamentary democracy. The president, Hugo Chavez Frias, is the chief of state and of the government, and was elected by popular universal suffrage in December 1998. The president appoints the Council of Ministers. The legislative power is represented by the bicameral Parliament. The constitution provides for an independent judiciary; however, in practice, it is subject to the influence of the executive and others.

The economy of Venezuela is heavily based on petroleum. The reduction of oil prices produced a severe recession in 1998. Although the government has promoted many reforms to keep the recession under control, the economy continues to be heavily depressed. Per capita gross do-

mestic product was less than \$4,000 in 1998. However, income is unevenly distributed, and about more than 70 percent of the population live at or below the poverty line.

## HUMAN RIGHTS

The human rights record in Venezuela is poor in several areas.

The security forces continue to commit extrajudicial killings, primarily of criminal suspects. In addition, torture, mistreatment, and physical abuse of detainees are common, often resulting in deaths in police custody. The government rarely convicts the perpetrators of such abuses. In the small numbers of prosecutions involving public officials, the sentences issued have been light or the convictions have been overturned on appeal. Police and security forces are also responsible for arbitrary arrest and detention, illegal searches, and widespread corruption. In the Colombian border area, where constitutional provisions have been suspended due to guerrilla activity, drug trafficking, and kidnapping, the national guard and army act with near impunity.

The inefficiency of the judicial and law enforcement system has resulted in a huge backlog of cases and lengthy pretrial detentions averaging two and a half years. Judges are generally underpaid, poorly trained, and subject to influence. Vigilante justice has become a serious problem. Incidents of mob lynching are often reported.

Prison conditions are very poor, and even life-threatening. Problems include excessive use of force by poorly trained prison guards, extreme overcrowding, inadequate nutrition, minimal sanitation, and poor medical care. Prisoners often need to pay the guards to obtain the basic necessities, such as space

in a cell, a bed, and food. Guns, knives, and drugs easily circulate among prisoners. Every year, hundreds of prisoners die from violence in the prisons.

The government generally respects freedoms of speech and the press. However, charges of libel have been occasionally used against the media in order to limit and discourage the coverage of sensitive issues.

Freedoms of association and assembly are also respected. Nonetheless, many demonstrations, mostly organized by students and teachers, end up being monitored by security forces and occasionally result in violent confrontations between demonstrators and the police.

Although the constitution prohibits discrimination based on gender, race, religion, disability, and social status, in practice the government does not ensure the respect of these provisions. Women theoretically enjoy equal rights and are allowed to have full participation in political and economic life. Nevertheless, they remain underrepresented in the higher ranks of governmental positions, in labor unions, and in private industry. Moreover, they continue to face substantial institutional and societal prejudice with regard to rape and domestic violence. The authorities are generally unwilling to intervene in cases of domestic violence, and the courts rarely convict those responsible for such abuses.

The increase in poverty has also affected children's welfare by raising the level of stress on families, leading to an increased number of abandoned children. Consequently, child abuse is on the rise. Malnutrition is also a serious problem and cause of death among children. An estimated 1.2 million children work in the informal sector, mostly as street vendors, and the number of work hours generally exceed the total permitted by law.

People with disabilities face discrimination in education, employment, and health care. The physically disabled have minimal access to public buildings and transportation.

The government has great difficulty in protecting the human rights of the country's indigenous peoples. Because of their isolation from modern civilization, many indigenous people lack access to basic health and educational facilities. The local authorities usually disregard the interests of indigenous people when making decisions about their land, cultures, traditions, and the allocation of natural resources. Indigenous people are constantly threatened by deforestation, water pollution, and deadly diseases introduced by farmers and miners. For example, the Yanomani, one of the most isolated indigenous groups, have been subjected to several incursions by illegal gold miners into their territory. In 1999 President Frias appointed an indigenous rights activist and member of the Wayuu indigenous group to be environment minister. She is the first indigenous person to occupy a ministry-level position.

The government restricts the freedom to travel in some border areas; it also restricts foreign travel for persons suspected of criminal activities.

The government generally grants refugee and asylum status and cooperates with the United Nations High Commissioner for Refugees in assisting refugees.

Several local and international human rights organizations operate in the country without governmental restriction. However, the government is not always responsive to their views. One human rights group reported receiving death threats while investigating human rights abuses committed by the police. The Venezuela Program of Action and Education in Human Rights (PROVEA) is one the most highly respected non-governmental human rights organizations in South America.

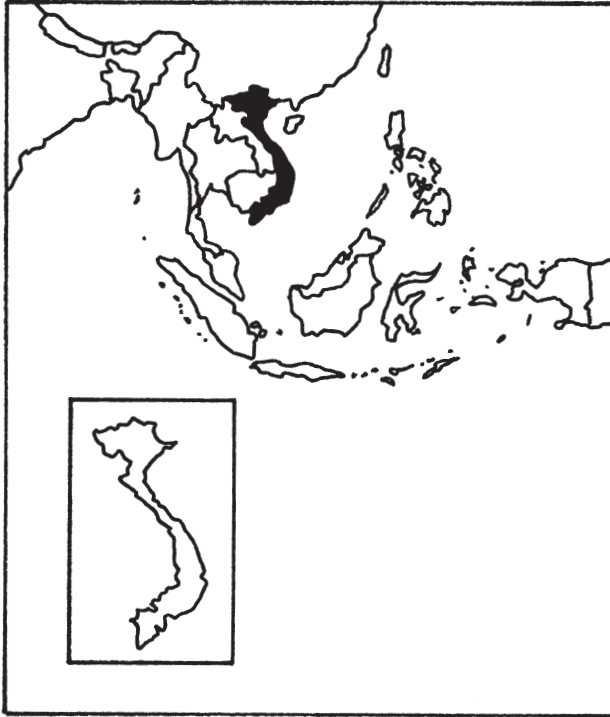
In 1996 the government accepted responsibility for extrajudicial killings by security forces, and in 1997 the government compensated families of the victims. Under pressure from the Inter-American Court of Human Rights, the Supreme Court of Venezuela undertook the preliminary investigation for related cases in 1999, an unprecedented event.

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# Vietnam



Vietnam is located in Southeast Asia. Its neighbors are Cambodia, Laos, and China. Its capital is Hanoi. Vietnam has a population of approximately 80 million. Vietnamese make up 90 percent of the population; the rest include ethnic Chinese, Muong, Tai, Meo, and Khmer. Vietnamese is the official language. Most Vietnamese who practice a religion are Buddhists, but there also is a significant Catholic minority in the southern part of the country. Vietnam is a one-party state run by the Communist Party.

## BACKGROUND

Vietnam has a recorded history stretching back thousands of years. For most of this period it was dominated by China, its large

neighbor to the north. In the tenth century, however, Vietnam was able to free itself from Chinese overlords.

In the nineteenth century, Vietnam was conquered by French armies and turned into a colonial outpost of the French Empire. During World War II, Vietnam was occupied by the Japanese. Local Vietnamese nationalists fought against the Japanese (unlike the French government officials, who cooperated with their conquerors).

When the Japanese surrendered in 1945, the Vietnamese hoped to gain their independence. The French, however, wished to have their colony back and spent the next nine years fighting to keep control of Vietnam. Dedicated Vietnamese guerrillas (members of the Vietnamese Communist Party [VCP]) were successful at fighting the French Army to a standstill, inflicting great damage on it, particularly in the north. In a 1954 peace conference, France agreed to give North Vietnam its independence. South Vietnam was not included in this peace agreement and remained allied with the West.

From 1954 to 1975, North Vietnam fought to defeat the government of South Vietnam and bring all of Vietnam under the same government. South Vietnam's government received help from the United States, eventually including more than half a million troops. The armies of the United States and South Vietnam, however, were unable to defeat the communist guerrillas. Discouraged, the United States withdrew its troops in 1972. In 1975, North Vietnam invaded and conquered South Vietnam.

The newly united state faced hostility from both the United States and China.

Though both China and Vietnam are communist states, they have had a long tradition of mutual hostility and suspicion. Tensions between the two countries led to border skirmishes in 1979.

Vietnam today is handicapped by its widespread poverty and slow transition from a centrally planned to a free-market economy. Nevertheless, Vietnam shows some signs of slowly improving the economic well-being of its citizens. It shows only small signs, however, of allowing more political freedom.

## HUMAN RIGHTS

Vietnam does not protect all the human rights of its citizens.

The Vietnamese people do not have the right to choose their own government. The country is a one-party state and is under

the complete control of the VCP. The Vietnamese National Assembly has no real power, and most of its members, although elected, are approved first by the VCP. In recent years, the National Assembly has been allowed a minor role as a forum for criticizing government corruption and inefficiency. The VCP, however, retains ultimate authority.

The police arbitrarily arrest and detain Vietnamese citizens. The police use brutality against prisoners. Suspects are often beaten by arresting officers. Citizens are arrested for arbitrary reasons; many are arrested simply for disagreeing with the government. Some persons are put under "administrative detention," which requires that they stay within a certain area and remain under government surveillance. It is not necessary to be convicted of a crime to be put under administrative detention.

Vietnamese refugees held in a Hong Kong detention area. Many people fled Vietnam seeking better lives or trying to escape political persecution, October 1991.

The courts in Vietnam do not provide defendants with fair trials. Judges are loyal to the Communist Party rather than to any abstract idea of justice. Party leaders inform judges of the “correct” decision to be made in important criminal trials. Trials are generally open to the public, but some sensitive cases are settled behind closed doors.

Prisons in Vietnam do not meet international standards. Prisons are crowded and both food and medical supplies are limited. However, although harsh, prison conditions in Vietnam are not usually life-threatening. Vietnam has a large number of political prisoners whose only crime is disagreeing with the government.

The right to privacy does not exist in Vietnam. Although the right to privacy is writ-

ten into the Vietnamese constitution, in practice the government keeps a close watch on its citizens. Most rows of houses have their own block wardens who spy on their neighbors and keep the government informed about their behavior and opinions. The government also opens the mail of people suspected of holding subversive beliefs.

The government does not protect the right to free speech or the right to a free press. All newspapers, television stations, and radio stations are under the control of the government. Reporters are not allowed to criticize the VCP. Reporters are only allowed to criticize those areas of the government that the leadership of the party believes are in need of reform. Party members who are critical of the party are usually expelled.



Blind boys making a mat. Their father was a victim of Agent Orange a chemical dropped on Vietnam by U.S. planes during the Vietnam War. The boys were born blind.

The government does not protect freedom of association or freedom of assembly. Only small protests concerning local issues are allowed. Large groups or protests having a political agenda are forbidden.

In theory, the constitution protects freedom of religion, but in practice the government restricts religious activity and harasses some believers and religious leaders. The government requires all religious groups to register with the government. Anyone belonging to an unregistered church is considered to be acting illegally. The government often arrests religious activists.

Women face discrimination in Vietnam. Pay for women is less than that of men for the same work, and women do not have the same opportunities as men to serve in well-paying, high-ranking jobs. Violence against women, particularly domestic violence, is a serious problem. Many women avoid reporting domestic violence because of traditional societal pressure. Forced prostitution of poor rural women is also a problem. These women are enticed into coming to cities with

promises of high-paying jobs, then are trapped into prostituting themselves.

The government makes some effort to protect the rights of children, but Vietnam's poverty leads many children to be victimized. Child prostitution, mostly of young girls, is a serious problem.

The government provides limited protection of the rights of the disabled. However, there is no law requiring that all buildings be accessible to the disabled.

The government does not allow local human rights groups to form. It allows only limited visits by international human rights groups.

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# Yemen



Yemen is a Middle East country located on the Arabian Peninsula. Its neighbors are Saudi Arabia and Oman. The capital is Sanaa. Yemen has a population of approximately 17 million. Most Yemenis are ethnic Arabs, but the population also includes some Afro-Arabs and South Asian immigrant workers. Arabic is the official language, and Islam is the religion of most of the population. The government is a republic headed by a prime minister.

Yemen has been under the control of foreigners for most of the past 500 years. Until 1918, when it declared its independence, North Yemen was governed by the Ottoman Empire. South Yemen was part of the British colony of Aden. When South Yemen became independent in 1967, it became a commu-

nist state. The two Yemens maintained an attitude of low-level hostility that occasionally broke out into open violence.

In the 1980s, the two Yemens began to move toward merging their two governments. In 1990 they were united. A subsequent civil war stalled unification, but the victory of northern troops in 1994 solidified the existence of the newly unified Republic of Yemen.

## HUMAN RIGHTS

Yemen has a poor human rights record.

The people's ability to change their government is limited. President Ali Abdullah Saleh's political party, the General People's Congress (GPC), dominates Parliament and the government. Other parties have found it difficult to gain support. Parliamentary elections are generally considered fair, but the government's influence over the media and military gave it a strong advantage during election campaigns.

The police and security forces have committed many extrajudicial killings. Prisoners in custody have been tortured. Some of those tortured have died while in custody. Occasionally police officers guilty of torture are caught and punished. The torture of suspects to gain confessions is tacitly accepted. However, in 1999 a court convicted three security force members of torture and sentenced them to prison.

The judiciary is neither fair nor independent. Trials are subject to influence by the president as well as by bribes from defendants. Many judges have insufficient legal training to do their jobs effectively. All

cases, criminal, civil, and military, are tried according to Islamic law.

Conditions in prisons do not meet international standards. Overcrowding, poor food, and a lack of health care create a life-threatening environment for prisoners. Some prison officials extort money from prisoners in return for privileges.

Some human rights abuses are associated with the Yemen government's ongoing war against the southern guerrillas of the Aden-Abyan Islamic Army (AAIA). The AAIA itself also has been guilty of human rights abuses, including bombings and assassinations. In fighting the AAIA, however, the army claims that the government has used arbitrary arrests, torture of suspects, and unfair trials.

The government does not protect the right to privacy. Police are said to search homes, listen to telephone conversations, and read the mail of citizens they suspect of being involved in criminal activity.

The government does not protect the right to speak freely or freedom of the press. While there are many independent newspapers in Yemen, the government uses economic pressure and the threat of arrests to keep journalists from reporting news hostile to the government. Under this pressure journalists practice self-censorship.

The government does not protect the right of all to worship freely. Islam is the official state religion, and other religions are subject to state supervision and occasional harassment. Non-Muslims are not allowed to proselytize their faith.

Women face significant discrimination in Yemeni society. Although tradition puts

women in the role of mothers and wives, some women serve in business or government. The government has instituted programs to improve this, though traditionally there are obstacles against it. Spousal violence against women is believed to be common. Men are allowed to have four wives, yet women may have only one husband. Women are legally obliged to obey their husbands. Men can divorce their wives without giving any reason, while women must go through difficult court proceedings in order to gain a divorce. An estimated 76.7 percent of women are illiterate—twice the proportion of men. Despite these restrictions, the government has made some real efforts to increase the presence and importance of women in government. Women in the former South Yemen tend to have more opportunities and higher-paying jobs than their northern counterparts.

The government tries to protect children's rights but is hampered by a lack of funds. Genital mutilation of young girls is common in some parts of Yemen.

The government allows some human rights groups to operate in Yemen and has cooperated with human rights investigations by international human rights groups.

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# Yugoslavia (Serbia/Montenegro)



Yugoslavia is located in the Balkans in southeastern Europe. Its neighbors are Croatia, Bosnia and Herzegovina, Macedonia, Albania, Romania, Hungary, and Bulgaria. Its capital is Belgrade. Yugoslavia has a population of approximately 11 million, divided between ethnic Serbs (65 percent), Albanians (17 percent), Montenegrins (6 percent), Hungarians (4 percent), Roma (1 percent), and others. Serbo-Croatian is the official state language. About two-thirds of the people are Serbian Orthodox Christians, 20 percent of the people are Muslims, and 6 percent are Catholic. Yugoslavia is a federal republic headed by a president. In 1990, the Federal Republic of Yugoslavia included six states: Serbia, Montenegro, Bosnia and Herzegovina, Croatia, Slovenia, and Macedonia. After the breakup of Yu-

goslavia, the only remaining states were Serbia and Montenegro.

## BACKGROUND

The Slavic peoples of southeastern Europe had been divided for many centuries between the Ottoman Empire and the Austrian Empire. In the nineteenth century, they began to successfully fight for their freedom and independence. The Serbians were one of the first of the South Slavic peoples to gain their independence (1878). After the collapse of the Austrian Empire during World War I, Serbia absorbed the other South Slavic peoples (Croats, Bosnians, and Slovenes) into a state that was eventually called Yugoslavia (1919). From the beginning, there was some tension in Yugoslavia between the Serbs and the other Slavic (and non-Slavic) peoples who lived in the country and resented Serb dominance.

During World War II, Yugoslavia was invaded and conquered by Germany. After this invasion, the Communist Party leader Josip Broz, known as Tito, led a resistance movement that eventually succeeded in freeing Yugoslavia. After the war was over, Tito turned Yugoslavia into a communist state with close ties to the Soviet Union.

Tito ruled the country for thirty-five years. He worked to eliminate ethnic differences and crushed dissent among Yugoslavs who tried to give their loyalty to their own ethnic group instead of to Yugoslavia as a whole.

When Tito died in 1980, the country began to fall apart. Croats, Serbs, and Albanians each began to assert their own ethnic identities. Under the leadership of President Slobodan Milosevic, an ethnic

Serb, the Serbs tried to reclaim their role as leaders of Yugoslavia. In reaction, the other states decided to declare their independence from Yugoslavia. Croatia and Slovenia declared independence in June 1991, Macedonia in September 1991, and Bosnia and Herzegovina in October 1991. These declarations led to four years of war, as ethnic Serb minorities in the newly independent states, supported by Serbia itself, fought to carve out their own ethnic Serb enclaves. Bosnia was particularly hard hit by these years of warfare, which only ended in 1995 with the Dayton Peace Accords (signed in Dayton, Ohio). Most foreign journalists and many foreign leaders blamed Milosevic for encouraging and prolonging the fighting and bloodshed. When the dust settled, all that was left of Yugoslavia was Serbia and tiny Montenegro.

In 1999, the world faced another Yugoslavian crisis in Kosovo. The region of

Kosovo was a part of Serbia that contained a majority of ethnic Albanians. Ever since Milosevic came to power, he had used the Yugoslavian army and police to keep the Kosovar Albanians from having any political power in their own province. A guerrilla resistance by the ethnic Albanians led to Serb murders and reprisals, and the consequent fear that Milosevic was planning to "ethnically cleanse" all the Albanians out of the country. To prevent this, the Western powers, led by the United States, opened up a bombing campaign against Yugoslavia (from March to June 1999) that forced Milosevic to withdraw his troops from Kosovo and accept the presence of NATO peacekeeping forces.

As a result of years of warfare and economic embargo, Yugoslavia is a much poorer region than it was when Tito died in 1980. Shortages are common, and many Yugoslavs suffer as a result (while others, especially

Kosovar refugees fleeing from Serbian troops gathered at the Macedonian border, April 1999.

those with government connections, get rich by selling goods on the black market).

## HUMAN RIGHTS

Yugoslavia has an abysmal human rights record. To begin with, most observers blame Yugoslavia, and particularly President Milosevic, for encouraging the violence that led to the deaths of at least 200,000 Bosnians and the forced evacuation of millions of others. The Bosnian and Croatian wars were the worst human rights disasters to affect Europe since World War II. President Milosevic is also blamed for fanning the flames of the Kosovo crisis, which led to the deaths of thousands of Albanian Kosovars and the temporary flight of more than 1 million Kosovars.

Until recently, it did not seem that Yugoslavs had the freedom to choose their form of government. The elections that occurred in 1997, for example, were deeply

flawed. Neutral observers claimed that Milosevic's government used vote fraud to maintain its grip on power.

On September 24, 2000, however, new presidential elections were held. Despite the use of fraud by Milosevic, his opponent, Vojislav Kostunica, won a majority of votes. Milosevic attempted to deny the election results, but opposition parties organized mass rallies that became, in effect, a post-election revolution. Under this pressure, Milosevic stepped down as president and Kostunica took his place. Kostunica's victory marks the end to Milosevic's thirteen years of abusing power. With Milosevic and his allies no longer the rulers of Yugoslavia, a new beginning for human rights in Yugoslavia seems possible. The human rights abuses listed in this article are those for which Milosevic and his government were responsible.

The police, who were firmly under President Milosevic's control, have been re-

sponsible for numerous human rights abuses. While Kosovo was under Yugoslavian control, many Albanians died in confrontations with police. Before and during the 1999 NATO bombing campaign, many Albanians were rounded up and executed for no other purpose than to terrorize the Albanian populace into fleeing. After NATO troops occupied the province, they found a number of mass graves filled with victims of Yugoslavian state-sponsored murders.

The police and the government-supported paramilitary units that work with them are also believed to be responsible for a number of political murders in Serbia. In an October 1999 incident, an assassination attempt was made on opposition leader Vuk Draskovic, and many believe that the police were behind it.

The police have used force to break up protests that were opposed to Milosevic. Water cannons, clubs, and sometimes gunfire were used to disperse crowds. The police also used arbitrary arrests to harass opponents of the regime. In this practice, opponents were arrested on false charges and jailed for extended periods of time.

Although the courts were supposed to be independent, in practice they have complied with pressure from the government. Judges rarely went against the will of the president. Corruption has also been common in the judiciary.

The government has not protected the right to privacy. The police have conducted searches of residences without warrants. The police have also used wiretaps to hear telephone conversations and have opened the mail of suspicious persons.

The government has only provided limited protection of the rights to free speech and a free press. A number of independent newspapers operate in Yugoslavia, but government security forces have used harass-

ment, false arrests, beatings, and financial penalties to pressure and restrict the activities of newspapers and reporters who were unfriendly to the government. Opposition groups controlled some television and radio stations, but the Milosovic government controlled the most important and widely heard stations. These stations reported only those stories that were favorable to the government.

Discrimination against women is still a problem in Yugoslavia. Although some women serve in important political or business positions, most of these jobs are occupied by men.

Violence against women, particularly spousal abuse, also is a serious problem. The various Yugoslavian wars also led to mass violence directed at women, particularly mass rapes directed at Bosnian Muslim women.

Religious and ethnic minorities have faced serious discrimination in Yugoslavia. Even though Yugoslavia no longer controls Kosovo, there are still a number of Muslims and Albanians who live in Serbia. The region of Vojvodina also contains a large minority of Hungarians. All three groups suffer from government and societal discrimination and harassment.

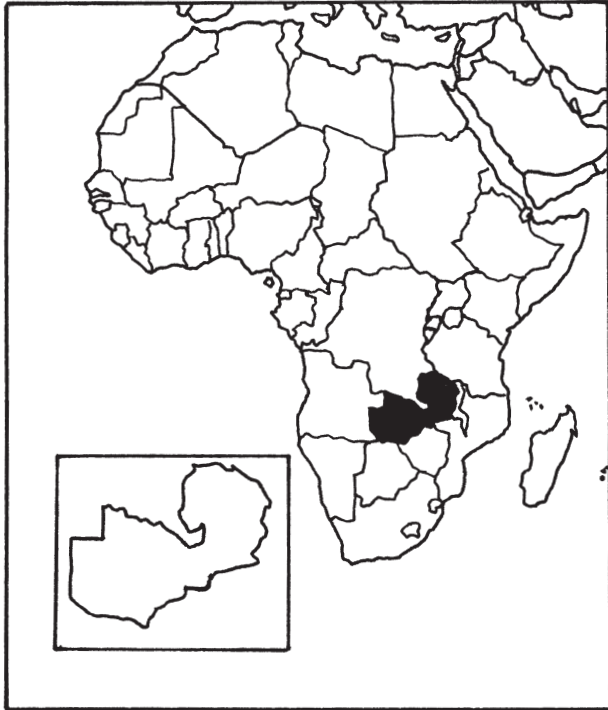
The Milosevic government restricted the activities of local and international human rights groups. In addition human rights monitors were regularly harassed by the police.

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# Zambia



Zambia is located in southern Africa. Its neighbors are Angola, the Democratic Republic of Congo, Tanzania, Malawi, Mozambique, Namibia, and Zimbabwe. The capital is Lusaka. Zambia has a population of approximately 10 million. English is the official language, but Bantu dialects are also spoken. The most important religions are Christianity, Islam, and Hinduism. The government is a republic headed by a president.

Zambia was conquered by the British Empire in the nineteenth century. It remained under British control until it was granted independence in October 1964. Independent Zambia suffered from a weak economy and friction with white-controlled Rhodesia (later renamed Zimbabwe) and South Africa. The one-party socialist government had little success in solving Zambia's endemic poverty.

After food riots erupted in 1990, the government allowed Zambia to make a transition into a multiparty democracy. This move has not been entirely successful. The president still monopolizes power in Zambia. The country remains poor, and an estimated 500,000 Zambians have the HIV virus.

## HUMAN RIGHTS

Zambia's human rights record is weak. The people's right to choose their own government is hampered by election irregularities and Zambia's lack of a democratic tradition. The Movement for Multi-Party Democracy (MMD) has dominated the political scene since its first electoral victory in 1991. There are claims that President Frederick J. T. Chiluba and the MMD have used the government's state-owned media to influence popular opinion and guarantee themselves victory. However, most elections have been relatively free of direct vote tampering or rigging.

The police in Zambia often commit human rights abuses. Police use excessive force when making arrests, and this sometimes results in the deaths of suspects. There are reports that police often beat suspects as a means of gaining confessions. Sometimes this beating is severe enough to qualify as torture. Some police stations operate as "debt collection centers," arresting alleged debtors and holding them until they pay their creditors. The police take a commission from the amount of these transactions.

The courts in Zambia are hampered by corruption, lack of funds, and inefficiency, but they are generally independent and sometimes criticize the actions of the government.



Most judges try to give defendants a fair trial, but the long waits that are normal in Zambia's legal system are an inherent denial of the accused's right to a speedy trial. The wait for a trial has been as long as four years.

Prison conditions are poor in Zambia. Overcrowding, poor sanitation facilities, minimal medical supplies, and insufficient food leads to the spread of diseases in the prisons. A number of prisoners die each year as a result of this situation. One reason for this overcrowding is the large backlog of prisoners who are waiting for court dates. The Zambian Judges Association has pledged itself to clearing out as much of the caseload as possible in order to free up prison space.

The government does a mediocre job of protecting the rights to free speech and to a free press. While there are numerous newspapers in Zambia that freely criticize the actions of government officials, the government has often used its powers—arrests, police harassment, libel suits—to put pressure on journalists who publish hostile articles. Academic freedom is generally respected.

The government provides limited protection of the right to peacefully assemble. Public protests are legal but require that the police be notified at least seven days in advance. The police sometimes use force to disperse meetings that are not government sanctioned.

The government protects the right to worship freely.

Women's rights are not fully protected in Zambia. Traditional culture in Zambia places women below men in status, and despite some laws protecting women's rights, cultural attitudes maintain this subordinate place for women. Women do not have equal access to business or government jobs, and they do not receive equal pay for equal work. Local courts often do not protect women's property rights—for example, widows can often lose their dead husband's property to their in-laws. Spousal abuse of women is widespread, and the police do little to stop with it.

The government tries to protect the rights of children, but it lacks the resources to do so effectively. Education is not free.

The government does little to protect the rights of the disabled.

Local and international human rights groups are allowed to operate with little interference, although occasionally local police harass individual human rights monitors.

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# Zimbabwe



Zimbabwe is located in southern Africa, and is bordered by Zambia, Botswana, South Africa, and Mozambique. It has a population of approximately 12 million. The capital is Harare. About 71 percent of the population are from the Shona ethnic group, and 16 percent from the Ndebele; the population also contains a small number of whites, descendents of the European colonists who used to control Zimbabwe. A majority of the population follows some variety of Christianity. English is used for most official business. The government is a republic headed by a president.

Zimbabwe was settled by Bantu-speaking peoples in the early sixth century. In the 1830s, European traders began to op-

erate in the region. Led by the British imperialist Cecil Rhodes, the British took over the area—renamed Rhodesia—in the 1890s. English settlers moved into Rhodesia and established themselves as farmers and miners. The African majority were given no political rights and did not share equally in economic benefits.

When Britain put pressure on Rhodesia to give its black citizens more rights, the right-wing government responded, in 1965, by declaring Rhodesia to be completely independent. Black resistance groups responded by carrying on a guerrilla war against the white-controlled government. Under pressure from both the guerrillas and international economic sanctions, the whites in Rhodesia were forced to allow free and open elections in 1980. The country was renamed Zimbabwe at that time.

Resistance leader Robert Mugabe was victorious in the 1980 elections and became Zimbabwe's first president. Mugabe, with the support of Zimbabwe African National Union-Patriotic Front (ZANU-PF) has ruled as president ever since. Although in recent years Mugabe has allowed some political opposition, ZANU-PF's strong-arm methods have made it difficult for other parties to operate. Mugabe's authoritarian style has inspired intermittent opposition. There is also ongoing tension between white farmers—who own some of the best land in the country—and the poor black majority, many of whom have very little land. In recent years the government has been forcibly transferring land from white farmers to black farmers.

## HUMAN RIGHTS

Zimbabwe does not protect all the human rights of its people.

Most importantly, the government limits the ability of the people to choose their own government. President Mugabe's political party, ZANU-PF, dominates all elections. With the media either controlled or intimidated by the government, it is difficult for opposition parties to gain followers. Police sometimes harass opposition leaders. The ZANU-PF is victorious in every election.

The police often arrest people with little or no reason. The police are known to use excessive force. Torture is also believed to occur. The police, for example, are believed to have arrested and tortured an editor and reporter to punish them for articles the police did not agree with. Use of excessive force and torture has resulted in deaths of prisoners in police custody. The government has done little to prevent such abuses.

Zimbabwe's courts are largely independent. Judges sometimes rule against the president and his political allies, despite attempts by the president to pressure the courts to comply with government wishes. The courts usually succeed in protecting the right to a fair trial. The weakness in Zimbabwe's judicial system stems from the lack of legal representation for the poor. Judges attempt to help defendants understand their rights during a trial, but judicial assistance is no substitute for being provided with an attorney.

Prison conditions are harsh. Prisons are overcrowded and, as a result, disease is widespread. Medical facilities are insufficient to treat sick prisoners. AIDS and cholera are common; a number of prisoners die of each of these diseases every year.

The government restricts freedom of speech and freedom of the press. Indepen-

dent newspapers are allowed to operate, but face official and unofficial government censorship. Reporters who criticize the government often are beaten by the police. Fear of the police and government causes journalists to practice self-censorship. Television is even more firmly under government control than the print media.

Zimbabwe does not fully protect the right to freely assemble. Police regularly use force to break up protests and demonstrations. Tear gas and clubs are used against demonstrators. Most of the protests that were broken up by police were completely non-violent in nature.

The government respects the right to worship freely. A variety of Christian faiths operate freely in Zimbabwe. The government has put some restrictions on traditional religious practices that it calls witchcraft.

There is some ethnic discrimination in Zimbabwe. The dominant Shona majority tends to dominate government positions and businesses. There is also ongoing tension between the government and the white minority, which tends to be much richer than the black majority. President Mugabe has used racist statements to accuse whites in Zimbabwe of being "traitors."

Violence against women is common in Zimbabwe. Domestic violence is a leading cause of murders of women. Some women's groups are active and have opened shelters for victims of domestic violence. Economic discrimination against women is also common. Women are paid substantially less than men in the same jobs—and women have fewer opportunities to work at the higher levels of government or business.

The government generally protects the rights of children. Education is not mandatory, but the government does its best to provide most children with an education. A serious problem in Zimbabwe is the large

number of orphans caused by the AIDS epidemic. These orphans, combined with Zimbabwe's relative poverty, have made it more difficult in recent years to meet the needs of Zimbabwe's children. Partly because of this, there are more than 10,000 homeless children living on the streets in Zimbabwe.

The government allows local and international human rights groups to operate, but some human rights activists have been harassed by the police.

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## SECTION TWO

# Issues and Individuals

# Abortion

Abortion remains a controversial human rights topic. For some people, the right to have an abortion is tied to a woman's right to control her own body. For them, denying her that right is denying her autonomy. But opponents of abortion argue that the fetus also has a right to life and that this right to life outweighs a woman's right to control her own body.

The international community has yet to recognize a woman's right to terminate a pregnancy, but some attention has been paid to the impact of restrictive abortion laws on women's enjoyment of certain fundamental rights. United Nations human rights organizations and government delegations at key global conferences have taken note of the effects of unsafe abortion on women's rights to life and health. Where abortions are illegal, women sometimes put themselves in the hands of incompetent or unlicensed abortion providers, and many women who experience these unsafe abortions die as a result.

The international community has been slower to acknowledge support for a right to choose abortion on the basis of the right to freedom from discrimination and rights that guarantee autonomy in decision-making regarding intimate matters. The latter include the right to privacy, the right to determine the number and spacing of one's children, and the right to bodily integrity. (The U.S. Supreme Court, in the court decision *Roe v. Wade*, based its decision on the right to privacy.)

## THE RIGHTS TO LIFE AND HEALTH

While international organizations engaged in interpreting and enforcing human rights

law have been reluctant to address the matter of abortion directly, it has been given some recognition in the context of women's rights to life and health. The right to life is a legal right protected in most of the main human rights instruments. It is recognized in Article 3 of the Universal Declaration of Human Rights (Universal Declaration), Article 6 of the International Covenant on Civil and Political Rights (Civil and Political Rights Covenant), Article 4 of the African Charter of Human and Peoples' Rights (African Charter), Article 4 of the American Convention on Human Rights (American Convention), and Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention).

While traditionally intended to protect individuals only from arbitrary execution by the state, the Human Rights Committee, which is charged with monitoring government compliance with the Civil and Political Rights Covenant, has suggested that the right to life gives rise to a state duty to take "positive measures" aimed at preserving life. The right to health is recognized in Article 12 of the International Covenant on Economic, Social and Cultural Rights (Economic, Social and Cultural Rights Covenant), which requires states to "recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." Article 12 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), further requires governments to "take all appropriate measures to eliminate discrimination against women in the field of health care."

*Pro-choice demonstration outside a New Jersey abortion clinic that was firebombed by anti-abortion activists, April 1991.*

It is widely acknowledged that, in countries in which abortion is legally restricted, women seek abortions clandestinely, under conditions that are medically unsafe. Because unsafe abortion is closely associated with high rates of maternal mortality, laws that force women to resort to unsafe procedures infringe upon women's right to life. This fact was acknowledged by the Human Rights Committee in its 1996 evaluation of Peru's restrictive abortion law. The Committee stated that it was "concerned that abortion gives rise to a criminal penalty even if a woman is pregnant as a result of rape and that clandestine abor-

tions are the main cause of maternal mortality." These provisions not only mean that women are subject to inhumane treatment but are possibly incompatible with Articles 3, 6, and 7 of the Covenant.

Articles 3, 6, and 7 of the Civil and Political Rights Covenant, respectively, protect the right to non-discrimination; the right to life; and the right to freedom from torture and cruel, inhumane, or degrading treatment.

Where unsafe abortion does not result in death, it can have devastating effects on women's health. The health effects of unsafe abortion were addressed at two UN

conferences, the International Conference on Population and Development (ICPD) (Cairo, 1994) and the Fourth World Conference on Women (FWCW) (Beijing, 1995).

The Programme of Action adopted at the ICPD, while noting that “in no case should abortion be promoted as a method of family planning,” called upon governments to consider the consequences of unsafe abortion on women’s health.

The Programme of Action states: “All Governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women’s health, to deal with the health impact of unsafe abortion as a major public health concern, and to reduce the recourse to abortion through expanded and improved family planning services. Prevention of unwanted pregnancies must always be given the highest priority and every attempt should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate counselling. . . . In circumstances where abortion is not against the law, such abortion should be safe.”

The document also recommends that governments provide for the management of complications arising from abortion and for post-abortion counseling, education, and family-planning services.

The following year, at the FWCW, the international community reiterated this language and urged governments to “consider reviewing laws containing punitive measures against women who have undergone illegal abortions.” In addition, in a section addressing research on women’s health, the Platform for Action urges governments “to understand and better address the determinants and consequences of unsafe abortion.”

Implicit in these documents is an acknowledgment that the rights to life and health require governments to protect women from the harmful effects of unsafe abortions. Despite the correlation between restrictive abortion laws and widespread resort to unsafe procedures, the international community remains reluctant to put any significant pressure upon countries to modify highly restrictive abortion laws.

### **FREEDOM FROM DISCRIMINATION**

Freedom from discrimination in the enjoyment of protected human rights is ensured in every major human rights instrument. This protection appears in Article 2 of the Universal Declaration, Article 3 of the Civil and Political Rights Covenant, Article 3 of the Economic, Social and Cultural Rights Covenant, Article 2 of the African Charter, Article 1 of the American Convention, and Article 14 of the European Convention. Article 1 of CEDAW defines “discrimination against women” as “any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.”

To qualify as a form of discrimination against women under the above definition, restrictions on abortion would have to have either the “effect” or the “purpose” of preventing a woman from exercising any of her human rights or fundamental freedoms on a basis of equality with men. There are strong arguments to support the view that restrictive abortion laws have both that effect and that purpose. Restricting abortion has the effect of denying women access to



a procedure that may be necessary for their enjoyment of their right to health care.

Abortion is a medical procedure. When a pregnancy puts a woman's life or health at risk, abortion may be the only means of ensuring her safety. A number of countries that restrict access to abortion make no explicit exception for a woman whose life or health is endangered by a pregnancy. In these countries, health-care providers fearing criminal prosecution may be reluctant to perform an abortion even to save a woman's life.

In addition, health-care facilities in such countries may be ill equipped for abortion services and health professionals may lack the training necessary to perform the procedure safely. By not taking steps to ensure access to therapeutic abortion services, governments compromise women's rights to life and health. CEDAW has noted that "laws that criminalize medical procedures only needed by women and that punish women who undergo those procedures" constitute a barrier to appropriate health care for women, compromising the right to non-discrimination in the area of health care. Indeed, the health consequences of unsafe abortion are suffered only by women, as are the physical effects of carrying an unwanted pregnancy to term.

The discriminatory purpose of the restrictive abortion laws of a number of countries also bears examination. The tendency to define women by their reproductive capacity remains common throughout the world. Governments continue to downplay the importance of women's participation in political, economic, social, cultural, and civil affairs. Were women permitted to play a role comparable to that of men in guiding the affairs of state and commerce, governments would grow to value their contribution to society as something other than the bearers of

the next generation. Societies that have welcomed women's participation in affairs outside the home have increasingly recognized that reproductive decision-making is best left to women themselves.

### **AUTONOMY IN DECISION MAKING IN PRIVATE MATTERS**

A woman's right to terminate a pregnancy emanates from her right to make decisions regarding her own body and reproductive capacity. Support for this right is found in a number of human rights instruments, which contain provisions that ensure autonomy in decision making about intimate matters. Such provisions include protections of the right to privacy, the right to decide freely and responsibly the number and spacing of one's children, and the right to one's own physical integrity.

Freedom from interference in one's privacy and family life is protected by Article 12 of the Universal Declaration, Article 17 of the Civil and Political Rights Covenant, Article 11 of the American Convention, and Article 8(1) of the European Convention. Decisions one makes about one's body, particularly one's reproductive capacity, lie squarely in the domain of private decision making. This principle was acknowledged in the 1977 case of *Bruggemann & Scheuten v. Federal Republic of Germany*, which was brought before the European Commission of Human Rights. In its initial review to determine admissibility of the case, the Commission found that pregnancy and abortion were within the scope of the European Convention's protection of privacy in Article 8(1). On the merits of the case, the Commission determined that the protection of Article 8(1) was not absolute and that governments could legitimately in-

tervene in private matters to protect fetal life. However, the Bruggemann case is a clear acknowledgment of the privacy interest that is infringed upon by restrictive abortion legislation. Three years after Bruggemann, in the case of *Paton v. United Kingdom*, the European Commission again took note of women's right to privacy in reproductive decision making. It held that the privacy interests of a woman deciding to have an abortion outweighed those of her husband, who unsuccessfully sought a right to be consulted in the matter.

The right to determine the number and spacing of one's children relates to the right to privacy, but also suggests a government duty to facilitate decision making in matters of family planning. In 1968, the Final Act of the International Conference on Human Rights stated that "parents have a basic human right to determine freely and responsibly the number and spacing of their children and a right to adequate education and information to do so." This right was restated at the World Population Conference in Bucharest in 1974, the International Conference on Population in Mexico City in 1984, the ICPD in 1994, and the FWCW in 1995. In addition, Article 16(e) of CEDAW provides that women and men shall have an equal opportunity to exercise this right.

A woman's ability to exercise her right to determine the number and spacing of her children could depend upon her access to abortion services. A number of scenarios bring to light the manner in which restrictive abortion laws infringe upon a woman's right to plan her family. A woman who becomes pregnant through an act of non-consensual sex would be forced to bear a child were she denied her right to an abortion. Women who live in settings in which family-planning ser-

vices and education are unavailable may have no means of preventing an unwanted pregnancy. Access to safe abortion services may be their only means of controlling their family size. Finally, contraceptive failure inevitably occurs among some of those women who regularly use contraception. Given the many circumstances in which abortion may be the only means of exercising the right to determine one's family size, denying women access to abortion would clearly violate this right.

The right to physical integrity, while commonly associated with the right to freedom from torture, is derived from the right to respect for the dignity of the person, the rights to liberty and security of the person, and the right to privacy. The right to physical integrity is explicitly recognized in Article 4 of the African Charter and Article 5(1) of the American Convention. Implicit in the right to physical integrity is the right to freedom from unwanted invasions of one's body. A government that forces a woman to carry an unwanted pregnancy to term is, in effect, appropriating her body to accommodate the needs of another, namely, the unborn fetus. A woman's right to physical integrity entitles her to decide whether or not she will carry a pregnancy to term.

#### **COMPETING CONSIDERATIONS: THE FETUS'S RIGHT TO LIFE**

As noted above, the right to life is a fundamental right, recognized in nearly all major human rights instruments. Were this protection interpreted to protect the right to life of an unborn fetus, all of the rights discussed above would be considerably narrowed by this competing consideration. However, while the phrase "right to life" has been associated with the campaigns of

those who oppose abortion, it has not been interpreted in an international setting to protect unborn life absolutely.

Even Article 4 of the American Convention (formulated by the Organization of American States), which goes so far as to protect the right to life “in general, from the moment of conception,” has been interpreted not to preclude liberal national-level abortion legislation. The Inter-American Commission on Human Rights addressed this issue in the 1981 Baby Boy case. In a challenge to the liberal stance on abortion taken by the U.S. Supreme Court in the 1973 case of *Roe v. Wade*, members of an anti-abortion group submitted a petition to the Inter-American Commission on behalf of an aborted fetus, referred to as “Baby Boy.” Because the United States was not a party to the American Convention, the challenge was brought under the American Declaration on Human Rights (American Declaration), which protects the right to life, but does not specify that protection begins at the “moment of conception.” The language of Article 4 of the Convention was relied upon to assist in interpretation of the Declaration.

The Commission rejected the petitioners’ claims under the American Declaration, noting that an absolute protection of the right to life would have conflicted with the laws regulating abortion and the death penalty in most American states. The Commission then turned to Article 4 of the American Convention. Examining the drafting history of Article 4, the Commission found that the drafters chose not to include an unequivocal protection of the right to life from the moment of conception. Rather, they inserted the phrase “in general” to qualify that protection.

The Commission concluded that: “In the light of this history, it is clear that the pe-

tioner’s interpretation of the definition given by the American Convention on the right to life is incorrect.”

Similarly, in the 1980 case of *Paton v. United Kingdom*, the European Commission ruled that the term “everyone” in Article 2 of the European Convention (protecting “everyone’s right to life”) does not include the unborn. The Commission did not determine conclusively whether the life of an unborn fetus is entitled to any protection under Article 2. It held, however, that, even were a fetus entitled to some protection, Article 2 could not prevent a woman from obtaining an abortion at an early stage of pregnancy to protect her physical and mental health. In *Open Door and Dublin Well Woman v. Ireland*, a recent case before the European court of Human Rights, the court held that a state’s declared interest in protecting the right to life of the unborn did not give it unlimited discretion in taking steps to protect that interest. It thus struck down an Irish ruling restricting the right of a woman’s health care clinic to counsel women on the availability of abortion services in Great Britain. The court found that the restriction was “over-broad and disproportionate,” concluding, in part, that the restriction did little to protect unborn life while creating “a risk to the health of those women who are now seeking abortions at a later stage in their pregnancy.”

It is unclear whether the international community will come to recognize a woman’s right to choose an abortion. More than fifty countries permit abortion without restriction. Several of these countries, including Canada, South Africa, and the United States, have grounded liberal abortion policies in notions of a woman’s right to make decisions regarding her own body. If change is to occur incrementally at the national level, advocates for women’s rights

will be likely to continue to seek recognition of abortion rights under national-level human rights protections.

*Anika Rahman and Laura Katzive*

*See also:* Right to Life; Women's Rights.

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# Affirmative Action

Equal treatment without discrimination on account of race or ethnicity is a fundamental human right. In the most general sense, affirmative action refers to actions taken or laws promulgated for the purpose of undoing some or all of the effects of past discrimination. A number of human rights agreements affirm the principle of affirmative action. While affirmative action—which critics view as reverse discrimination—has been a subject of lively debate within the United States, it has been less controversial elsewhere.

Affirmative action gives people, usually members of minority groups that have been discriminated against in the past, opportunities in employment or education that they might not otherwise have. Affirmative action takes a variety of forms. Some affirmative action programs use quotas to reserve space in universities or corporations for members of groups that have suffered discrimination. Other programs make extra efforts to recruit among discriminated groups, without necessarily offering any help in passing entrance requirements.

Those critics who see affirmative action as a form of reverse discrimination—meaning that it unfairly discriminates against those who are not the beneficiaries of the policy—often fail to acknowledge that colleges and businesses discriminate in many ways—favoring the children of alumni or those who can most easily fit in with the corporate culture—and that the purpose of affirmative action is merely to redress the already existing societal discrimination.

Although affirmative action has not occupied a prominent place in the international human rights movement, it has nevertheless been specified as a norm in such documents as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women. The foundation for affirmative action is specified in such documents as the International Covenant on Civil and Political Rights, Article 27, where it asserts, “In those States in which ethnic, religious, or linguistic minorities exist, persons belonging to such

*Students protest against the University of California's decision to restrict affirmative action, July 1995.*

minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

This statement appears to be addressing situations in which such rights are not enjoyed, implying that states should take steps to rectify past discrimination.

The International Convention on the Elimination of All Forms of Racial Discrimination makes affirmative action more explicit by asserting that nations should take “special measures” for the “sole purpose of securing adequate advancement for certain racial or ethnic groups or individuals requiring such protection as may be necessary to ensure such groups or individuals equal enjoyment or exercise of human rights” (Article 1[4]).

Affirmative action is also explicitly stated in the Convention on the Elimination of All Forms of Discrimination Against Women, where it encourages states to adopt “tempo-

rary special measures aimed at accelerating de facto equality between men and women” (Article 4[1]).

Affirmative action programs are used around the world. Two of the more well-known practitioners of affirmative action are the United States, which uses affirmative action to redress the discrimination traditionally faced by blacks, Hispanics, and women, and India, where affirmative action is used to redress the prejudice shown toward untouchables and members of other castes that have been subject to discrimination.

*James R. Lewis*

*See also:* Minority Rights; Racism.

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# Aging

Those who suffer the most from the general human rights abuses connected with poverty tend to be the very old and the very young. When there is not enough to go around, the elderly, in particular, tend to be denied their rightful share of resources. The elderly, like the very young, are often unable to demand those rights to which they are entitled.

In many Western nations, as well as in other countries, the second half of the twentieth century witnessed a steady shift in the age pattern and composition of the population from being weighted toward younger people to being weighted toward the aged. This shift occurred primarily as a result of lengthening life spans and decreasing birth rates, with the population of older persons (generally defined as age sixty and above) increasing both in actual numbers and as a percentage of the total. By the year 2025, this segment of the population is projected to reach 1.2 billion, up from 200 million in 1950. Recognizing that this sixfold increase has important economic and social implications both for older people themselves and for the countries of which they are citizens, the United Nations (UN) has addressed this issue since the beginning of this trend.

As perceived and analyzed by the UN, there are several aspects to the aging of the world's population that will need to be addressed. First, the UN has observed that the countries that will experience the most rapid aging of their populations will be the emerging countries of Africa, Asia, and South America. Second, they will be dealing with this trend without the well-developed socio-

economic, governmental, financial, and educational institutions of more established nations. Third, they will experience this demographic shift in a relatively compressed time frame. The UN is concerned that the human rights, integrity, and independence of elderly persons be assured as countries deal with this phenomenon.

In its early years, the UN did not advocate that any definitive steps be taken for safeguarding the rights of older persons, but by the 1970s, evidence of the extent of the growing elderly population had become the catalyst for action. The World Assembly on Aging, held in Vienna in 1982, passed the International Plan of Action on Aging, a document containing sixty-two recommendations that addressed such issues as employment and income security, housing, health care, and education. It also included recommendations for nations to create infrastructure to coordinate and administer policies, programs, and research on aging. Finally, the plan emphasized the importance of recognizing the elderly as an active and contributing segment of the world's population.

This plan was approved by General Assembly resolution, and in 1987 the General Assembly reaffirmed its support for the plan and for the founding of the International Institute on Aging in Malta, which had been one of the plan's recommendations. Since 1988, the Institute has served to coordinate and to provide a forum for the sharing of expertise in the field of aging, particularly between developed and developing countries.

Three years later, in 1991, in order to re-emphasize to its member nations the

*Old age home in Brazil; the old slowly die with few comforts.*

importance of addressing the needs of their elderly populations, the UN General Assembly adopted the United Nations Principles for Older Persons, a set of eighteen principles that enumerated the basic rights of older persons in the areas of independence, participation in society, care, self-fulfillment, and dignity. The importance of these principles lies in the fact that these rights correlate closely with the rights proclaimed in the international covenants on human rights, none of which make specific reference to the rights of older persons.

The following year the General Assembly convened an International Conference on Aging, at which it adopted the "Proclamation on Aging." The proclamation reiterated the importance of addressing the present and future needs of their elderly populations within the context of the International Plan of Action on Aging and the Principles for Older Persons.

In addition, the General Assembly designated 1999 as the International Year of Older Persons (IYOP), "in recognition of humanity's demographic coming of age and the promise it holds for maturing attitudes and capabilities in social, economic, cultural, and spiritual undertakings, not least for global peace and development in the next century." The overall objective of IYOP was to promote the Principles for Older Persons and to encourage member states to translate them into concrete policies and programs to benefit the elderly segments of their populations.

In 1995, the UN High Commissioner for Human Rights issued a statement entitled "The Economic, Social, and Cultural Rights of Older Persons," in which the rights of older persons in relation to the International Covenant on Economic, Social, and Cultural Rights were discussed. The High Commissioner was emphatic that the spirit and intent of the Covenant clearly includes the rights of older persons:



“The International Covenant on Economic, Social, and Cultural Rights does not contain any explicit reference to the rights of older persons. . . . Nevertheless, in view of the fact that the Covenant’s provisions apply fully to all members of society, it is clear that older persons are entitled to enjoy the full range of rights recognized in the Covenant. This approach is also fully reflected in the Vienna International Plan of Action on Aging. . . . Accordingly, the Committee on Economic, Social and Cultural Rights is of the view that States party to the Covenant are obligated to pay particular attention to promoting and protecting the economic, social, and cultural rights of older persons. The Committee’s own role in this regard is rendered all the more important by the fact that, unlike the case of other population groups such as women and children, no comprehensive international convention yet exists in relation to the rights of older persons and no binding supervisory

arrangements attach to the various sets of United Nations principles in this area.”

Reflecting the increasing attention being given to the rights of older persons, there is now a UN office on aging issues, part of the Division for Social Policy and Development, that serves as a liaison between the various UN commissions, offices, and programs that deal with the rights and concerns of older people.

*James R. Lewis*

*See also:* Right to Life; Women’s Rights.

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# AIDS/HIV and Human Rights

*Women with AIDS at a local Mozambique medical center, 1991. Because heterosexual relations are the main transmitter of AIDS in Mozambique, women are often particularly vulnerable.*

Since doctors first became aware of it in the early 1980s, HIV/AIDS has had a devastating impact on human rights. (HIV stands for human immunodeficiency virus, while AIDS—acquired immunodeficiency syndrome—is the deadly breakdown of the immune system that usually results from lengthy exposure to HIV.) In the two decades that AIDS has spread, it has become the leading cause of death in Africa and a serious threat in many other countries. Today it kills more people worldwide than any other infectious disease. Over 95 percent of

people infected with HIV live in developing countries, which also account for over 95 percent of the deaths caused by AIDS. Biological, cultural, socio-economic, and structural co-factors have been identified to explain why some countries are more severely affected (those in sub-Saharan Africa) or face rapidly growing epidemics (Asia and the Pacific, Latin America and the Caribbean, and Eastern Europe). These factors include high rates of untreated sexually transmitted diseases; gender imbalances in access to schooling, vocational training,

and capital; and social disruption caused by forced migration and wars.

### **HIV/AIDS IS A HUMAN RIGHTS ISSUE**

The co-factors of widespread HIV/AIDS-related illness and death are themselves human rights concerns. War, poverty, and discrimination against women are all factors that increase the likelihood that a country will suffer a higher rate of AIDS-related deaths. Since the virus entered countries at different times in the last two decades, HIV infection levels are generally lower in countries where rights are respected, protected, and fulfilled. However, even in developed countries, disadvantaged minorities or those who face particular discrimination (such as indigenous peoples, intravenous drug users, or gay men) usually have higher-than-average rates of HIV infection.

Those countries that rank poorly in terms of civil, political, economic, social, and cultural rights are generally the worst affected, or can expect to face rapidly expanding epidemics.

Initiatives that assist communities in securing their human rights also address the co-factors of the HIV/AIDS epidemic and will contribute to a reduction in rates of infection, morbidity, and mortality. Initiatives that focus only on providing information have little long-term positive impact on the course of the epidemic. The right to health demands that governments fight the spread of HIV/AIDS.

The theoretical tools for, and practical examples of, rights-based HIV/AIDS programming are now available. Two United Nations (UN) gatherings of experts (called “consultations”) have addressed the issue of human rights in the context of HIV/AIDS. The 1996 Second International Consulta-

tion guidelines (International Guidelines on HIV/AIDS and Human Rights) provide a comprehensive approach to policy and law. In particular, the guidelines lay out the steps to be taken to review and reform laws that discriminate against women and girls in such areas as property, marital relations, access to employment and economic opportunity, and reproductive and sexual rights. The guidelines make this emphasis because numerous studies have shown that women with poor education and few economic rights are more vulnerable to the spread of HIV/AIDS. (For example, a woman who is empowered with knowledge and rights within her marriage is more likely to insist that her sexual partner uses condoms.)

In 2001, all UN member states were asked to report to the Commission on Human Rights on the steps they have taken to promote and implement the guidelines (Commission on Human Rights Resolution 1999/49). In 1999, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Inter-Parliamentary Union published a guide for legislators, which includes positive examples of rights-based responses around the world.

### **DISCRIMINATION AGAINST PEOPLE WITH HIV/AIDS**

Unjustified discrimination against people infected with HIV can be found in every society. They and their family members (or people wrongly thought to be infected), may face discrimination in areas such as employment and access to housing, education, and medical care. In spite of the fact that HIV/AIDS can only be spread through intimate contact—the sharing of bodily fluids that occurs during sexual activity, blood transfusions, and the sharing of needles—

*Mural in Mozambique used to raise AIDS awareness and to encourage condom use, 1993.*

many people still shun those whom they know to be infected. This prejudice leaves the sufferers feeling rejected by society and makes it more difficult for them to seek treatment or information.

In the rich countries of the West, HIV/AIDS is often associated with homosexuals, who were one of the first groups to suffer from the onslaught of HIV infection—unlike in Africa, where the vast majority of HIV carriers are heterosexuals. For this reason, old anti-gay prejudices are combined with the new fear of HIV/AIDS to create a more virulent form of discrimination. At its ugliest, this prejudice can take the form of saying that gays “deserve” their disease because of their “unnatural” lifestyle.

At the 1994 Paris AIDS Summit, forty-two national governments declared their

obligation and resolve to act with compassion for and solidarity with those already carrying HIV and those at risk of becoming infected, both within societies and internationally. They also expressed their determination to ensure that all persons living with HIV/AIDS are able to realize the full and equal enjoyment of their fundamental freedoms, without distinction and under all circumstances. They detailed their determination to fight against poverty, stigmatization, and discrimination, and their intention to mobilize all of society—the public and private sectors, community-based organizations, and people living with HIV/AIDS—in a spirit of true partnership.

Discrimination against people living with HIV/AIDS not only is contrary to human rights principles, but hinders the partici-

*AIDS remains a serious health problem in Gambia. Government publicity campaigns try to raise awareness of the dangers.*

pation of people infected, and affected, and hence impedes public health and health care efforts at prevention.

### OTHER ISSUES

There are many other human rights issues connected to the HIV/AIDS epidemic. Those dying of AIDS-related diseases need caring and supportive health care. First, they need it to prolong their lives (which now can often be done very successfully), and if that proves impossible, to ease their suffering while they are dying. Often neither kind of care is available to AIDS sufferers, and they are forced to die alone and in agony.

Another related issue is the availability of drugs to fight various symptoms of AIDS. Doctors and pharmaceutical companies have come up with a cocktail of drugs that

can slow, and sometimes even reverse, the worst symptoms. But these drugs are expensive, so it is mostly those in Western countries who can afford to pay for them. Thus, the human right to life is directly connected to poverty.

*David Patterson*

*See also:* Health Rights; Poverty; Sexual Orientation and Homosexuality.

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# Aliens and Non-Citizens

An alien is a person with citizenship in one country but living in another. As the world becomes effectively smaller because of increasingly efficient modes of transportation and communication and the process of globalization, more and more people are residing outside their home countries—on a temporary or ongoing basis—for a variety of reasons.

Although non-citizens do not have the full range of rights enjoyed by citizens (e.g., voting and running for public office), governments still have a duty to protect the human rights of those traveling or residing within their national borders. Given the common human tendency to distrust outsiders and the discrimination or even persecution that can arise out of such distrust,

protecting the human rights of aliens can present a challenge.

The degree to which aliens can be mistreated varies. In the United States, illegal immigrants from Mexico are harassed, sent back across the border, or forced to work without legal documentation or protection. In Germany, where many Turks and Kurds reside and work, aliens have legal rights but face widespread discrimination.

In 1985, concern for protecting the human rights of resident aliens led the United Nations General Assembly to adopt the Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live. Article 5(1) of this Declaration stipulates that aliens shall enjoy the following rights:

*Turkish immigrant selling clothes. Germany has a large population of poor Turkish immigrants, November 1989.*

- a. The right to life and security of person; no alien shall be subjected to arbitrary arrest or detention; no alien shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law;
- b. The right to protection against arbitrary or unlawful interference with privacy, family, home, or correspondence;
- c. The right to be equal before the courts, tribunals, and all other organs and authorities administering justice and, when necessary, to free assistance of an interpreter in criminal proceedings and, when prescribed by law, other proceedings;
- d. The right to choose a spouse, to marry, to found a family;
- e. The right to freedom of thought, opinion, conscience, and religion; the right to manifest their religion or beliefs, subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others;
- f. The right to retain their own language, culture, and tradition;
- g. The right to transfer abroad earnings, savings or other personal monetary assets, subject to domestic currency regulations.

The balance of Article 5 deals with the rights of aliens to leave the country, move within a country, own property, and enjoy the rights of both freedom of expression and freedom of peaceful assembly. Other articles refer to a wide range of human rights, from the right to be free from torture, to the right to join trade unions.

*James R. Lewis*

*See also:* Refugees; Xenophobia

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# Amnesty

Amnesty is the legal granting of immunity for past criminal acts. (Its Greek root is the same as for the word *amnesia*, or forgetting; in other words, a forgetting of previous crimes.) Amnesty can be granted for a variety of crimes but is usually granted for political crimes. Political crimes might include treason or conspiring against the government; amnesty is often declared after civil war as way of bringing about an end to the conflict. This latter sense is the most significant for human rights.

Human rights abuses tend most often to be committed by authoritarian regimes, dictatorships, and one-party states. Democracies can and do commit human rights violations, but usually not as a mat-

ter of practice, and rarely against their own people. The contrary is true for dictatorships, which tend to commit most of their human rights violations against their own citizens. This creates a problem when a dictatorship wants to, or recognizes that it must, give up power. Considering all the crimes they have committed and all the human rights abuses for which they are responsible, the leadership of such a dictatorship is understandably reluctant to let go of its command. This is because once the leader steps down from power, a new regime, often including many of those whose rights the dictatorship had violated, is likely to prosecute the former leaders for their crimes. And so, to protect their



*Archbishop Desmond Tutu presiding over the first meeting of the South African Truth and Reconciliation Commission, April 30, 1996.*

own safety, dictatorships desperately try to hold on to control.

This is why those who wish to replace an oppressive government are often willing to offer the leaders of that government amnesty in return for peacefully handing over power. They reason that if amnesty is not offered, the oppressive government may stay in power for years, causing more harm and committing more human rights abuses. But if the dictators are allowed to leave peacefully and they are assured of their safety, then there will be an end to struggle and an end to suffering. To many, however, the price of this kind of peace is justice (and revenge) forgone. The peacemakers must reconcile themselves to seeing their former oppressors—some of them perhaps murderers and torturers—go free. The hope

is that this process, sometimes called “social forgetting,” will allow a new, better society to be built, without the risk that revenge-seeking will tear it apart.

Letting the guilty go free in return for peace rankles many. There are those who oppose amnesties for this reason. Rather than amnesty, they demand justice; those guilty of crimes against humanity should be punished. However, this often leads oppressive dictatorships to remain in power, thereby forgoing either peace or justice.

A number of governments have offered their former oppressors amnesty as part of their price for being allowed to take power. In Chile, Augusto Pinochet and others were granted amnesty for any past crimes as their price for gradually allowing Chile to return to democratic rule. In South Africa,

Nelson Mandela granted amnesty for past crimes to the white regime, which he and his party replaced. In both cases, these regimes had committed murder, both open and secret, and wide-scale torture and had unfairly imprisoned much of their population. By granting amnesty, the new governments assured a peaceful transition to power and laid the foundations for a stable, democratic future. But it came at a price.

As one way of reconciling a desire for justice with a need for peace, a number of governments with ugly crimes in their past have created "truth and reconciliation commissions." These commissions are authorized to investigate the crimes of the previous regime. Witnesses are called, testimony is heard, and crimes are admitted. But unlike in normal court proceedings, no one is punished. Those tortured can come and listen as their torturers confess to their crimes, but they know that they will never achieve complete justice. The torturers will go free.

While many object to this partial solution, it has also found many supporters and

is becoming increasingly common in a world where dictatorships and authoritarian regimes are slowly surrendering their power to fledgling democracies. South Africa, for example, seems to have considered its Truth and Reconciliation Commission a success. Even though no one was punished, it did give victims a chance to have their suffering acknowledged. One of the most painful things for those who have suffered human rights abuses is that often no one believes their story. By forcing their torturers to come forward, the victims can sometimes find some comfort and peace of mind.

*Carl Skutsch*

*See also:* Impunity; Torture; War Crimes.

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# Anti-Semitism

Anti-Semitism is hostility toward or discrimination against Jews. The word was first used in the nineteenth century, but the roots of this hatred go back much further, making anti-Semitism one of the oldest, most persistent, and most pervasive forms of bigotry in the world.

Hostility toward Jews can be traced back to at least the time of the Roman Empire. Jews were disliked for what was perceived by outsiders as arrogance, and for their insistence on worshipping their one god rather than sharing in the worship of the many gods of the Greco-Roman world. Still, it is not clear that Jews were particularly singled out. The Roman Empire consisted of many different groups—Greeks, Gauls, Armenians, and others—who sometimes clashed.

With the rise of Christianity, however, hostility toward Jews increased. Although Christianity grew out of Judaism—Christ was Jewish, as were most of Christ’s original followers—many early Christians felt that Jews had betrayed them. They held Jews responsible for Christ’s crucifixion (although the Romans actually crucified Christ) and attacked them for refusing to embrace Christ as the prophesied messiah. During the Middle Ages, this sense of betrayal solidified into suspicion and animosity; Jews were kept out of many professions, forced to live in segregated communities known as ghettos, and suspected of having dealings with the devil (this was an era that believed in, and burned, witches). Jewish communities were scattered throughout Europe, but most Jews spent the greater part of their lives in segregated ghettos. A small

minority of Jews achieved success as merchants and bankers, and some of these wealthy Jews became moneylenders to kings and emperors. Envy of the wealth of these Jews helped to further increase Christian hostility toward Jews.

In the eighteenth century, the intellectuals of the Enlightenment began arguing that religious prejudice was foolish and inspired by superstition. With these modern ideas increasingly accepted, Jews in the nineteenth century saw many of the legal restrictions on where they could live and what jobs they could hold wiped away. For the first time, large numbers of Jews entered the mainstream of Europe’s cultural and economic life, particularly in Western Europe. Unfortunately, this period of Jewish emancipation also marked the beginning of modern anti-Semitism.

Racial theorists like Joseph de Gobineau (1816–1882) wrote books arguing that all people should be classified according to their race. Some races, they said, were superior, some inferior, and some were simply bad. Treating Jews as a separate race, Gobineau and other racist thinkers combined the traditional dislike of Jews with their pseudoscientific theories to argue that Jews, whom they called Semites, were a “bad race.” Thus, the term “anti-Semitism” was born. Others jumped on this bandwagon of bigotry, and attacks on Jews increased, particularly in Eastern Europe. Jewish villages in Russia and Poland were attacked and burned, and many Jews were killed. Some Jews fled Europe for America; others began to think of creating their own country in Palestine.

At the turn of the twentieth century, the Russian secret police published a pamphlet called *The Protocols of the Learned Elders of Zion*. The pamphlet purported to be a plan by Jewish leaders to take over the world; although the book was widely discredited, many people believed it to be true (and some still do today). Among its early champion was American automobile maker Henry Ford, who supported its publication in the United States in the 1920s.

In the 1930s, Adolf Hitler used the hostility toward Jews to help build a political movement called Nazism. Hitler and the National Socialist, or Nazi, Party blamed Jews for Germany's difficulties and convinced many Germans that if they supported him, he would deal with the "Jewish problem." After taking over Germany in 1933, he did exactly that. During Hitler's twelve years in power, the Nazis built concentration camps

and systematically killed six million Jews, out of Europe's total of nine million. This mass murder, called the Holocaust, was not done without help; many Europeans, not just Germans, shared Hitler's feelings toward Jews and helped round them up for the gas chambers. (A much smaller number, including some Germans, did their best to save those Jews they could.)

Anti-Semitism did not stop with Hitler's defeat in 1945. It lingered—and lingers—on in many places, such as Russia where there has been a resurgence since the end of the cold war. In the Middle East, many Arabs, angered by the creation of Israel and the expulsion of Arabs from Palestine, embraced anti-Semitism. (As the Arabs are also Semites, this may seem an odd word-choice; but the dislike of Jews felt by some Arabs bears all the traits of traditional anti-Semitism, so the word still seems appropriate.)

Elsewhere in the world, Jews are still being blamed for all that is wrong with people's lives. In the United States, fringe right-wing groups embrace the idea, first fabricated by the Russian secret police in *The Protocols*, that Jews are trying to take over the government. Some extremists even argue that they already have and that the United States is being run by ZOG: the Zionist Occupational Government. Timothy McVeigh, the man who blew up the Federal Building in Oklahoma City in 1995, shared many of these beliefs; in setting his explosives, he believed he was striking a blow against ZOG. In the fringes of the African-American community, anti-Semitism is also on the rise. Nation of Islam leader Louis Farrakhan has made many statements blaming African Americans' problems on whites and Jews and suggesting that there was a Jewish conspiracy keeping blacks back: "I believe that for the small numbers of Jewish people in the United States, they exercise a tremendous amount of influence on the affairs of government. . . . Yes, they exercise extraordinary control, and black people will never be free in this country until they are free of that kind of control."

The influence of anti-Semitism on human rights issues are difficult to quantify and vary from place to place. Wherever anti-Semitism exists, like other forms of bigotry,

it diminishes the respect for human dignity that Jews, and all people, deserve. In countries like the United States, Jews suffer little more than occasional slurs, whereas in Iran, Jews have been accused of spying for the "Zionist conspiracy" and put on trial for their lives.

The enduring power of anti-Semitism is hard to explain rationally. Even in Japan, a country with almost no Jews, books with titles like *The Jewish Plot to Control the World* sell well. The Internet is also a new breeding ground of anti-Semitism, with anti-Semitic web sites springing up every week. As long as this kind of prejudice continues, Jews will still feel that respect for their human rights is less than secure.

Carl Skutsch

*See also:* Genocide; Racism.

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# Apartheid

A system of political and economic oppression based upon race, apartheid (pronounced apar-tate), an Afrikaner word meaning “separateness,” was the official policy of the government of South Africa from 1948 until 1990. Apartheid was a policy designed to keep the white minority in power over South Africa’s black majority.

The implementation of apartheid resulted in the forced relocation of 3.8 million people and a marked increase in human rights violations accompanying the re-

pression of internal dissent, practices that made South Africa a pariah nation and sparked a worldwide anti-apartheid movement. The ending of apartheid and the transition to a new South Africa that occurred in the 1990s is widely regarded as one of the most significant successes of the twentieth-century human rights movement. However, the policy of apartheid left a legacy of suffering and inequality that the country will be struggling to overcome for many years.

*South African whites enjoying the sun at a beach at which blacks are not allowed (January 1988). Today, such segregated beaches are a thing of the past.*

## APARTHEID'S ROOTS

Although aspects of apartheid policies were present in South Africa ever since the country was first settled by Europeans in 1652, the formal policy of apartheid was introduced as the National Party platform in the 1948 national elections by then party chief D. F. Malan. South Africa had a long history of official racial discrimination before the National Party's victory in the 1948 elections. The Union of South Africa, which was established in 1910 following the Anglo-Boer War (1899–1902), passed the Natives Land Act (1913) restricting black land ownership to 7 percent of the country. The Native Trust and Lands Act (1936) consolidated earlier legislation concerning land ownership, and although it increased black land reserves to 13 percent, it also disenfranchised the African majority.

Following the victory of the National Party in the 1948 elections, the long-time policy

of racial segregation and white supremacy was further entrenched in law by the passage of several bills, such as the Prohibition of Mixed Marriages Act (1950), the Population Registration Act (1950), the Reservation of Separate Amenities Act (1950), and the Native Laws Amendment Act (1952), which were designed to divide the country into separate groups and to restrict Africans and other non-whites from living in white urban areas. The policy of separate development known as apartheid ensured white political domination, economic exploitation, and social privilege while subjecting the black majority of the population to harsh security laws, racial discrimination, unequal education, and forced segregation.

“Separate development,” or what was called “grand apartheid,” was largely the intellectual creation of Dr. H. F. Verwoerd, who became the minister of native affairs in 1951 and later became prime minister in

*Insane asylum in South Africa. Some of these black men were placed here for resisting the regime, an action defined by the government as insane.*

1958. According to his theory, the white, African, Coloured, and Asian people of South Africa constituted distinct races or "volk," and each should therefore develop separately its own political, economic, and cultural institutions in order to fulfill its own national destiny.

While different racial and ethnic groups within South Africa had long been segregated and "race-mixing" had been widely condemned by whites, the formal policies of apartheid pushed these ideas to an extreme by enforcing relocation to separate areas for each group. Each racial group was supposed to be restricted to its own territory.

The policy of separate development effectively denied South African citizenship rights to the black majority, transferring them under the Group Areas Act (1950) to "Bantustans" or "homelands," which were supposed to become self-governing independent nations with the power to collect taxes and to control schools, hospitals, prisons, and the police within their own jurisdictions. In practice, the lands allocated to black homelands were both smaller in area and of poorer quality than that given to the white majority.

The basic policy calling for the strict segregation of the races was tempered by the need for cheap African labor in the areas of the country reserved for whites, mainly the urban areas, the mining areas, and the areas with the richest farmland. The need for black labor led to the introduction of the pass laws (1952), which obliged every adult African working outside his homeland to carry a passbook stamped by his employer. Not only Africans suffered under these policies; South Africa's other racial and ethnic minorities, the so-called "Coloured" or "mixed-race" population and the Asian (Indian) population, were also effectively disenfranchised by the Separate Registration

of Voters Act (1951) and a senate act (1956). The effect of these policies was not only to ensure the separation of the races, but to allow the white minority to maintain control over the political and economic affairs of the country.

## RESISTANCE AND THE ANC

During the 1950s, popular resistance to apartheid policies provoked the government into taking increasingly repressive actions. In 1952 the African National Congress (ANC), which had been founded in 1912, became the main opponent of apartheid. The ANC organized a "Defiance Campaign" against the pass laws, and later, in June 1955, held the Congress of the People at Kliptown, which produced the Freedom Charter, a manifesto urging the creation of a non-racial democracy with equal rights and equal opportunities for all inhabitants of the country. Several months later, police arrested more than 500 activists and supporters of the charter, banned several organizations, including the ANC, and charged 156 of the leaders, including Nelson Mandela, with treason. Their trial, which attracted international attention, dragged on until March 1961 and eventually ended in acquittal for all of the remaining accused, including Mandela, who had been active in the ANC's Youth League at the time of his indictment for treason.

On March 21, 1960, armed police opened fire on a crowd in the town of Sharpeville in the Transvaal, killing sixty-seven blacks and wounding nearly two hundred others. Apartheid policies and the increasingly violent repression of dissent caused strong international criticism of the government that eventually led to its withdrawal from the British Commonwealth and declaration



of the Republic of South Africa in May 1961. In June 1961, the ANC, at the urging of Mandela and other young leaders, abandoned its decades-old policy of non-violent resistance to white rule and decided to pursue a military strategy aimed at sabotaging government installations. Mandela was chosen to organize the military force known as Umkhonto we Sizwe (“Spear of the Nation”) needed to carry out this strategy. That same year, ANC President Albert Luthuli, who represented the older generation’s philosophy of non-violent resistance in the tradition of Gandhi, was awarded the Nobel Peace Prize.

The government reacted with harsh repression to the ANC’s change of tactics. Minister of Justice B. J. Vorster initiated a series of laws designed to limit the freedom of movement and speech of “agitators,” including the Sabotage Act (1962), which put the onus of proof on the accused, and the General Law Amendment Act (1962) that allowed the police to detain suspects for up to ninety days without a warrant.

A police raid on July 11, 1963, at a farmhouse near Johannesburg that had been used as a secret headquarters by the ANC produced a wealth of incriminating information leading to the arrest of seventeen of the main leaders of the ANC. Mandela, who had been evading the police as the “Black Pimpernel,” had already been arrested and charged with incitement to violence and passbook violations. To these charges were now added the charges of sabotage and other violations of the Criminal Law Amendment Act.

Mandela and nine co-defendants were put on trial in October 1963. The trial lasted seven months and ended with guilty verdicts and life sentences for eight of the accused: Nelson Mandela, Walter Sisulu, Govan Mbeki, Dennis Goldberg, Raymond

Mhlaba, Elias Motsoaledi, Andrew Mlangeni, and Ahmed Kathrada. At the time, these arrests and the trial were seen as having broken the back of organized resistance to apartheid.

Prime Minister Verwoerd, the architect of apartheid, was assassinated by a messenger in the House of Assembly on September 6, 1966, and B. J. Vorster succeeded him in February 1967. Vorster presided over the consolidation of the apartheid policies initiated by his predecessors, but he also had to deal with increasing opposition to the policy, both within South Africa and internationally.

Despite growing international disapproval, the National Party government continued its apartheid policy. Three nominally “independent” black homelands were established in the 1970s: Transkei became independent in 1976, Bophuthatswana in 1977, and Venda in 1979. A fourth homeland, Ciskei, gained nominal independence in 1981. However, internal resistance to apartheid also continued to grow. On June 16, 1976, black students in Soweto staged a march to protest the Bantu Education Directive that Afrikaans had to be a language of instruction in the secondary schools, along with English and a native language. The ensuing police crackdown left twenty-three dead and several hundred injured, and the violence spread to other parts of the country over the next several months.

On August 18, 1977, Steve Biko, the charismatic leader of the black consciousness movement, was arrested near Grahamstown. Within a month he was dead as a result of injuries sustained while in police custody. The police were exonerated, but it was widely believed, and later confirmed, that he died as the result of torture at the hands of the South African police. These incidents and other similar

ones radicalized an entire generation of South Africans and fueled the popular mobilization that eventually brought apartheid to an end.

Prime Minister Vorster left office in 1978 in the midst of a scandal and was succeeded by P. W. Botha. In 1980, in a half-hearted attempt to counter criticism of the policy of apartheid, Botha abolished the all-white Senate and replaced it with a President's Council consisting of white, Indian, and Coloured members. In 1982, this body proposed a new constitutional dispensation under which each of these three groups would have its own chamber in a tricameral legislature. However, it omitted Africans, who were supposed to be self-governing within their own homelands. A referendum of white voters in November 1983 approved the plan by the required two thirds majority, and the first Parliament under the new constitution convened in September 1984 with Botha as state president.

Black fury over the installation of this new constitution provoked widespread unrest in the townships. Despite the "iron fist," the edifice of apartheid was beginning to crumble. In 1986, the government abolished the hated pass laws, and several other measures designed to control blacks movement and right to work in the white areas of the country. Accelerating protests led the government to renew the state of emergency and to extend it nationally in May 1986. Under these draconian security laws, thousands of dissidents were arrested and imprisoned, many organizations were banned, and the media were all but muzzled. Botha suffered a stroke in January 1989, and leadership of the National Party was taken over by F. W. de Klerk, who was at the time a rather obscure National Party politician.

## APARTHEID ENDS

De Klerk and other progressives within the National Party and members of the white business elite concluded that the policy of apartheid was unsustainable and had to end. The collapse of the Soviet Union in 1989 and the end of the cold war gave de Klerk the historic opportunity he needed. The formal end of apartheid came in the opening address to Parliament on February 2, 1990, when, as state president, F. W. de Klerk announced his government's decision to unban the African National Congress, the Pan-Africanist Party, the South African Communist Party, and other banned political organizations, as well as to lift media censorship and to release Nelson Mandela and the other remaining long-term political prisoners. On February 11, 1990, Mandela walked out of the gates of Victor Verster Prison a free man after twenty-seven years of imprisonment, thus inaugurating a new era in South African politics and race relations.

In 1993, de Klerk and Mandela were jointly awarded the Nobel Prize for Peace for their work in bringing peace, justice, and reconciliation to South Africa. In April 1994, following an ANC landslide in South Africa's first all-race election, Mandela became the first black South African state president. He presided over a transitional government in which de Klerk served for a time as deputy president.

In an effort to come to terms with the legacy of apartheid, a Truth and Reconciliation Commission was appointed in 1995, headed by Archbishop Desmond Tutu. The purpose of the commission was to collect accounts of victims of apartheid and to consider granting amnesty to those perpetrators who come forward to confess their crimes, as a means toward national recon-

ciliation. The work of the commission produced controversy and was seen by some as opening wounds while perpetuating impunity. Others believed that confession without punishment, while unjust, was the only possible way for South Africa to move forward to a better future.

In May 1996, South Africa adopted a new constitution containing a progressive bill of rights that excludes discrimination based upon race, religion, age, language, and sexual orientation and abolished the death penalty. It also established a Constitutional Court with the power of judicial review over laws passed by the National Assembly. In late 1997, Mandela retired from the leadership of the ANC and passed the day-to-day running of the government to his deputy president, Tabo Mbeki, the son of Govan Mbeki, one of Mandela's original nine co-defendants. In June 1999, the ANC won handily the first elections under the new constitution, and Mbeki became state president.

Despite the relative ease of the political transition, the suffering caused by apartheid

still lives in the memory of many South Africans. Economic wealth remains largely in the hands of the white minority, and vast inequalities persist in health care, education, and employment. These are legacies not only of the formal policies of the apartheid era but the much longer period of white supremacy that preceded it and will be harder to overcome.

*Morton Winston*

*See also:* Nelson Mandela; Nobel Peace Prize; Racism.

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# Armed Forces

A country's armed forces—army, navy, air force, national guard—are supposed to be dedicated to protecting the citizens of that country. Unfortunately, all too often a country's armed forces are one of the main threats to the human rights of its people. It is the military, for example, that is responsible for propping up authoritarian and repressive governments. Without popular support, the only way these regimes can stay in power is with the help of tanks and bayonets. In many countries, the military is the government. In countries where human

rights abuses are common, the military and the police are usually responsible. Even in democracies, the military and police, because of their monopoly of force, are still occasionally guilty of human rights abuses. And in wartime, of course, an invading army often commits human rights abuses in the areas in which it operates.

Some observers have pointed out that even in the most democratic of countries, the military is an institution whose very ethos is in conflict with the human rights tradition. The central human rights are life

*Eight soldiers on trial for the November 16, 1989, murder of six priests and two women in El Salvador. Two were found guilty.*

and liberty, whereas an army's central roles, some argue, are blind obedience and killing. A society that respects human rights allows its citizens to move about freely, speak out freely, and believe whatever they wish. An army demands that its soldiers go where they are told, speak only when spoken to, and never question the purpose of their orders. In a free society, people are supposed to think for themselves, whereas a soldier is supposed to follow orders. And if those orders are to torture or brutalize someone, a soldier usually obeys.

### MILITARY DICTATORSHIPS

In some cases, armed forces support military dictatorships. These dictatorships are less common than they once were. Today, only a few dozen countries are directly controlled by their military. (However, many of these regimes would probably collapse without military support—such as China, North Korea, and Iraq.) In the not-so-distant past, military dictatorships dotted the world's political landscape. Chile, Argentina, Brazil, Bolivia, and Thailand all have had military regimes in their recent history. Today, Myanmar (Burma), Algeria, and Libya are among those countries controlled by the military.

A military dictatorship denies the central human right of people to pick their own government. Just as armies are not democratic in nature, military governments are the antitheses of democracy. Free speech, free assembly, free expression—all these basic freedoms are absent in a military dictatorship.

Military dictatorships are usually established in the name of stability, often in opposition to liberalizing regimes. Military officers tend to be more conservative than their civilian fellow citizens. When they see

a regime moving toward the political left or embarking on what the military views as socialistic practices, the military may feel obliged to intervene. In both Chile and Iran, it was this fear of left-wing movements that led to military coups and the overthrow of democratically elected governments. In Chile, the military dictatorship that put General Augusto Pinochet in power lasted from 1973 to 1989; in Iran, the shah's military-backed regime lasted from 1953 to 1979. Both regimes repressed human rights on a massive scale, using methods that included murder and torture.

Some military dictatorships are more temporary and seem to be truly motivated by a desire, however misguided, to improve the situation in their country. In Turkey, the military took over the government for short periods of time in the 1980s and 1990s in attempts to prevent what it viewed as instability. In these cases, the military stepped down from power fairly quickly after reestablishing order. Some historians have argued that Turkey's military dictatorships helped stabilize the country during periods of turmoil and so were actually beneficial to long-term Turkish democracy; other observers argue that any military intervention, no matter how short, weakens respect for democracy and human rights.

If the effect of some military dictatorships on human rights is debatable, for others the ill effects are clear. Myanmar (formerly known as Burma) has been ruled by a repressive military dictatorship since 1962. A series of ruling juntas have kept democracy at bay using violence, torture, and fear. In 1990, a new military junta calling itself the State Law and Order Restoration Council (SLORC) took over the country. SLORC maintains power by shooting down unarmed demonstrators and imprisoning opposition leaders. For years, Aung San Suu

Kyi, Myanmar's most popular pro-democracy leader, was kept under house arrest by the military (becoming, in the process, the world's most famous prisoner of conscience). Released in 1995, she remains closely watched by the country's military leaders, who renamed their ruling committee the State Peace and Development Council (SPDC). The result of almost forty years of military rule in Myanmar are clear: respect for human rights is nonexistent; torture is common; free speech is curtailed.

## CONCLUSION

Armed forces, which should be the people's defenders, are all too often its oppressors. In countries dominated by the military, it is usually that same military that is responsible for the bulk of human rights violations. Even in Western democracies, the armed forces are capable of egregious human

rights violations (an infamous example being the My Lai Massacre committed by American troops during the Vietnam War, in which hundreds of Vietnamese men, women, and children, were slaughtered).

*Carl Skutsch*

*See also:* Aung San Suu Kyi; Conscientious Objection to Military Service; Humanitarian Intervention; Land Mines; Nuclear Weapons; War; War Crimes.

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# Arms Trade

In the last decade of the twentieth century, and especially in the immediate aftermath of the Persian Gulf War in 1991, members of the international community became increasingly disturbed over the risks to regional and international peace and security posed by the growing and dangerously uncontrolled trade in conventional weapons and military technology.

The threat to human rights posed by the arms trade is clear. The widespread proliferation of weapons, particularly small arms, has put guns in the hands of men willing to kill the innocent on their road to power. Men, women, and children have their human right to life taken away because of the arms trade and its products.

In July 1991, representatives of China, France, the Soviet Union, the United Kingdom, and the United States met to discuss this issue and released a statement, now referred to as the “Big Five Initiative on Arms Transfer and Proliferation Restraints,” that enumerated their concerns. It readily acknowledged that Article 51 of the United Nations Charter, by guaranteeing states the right of self-defense, also implies that states have the right to procure weapons that will give them adequate capability to do so, and that “the transfer of conventional weapons, conducted in a responsible manner, should contribute to the ability of states to meet their legitimate defense, security and national sovereignty requirements.” But the representatives further recognized that indiscriminate, irresponsible, and uncontrolled conventional weapons transfers, including illicit arms trafficking, would al-

most surely aggravate the political instability that already existed in many developing nations and would impede their economic and social development. Proposals to help remedy the situation included setting up guidelines and voluntary restraints for countries engaged in exporting arms and encouraging the United Nations (UN) to move forward quickly to establish a register of conventional arms transfers.

The UN had already begun to do this, following a precedent set some sixty years earlier by the League of Nations, which had annually, from 1925 to 1938, published a statistical yearbook of the international trade in arms and ammunition. The UN describes the concept behind the arms register as *transparency*, because the register’s purpose is to clarify the information on international arms transfers and make it readily accessible. The assumption was that open and accurate records of the arms acquisitions of others will enhance the confidence of individual nations in their own ability to defend themselves and avoid dangerous misconceptions about other nations’ conventional weapons holdings.

In December 1991, the UN General Assembly passed the Transparency in Arms Resolution, and an eighteen-country panel of experts was appointed and charged with developing procedures to implement it. The resolution called for the UN to collect and publish standardized information on transfers of eight categories of conventional arms: tanks, armored combat vehicles, large artillery systems, combat aircraft, helicopters, warships, and missiles and missile launchers.

*An arms fair in Santiago, Chile. Buyers come from around the world to purchase weapons, 1990.*

The six major arms exporters—China, France, Germany, Russia, the United Kingdom, and the United States—were among the eighty countries submitting information for the first reporting year of 1993, and the number of reporting nations has since increased. Although participation is not mandatory, the establishment of the arms register has generally received widespread support as a tool to help reduce the volume of arms transfers and, by extension, some of the devastating consequences of those transfers. There have recently been calls for strengthening the arms register, either by making the submission of information mandatory or by broadening its scope. Among the possibilities for the latter are expanding the information to be submitted to

include individual nations' weapons holdings or their weapons research and development programs.

Another possibility for broadening the register's scope is to add to the categories of reportable weapons, perhaps including small arms and land mines. Inclusion of these weapons would serve to increase the relevance of the arms register, especially in Africa and Latin America, where in many instances it is small arms, rather than the larger weapons covered by the register, that contribute to destabilizing conflicts.

Because of their immeasurably negative impact in regional conflicts around the world, the subject of small arms transfers has been addressed with increasing urgency in recent years. Calling for a mora-



torium on the world wide traffic in small arms, UN Secretary-General Kofi Annan pointed out in 1997 that “small arms—mostly assault rifles, grenade launchers, land mines, machine guns, and pistols—have been primarily responsible for much of the death and destruction in conflicts throughout the world.”

It is widely recognized that the traffic in small arms diverts scarce financial resources in many developing countries from the economic and social development that is so vital for their citizens’ well-being. In addition, the illicit small arms trade has burgeoned and contributes significantly to destructive activities such as drug trafficking and terrorism. In late 1999, the UN General Assembly drafted a resolution calling for a conference on illegal arms transfers to be held in 2001.

Several non-governmental organizations have also voiced serious concerns about the effects of small arms manufacture and transfers on basic human rights. In its 1998 report, “Arms Transfers, Humanitarian Assistance, and International Humanitarian Law,” the International Committee of the Red Cross pointed out that the easy availability of technologically advanced small arms to large segments of the population contributes to high levels of civilian casualties in ethnic and racial conflicts and situations of civil strife. The report also refers to an increasing incidence of direct attacks on humanitarian relief workers and prevention of humanitarian efforts to relieve civilian suffering, at-

tributing it to small arms proliferation. The report states: “When such weapons become available to broad segments of the population, including undisciplined groups, bandits, mentally insecure individuals and even children, the task of ensuring basic knowledge of humanitarian law among those in possession of such arms becomes difficult if not impossible. . . . The widespread availability of arms threatens to undermine the fabric of international humanitarian law—one of the principal means of protecting civilians in times of conflict.” The report concludes with recommendations for raising international awareness of the cost in human lives of the small arms trade and with suggestions for controlling it.

*James R. Lewis*

*See also:* Conventional Weapons; Land Mines; Nuclear Weapons; War; War Crimes.

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# Asylum

Asylum is a legal status that a government can grant to a political refugee from another country. People seeking asylum are usually fleeing political persecution and other threats to their human rights. Occasionally they are also fleeing social discrimination or more serious social dangers. If a person is granted asylum it means he or she is free to stay in the host country and will not be forced to return to the home country.

Legally persons asking for asylum are citizens of their home country so the country considering their request for asylum has no legal obligation toward them. Nevertheless, there is a strong human rights tradition of offering asylum to persons being subjected to unjust persecution. Many countries also have laws that regulate the granting of asylum.

There are many strong rulings in international law that mandate the granting of asylum. The 1951 United Nations Convention on Refugees and the 1967 protocol to that convention oblige all signatories to grant protection to any individuals who, “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion,” are afraid to return to their home country. Key to the Convention and its protocol is the requirement of signatories to practice *nonrefoulement* (non-return), which means that threatened refugees should not be forced to return to their countries of origin. The Convention on Refugees was passed by the United Nations General Assembly in part to avoid repeating the crimes of the 1930s, when

*Kurdish and Turkish refugees seeking asylum in a French church. Christian churches have a long tradition of providing sanctuary to those in danger.*

Jewish asylum seekers, fleeing Nazi persecution, were turned away from many countries and forced to return to Europe, where many of them were eventually killed in concentration camps. The United Nations, however, has no way of forcing countries to follow its Convention on Refugees. Whatever compliance exists is voluntary, although moral pressure can help induce nations to grant asylum.

In spite of the pressure to grant asylum—particularly in view of the precedent of the Holocaust—governments are often reluctant to do so for three reasons. First, granting asylum sets an international precedent

that may backfire on the nation granting it. People considered criminals by their home country may win asylum elsewhere, allowing them to escape punishment.

Second, the country granting asylum almost inevitably alienates the country from which the asylum seeker is escaping. Sometimes this political fallout is unimportant—if the two countries already have poor relations, further exacerbating them does little harm—but when asylum is sought by a citizen of an allied or neutral nation, it can cause political difficulties. Even though there may be moral pressure to grant a person asylum, political realities suggest that the government that might be offended by doing so is more important than the single person who is seeking asylum.

Finally, there is often suspicion in the granting country that the asylum seeker is not really seeking asylum because of fear of political persecution but, rather, is seeking it to evade immigration restrictions. This suspicion most often exists when the asylum country is rich and the asylum seeker's country is poor. In this case, a government might believe that the asylum seeker is not fleeing from danger but is instead trying to seek economic advantage by starting a new life in a place where there are more opportunities. The recent wave of Haitian asylum seekers in the United States, for example, is believed by some to be caused by economics, not persecution.

### ASYLUM IN PRACTICE

The problem of asylum is not merely theoretical. Wars, revolutions, and politically repressive regimes force people to leave their homelands and seek refuge elsewhere. In 1997, there were more than thirteen million refugees and asylum seekers around

the world, a number that remained fairly steady for most of the decade.

Some countries are particularly popular destinations for asylum seekers. The United States is one such country. Its tradition of supporting human rights, albeit inconsistently, make it more likely than many other countries to grant asylum. Its political and military preeminence in the world make it relatively immune to fears of retribution from an asylum seeker's homeland. Finally, it is a country that many citizens of other countries view as a home to liberty. It is the United States, after all, that has the Statue of Liberty standing inside New York City's harbor, a statue whose inscription reads, in part, "Give me your tired, your poor, your huddled masses yearning to breathe free." Many past immigrants to the United States have been asylum seekers, whether or not they had that legal status. The Pilgrims, the Huguenots, Irish rebels, German revolutionaries, Cuban anti-communists, and Vietnamese boat people all came to the United States fleeing political persecution. Recent asylum seekers include Bosnian women escaping from Serbian rapists, Nigerian women fleeing genital mutilation, Congolese fleeing religious persecution, Brazilian homosexuals fleeing persecution based on their sexual orientation, and Chinese activists who have opposed their government's anti-human rights activities.

In recent years, there has been some fear that the United States is reducing its role as an asylum granter. Some organizations, like the Federation for American Immigration Reform, have worked hard to reduce the number of people granted asylum. In 1996, a belief that some asylum seekers were abusing the privilege of asylum led the U.S. Congress to pass the Illegal Immigration Reform and Immigrant Responsibility Act, which put restrictions on the granting of

asylum. In the early 1990s, more than a hundred thousand refugees were granted asylum each year; later in the decade, after the passing of the 1996 act, that number fell to 17,000. Treatment of asylum seekers has been criticized as overly harsh. The Immigration and Naturalization Service has the power to detain asylum seekers for months—in conditions that are often harsh and unpleasant—and has been unwilling to support many asylum claims. Critics of the slow-moving asylum-granting procedures include actress and activist Sigourney Weaver, who attacked the 1996 law as “unwise” and “mean-spirited” because it “inflicts asylum-by-ordeal on people who already have suffered enormously.”

Other countries that have large numbers of asylum seekers include Germany, which has taken in many refugees fleeing war in Bosnia and Kosovo; Italy, which has temporarily accepted large numbers of Albanian refugees; and Liberia, which has had a huge influx of refugees from the war in Sierra Leone. All these countries have also been reluctant to continue allowing political asylum. In the early days of the Kosovo crisis, German authorities went so far as to hand over some Kosovar refugees directly over to

the Serbian police, who then imprisoned and beat them before returning them to the dangers in Kosovo.

Although the United Nations has declared the right of asylum to be an essential human right, it is clear that many, if not most, peoples of the world have little hope of being granted it. Even countries that have traditionally opened their doors to refugees are today drastically cutting back on grants of asylum.

Carl Skutsch

*See also:* Exile and Deportation; Extradition; Female Genital Mutilation; Human Rights, Ethics, and Morality.

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# Aung San Suu Kyi

Aung San Suu Kyi, one of the most respected democrats in Asia and the leader of Burma's struggle for democracy, was born in 1945 in Burma, which since 1989 has been called Myanmar. She is the daughter of Burma's national hero, General Aung San, who led the movement for independence from Britain in the 1940s. He was assassinated in 1947 on the eve of success and is today revered as the hero and father of the country.

Suu Kyi attended school in Burma, India, and England, where she met her husband, the late Michael Aris. For twenty years she raised her family while pursuing academic

studies and working for the United Nations in England and other countries.

In 1988, Suu Kyi returned to Burma to attend to her sickly mother. While she was there, a mass uprising against the ruling military junta, the State Law and Order Restoration Council, broke out. The junta cracked down on the demonstrators, killing up to ten thousand people in the process. In response, several leaders approached Suu Kyi, asking her to form a democratic party in opposition to the junta. She agreed and became a member of the newly formed National League for Democracy (NLD). Because of her family history and her own po-

*Protestors demanding freedom for Aung San Suu Kyi, who was being kept under house arrest, February 1993.*

litical skills, Suu Kyi quickly vaulted to the forefront of the political scene. With Suu Kyi serving as general secretary, the NLD won an overwhelming victory in national elections held in 1990. The junta, however, annulled the results.

Suu Kyi was placed under house arrest from 1989 until 1995. Despite her release, she remains deprived of basic freedom of movement and forbidden to make public addresses, prompting observers to refer to her condition as “virtual house arrest.” Suu Kyi constantly challenges the regime, attempting to travel to meet her party members and speak with the people. In the summer of 1998, the military blockaded a road leading to her party offices. Stuck in her car for thirteen days, Suu Kyi refused to return home even though she was denied food and medical care. Again in the summer of 2000, Suu Kyi was blockaded in her car for days by the military.

Suu Kyi’s popularity among ordinary Burmese is immeasurable. Burmese secretly keep pictures of her in their homes and quietly circulate her writings through underground networks. They refer to her simply as “The Lady.” In contrast, the tight clique of military generals controlling the country sharply criticizes her in state-controlled media, labeling her an “ax-handle,” “traitor,” and “tool of imperialism.”

Internationally Suu Kyi has gained wide acclaim, and is often referred to as “Burma’s Gandhi.” Desmond Tutu, Vaclav

Havel, and José Ramos Horta are counted among her most vocal supporters. She has gained worldwide respect among academics for her writing. In her most famous essay, “Freedom from Fear,” Suu Kyi writes, “Within a system which denies the existence of basic human rights, fear tends to be the order of the day. Fear of imprisonment, fear of torture, fear of death? Yet even under the most crushing state machinery courage rises up again and again, for fear is not the natural state of civilized man.”

Suu Kyi is the recipient of dozens of awards, honorary degrees, and honorary memberships. In 1990, she was awarded the Sakharov Prize for Freedom of Thought from the European Parliament, and in 1991, she received the prestigious Nobel Peace Prize. In his nominating speech, Havel stated, “She has refused to be bribed into silence by permanent exile. Under house arrest, she has lived in truth. She is an outstanding example of the power of the powerless.”

Today Suu Kyi remains a human rights icon: abused, harassed, and ever unbowed.

*Jeremy Woodrum*

*See also:* Myanmar (Burma).

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# Bahai

The Bahai faith developed from the Babi movement, a millenarian offshoot of Shi'ite Islam that originated in Persia in the mid-nineteenth century. In 1863, an exiled member of the Babi movement proclaimed himself to be "he whom God shall manifest" and took the title of Baha'ullah (the Glory of God). His followers believed him to be a prophet of God, the last in a long progression that included Moses, Jesus, and Mohammed. In 1868, the Ottoman Empire exiled Baha'ullah again, this time to Palestine, where he lived until his death in 1892, and from where he sent his missionaries throughout the Middle East to find converts to his new religion.

Baha'ullah was succeeded by his son, Abbas, known by the title Abdul-Baha' (Son of Glory); under his leadership, the Bahai religion expanded from the Middle East to the rest of the world. The third leader of the Bahai faith was Shoghi Effendi, grandson of the Abdul Bah'a. At the time of his death in 1957, Shoghi Effendi had not named a successor, and this situation led to the establishment of the Bahai community's present system of elective government, known as the Universal House of Justice.

The religion that developed under the leadership of Baha'ullah embraced the ideals of universal peace, constitutional government, and the rule of just laws. His son added to and further developed his father's teachings, maintaining that equality and universal human rights should be considered ultimate manifestations of the highest level of civilization to which humanity could strive.

These beliefs account for the dedication of the members of the Bahai faith to universal human rights. The Bahai International Community (BIC), as it is now formally known, has over 5 million members living in 13,000 organized local communities in over 235 countries and territories. Bahai representatives were present and issued a supporting statement when the United Nations Charter was signed in 1945, and since then the BIC has been actively involved with the United Nations in promoting human rights and working to achieve the goals of the charter. It has been registered as an international non-governmental organization since 1948 and has consultative status with the UN Economic and Social Council and the UN Children's Fund (UNICEF). It has also worked closely with other UN entities, including the World Health Organization, the Office of the High Commissioner for Human Rights, and the UN Development Fund for Women.

Over 1,600 Bahai communities in all parts of the world are involved in projects to help prevent drug abuse, promote sustainable development initiatives, advance the rights and status of women, and educate children. Bahai involvement in these projects coincides with the principles of universal human rights advocated by the Bahai faith.

Tragically, since the 1979 Islamic revolution in Iran, the Bahai community there has itself been subjected to persecution and the deprivation of its human rights. Iranian Bahais have been considered religious heretics

by the Iranian theocracy because the Bahai faith originally sprang from Shi'ite Islam and, Iranian Islamic religious leaders charge, has strayed from its orthodox teachings. There have been numerous instances of property being confiscated, and hundreds of Bahais have been killed, imprisoned, or forced to renounce their religion. The UN Commission on Human Rights has periodically addressed this situation, urging the Iranian government to cease its persecution of its Bahai citizens.

*Donna J. Cook*

*See also:* Freedom of Religion.

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# Bioethics

Bioethics is the study of ethical issues connected with medical and biological research and practice. Bioethics is a relatively new discipline, which has developed in the last thirty years as a result of the massive advances in biological and medical science that took place in the twentieth century. Concerned scientists, philosophers, and ordinary people worry about the implications of such developments as cloning, genetically engineered crops and animals, and the use of human fetal tissue for research. Also included within the field of bioethics are

other medical/ethical issues such as abortion, euthanasia, and the availability of health care. Many bioethical issues can be easily connected to human rights. Bioethics, like human rights, concerns itself, in part, with the dignity of people's lives.

One of the central issues for bioethicists is that of the right to life. If all humans have a right to life, do fetuses count as humans? If so, abortion is of questionable morality; if not, at what point do unborn children become human, with all the attached human rights? There is also the question of eu-

thanasia—the humane putting to death of those for whom, it is thought, life has become too painful. Is it ever acceptable to allow another human being to be killed? What if the person in question has asked to be put to death humanely? Do they not have the human right to decide their own destiny? What if they have asked to be killed, but may not be of completely sound mind? Or what if they are unable to communicate their wishes, but are clearly suffering; is it then acceptable to euthanize them without their explicit permission? None of these are easily answerable questions.

Another bioethical issue concerns health-care rationing. Do all people have an equal human right to the same medical care? If they do, then presumably anyone coming in with stomach pains should also get a complete battery of tests to rule out all possible diseases. Some of these tests are very

expensive, however, and it would be impossible for a country's health care system to pay for all patients to get all the tests all the time. As a practical solution, therefore, those who can afford expensive health care usually get more tests than the poor and uninsured. In other words, health care is provided on the basis of the wealth of the recipients. But is this moral? Or is it a violation of the poor's human rights? Article 25 of the United Nations Universal Declaration of Human Rights (1948) seems to suggest so: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care."

On the cutting edge of bioethical discussions is the issue of bioengineered foods. Bioengineering alters the genetic makeup of plants and animals in an attempt to im-

prove their value for food producers. Bioengineers hope to make crops that are more nutritious, fruit that spoils less quickly, and vegetables with a higher vitamin content. Human rights advocates worry that people are going to eat food that is undertested and possibly harmful, without ever being told that it has been genetically altered. Some activists have organized boycotts of companies that sell bioengineered foods. They have been countered by some scientists who claim that bioengineered food is perfectly safe. Britain's royal family has even joined the debate, with Prince Charles, a dedicated environmentalist, arguing that genetically engineered crops should not be used: "We need to rediscover a reverence for the natural world, irrespective of its usefulness to ourselves."

Fear of bioengineering is linked to another bioethical human rights issue, that of the environment. Critics of bioengineering unite with environmentalists in arguing that science and industry are altering the planet and that the result for the environment can only be bad. They argue that all people, and especially future genera-

tions, have a right to live in a world that is not dangerous to their health.

Finally there is the chilling question of germline manipulation. Germline manipulation is a kind of genetic engineering that could allow scientists to alter the nature of human genes and have those alterations passed down to the subject's offspring. In other words, it has the potential to change the nature of the human species. Is there a human right to keep humans human?

*Carl Skutsch*

*See also:* Environment; Right to Life; Universal Declaration of Human Rights.

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# Cairo Declaration on Human Rights in Islam

Are human rights universal, or is the very concept of human rights a Western notion suitable only for Westerners? The international standard of human rights proclaimed by the United Nations General Assembly in 1948 declared that people have rights by their very nature. This Universal Declaration of Human Rights stated that “all human beings are born free and equal in dignity and rights.” One of the most important challenges to the notion of universal human rights is best articulated in the Cairo Declaration on Human Rights in Islam. This declaration was issued in 1990, by the Organization of the Islamic Conference. Because all countries with Muslim majority populations belong to this organization, the Cairo Declaration is considered a significant indicator of the Islamic view of human rights.

The view put forth by the Cairo Declaration is significantly different from the international standard of human rights. The declaration stated that Islamic holy law (*shari'a*) takes precedence over human rights. Article 24 of the Cairo Declaration states that “all the rights and freedoms stipulated in this Declaration are subject to the Islamic *shari'a*.” The Cairo Declaration thus states that human rights are not really inalienable rights if they conflict with Islamic holy law. Many Muslims believe that the holy law came from God, and thus should take precedence over any laws made by humans. The divergence between universal standards of human rights and the Islamic view can be seen most easily in the Is-

lamic view of women's rights and the right to free speech.

The first article of the Cairo Declaration reveals how the official view of the United Nations on women's rights differs from the Islamic view. Article 1 of the Cairo Declaration states that “all human beings are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, color, language, sex, religious belief, political affiliation, social status, or other considerations.” Considered carefully, this article does not mention human rights at all, but only human dignity. This is very significant for women, because women's basic rights are ignored in some Islamic countries, while Muslims claim that women are treated with equal dignity. Thus, in some Islamic countries, women are deprived of basic rights such as the right to vote, to be educated, to have an equal opportunity to hold a job, or to move freely in public. In some Muslim countries, a woman may have no right to retain custody of her children if she is divorced, she may be arrested for disobeying her husband, and her testimony in court may not count equally with that of a man. Defenders of these laws say that women have a different role in life and so women's rights are different from men's, but they say women are treated with equal dignity because God has assigned them an equal but different role in life. These defenders say that the cohesion and strength of a society depend on each person accepting his or her proper role in life, and

they say Western societies lack moral cohesion because Westerners wrongly emphasize individual freedom over social well-being.

The Salman Rushdie controversy shows how the Western view of free speech differs from the Islamic view. In 1998, Rushdie, an Anglo-Indian author, wrote *The Satanic Verses*, a novel that featured a character modeled on the Prophet Mohammed. Some Muslim leaders called the book blasphemous, and the Ayatollah Rohollah Khomeini, the leader of Iran, issued an edict calling for Rushdie's assassination. Iranian religious leaders offered a reward of \$6 million to the person who would kill him. The actions shocked many people who believed that Rushdie's right to free speech had been grossly violated. While many Muslim countries and the Cairo Declaration did not support the assassination of Rushdie, the Cairo Declaration did support censoring him. Article 22(a) of the Cairo Declaration states that a person may freely express his or her opinions as long as these opinions are not "contrary to the principles of the *shari'a*." Article 22(c) bars speech that "may violate sanctities and the dignity of the Prophets, undermine moral and ethical values or disintegrate, corrupt or harm society or weaken its faith." Because of these restrictions, the Cairo Declaration denies free speech as a basic human right if such speech harms society as a whole.

Besides denying women's rights and the right to free speech, the Cairo Declaration does not guarantee the right to vote, free-

dom of religion, freedom of association (even to marry whomever one chooses), or freedom of the press. The Cairo Declaration thus does not guarantee basic human rights as understood in international law; it considers Islamic holy law as more important than these basic rights and disregards human rights if they conflict with current interpretations of Islamic holy law.

While the Cairo Declaration is an important statement of many Muslims' views on human rights, it is not the official or the only Islamic view of human rights. Islam, after all, has no one group or person with the authority to speak for it, as the Pope does for Roman Catholicism. Many individual Muslims do support universal human rights and argue that only fundamentalist Muslims do not see that human rights are consistent with Islam. Furthermore, some societies where Muslims are the majority, such as Turkey, do not agree that Islamic holy law supersedes human rights, and these societies consequently support the UN's view of universal human rights.

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*See also:* Cultural Relativism; Freedom of Expression; Universal Declaration of Human Rights.

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# Capital Punishment

The state-sanctioned execution of prisoners, a practice as old as the state itself, thought barbaric by some and as necessary by others, lately has become an increasingly controversial rarity in the world.

Common historic methods of execution include beheading, boiling in water, burning at the stake, drawing and quartering, and, in the case of ancient Athens, compulsory suicide by the drinking of hemlock. Ancient Rome, often seeking to match punishments to crimes, burned arsonists, clubbed the writers of defamatory songs, hanged crop thieves, and buried alive “impure” vestal virgins. Romans who murdered family members were stuffed into sacks with wild animals and thrown into the sea, and special offenders against the state were punished by crucifixion or being eaten alive by ferocious animals.

Today, lethal injection, electrocution, hanging, gassing, and the firing squad are the current authorized methods of execution in the United States. Other countries use similar methods.

The application of capital punishment has narrowed over time to a small list of crimes such as murder, treason, or rape. Ancient Babylon’s Code of Hammurabi cited twenty-five crimes that were punishable by death. The Athenian Draconian Laws of the seventh century B.C. mandated the execution of any criminal for any crime, and in the 1700s Britain, famous for the hanging of petty thieves, listed hundreds of crimes punishable by death.

In the nineteenth century, the trend was toward limiting capital punishment to murder cases, and not even all of those. In the

twentieth century, a growing list of countries began to outlaw the practice entirely.

The practice of capital punishment has waxed and waned over the centuries, with cycles of reform succeeding, and being succeeded by, vigorous renewals of the use of execution. The Draconian Laws did not last, and the increasingly Christian empires of late Rome and Byzantium softened their death penalty codes. The Western European bourgeoisie of the 1600s through the 1800s increasingly found executions distasteful and sought to remove them from public view and to reduce their use in general. During the Progressive Era in the early 1900s in the United States, six states abolished the death penalty, but most of them reestablished capital punishment in a subsequent conservative backlash. Public revulsion caused a suspension of state killings by the 1960s, but a rightward shift in public sentiment in the 1970s created the current favorable climate for executions in the United States.

According to some academic analysts, this rise and fall in the popularity of executions can be traced to feelings of insecurity among rulers and the populace. Execution peaks in the United States can be correlated with times of social, economic, and political disruption. The economic crises of the 1930s witnessed America’s heaviest use of capital punishment. In the subsequent prosperous decades, capital punishment declined, but the crime wave and social ferment that followed in the 1970s witnessed the resurgence of the popularity and use of this ancient practice. By 2000, following a period of prosperity and

*Death chamber in Huntsville Prison, Texas. Texas executes more people than any other American state.*

increasingly safe streets, the pendulum began to swing back. Support for the death penalty again decreased, as new types of evidence, such as genetic testing, emerged that showed that some people convicted of capital crimes were actually innocent.

The current worldwide trend is moving away from the use of the death penalty. Abolished in 106 nations since 1990, it is employed most widely by totalitarian nations, including the People's Republic of China, the Democratic Republic of the Congo, and Iran. Among the liberal democracies, there is one major exception to the trend away from the death penalty: the United States.

A series of international resolutions has underscored this consensus against execu-

tions. The 1948 Universal Declaration of Human Rights refers to a right to life, and several agreements of the 1950s and 1960s—the International Covenant on Civil and Political Rights, the European Convention on Civil and Political Rights, and the American Convention on Human Rights—had further cemented a growing disapproval of capital punishment. The Pope also favors abolishing the death penalty.

The United States, under increasing international condemnation, is now the scene of a growing debate over its continued use of the death penalty.

The effectiveness and humanity—or lack thereof—of capital punishment has been long debated. Italian criminologist Cesare Beccario argued against the deterrence the-

ory in the mid-eighteenth century, pointing out that the nations with wide use of the death penalty were also overrun by crime. Declaration of Independence signer Benjamin Rush argued that it had a brutalizing effect on the population, which spawned yet more crime. English philosopher John Stuart Mill weighed in on the opposing camp, contending before Parliament in the 1860s that the death penalty ought to be retained for murderers. Deterrence, he said, had yet to be truly discredited: "As for what is called the failure of the death penalty, who is able to judge of that?"

Deterrence—the use of the death penalty as a threat to prevent murders—remains the main argument of those who wish to continue the use of capital punishment, yet it remains unproved. There is no solid evidence that the death penalty acts as any greater deterrent than the threat of a life sentence in prison. Several studies suggest that the death penalty serves no purpose as a useful deterrent. The threat of spending the rest of one's life in prison is enough to stop most sane people from committing murder, and those who are not stopped by this extreme threat also do not seem to be deterred by the threat of execution.

Death penalty opponents also highlight the flawed practical applications of the penalty in the United States. It is employed, they say, randomly by a sloppy judicial system, disproportionately targeting the poor and minorities.

It is too easy to make a mistake in the application of the death penalty. Poor safeguards have meant that more than 15 percent of those sentenced to death eventually been found innocent. So far, no innocent person is believed to have been executed, but opponents argue that this is only a matter of time. This argument is strong: in March 2000, the pro-death penalty governor of Illinois, faced with multiple exonerations of people among his state's death row population, suspended executions.

The trend in the world continues to flow against the death penalty. It remains unclear whether the United States—where many still support the death penalty—will follow the worldwide trend or maintain its policies on capital punishment.

*Miles Keefe*

*See also:* Right to Life.

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# Censorship

The term *censorship* is commonly used in a number of different ways. In its most classic form, it refers to the use of state power to prevent material from reaching the public. That is to say, it represents the application of a restriction even before the material has been published or broadcast. Censorship of this sort is sometimes referred to as “prior censorship” or “prior restraint,” in contrast to post-publication sanctions. But it is also common to use the term *censorship* to refer to a much broader range of illegitimate restrictions on freedom of expression, including those that are applied after publication. For example, the London-based international human rights organization, the International Centre Against Censorship, includes within its mandate all restrictions that breach the international guarantee of freedom of expression.

## PRIOR RESTRAINT

Censorship in the classic sense, as prior restraint or prevention of publication, takes a number of forms. Perhaps most notorious of these practices is a requirement that material, usually books and magazines, be submitted to a government censor before they are allowed to be published. While these practices have long been rejected in many countries, they still persist in others. In Jordan, for example, all books and imported publications must be submitted to the Press and Publications Department of the Ministry of Information for approval before being circulated within Jordan. Similar practices are common in other countries in the Middle East and elsewhere.

In many countries, films and videos must be submitted to a government body for classification before being released commercially. When this body has the power to refuse to classify a film or video, it is a form of prior restraint. In the United Kingdom, for example, films and videos must be submitted to the British Board of Film Classification, which has the power either to assign a classification or to refuse to classify. Such refusal may be based on various grounds, including obscenity and blasphemy. A video depicting Jesus on the cross was recently refused classification on grounds of blasphemy. Perhaps surprisingly, this decision was upheld on appeal to the European Court of Human Rights.

A more subtle, but even more common, form of prior restraint is the practice of court-ordered injunctions preventing the publication of material that is alleged to be defamatory or to be an invasion of privacy. In common law systems, these are known as *quia timet* injunctions and, despite a number of safeguards against their abuse, they continue to be applied. This form of action is more common in civil law systems, and it is not unknown for even established publications, such as *Der Spiegel* in Germany, to appear with sections of pages completely blanked out because of a last-minute injunction.

Prior restraint is clearly an extreme form of restriction on freedom of expression, and for this reason it must be viewed with the greatest suspicion. It is expressly forbidden as an unacceptable limitation on freedom of expression pursuant to Article 13(2) of the Inter-American Convention on Human

Rights. While it has not been totally ruled out in Europe, the European Court of Human Rights has held that any system of prior restraints “call for the most careful scrutiny on the part of the Court.”

### INTERNATIONAL LAW AND CENSORSHIP

Restrictions of one sort or another on what may be said, published, or otherwise expressed exist in every country in the world. Whether these are characterized as legitimate restrictions on freedom of expression (to protect some public good, such as laws against child pornography) or seen as a form of censorship depends largely on whether they fall foul of a constitutional or international guarantee of freedom of expression. While guarantees of freedom of expression vary considerably in nature, in practice most establish some sort of test for assessing whether restrictions on freedom of expression are legitimate.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) is an important international standard by which to assess the legitimacy of restrictions on freedom of expression. It guarantees the right to freedom of opinion and expression, follows:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries

with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order, or of public health or morals.

Both the language of this provision and international jurisprudence make it clear that any restrictions must meet a strict three-part test. This test, which has been confirmed by the UN Human Rights Commission, requires that any restriction must: (a) be provided for by law; (b) have the purpose of safeguarding one of the legitimate interests noted in Article 19(3); and (c) be necessary to achieve this goal.

It is clear that the proper approach to evaluating a particular restriction is not to balance the various interests involved but to ascertain whether the restriction meets the strict test elaborated above. For example, the European Court of Human Rights has held that in evaluating restrictions it is faced not with a choice between two conflicting principles but with a principle of freedom of expression that is subject to a number of exceptions that must be narrowly interpreted and face those tests or guidelines.

The first part of the test bans government action restricting freedom of expression that is not specifically provided for by law. Restrictions must be accessible and foreseeable, and “formulated with sufficient precision to enable the citizen to regulate his conduct.” As a result, official measures that interfere with media freedom but are not specifically sanctioned by law, such as discretionary acts committed by the police

or security forces, offend freedom of expression guarantees. In the second part of the test, only measures that seek to promote legitimate interests are acceptable. The list of legitimate interests contained in Article 19(3) is exclusive. Measures restricting freedom of expression that have been motivated by other interests, even if these measures are specifically provided for by law, are illegitimate.

In the third part of the test, even measures that seek to achieve one of the legitimate goals must meet the requisite standard established by the term “necessity.” Although absolute necessity is not required, a pressing social need must be demonstrated, the restriction must be proportionate to the legitimate aim pursued, and the reasons given to justify the restriction must be relevant and sufficient. These standards have been reiterated in a large number of cases. The government, in protecting legitimate interests, must restrict freedom of expression as little as possible. Thus vague or broadly defined restrictions, even if they satisfy the “prescribed by law” criterion, will generally be unacceptable because they go beyond what is strictly required to achieve the legitimate aim.

### CENSORSHIP IN PRACTICE

There are four key areas where restrictions on freedom of expression have been challenged as illegitimate under national or international guarantees of freedom of expression. These areas include limits on the content of what may be published or broadcast; repressive regulatory rules; limits on the right to receive information held by public authorities; and financial restrictions used to censor indirectly.

In virtually all countries, there are restrictions on the content of what may be published or broadcast. Some, like slander, hate speech, contempt of court, or obscene materials, are almost universally accepted as legitimate targets to limit freedom of expression. In the area of defamation law (slander), for example, the traditional common law rule was that false statements were defamatory. Courts are increasingly accepting, however, that this standard is too restrictive and that even false statements on matters of public concern should not attract liability unless they were published when they were known to be false.

In the area of obscenity, there has been a move away from moral standards based on what the community finds unpleasant or offensive toward protecting citizens only against material that is actually harmful. The Supreme Court of Canada, for example, has held that the dominant test is “a standard of tolerance, not taste . . . not what Canadians think is right for themselves to see [but] what Canadians would [not] abide other Canadians seeing because it would be beyond the contemporary Canadian standard of tolerance to allow them to see it.”

Other content restrictions, such as prohibitions on false news or on seditious material, are increasingly viewed as unacceptable in a democracy. They operate to prohibit speech that is critical of government and for this reason alone cannot be justified.

Key concerns in relation to the second issue, regulation of the media, are licensing requirements for newspapers and other periodicals, common in many parts of the world, and government control over broadcast regulatory bodies. In both cases, governments are effectively given an opportunity to use their power to inhibit or prevent critical voices. As a result, it is almost always

true that the guarantee of freedom of expression requires any regulatory bodies to be entirely independent of the government. Similarly, broadcasters funded by public monies should be responsible to an independent board, rather than directly to a government body. This enhances their independence from government and prevents them from simply becoming mouthpieces of the government.

Another important regulatory issue is whether government broadcasting monopolies can be justified. In one case before the European Court of Human Rights, Austria sought to justify a ban on private broadcasters by arguing that only public broadcasters could be balanced and independent, as required under the Austrian constitution. The court rejected these arguments, holding that the best guarantor of balance and independence was diversity. State broadcasting monopolies still exist in a number of countries, particularly in Africa, the Middle East, and Asia.

The third area where restrictions are being challenged as unjustifiable limitations on freedom of expression is in the area of freedom of information and secrecy laws. There is still some debate as to whether the guarantee of freedom of expression grants citizens a right to access information held by public authorities. However, the UN Special Rapporteur on Freedom of Opinion and Expression has taken a clear position on this issue, stating: "The Special Rapporteur expresses again his view, and emphasizes, that everyone has the right to seek, receive and impart information and that this imposes a positive obligation on States to ensure access to information, particularly with regard to information held by Government in all types of storage and retrieval systems—

including film, microfiche, electronic capacities, video and photographs—subject only to such restrictions as referred to in Article 19, paragraph 3, of the International Covenant on Civil and Political Rights."

Many states still have no freedom of information laws, while in others, secrecy laws protect a range of material that goes far beyond any legitimate government secrecy interest.

In many countries, perhaps particularly in Eastern and Central Europe, governments abuse their financial power either to privilege or to harass certain media, depending on the attitude of the latter toward the government. One common means of exerting pressure on the media is through discrimination in the allocation of government advertising, often a large part of the advertising market in developing or transitional economies. In many countries, government exerts effective monopoly control over the printing or distribution of newspapers, which it can then abuse to the detriment of the independent press. A related issue is the use of punitive taxes against the independent or private media, historically referred to as taxes on knowledge.

## CONCLUSION

Censorship is a term that can have a number of related meanings. It is perhaps most notorious in its most extreme form, as prior restraint, although in practice at least some forms of prior restraint still exist in most countries. Far more common, and equally problematic in practice, are the many milder forms of censorship through which critical voices may be effectively silenced. These include the relatively obvious approach of banning certain types of content, as well as

repressive regulation of the media and the use of indirect, or financial, censorship. Perhaps more controversial, though quickly becoming less so, is the idea of the guarantee of freedom of expression as placing a positive obligation on public authorities to grant broad access to the information they hold.

*James R. Lewis*

*See also:* Freedom of Expression; Freedom of the Press.

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# Child Abuse

If human rights are about defending those who cannot defend themselves, then children, the class of people who are by definition the most vulnerable, are those most in need of human rights protections.

These protections might not be necessary if children were not taken advantage of and abused around the world. In rich and poor societies, in Asia and America, and in the workplace and in the home, there is no place that children are safe from abuse.

Child abuse can take many forms. In the rich countries of the West, forced labor is almost nonexistent, but this is perhaps the most common form of abuse suffered by children in Asia. Similarly, slavery is a thing of the past for the West, but remains commonplace in parts of the world, particularly Ghana, Sudan, and Mauritania. And worldwide, including in the West, child abuse takes place where children should be safest: in their own homes. Perhaps the most disturbing form of child abuse is their use in several countries as soldiers.

## CHILD SOLDIERS

Too many armies have discovered that children make excellent soldiers: They are too young to question their orders or to doubt that they should obey their superior officers. Human Rights Watch estimates that approximately 300,000 children serve as soldiers around the world. Guerrilla armies are particularly prone to use child soldiers. Children can be easily indoctrinated with a rebel ideology and then used as expendable and unquestioning troops. Guerrilla armies in Sierra Leone, Myanmar (former-

ly called Burma), and Sri Lanka are among those known to depend on child soldiers to support their cause.

The obvious abuse involved in forcing children to serve as soldiers is the threat and reality of physical harm. Children are wounded, maimed, and killed while fighting for causes they are unlikely to understand. But beyond physical harm, there is the mental scars that result from losing their innocence and being forced to kill. Rather than playing with toys, these children are taught to use machine guns and plant land mines. Even if they survive the war, their experiences leave them mentally vulnerable and make it difficult for them to adjust to a normal civilian world. An adult who serves as a soldier can maintain his perspective by looking back on his life before he carried a gun; a child soldier has nothing to look back on except a short, dangerous lifetime of being a soldier. As one journalist put it, they are children without a childhood.

In Sri Lanka, Renuka, a young girl who was forcibly enlisted in the guerrilla army of the Liberation Tigers of Tamil Eelam at age eleven, epitomizes this loss of childhood. In early September 2000, she lay in a hospital bed, covered with scars. Now thirteen, she had been wounded by mortar fire while defending a Tiger outpost. Her main fear was that her former comrades would be angry at her because she did not commit suicide. "They will threaten me and scold me and ask why I didn't take the cyanide."

In Uganda, the Lord's Resistance Army (LRA) is an extremist guerrilla group that

uses the kidnapping of children as its primary method of recruitment. Thousands of children have been kidnapped and brainwashed by LRA units during the past ten years. Many of those originally kidnapped go on to kidnap younger children, thus perpetuating the cycle of violence and abuse.

In Colombia, both guerrillas and government-backed paramilitary units use child soldiers in their campaigns against each other. This use of child soldiers leads to tragic consequences. In an October 2000 incident, seven young children on a school trip were killed by soldiers who mistook them for a band of child guerrillas.

The United Nations has repeatedly condemned using child soldiers, and human rights organizations have made the fight

against using child soldiers a top priority, but the practice still continues.

### **ABUSE AT HOME**

Possibly less physically dangerous but at least as psychologically damaging is the abuse of children that takes place in the home. This abuse takes two forms: physical abuse, sometimes done for the purpose of punishment, sometimes simply to satisfy a sadistic urge on the part of the abuser; and sexual abuse by an adult who is sexually aroused by children.

Physical punishment of children is widespread. Many cultures believe that beating a child is an effective means of enforcing discipline. There is little evidence that this

is right and much evidence that physical abuse, no matter what the motivation, causes harm to a young child's psyche. More serious harm can occur when children are targeted for physical abuse simply to satisfy a twisted desire on the part of their abusers. This kind of abuse takes place most often in the home, and the abuser is almost always a parent, usually a father or stepfather.

Even more disturbing is the sexual abuse of children. Predatory adults take advantage of a child's vulnerability to rape or otherwise abuse them sexually. Children who suffer this kind of abuse are severely traumatized by the experience, and they usually go through the rest of their lives with scars. Rates of depression and suicide are much higher among those who suffered sexual abuse as a child. Perhaps most damaging is the fact that most abusers are members of the abused child's family: an uncle, a

cousin, or often even a parent. It is not always the stranger offering candy that children have to fear; sometimes they have more to fear from the people living in their own home.

Abuse of a child's trust is universally despised by the rest of society, but society has not yet made the world safe for children.

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*See also:* Child Labor; Children; Slavery.

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# Child Labor

According to the International Labor Organization (ILO), “child labor is where children are deprived of their childhood and futures because they are forced to work long hours for little or no money, deprived of education and in conditions harmful to their mental and physical development.” An ILO report goes on to say that “child labor” is almost certainly the single most important source and form of child abuse and child exploitation in much of the world today.” Child labor is “work carried out to the detriment of the child and in violation of international law and national legislation.”

There are some 250 million working children between ages five and fourteen in developing countries, and around 120 million of them work full-time. Africa has the highest incidence of child workers as a percentage of the labor force, followed by Asia and Latin America. However, in absolute figures, Asia claims the highest number of child workers.

In the United States, an estimated 5.5 million youths between ages twelve and seventeen work. This does not include the large number of children under the age of twelve who are employed illegally. Child

*Young Vietnamese girls making incense sticks. The work damages their lungs and bends their spines, as it has for the girl on the right, 1995.*

labor also still exists in industrialized countries in southern Europe and has increased in central and Eastern Europe. Both Africa and Latin America have witnessed an increase in their numbers of child workers since 1980.

In terms of overall figures, the largest proportion of working children are between the ages of ten and fourteen. However, there is a sizable population under the age of ten. For example, in many rural areas children begin to work as early as five or six years old.

A common form of child labor involves a bondage or slavery system, which requires a child to work in order to pay off the debts of his or her family. Lenders often set up systems that make it almost impossible for families to repay their debts, and therefore keep them and their children “bonded” for life. Southern Asia is estimated to have some tens of millions of children involved in this form of child labor. Another form of child slavery is that of unpaid domestic work. Poor, desperate families sometimes believe their children will experience a higher quality of life working for a rich household than if they were to stay with their own families. While this may be true in some cases, the abusive treatment that many unpaid domestic servants receive is a human rights crime.

Another form of child labor centers on the commercial exploitation of children, which involves child prostitution, child pornography, and the trafficking of children for sexual purposes. According to the United Nations Special Rapporteur on the Sale of Children and Child Prostitution, the commercial exploitation of children is on the increase, with around one million children in Asia falling victim to the sex trade each year and with numbers increasing in Africa and Latin America. The commercial exploitation of children is also said to be on

the increase in industrialized countries and Eastern Europe.

Children forced to work in the sex trade usually suffer both physical and psychological damage. Children are at risk of infection with HIV or other sexually transmitted diseases, and girls can face early pregnancy and maternal morality. Studies show that where children are forced to work in the production of pornographic material, they are often left so traumatized that they cannot return to a normal life. Many die before reaching adulthood.

According to the ILO, another typical form of child labor is the use of children in the production and trafficking of illicit drugs. Many children are involved in the production and cultivation of plants used to make narcotics.

The number of children involved in child labor in rural areas is normally double that in urban centers. The majority of these children are involved in agricultural work, in contrast to urban areas, where most children are involved in domestic service, the manufacturing sector, and in trades. In rural areas, some children, in particular girls, begin working between the ages of five and seven. Some sources show that in rural areas, as many as 20 percent of working children are between the ages of five and nine, in contrast to 5 percent in urban areas.

More boys than girls work—the ratio is about three boys to two girls. However, these statistics do not take into account the full-time use of girls doing housework in their parents’ homes. If this full-time work were taken into account, the figures for girls and boys would be the same, or working girls could exceed the number of working boys.

In some cases, children have been found to work nine hours a day, seven days a

Most children are paid much less than the normal pay rates, and girls are often paid less than boys are for doing the same work. Similarly, children very often do not receive payment for overtime.

The physical and psychological cost to working children can be extreme. Tens of millions of child workers suffer serious health consequences such as the loss of body parts, burns, cuts, respiratory problems, hearing and visual damage, skin diseases, and intestinal illnesses. And because of their physiological characteristics—their bodies are still growing—children may suffer skeletal damage and impaired growth. Again, surveys have shown that children are more vulnerable to psychological abuse, especially when they work as child prostitutes and domestic workers. Such children are deprived of affection and are physically, psychologically, and sexually abused.

*James R. Lewis*

*See also:* Child Pornography; Children; Slavery.

*Young boy gluing labels on boxes of matches in a Bangladesh factory.*

week, especially in rural areas. Whereas in urban areas—where work is usually paid—fewer children are found to work such long hours, and the majority work no more than six days a week.

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# Child Pornography

According to the United Nations Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution, and Child Pornography, “Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities, or any representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose.”

However it is defined, most societies find the use of child pornography to be detestable. Child pornographers take what should be time a time of innocence and exploration—childhood—and turn it into a twisted commodity. In some ways, child pornography, along with the associated problem of child abuse, is one of the least forgivable forms of human rights abuse.

Child pornography can exist in many different forms. Visual child pornography is the most common, meaning the visual depiction of a child engaged in explicit sexual activity, real or simulated, or the lewd exhibition of their genitals. Audio child pornography is the use of any audio devices using a child’s voice, real or simulated, intended for the sexual gratification of the user. Child pornography can also be simple text that describes sexual acts involving children intended to provide sexual gratification.

## LEGAL PROTECTION

Children are entitled to protection from being used in child pornography. Under Article 34 of the Convention on the Rights of the Child, a Convention that all but two

states in the world have ratified, states that all signing parties undertake to protect children from all forms of sexual exploitation and sexual abuse, and to take all appropriate measures to prevent “the exploitative use of children in pornographic performances and materials.”

Using children for pornography is a severe form of child sexual exploitation. Since children have no contractual capacity and have limited access to knowledge and experience, they cannot be meaningfully held to have consented to the making of the images or to have entered into any form of legal contract with the pornographer.

Apart from the direct exploitation that occurs in making child pornography, there is also reason for concern about the use of child pornography to seduce children. Child abusers show child pornography to children as part of the grooming process to lower the child’s inhibitions and induce them into participating in sexual activities.

Most countries in the world have laws which can be used to fight child pornography. Many rely on general obscenity laws. Among matters related to pornography that are commonly criminalized are possessing, stocking, selling, distributing, exporting, importing, intent to distribute, intent to depict or encourage child abuse, supplying, or aiding or abetting any of the above. Whether or not payment was made can be important in some jurisdictions but not in others. The proliferation of child pornography in recent years, especially over the Internet, has caused many governments to revise their laws and to provide for the specific prohibi-

tion of pornography in which the subject of the pornography is, or appears to be, a child. In some countries, such as Italy, Internet-specific laws dealing with child pornography have been introduced.

Many countries now prohibit the mere possession of child pornography. The debate on whether to criminalize the possession of child pornography is often seen as a conflict between freedom of expression and children's rights. In Sweden, the introduction of a law criminalizing the possession of child pornography required a change in the constitution. In fact there should be no real conflict in this regard, as freedom of expression is not an absolute right and is usually constrained by the law of defamation and other public policy considerations, including child protection.

### THE NATURE OF PORNOGRAPHY

Until recently, pornographic photos and videos of children always provided evidence that child sexual abuse had occurred. But the use of computers enables the creation of child pornography without actually abusing a real child; such computer-generated child pornography is called "pseudo-pornography."

Child pornography is linked to physical and sexual abuse in the home and in institutions, and to the trafficking of children and to child sex tourism. Many abusers record their exploits and then share the images with their friends or with other abusers. This is especially easy to do over the Internet.

Most child pornography is produced in a cottage industry by child abusers themselves. They record their own abuse of children or train children they are abusing to pose or act out scenes. Photos of child abuse sometimes come in numbered series

to facilitate identification and collection. Collectors try to fill in series of photographs. Photos can also be part of a narrative, with each new photo advancing the story.

Child pornography helps abusers to rationalize their desire for children. The ease with which the images are shared over the Internet encourages "normalization" of their desires. Some offenders began to abuse children only after being exposed to child pornography. Often the children are made to smile and look compliant, as if they are enjoying the experience, thus further increasing the "normalization" process.

Abusers often use the fact that they possess the pornographic images of their victims to blackmail the children into keeping silent about the abuse.

There was a theory put forward in the 1970s that child pornography acted as a safety valve, allowing pedophiles to indulge their fetish without abusing children. That theory has been discredited by the British expert on pedophile behavior Ray Wyre. First, the child in the pornographic image has been abused, and there can be no justification for using that abuse to avoid a subsequent abuse. Second, pedophiles use child pornography to validate their feelings, to allow them to feel normal. In that way it lowers their inhibitions about going out and abusing children, rather than preventing them from doing so. "If a man buys child pornography he does so for one reason and one reason alone. The reason is that he wants to have sex with children. The fact that he may not have done so is more likely to be a question of availability or the fear of getting caught than revulsion at the very concept," according to Wyre.

Child pornography has adverse long-term consequences for the child involved. Children who have been used in pornogra-

phy demonstrate a multitude of symptoms including emotional withdrawal, antisocial behavior, mood swings, depression, fear, and anxiety. They are at high risk of later becoming perpetrators themselves. They not only suffer the consequences of the physical sexual abuse, but they also live with the knowledge that the images made from the abuse are available in the public domain. When the images are circulated via the Internet they remain available.

### COMBATting CHILD PORNOGRAPHY

Proliferation of child pornography is difficult to control because of the new methods of distribution via the Internet. Countries differ on their definitions of children, on what child pornography is, on what forms it can take, and on whether an overt act—or merely an intention—is needed for prosecution. Countries also differ on whether mere possession is a crime and whether a real child has to be involved.

Without harmonization of laws among the numerous jurisdictions through which such pornography can pass, offenders can seek shelter in jurisdictions with limited legislation. Offenders can also take advantage of the law enforcement problems inherent in transnational investigations.

Despite the existing jurisdictional problems, there have been many examples of successful international cooperation between law enforcement officers in recent years. In 1996, an international child pornography ring named “The Orchid Club” was broken by the police in San José, California. Involving individuals from as far away as Finland, Australia, the United Kingdom, and Canada, the Orchid Club case appears to be the first prosecuted case in which pictures of a child being molested

were transmitted in real time using video-conferencing software.

In 1998, police in Britain raiding the house of a man involved in the Orchid Club routinely impounded his computer equipment. On analysis, they found evidence of another pedophile ring, “The Wonderland Club.” On September 1, 1998, more than 100 people were arrested in 12 countries and more than 100,000 pornographic images of children were found.

Public concern over the proliferation of child pornography on the Internet has manifested itself in the establishment of hotlines in a number of countries for reporting offensive sites and material. Hotlines provide the public with advice on how to pursue a complaint and can pass information to relevant law enforcement agencies or to other hotlines. In some countries, the Internet Service Providers themselves are taking action by agreeing to enforce codes of conduct for dealing with child pornography and other offensive material or by setting up hotlines to which the public can report such material. In Europe, hotlines are cooperating with one another through an association called INHOPE.

For improved law enforcement, the intelligence services of some countries maintain a database of child pornography images. The database allows for fast identification of old and new images and thus speeds up a criminal investigation. Research into images appearing on the Internet being carried out at University College, Cork, Ireland, indicates that the age of children appearing in new child pornography is falling. The typical age range of children in pornographic photographs tends to be seven to eleven years, but new pictures are emerging that show children who appear to be under the

age of five. Some of the pictures are said to have very troublesome sadistic aspects.

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*See also:* Child Labor; Children.

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# Children

Although human rights are vital to every person in the world, but they have only gained formal recognition very recently. This is especially true for children's rights. Following the establishment of the United Nations in 1945 there has been an explosion in the number of international treaties and conventions—along with the bodies responsible for the monitoring of their implementation—that enshrine a myriad of human rights. The result is that, in theory at least, everyone should have his or her basic human rights protected, wherever they live.

As well as sharing the same human rights as adults under all general human rights treaties, children also have their own specialized rights and treaties covering children's rights that have been developed along with the wider evolution of human rights. The perceived need to provide groups, such as children, women, and minorities, with rights reflecting their particular needs has triggered the United Nations and other organizations to draft several specialized treaties and conventions for them. The United Nations Convention on the Rights of the Child—arguably the most important human rights document written specifically for children—is based on the idea that children, because of their vulnerability, deserve special recognition and rights.

This idea that children deserved special rights emerged in the early twentieth century. In 1919, after World War II, the International Labor Organization became the first intergovernmental organization to recognize children's rights. Soon after, Eglan-

tyne Jebb, an English woman, founded the organization Save the Children and brought about the first general international declaration of children's rights. In 1923, she published a five-point statement on the rights of children. Known as the Declaration of Geneva, it was adopted by the League of Nations the following year. In 1948, the United Nations expanded the Declaration of Geneva to seven points. In 1949, children appear in the general category of the victims of war in the Geneva Convention, and as a targeted category in the two protocols of the Geneva Conventions of 1977.

In 1959, the United Nations proclaimed the Declaration of the Rights of the Child, which contained ten statements on the rights of children. This declaration concentrated on a child's right to be protected, and made several key advances in the development of children's rights. For example, it recognized the right of a child to have a name and nationality and the right to be protected from discrimination.

## **THE UNITED NATIONS CONVENTION THE RIGHTS OF THE CHILD**

More serious international interest in children's rights emerged in the 1980s in discussions that led to the United Nations Convention on the Rights of the Child (CRC). This Convention has been described as a watershed in the history of children's rights. After a ten-year drafting process, it was adopted by the United Nations General Assembly in 1989, and came into force on September 2, 1990 after



being ratified by twenty nations. Since 1990, only two countries, Somalia and the United States have yet to ratify the CRC. Somalia has virtually no functioning government. The United States has not signed the document largely because some lawmakers believe that, no matter how good the cause, the United States should not be restricted or bound by certain international regulations.

The CRC has enshrined four broad general principles, which are mainly laid out in Articles 2, 3, 6, and 12.

Article 2 is dedicated to the idea of nondiscrimination. Governments undertake to ensure that no child suffers discrimination “irrespective of the child’s or his or her parent’s or legal guardian’s race, color, sex, language, religion, political or other opin-

ion, national, ethnic, or social origin, property, disability, birth, or other status.” The message of Article 2 is one of equality, that all children—male or female, refugees of foreign or minority origin, with disabilities or without—should enjoy the same opportunities and standards of living.

Article 3 defends the “Best Interests of the Child.” When government authorities make decisions that affect children, the best interest of children must always be paramount. Therefore decisions by courts, social-welfare institutions, and legislative bodies should always have the best interests of the child at the forefront of their decision-making process.

Article 6 defends the right to life, survival, and development. Development is interpreted in the broadest sense, referring to

*Boy living on the streets in Colombia. He holds a tube of glue for getting high, and the wound in his stomach is infected, 1990.*

children's physical, mental, emotional, cognitive, social and cultural development.

Article 12 protects the views of the child and the fundamental idea that all children have the right to have their views heard and taken seriously, including during any judicial or administrative proceedings against them. They should be free to have opinions on all things affecting them and those opinions should be given due consideration, "in accordance with the age and maturity of the child."

Implementation of the Convention is overseen by the Committee on the Rights of the Child, which the CRC established under Article 43. This committee is responsible for "examining the progress made by States Parties in achieving the realization of the obligations undertaken in the Convention." The committee consists of ten elected members and meets for two to three

weeks three times a year in January, April, and September to discuss government reports. The committee itself reports to the United Nations General Assembly every two years. Once a country has ratified the CRC it is expected to present an implementation report within two years, and thereafter a report must be submitted to the committee for consideration every five years.

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*See also:* Child Labor; Child Pornography.

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# Conscientious Objection to Military Service

Conscientious objection to military service is defined as the refusal by an individual to participate in war or the preparation for war because to do so would violate that individual's moral, ethical, or religious beliefs. In essence, conscientious objection is the human right not to kill.

The concept has a long history and developed initially from pacifist principles advocated by several of the world's major religions. Buddhism, for example, endorsed non-violence and non-resistance to force, and early Christian doctrine taught that the taking of any human life was evil. As it grew to become the dominant and state-sanctioned religion in Europe during the fourth and fifth centuries A.D., Christianity began to espouse the distinction between just and unjust wars as a rationale for the necessity of Christians sometimes participating in the killing of other human beings. Nevertheless, throughout the Middle Ages and into the modern period, there have been Christian groups, such as the Anabaptists, the Mennonites, and the Quakers (the "peace churches"), who have adhered to the earliest Christian prohibitions against killing, and whose members have therefore refused to participate in armed conflicts.

Beginning in the nineteenth century, with the advent of modern nation-states, standing armies, and the concept of military conscription, conscientious objection began to lose its exclusively religious nature and to take on a more secular and political one. During World War I and World War II, governments have had to deal with

increasingly complex legal and ethical questions concerning the right of their citizens to refuse to participate in state-sanctioned killing.

Do individuals have this right to refuse, and if so, is it absolute? What are the criteria for determining the legitimacy and sincerity of an individual's conscientious objection? Should objectors be required to perform alternative service, what form should this service take, and for how long should it be required? Conscientious objectors, in turn, have had to decide if their scruples require them to reject not only a combat role in the military, but any alternative service as well, if it could be construed to be in support of a military or war effort.

Often the question of conscientious objection can be even more specific. In the United States during the Vietnam War era, many individuals claimed selective conscientious objection to that war, but not necessarily to all wars.

Because of the increasingly complex nature of the questions surrounding conscientious objection to military service, it is not surprising that there has been a lack of consistency in how individual countries have dealt with objectors. During World War I, for example, most of the European countries involved did not recognize a legal right to conscientious objection and treated harshly their citizens who claimed objector status. Austria-Hungary and Germany committed objectors to mental institutions; France shot them as deserters or sentenced them to long terms in prison.

The United States and Great Britain recognized conscientious objection as a legal right, but both nations allowed only a narrow definition based on membership in one of the traditional *peace churches*, such as the Quakers or Mennonites, and objector status exempted the individual only from bearing arms, not from serving in the military.

By the outbreak of World War II, the British legal system not only recognized the right to conscientious objection based on religious, philosophical, or political grounds, it also recognized an individual's right to refuse to perform any alternative service. In the United States, the law still required that objector status be based only on religious training or belief, although membership in one of the peace churches was no longer re-

quired. Alternative service was mandated, either in a non-combatant military capacity or in the civilian arena. In World War II Germany, the treatment of objectors remained harsh: they were incarcerated in concentration camps or mental institutions, or else they were executed.

After World War II, both Great Britain and the United States expanded and elaborated their definitions of conscientious objection until military conscription was discontinued, in 1963 and 1973, respectively. The Federal Republic of West Germany included conscientious objection as a right of citizens in its 1949 constitution.

In the early 1970s, the United Nations Commission on Human Rights began a discussion of conscientious objection to military service, with the debate centering

on whether it was indeed a basic and universal human right and, if so, how it should be defined. This body requested and received an overview report from the United Nations secretary-general, but the matter was dropped until 1980. In that year, the Commission delegated to its Sub-Commission on Prevention of Discrimination and Protection of Minorities the responsibility of preparing a report on the status of the right of conscientious objection in member nations.

This report, prepared and submitted in 1983 by two sub-commission members, Asbjorn Eide of Norway and Chama Mubanga-Chipoya of Zambia, was based on information received from 152 countries and various non-governmental organizations. As expected, there was wide variance in policies and actual practices concerning the definition of conscientious objection and whether it was a valid right, as well as in the treatment of objectors and the requirements for alternative service. The report concluded with six recommendations, which the Special Rapporteurs suggested be adopted in the form of a resolution by the Commission on Human Rights. These recommendations included legal recognition of the right to conscientious objection by member states, the establishment of independent panels for determining the validity of objections, and the provision of alternative service.

Although this report was forwarded to the Commission on Human Rights, it was not until 1989 that it passed its first reso-

lution calling for recognition of conscientious objection to military service as a universal human right. In 1993, the Commission adopted a stronger resolution and requested that the secretary-general provide updated information on the status of conscientious objection in member nations. After receiving this, the Commission issued Resolution 1995/83, which unequivocally states "the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in Article 18 of the Universal Declaration of Human Rights, as well as Article 18 of the International Covenant on Civil and Political Rights."

The right not to kill is now enshrined in international law.

Donna J. Cook

See also: War.

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# Conventional Weapons

In the second half of the nineteenth century, the international community began to convert the accepted and customary laws of warfare into written treaties, with the intent of codifying the parameters of acceptable weapons and practices allowed in the pursuit of war. This was the beginning of the establishment of contemporary international humanitarian law. The underlying principles of such law are that military objectives should be attained with the least amount of human suffering possible and that the human rights of combatants and civilian populations must be respected. Throughout these years, numerous treaties and international conventions have addressed the weapons and practices of war in relation to the amount of suffering they cause. Some of these weapons and practices have been declared unacceptable.

In 1868, for example, the St. Petersburg Declaration, which prohibited the use of exploding or incendiary bullets under a certain size, asserted that “the only legitimate object . . . during war is to weaken the military force of the enemy,” and to do this “it is sufficient to disable the greatest possible number of men.” Therefore, it would be immoral and “contrary to the laws of humanity” to employ “arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable.” Later treaties, including the Geneva Convention and the Hague Peace Treaties of 1899 and 1907, added further to standards concerning acceptable practices in warfare, banning weapons that caused “unnecessary suffering” or “superfluous injury.”

After World War II, the body of international law covering war was rewritten to take into account many of the then-current practices of conducting war. The result was four Geneva Conventions, embodying the principles of internationally accepted humanitarian law as it applies to combatants, prisoners of war, and affected civilian populations. In 1968, the International Conference on Human Rights in Tehran recommended to the United Nations General Assembly that it was again time to consider further revisions and updating. Four years later, the final report of the Conference further recommended that certain military practices and weapons, including napalm and other incendiary items, should be prohibited for causing excessive and unnecessary suffering in relation to their value in achieving military objectives.

The report again called for revisions to the Geneva Conventions, and in 1977, after several years of work, two protocols were added to the Conventions, the first dealing with the humanitarian treatment and protection of basic rights of persons in international armed conflicts, and the second of those in internal conflicts. The Diplomatic Conference in Geneva that adopted these additional protocols also recommended to the UN that an additional conference be called to examine the Teheran Conference’s concerns about conventional weapons that caused excessive injuries.

That Conference was held in 1979 and 1980 and resulted in the Convention on Prohibitions or Restrictions on the Use of

Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and protocols, which were first enforced in 1983. The opening paragraphs of this Convention refer to the already existing principles of humanitarian law that it seeks to strengthen: “the principle of international law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and . . . the principle that prohibits the employment in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering,” and “that it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.” The three protocols prohibit or restrict the use of specific weapons: Protocol I, weapons whose effect is to injure by fragments that are undetectable by x-ray in the human body; Protocol II, mines, booby-traps, and other devices; and Protocol III, incendiary weapons.

In 1996, a review conference on the Convention was held, and dissatisfaction was expressed with Protocol II’s treatment of land mines. These weapons were being employed in many of the armed conflicts around the world and were causing widespread injuries and deaths, especially among civilian populations. Although no consensus was reached, another conference called later that same year in Ottawa, Canada, saw the beginning of intense negotiations on formulating a convention that specifically banned anti-personnel land mines. In December 1997, the Convention on the Prohibition of the Use, Stockpiling, Production, and Trans-

fer of Anti-Personnel Mines and on their Destruction was signed.

Finally, in response to increasing concerns about indiscriminate and uncontrolled conventional weapons transfers, including illicit arms trafficking, that have the effect of contributing to political instability in many developing nations, the UN in 1991 established a register of conventional weapons transfers. The purpose of this register is to clarify information on international arms transfers and make it accessible to all nations, the assumption being that access to the records of the arms acquisitions of other nations will enhance the confidence of individual nations in their own capability to defend themselves and help avoid misconceptions about other nations’ conventional weapons holdings. The register has been successful, and there have been calls for strengthening and expanding its provisions.

Treaties restricting the use of conventional weapons have not ended war’s horrors, but they have reduced them somewhat, which is in itself a human rights achievement.

*James R. Lewis*

*See also:* Arms Trade; Land Mines; Nuclear Weapons; War.

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# Crime

Often human rights issues are concerned with what governments do, or should not be allowed to do, to their citizens. When discussing crime in the context of human rights, this is reversed: crime usually becomes a human rights issue when governments do not do enough to prevent it.

The United Nations Universal Declaration of Human Rights (1948) states in Article 3 that “everyone has the right to life, liberty and the security, of person,” while Article 28 adds that “everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.” Together they suggest that all people have the human right to live safely and securely in a well-ordered society.

Obviously not all people are free from the fear or possibility of crime. It is an impossibility that governments could prevent all crime; to do so, they would have to legislate a change in human nature. But it is possible that governments could do more to prevent crime than they are currently doing, particularly for some people.

One of the more blatant inequities of crime is who suffers from it. Although it may seem that the rich have more to fear from crime because they have more to lose, it is usually the poor who are more at risk. Two reasons explain this. First, there is a direct correlation between poverty and crime; this is not to say that all poor people commit crimes, but that the poor and desperate are more likely to be tempted to commit a crime. The crimes committed by the poor are also more visible; the rich criminal might embezzle or cheat on his taxes, but the poor

criminal can only mug or rob. Second, because people with more money tend to have more political influence, the police and courts often provide more of an effort to protect rich neighborhoods than poor ones. When this happens, the human rights of the poor are being violated.

That the rich are favored by police seems obvious to many. Reacting to the well-publicized murder of Karen Toshima, a young woman from a wealthy Los Angeles neighborhood, dozens of police were assigned to the case, but similar murders taking place in gang-infested South-Central Los Angeles received much less attention. Anthony Essex, leader of the National Association for the Advancement of Colored People, concluded that “the more exclusive areas of this city get a more responsive treatment. That’s not a perception. That’s the reality.” And a local politician added, “Why can’t we get this response in South-Central, where lives are lost every week?” The answer is money, resources, and power.

The situation is much worse in countries with a greater disparity between rich and poor. A recent World Bank study of more than fifty countries found a clear relationship between income inequality and higher homicide rates. In the United States, with a reasonably efficient police force and a comparatively low ratio between rich and poor, the different treatment that rich and poor neighborhoods receive is still striking. In countries like Brazil and South Africa, where the very wealthy live in isolation, surrounded by seas of poverty, the difference in police activity between rich and poor neighborhoods is stark. A black South African in the



slums of Soweto is surprised to see a police patrol on his street; a white South African in the upscale Johannesburg suburb of Sandton would be surprised not to see one.

A key contributing factor to increased violent crime rates is the widespread availability of guns. During the last fifty years, small-scale wars have been commonplace, and as a result, weapons, particularly small arms, are easily available in many parts of the world. This is less true for the industrialized world with its better police and better border patrols. The United States is an exception, of course. The Second Amendment to the United States Constitution guarantees all Americans the right to bear arms, and many Americans passionately resist any limitations on this right. Opposition to gun control in the United States has resulted in the wide distribution of both

handguns and automatic weapons. It is no coincidence that the United States also has the highest per capita murder rate among industrialized countries.

Carl Skutsch

*See also:* Domestic Violence; Police and Law Enforcement; Prisons; Victims' Rights.

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# Crimes Against Humanity

Although the principles on which it is based are much older, the concept of crimes against humanity was first formulated during the 1907 Hague Convention, which marked out the allowed behavior in wartime. Some military actions were considered to go against the laws of humanity.

The first major use of this concept of crimes against humanity came at the Nuremberg War Crimes trials, which took place in Nuremberg, Germany, from 1945 to 1947. There had been earlier efforts to develop such a notion. In particular, following World War I, a commission that was set up in connection with the Treaty of Versailles to investigate war crimes accused certain Turkish authorities of “crimes against the laws of humanity” for murdering Armenians during the war. This effort to extend the notion of war crimes to include such activities was opposed, among others, by the United States. By the end of the World War II, however, the United States had become one of the chief supporters of the new category.

Crimes against humanity are both narrower and broader in scope than war crimes. By definition, war crimes—a charge that was also leveled by the International Military Tribunal against leading Nazis—can only take place during time of war. Furthermore, war crimes refer to crimes committed against the soldiers and civilians of foreign nations. The Nazis, however, had brutally murdered sectors of its own population, particularly Jews and Roma (Gypsies), both during and before the war. The notion of crimes against humanity, which encompasses such acts, is broader than war crimes. This idea is, however, nar-

rower in scope in that it applies only to premeditated, large-scale crimes. A single soldier might murder a single civilian and thereby be guilty of a war crime, but an action limited to a single person attacking another person would not be regarded as a crime against humanity, no matter how heinous.

While the category of crimes against humanity overlaps genocide, genocide, as defined in the Genocide Convention of 1948, stipulates that the intention of perpetrators must be to destroy any specific group, in whole or in part. By contrast, crimes against humanity encompass lesser acts of widespread or systematic crimes against a target group that fall short of the intent to completely exterminate the group—an example of such a crime would be the use of mass rape, such as those carried out by Serbian troops during the Bosnian conflict.

The charter of the International Military Tribunal defined crimes against humanity in Article 6(c): “Crimes Against Humanity: namely, murder, extermination, enslavement, deportation and other inhuman acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.”

Since the Nuremberg War Crimes trials, the category of crimes against humanity has been incorporated into the statutes of the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY),

and the International Criminal Court (ICC). The category has also been expanded in both the ICTR and the ICTY to include torture and rape, and in the ICC statute, such specific crimes as apartheid and enforced disappearances.

At the time of the Nuremberg trials, crimes against humanity and the similarly innovative crimes against peace (the crime of waging an aggressive war) evoked much criticism. To many observers, it appeared to be victors' revenge against the vanquished, cloaked in the legitimating mantle of international law. The charge of crimes against humanity, in particular, seemed an attempt to enforce a principle that was not part of international law prior to the World War II. Despite these objections, the impact of the postwar tribunal was to firmly establish the idea of crimes against humanity as a part of international law, an

important step between the older notion of war crimes and the modern notion of human rights violations.

*James R. Lewis*

*See also:* Apartheid; Disappearances; Genocide; War Crimes.

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# Cultural Relativism

Cultural relativism is the notion that values and mores are not universal but are instead completely determined by culture. This position, popularized by an earlier generation of Western anthropologists, stands in contrast to more traditional perspectives that root values in transcendent sources of meaning or in the universal experience of the human condition.

In the human rights arena, there is general agreement that human rights are universal. At the same time, most parties to the human rights discussion would be willing to acknowledge some variability between societies. Thus disagreements over the universality or relativity of human rights have tended to be confined to debates over human rights that bear on a limited domain of specific cultural practices.

Because most such disagreements have arisen in the context of critiques of non-Western societies by Western human rights advocates, the question has arisen as to whether the points at issue really revolve around human rights, or whether Western chauvinists are actually engaged in an effort to supplant non-Western societies' traditional values with Western values. In response, human rights activists have tended to question the sincerity of such analyses, implying that the concerns being expressed about Western cultural imperialism are little more than self-serving smoke-screens put forward to divert criticism away from oppressive social arrangements.

To give an example, the issue of women in conservative Muslim countries inspires this kind of human rights debate. Western human rights activists argue that women in Islamic cultures are denied many of their

human rights, including their right to function as autonomous individuals. Some Muslims respond that Islam defines certain roles for women and that to protest against these roles denies the cultural rights of Islamic states. The issue of "female circumcision," called by human rights activists "female genital mutilation," involves another such debate.

As part of this ongoing discussion, it has frequently been pointed out that the West in general, and the United States in particular, are quick to call attention to alleged human rights violations if it serves Western interests, but is slow to do so when it does not serve these interests. Furthermore, although the United States likes to portray itself as the global champion of human rights, its own human rights record leaves much to be desired—especially when one examines such historical phenomena as the displacement of Native Americans and the enslavement of Africans by European Americans.

This viewpoint was evocatively expressed by Kishore Mahbubani in his 1992 essay, "The West and the Rest": "[F]rom the viewpoint of many Third World citizens, human rights campaigns often have a bizarre quality. For many of them, it looks something like this: They are like hungry and diseased passengers on a leaky, overcrowded boat that is about to drift into treacherous waters, in which many of them will perish. The captain of the boat is often harsh, sometimes fairly and sometimes not. On the river banks stand a group of affluent, well-fed and well-intentioned onlookers. As soon as these onlookers witness a passenger being flogged or imprisoned or even deprived of

the right to speak, they board the ship to intervene, protecting the passengers from the captain. But those passengers remain hungry and diseased. As soon as they try to swim to the banks into the arms of their benefactors, they are firmly returned to the boat, their primary sufferings unabated.”

This essay, by a scholar who is also an official in the government of Singapore, has set the tone for the current debate. Mahbubani's general viewpoint is not, however, unique. In 1991, the People's Republic of China issued an official statement on human rights which read, in part, that “to people in developing countries, the most urgent human rights are still the right to subsistence and the right to economic, social and cultural development. Therefore, attention should first be given to the right to development.”

The unstated assumption in both of these documents is the premise that increasing individual freedoms in the political sphere undermines or otherwise acts as a brake on economic development.

Defenders of the political establishment in countries like China, Singapore, and Malaysia further argue that the emphasis on political and civil rights by Western human rights organizations reflects the individualistic orientation of the West's cultural tradition. Asian cultural traditions, in contrast, emphasize such communitarian values as the economic welfare of the larger society. Thus, rather than asserting directly that human rights must take a back seat to economic development, spokespeople for the authoritarian regimes of Asia argue that such human rights as the right to maintain one's cultural tradition and the right to economic well-being should take priority over political and civil rights. Finally, many defenses of the political status quo in authoritarian Asian countries assert or imply that such societies will gradually develop greater political freedoms and ex-

panded civil rights after their economies become as prosperous as Western economies.

Responses to this line of argument make a number of different counterpoints. First, it is often the case that authoritarian regimes also fail to promote economic development. It is also not the case that democratic political systems invariably retard economic development. Thus the opposition between rapid economic growth and democratic political processes on which arguments against expanded political participation is based is a fallacy.

Second, while the contemporary human rights movement arose in the West, it is inaccurate to assert that Asian culture in general is inhospitable to human rights. In point of fact, neither the West nor the East possess monolithic cultural traditions, although the consensus of both is to balance social concerns and responsibilities with the rights of individuals.

Finally, Asian countries with authoritarian political regimes have, in general, rushed to embrace other aspects of Westernization with little concern over the potential impact on traditional culture and traditional social arrangements. Confining resistance to Westernization to the arena of civil and political rights is thus transparently self-serving.

It seems clear that some defenders of cultural relativism are simply using the concept as a smokescreen for cruelty and oppression.

*James R. Lewis*

*See also:* Female Genital Mutilation; Women's Rights.

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# Dalai Lama

Tenzin Gyatso, the fourteenth Dalai Lama, was born on July 6, 1935, with the given name Lhamo Dhondup, but is now usually called Yeshe Norbu (the Wish-fulfilling Gem) or Kundun (the Presence). This exiled religious and political leader of Tibet has spent most of his life fighting for the rights of the 6 million Tibetan people, which includes those who still live in Tibet and those who share his life of exile. In his struggle, he has become a world-famous symbol of the right of oppressed minority peoples to achieve dignity and self-determination, both of which are basic human rights.

## BACKGROUND

Surrounded by the Himalaya Mountains, sitting on a plateau some 16,000 feet (4,900 meters) above sea level, Tibet was isolated from the surrounding world for much of its history. While Tibet borrowed some traditions from its neighbors, India and China, for centuries it had largely developed its own unique culture.

In the sixteenth century, a Buddhist sect called the Gelukpas came to dominate the region. They were called “Yellow Hats” because of their distinctive headgear. The leader of the Yellow Hats was called the Dalai Lama (a Lama is a Tibetan Buddhist priest). From then until the twentieth century, Tibet was ruled by its Dalai Lamas. When a Dalai Lama died, a young boy would be chosen by Buddhist priests to be the new Dalai Lama. According to Tibetan Buddhists, the young boy was supposed to have the reincarnated soul of the previous Dalai

Lama. So, in a sense, there has been only one Dalai Lama, reincarnated many times.

During these centuries China tried to control politics in Tibet, but had only limited success. China is ethnically and cultural different from Tibet, but China’s much larger population made it difficult for Tibet to ignore China’s influence. Still, although the Dalai Lamas acknowledged China’s power, they remained Tibet’s spiritual and temporal rulers until the twentieth century. The current Dalai Lama was chosen to rule in 1938 (his predecessor had died in 1933). However, with the success of the Chinese Communist revolution of 1949, Tibet’s situation became more precarious.

The communist revolution brought Mao Zedong to power, and Mao was unwilling to let Tibet retain its autonomy, even though the United Nations Universal Declaration of Human Rights (signed a year earlier) guaranteed all peoples the human right to self-determination. A Chinese communist army invaded Tibet in 1950, forcing the young Dalai Lama to become a puppet ruler. The Dalai Lama occupied the throne, but Chinese officials ran the country, treating the Tibetan people as second-class citizens. In 1959, a revolt by Tibetans led to great loss of life. Chinese troops fired machine guns and mortars into unarmed crowds of demonstrating Tibetans. Fearing for his life, the Dalai Lama’s advisors smuggled the young ruler out of Tibet and into India. He was followed into exile by 180,000 of his people. They settled at Dharmasala, India, which became, and remains, the base for the Tibetan government-in-exile.

## AN EXILE'S LIFE

Since the beginning of his exile, the Dalai Lama has attempted to bring the plight of his people before the international community. He appealed to the United Nations, which passed three resolutions—in 1959, 1961, and 1965—calling upon China to respect human rights in Tibet. These resolutions, however, had no effect on Chinese policy.

The Dalai Lama has spent much of his life touring the world, seeking to explain his cause to people across the globe. He has met presidents, premiers, chancellors, kings, and queens. He has tried to impress on all his hosts the need for Tibet to achieve some kind of freedom. Most have offered sympathy but little practical support.

Although a Buddhist leader, the Dalai Lama is accepting of all faiths: “I always believe that it is much better to have a variety of religions, a variety of philosophies, rather than one single religion or philosophy. This is necessary because of the different mental dispositions of each human being. Each religion has certain unique ideas or techniques, and learning about them can only enrich one’s own faith.” His open-minded and peaceful acceptance of other peoples and faiths was part of his appeal, an appeal that went beyond that of other Buddhists. The Dalai Lama has met with two popes (Paul VI and John Paul II) and the Archbishop of Canterbury (the leading cleric of the Anglican Church), as well as Jewish, Muslim, and Hindu leaders.

## A NEGOTIATOR

In 1987, the Dalai Lama proposed a peace plan as a first step in bringing peace to Tibet. The plan called for Tibet to be designated a “non-violent zone,” an end to the

immigration of ethnic Chinese to Tibet, the granting of democratic freedoms, and an end to China’s policy of dumping nuclear waste and testing nuclear devices in Tibet. While activists and supporters praised this plan, it had little effect on the Chinese government, which continued to oppress the Tibetan people. An estimated one million Tibetans have died because of Chinese policies. China discourages the learning of the Tibetan language and bans the display of the Dalai Lama’s portrait. Many observers believe China is bent on wiping out the culture of the Tibetan people.

Some supporters of Tibet quietly suggested that the Dalai Lama was too pacifistic and too non-confrontational in his dealings with China. The Free Tibet Campaign ([www.freetibet.org](http://www.freetibet.org)), in particular, was often impatient with his attempts to negotiate with the Chinese government. The Dalai Lama, however, argued that confrontation all too often leads to violence. “It is very complicated and sad, using the violent method,” he said. Citing the 1999 NATO bombing campaign on behalf of Kosovo against Yugoslavia as an example, he explained: “The motive was concern, caring, to protect these Kosovar people from the ethnic cleansing policy but violence once it starts, is by its nature very unpredictable. Originally you intend limited use of force. Then counterreaction. Difficult to stop. Devastation. So always, I feel, it is better to avoid.”

This attitude toward confrontation is in keeping with Buddhist tradition, which eschews violence and encourages its followers to try and remain detached from the physical conflicts of this world.

While the Dalai Lama has admitted that China has shown little inclination to end its human rights abuses in Tibet, he still believes in the possibility of change. “In China the popular movement for democra-

cy was crushed by brutal force in June . . . [1989]. But I do not believe the demonstrations were in vain, because the spirit of freedom was rekindled among the Chinese people and China cannot escape the impact of this spirit of freedom sweeping in many parts of the world.”

In the name of compromise, the Dalai Lama has refrained from asking for full Tibetan independence, instead merely pushing for some kind of autonomy under Chinese supervision. Even this limited goal, however, has not been accepted by the Chinese government.

## HONORS

In his quest for Tibetan rights, the Dalai Lama has accumulated numerous prizes and honors. The most prestigious was the 1989 Nobel Peace Prize. The Nobel committee’s citation read: “The Committee wants to emphasize the fact that the Dalai Lama in his struggle for the liberation of Tibet consistently has opposed the use of violence. He has instead advocated peaceful solutions based upon tolerance and mutual respect in order to preserve the historical and cultural heritage of his people.”

In 1989, he was awarded the Raoul Wallenberg Congressional Human Rights Award. At the ceremony, Representative Tom Lantos (D-CA) said: “His Holiness the Dalai Lama’s courageous struggle has distinguished him as a leading proponent of human rights and world peace. His ongoing efforts to end the suffering of the Tibetan people through peaceful negotiations and reconciliation have required enormous courage and sacrifice.”

## DALAI LAMA TODAY

Because of his efforts on behalf of the Ti-

betan people, the Dalai Lama has become a worldwide celebrity. His face is one of the most recognizable in the world and has even been used for advertising campaigns. His cause has attracted many celebrities, including actors Richard Gere and Steven Seagal, and pop musician Adam Yauch of the Beastie Boys. This Hollywood following has been seen by some to diminish the Dalai Lama’s dignity, but it has also had the effect of raising awareness of Tibet’s plight. A number of movies have been made based on the Dalai Lama’s story, including *Seven Years in Tibet* and *Kundun* (both in 1997).

The Dalai Lama has also become a popular author, whose books have been on the *New York Times* best-seller list, the most recent being *Ethics for the New Millennium* (1999).

Despite the efforts of the Dalai Lama, the future of Tibet remains uncertain. China continues its policy of brutally suppressing Tibetan nationalism, jailing Buddhist monks and nuns who support the Dalai Lama, and encouraging Chinese immigration into Tibet. The latter policy may be the most decisive in defeating the Dalai Lama and his supporters. If China is successful, ethnic Chinese may soon become the majority population in Tibet.

There also remains the question of the Dalai Lama’s successor. Traditionally, the Panchen Lama, the second most important figure in Tibetan Buddhism, supervises the choice of a new Dalai Lama. But currently there is a fierce conflict over the selection and identity of the Panchen Lama. Tibetan monks, supported by the Dalai Lama, picked a young boy named Gedhun Choekyi Nyima as the new Panchen Lama. China objected, arrested the monk in charge of the search, imprisoned the boy, and named its own young candidate. The Dalai Lama’s choice has remained in detention since



1995 and may never be freed. If, when the Dalai Lama dies, China's government supervises the choice of his successor, the chances of Tibetan independence or autonomy may be over.

Still, it may be some time before this becomes an issue. The Dalai Lama has said: "My horoscope says I will live until I am more than 120, my dreams suggest more than 100. I myself believe that I will live into my nineties." This may be enough time to achieve peace in Tibet and full human rights for all Tibetans.

Carl Skutsch

*See also:* China; Nobel Peace Prize; Political Prisoners.

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# Debt Bondage

A person enters debt bondage when his or her labor is demanded as a means of repayment for a loan, or for money given in advance. People usually borrow money or other items in order to pay for the basic means of survival such as food, medicine, and the tools of labor, as well as to cover the costs of social obligations, such as weddings and funerals. Those held under debt bondage become, in effect, slaves to their creditors.

Unlike ordinary loans, debt bondage usually involves manipulation of the debt so the person paying does not know exactly how much interest has to be paid, or they may be unaware that a loan has been made at all. An example of this can be seen with Brazilian agricultural workers transported to remote parts of Pará and other Amazon states. Laborers recruited from areas of high unemployment are promised work, food, and transportation. They are not told that all of the expenses spent in transporting them to these distant agricultural estates will be deducted from their salaries. Furthermore, they are not paid in cash, and are dependent on the estate's shops, which charge inflated prices, further increasing their debt.

This system enslaves men, women, and children individually, as well as entire families. Most debtors have no proof of the original amount due, and, if there is a contract, many are illiterate and cannot read it. As a result, in some countries, debts are passed down for generations. Debtors are forced to work long hours regardless of their age or health, seven days a week, 365 days a year. Days off for illness or festivals are added to

their debt, as is the interest due on the original sum, making repayment difficult, if not impossible. The value of the work done by a bonded laborer is invariably far greater than the original sum of money borrowed or advanced.

Those enslaved in this way are engaged in manual labor, working in such areas as agriculture, quarries, brick kilns, and carpet manufacturing. They also work in factories, as domestics, and, as in the case of many women migrants, in the sex industry.

The United Nations Working Group on Contemporary Forms of Slavery, in its 1999 report, estimated that there were at least 20 million bonded laborers in the world, making it the most widespread form of slavery. Most are in India, Pakistan, and Nepal, but debt bondage also exists in the Caribbean, South America, West and Central Africa, and Europe.

Bonded labor has existed for centuries in south Asia, where it took root in the caste system, and has flourished in feudal agricultural relationships affecting millions of people, predominantly the poor, dalits (untouchables), and members of minority ethnic groups. Bonded labor was also used as a method of colonial labor recruitment for the supply of labor to plantations in Africa, the Caribbean, and Southeast Asia. At the beginning of the twenty-first century, a combination of mass migration from poverty and the global demand for sources of cheap, expendable labor has resulted in the expansion of this system of slavery beyond those countries to which it had traditionally been limited.

Those enslaved under this system are routinely threatened with and subjected to physical violence and are kept under various forms of surveillance, sometimes including armed guards. Few cases involve keeping them in chains, but the constraints on these people are just as binding. Their lives are under the complete control of those to whom they owe the debt. Those who use bonded labor sometimes sell the debts to other owners, which amounts to trading in people. In Pakistan's Northwest Frontier Province, some of the brick kiln workers are reported to have been sold more than ten times.

Bonded labor is illegal in most countries. Under international law, the practice of slavery in all of its forms is prohibited by the 1948 Universal Declaration of Human Rights. Article 4 states, "no one shall be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms." This instrument of law is applicable to all members of the United Nations.

Under the 1956 United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which

most countries have ratified, states are required to "take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist. . . . Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined."

*James R. Lewis*

*See also:* Child Labor; Slavery.

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# Democracy

Democracy is essential to achieving full human rights for all members of a society. It is possible for an undemocratic government to grant its citizens human rights, but without the defenses that are built into most democracies, these rights are subject to the whims and changing policies of government leaders. History teaches that without democracy, human rights are always in danger.

## BACKGROUND

Democracy on a large scale was originally developed in the sixth century B.C. by Greek city-states such as Athens. The roots of the

word come from the Greek “demos” (people) and “kratos” (rule); in other words, rule by the people. Greek democracy, as groundbreaking as it was, had only limited respect for human rights—women, slaves, and foreigners had no political rights in these Greek democracies—and had little influence on the development of today’s democracies. The ancient Roman Republic, established in 509 B.C., also developed some democratic institutions, which foreshadowed modern political developments, but it remained dominated by a landed aristocracy and so was not truly democratic in nature (and what little democracy existed in Rome ended with the fall of the

*Panamanian civilians ducking bullets fired by nearby troops during an election protest, May 8, 1989.*

Republic and the rise of the Roman Empire in 27 B.C.)

Modern democracy was born in the seventeenth and eighteenth centuries and grew hand in hand with the development of a belief in human rights. In England, the birthplace of modern democracy, political thinkers like John Locke (1632–1704) argued that government existed to protect the rights of the people. These basic human rights included the rights to life, liberty, and property. If the government did not protect those rights, it could be overthrown. The best way to decide if a government was acceptable to the people was to ask them. This is democracy. In Locke's mind, human rights demanded democracy, and democracy guaranteed human rights. Of course, Locke, and most of his contemporaries, believed that democratic rights only belonged to property owners—theirs was a limited democracy—but it was the English parliamentary system that Locke defended, which became the foundation of the modern democratic tradition. The American revolutionaries who drafted the Declaration of Independence in 1776 and created the United States Constitution in 1787 based their ideas on those of Locke and other Enlightenment philosophers; similarly, the French revolutionaries of 1789 also looked to England for their political blueprints.

Modern democracy then, like the modern idea of human rights, is relatively young. True democracy, where all men and women, regardless of race or creed, participate in the political system, has really only arrived in the twentieth century. All women did not receive the right to vote until 1902 in Australia, 1920 in the United States, 1928 in Great Britain, 1945 in France, and 1971 in Switzerland. Race has also restricted democracy: until 1965, when President Lyndon Johnson signed the Voting

Rights Act, many African Americans in the South were prevented from voting. And until the 1980s, democracy was largely confined to North America and Western Europe. The rest of the world contained only a few successful democracies, including Japan, Australia, New Zealand, and India.

### WHY IS DEMOCRACY NECESSARY?

The essential idea of human rights is that all people have certain inherent rights, and that their governments have an obligation to protect those rights. The problem in non-democratic states is that the interests of the people and the government in human rights are not the same. The people, of course, want their rights protected. Governments, on the other hand, have no strong reason to favor human rights, and, in fact, can often find them to be very inconvenient.

In a dictatorship, or one-party state, the primary aim of the government is usually to keep itself in power. It may have other goals—the advancement of the interests of the working class, for communism; the defense of god, for theocratic states—but the achievement of these goals depends on the government staying in power. Human rights can only interfere with a government bent on maintaining a monopoly of power. Free speech may be filled with antigovernment ideas, and so will be suppressed; legal rights, such as habeas corpus, interfere with the process of eliminating opponents, and so will be ignored; freedom of religion may contradict the state's official ideology, and so will be prohibited. If the only interest of a government is in its own tenure of power, it has every reason to suppress the human rights of its people. Or as the theologian Reinhold Niebuhr put it: "Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary."

If, on the other hand, a government is forced to be responsive to the will of the people through democratic elections, it has a strong motive for defending the rights of those people. A democratic government that does not defend the human rights of its citizens will be voted out of power. Democracy links the interests of the people with the interests of the government.

It is for this reason that the United Nations Universal Declaration of Human Rights (1948) specifically gives all people the right to choose their government democratically. Article 21 of the Declaration states: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures." Democracy, in other words, is a necessary and essential human right.

Democracy is also directly connected to the human right to self-determination. Ethnic and religious minorities seeking their rights within an oppressive majority have the right to achieve their goals through democratic means. That more often than not they are denied this right, even in democracies, does not make it any less essential. Among those seeking the right to democratic self-determination in the world today are the Kurds, Palestinians, and Basques.

### **DEMOCRACY AND HUMAN RIGHTS IN RECENT HISTORY**

Since 1989, when communist systems began collapsing in Europe, democracies have sprung up all over the globe. Thriving democracies have appeared in the former communist states of Poland, the Czech Republic, Slovenia, and Hungary. Authoritarian anticommunist regimes have also

embraced democracy, including Chile and Taiwan. And a number of other states have created democratic systems whose success remains in doubt but which are bold breaks from the past. These include Russia, Ukraine, Indonesia, and South Africa. Along with the expansion of democracy in these countries has come an increase in respect for human rights.

Not all countries have accepted the idea that democracy is necessary for human rights. One-party communist states such as China and North Korea believe, or claim to believe, that their people are best served by a political party dedicated to advancing the interests of the people, and that the party ought not be swayed by popular fads or ignorant misunderstandings. These governments criticize democracies, arguing that they serve the interests of rich businesspeople more than of poor workers. These criticisms might hold more weight if the countries in question did not have such deplorable human rights records. There are plenty of rich business leaders in today's communist China, but it is usually poor workers who suffer the most from human rights abuses (including polluted environments, arbitrary police and courts, and restrictions on freedom of speech). These antidemocratic states have shown themselves quite willing to use violence to repress the democratic demands of their own people. In 1989, China used tanks to literally roll over prodemocracy student demonstrators in the Tiananmen Square protests. Since then, Chinese dissidents demanding more democracy have been subjected to repeated human rights abuses, including torture and unjust imprisonment.

It is not just poor dictatorial states, however, which criticize democracy. Lee Kwan Yew, Singapore's prime minister from 1959 to 1990 and still an influential figure in Sin-

gapore politics, has spoken and written extensively about his belief that East Asian countries need to follow different, more authoritarian traditions on their road toward creating better societies for their people. Lee argues that democracy is a Western idea, and it may not be suitable for Eastern peoples. (Singapore—a very wealthy country—is a democracy in name, but the same party, Lee’s People’s Action Party, always wins its elections.)

However, there are Asians who disagree. Lee Teng-hui, president of Taiwan from 1988 to 2000, was and remains an outspoken proponent of democracy for Asia. In 1996, Lee became Taiwan’s first democratically elected president (Taiwan had been ruled by a one-party dictatorship) and sees democracy as a key to human rights and prosperity. He also denies that democracy is counter to Eastern values: “Democracy is a way of life that embodies a set of common values. From its origins in ancient Greece, democracy has grown and flourished in modern Western countries. Democracy, however, responds to very common demands. It is something to which all people aspire. As such, differences between Eastern and Western culture do not affect the pursuit of democracy. While historical factors have led to a certain degree of variance in the actualization of democratic values, such common ideals as freedom and human rights must be guaranteed by the realization of representative politics and the rule of law.” Taiwan, Japan, and South Korea are all economically thriving Asian democracies.

### DEMOCRACY IS NOT PERFECT

Democracy by itself is not a guarantor of all human rights. Democracies around the world commit human rights violations. The

greatest danger to human rights in a democracy is usually the tyranny of the majority. The majority of a country will always support human rights for itself, but will not always do so for minorities with which the majority feels insufficient sympathy. So, for example, in democratic Turkey, Kurds are brutally persecuted and tortured for attempting to claim some kind of autonomy. Many Turks are willing to accept these human rights violations because they are happening to an ethnic minority rather than to themselves. Even in the bastion of democracy, the United States, the tyranny of the majority leads to abuses. The American prison system has been criticized by human rights advocates as being racially biased against citizens of African descent, as blacks make up the largest part of the American prison population, but a much smaller part of the general population. These alleged human rights abuses often are ignored by the white majority, presumably because they are not directly affected. On a worldwide scale, gays and lesbians are persecuted for being different, even in democracies, because a majority of the population views homosexuality with distaste or hostility, and therefore supports discrimination (just as a democratic majority of white Americans long supported slavery).

To defend against the possibility of the tyranny of the majority, many democracies contain within their constitutions legal protection for the rights of all people, minority or majority. It is for this reason, for example, that the framers of the United States Constitution added the first ten amendments, known as the Bill of Rights, which guaranteed all people certain rights, no matter how the majority might vote. In practice, of course, how well these systems work to defend the human rights of an unpopular minority depend on the strength and

independence of various institutions. (In the United States, the final arbiter of the rights contained within the Bill of Rights is the Supreme Court.) In democracies without any sort of legal protection for minority rights, human rights can often be in danger.

Democracy also has the capacity to bring undemocratic and anti-human rights forces to power. Adolf Hitler, for example, was Germany's democratically elected ruler when he overthrew the German government and created the Nazi dictatorship in the 1930s. More recently, the military government of Algeria cancelled elections in 1992 because leaders feared that a fundamentalist Islamic party was going to win and, after winning, create an Islamic dictatorship along the lines of Iran's theocratic state. The violence following the cancelled elections has continued to the present day and has taken the lives of many thousands of Algerians.

## CONCLUSION

Winston Churchill once observed that democracy "is the worst form of government, except all those other forms that have been tried from time to time." In other words, it is not perfect, but nothing else works better. Churchill was speaking in general, but his words apply to human rights as much as to anything else. Democracies do not do a perfect job defending human rights, but there is no other system that surpasses it.

Today, the world seems to be heading, fitfully, in the direction of democracy. Ac-

ording to Freedom House, an independent, pro-democracy organization, out of 183 nations throughout the world, 120 are electoral democracies. This represents a big increase over the handful of democracies that existed at the start of the twentieth century. While not all of these twenty-first-century democracies are equally good at protecting human rights—Freedom House counts Albania, Guatemala, and Nigeria as democracies, despite their very questionable support for both democratic and human rights values—they all tend to do much better than their non-democratic counterparts. The evidence shows a direct correlation between democracy and human rights: the better the democracy, the better human rights are defended.

Carl Skutsch

*See also:* Freedom of Assembly; Freedom of Expression; Freedom of the Press; Genocide; Human Rights, Ethics, and Morality; Kurds; Prisons; Self-Determination; Universal Declaration of Human Rights.

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# Derogation

Derogation refers to the failure or refusal of a nation to fulfill treaty obligations. Because two of three of the core documents of the International Bill of Rights—namely the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)—have the status of treaties, failure to abide by their provisions constitutes a derogation.

There are, however, special circumstances in which it is permissible to “give inferior protection” to, or partially suspend, certain human rights. Specifically, the framers of the International Bill of Rights recognized that during public emergencies such as natural disasters and insurrections, authorities might temporarily need to suspend human rights until civil order is restored.

Article 4(1) of the ICCPR sets forth the conditions under which a derogation can take place, as well as its limits. This provision also notes that certain rights cannot be derogated and specifies that nations which derogate under such circumstances must duly inform other nations participating in the ICCPR through the secretary-general of the United Nations (UN). “In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, State Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with

their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin.”

Similar provisions can be found in other human rights agreements. However, a major difference between these treaties and the International Covenant on Civil and Political Rights is that the ICCPR does not mention war as permissible circumstances for the derogation of human rights. This does not mean that war was not recognized as a public emergency. Rather, the framers attached symbolic significance to not mentioning war because they felt that the Covenant should not envision war as a possibility.

Certain rights may never be suspended. Other articles of the Covenant make explicit note of these non-derogable rights, namely the right to life (Article 6), the prohibition against torture and cruel, inhumane and degrading treatment or punishment (Article 7), the prohibition against slavery, the slave trade, servitude, and imprisonment for non-fulfillment of contractual obligations and the prohibition against retroactive application of criminal laws (Article 15), the right to be recognized as a person before the law (Article 16), and the right to freedoms of thought, conscience and religion (Article 18).

It might finally be noted that—concerned that the various Covenants’ enumeration of rights might serve as a pretext for restricting enumerated rights or for abrogating rights not mentioned—statements were incorporated into the International Covenant

on Economic, Social and Cultural Rights (Article 5 [2]) to prevent such an illegitimate use of these human rights documents: “No restriction upon or derogation from any of the fundamental rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.”

*James R. Lewis*

*See also:* International Law.

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# Detention and Arbitrary Arrest

Arbitrary arrest and detention are the related acts of arresting individuals without legal or reasonable cause and then keeping them under detention—in prison or in jail—without allowing them any legal means of gaining their freedom. Governments that use arbitrary arrest do so in order to imprison someone without having to respect their basic human right to due process and the full protection of the law. They do so in clear violation of international human rights standards. The United Nations Universal Declaration of Human Rights (1948) states in Article 9 that “no one shall be subjected to arbitrary arrest [or] detention.” But despite this prohibition, this basic human right is among those most commonly violated throughout the world.

## HISTORY

The tradition of protection against arbitrary arrest and detention dates back to English law in the Middle Ages. English kings would often attempt to arrest and put out of the way nobles who opposed them. The upper class in England fought against this behavior because they feared for their own freedoms and passed laws in Parliament that protected Englishmen from arbitrary arrest and imprisonment. No authority, not even the king, was allowed to imprison a person without the consent of a legally appointed judge.

This tradition of forbidding arbitrary arrests was continued in the English colonies in North America. When those colonies rose up in revolution and were reborn as the United States, they made sure that the

right to freedom from arbitrary arrest was enshrined in their constitution. The Bill of Rights, the first ten amendments to the United States Constitution, strongly emphasizes the right of people to be free from arbitrary arrests and detentions. The Fourth Amendment protects Americans from “unreasonable search and seizure,” and from arrest warrants issued without “probable cause.” The Fifth Amendment requires that persons held for a crime must have their case seen by a grand jury. The Sixth Amendment gives those arrested the “right to a speedy and public trial.”

England and America also both developed a strong tradition of defending the writ of habeas corpus, which allows judges to call prisoners before them to insure that no one has been unfairly imprisoned. The Fourth, Fifth, and Sixth amendments, combined with the writ of habeas corpus, keep the police in the United States under the close supervision of the judiciary, whose job it is to prevent civil rights abuses. This does not guarantee that arbitrary arrests and detentions will never occur, but it greatly reduces the risk.

In France, there was a similar tradition of opposition to arbitrary arrests and detention. French kings had long used legal documents called *lettres de cachet* (which means “letters with a signet”) that allowed the kings to place under permanent arrest anyone who displeased them. Those arrested might spend the rest of their lives imprisoned in fortresses like the grim Bastille located in the center of Paris. Resentment of the *lettres de cachet* was one of the causes of the French Revolution, and

the revolutionaries enshrined their opposition in the laws they passed, including the Declaration of the Rights of Man and of the Citizen (1789), which stated that “no man may be accused, arrested, or detained except in the cases determined by law.”

These traditions of opposition to arbitrary arrest and detention coalesced and were made international law by the United Nations Universal Declaration of Human Rights, ratified in 1948.

## IN PRACTICE

Although arbitrary arrests and detentions are universally agreed to be violations of human rights, the use of both has remained ubiquitous. During the cold war communist states arrested people they deemed troublesome, dangerous, or subversive and put them away, sometimes for life. (Some of these detentions were authorized by judicial proceedings, but the laws and the courts of the Soviet bloc countries made such proceedings little better than farcical.) In authoritarian, non-communist states, arbitrary arrests and detentions were often equally commonplace. The government of Chilean dictator Augusto Pinochet was notorious for the number of citizens which it arrested and unlawfully detained (some of whom were never heard from again). Other Latin American dictatorships had similar policies of detaining those the government considered problems, as did African and Asian dictatorships. Only the democracies of world, mostly concentrated in Western Europe and North America, protected their citizens from these violations of their human rights.

Dictatorships often detain people without trial because judicial trials, even when orchestrated by judges who will obey the government’s commands, can be public and

*Homeless street child being handcuffed and arrested in Rio de Janeiro, Brazil.*

embarrassing events. They prefer to have a person disappear into detention rather than worry about the public relations fallout from a legal (or semi-legal) trial. This has not always worked. The dictators of Myanmar have detained thousands of opposition leaders, but their most famous detainee, Aung San Suu Kyi, became an internationally known symbol for those fighting for human rights, and an embarrassment to the Myanmar government. The dictators of Myanmar were eventually forced to release Aung San Suu Kyi. Even so, Myanmar continues to detain its less-well-known opponents without trial.

Dictatorships are the main practitioners of arbitrary arrests and detentions, but Western democracies have also engaged in this violation of human rights. During

World War II, the United States government imprisoned more than 100,000 American citizens of Japanese ancestry because of fears that they might sabotage the United States' war effort. None of these imprisoned individuals ever did any harm to their country, and in 1988 the United States Congress passed a law apologizing for the internment and giving the victims financial compensation. In recent years, some police forces in the United States have been occasionally criticized for arresting people on weak charges and keeping them imprisoned for days before allowing them to see a judge (who would often then dismiss all charges against those imprisoned). These arrests, unjust as they are, remain relatively unusual; the United States is considered a reasonably strong, if not perfect, defender of the right of people to be free from arbitrary arrest and detention.

A more common democratic violator of this human right is the state of Israel. Although a democracy, Israeli governments have consistently defended their right to arbitrarily arrest and detain Palestinian Arabs whom they consider dangerous. These prisoners, called administrative detainees, can be held for years without trial. During the 1980s and early 1990s, there were hundreds of these administrative detainees; some of them had remained in prison for years, without ever having been convicted of a crime. In the late 1990s, particularly after the ar-

rival of the more human rights-sensitive administration of Prime Minister Ehud Barak, administrative detentions declined in Israel. Compared to some of the neighboring Arab states, Israel's human rights standards are decent, but for a democracy that claims to support human rights, it still carries out many arbitrary arrests and detentions.

Today, with the increasing number of democratic governments worldwide, arbitrary arrests and detentions are less common than they once were, but they still remain a threat to human rights. China, Nigeria, Cuba, and Syria are among the many countries in the world that still arbitrarily arrest and imprison their own people on a regular basis.

Carl Skutsch

See also: Aung San Suu Kyi; Habeas Corpus; Police and Law Enforcement; Prisons.

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# Disabled Persons' Rights

The Universal Declaration of Human Rights stated: "All human beings are born free and equal in dignity and rights." Nevertheless, this is far from being a reality for more than 500 million disabled persons around the world. Disabled persons' living conditions are always worse than those of other citizens. They are very often isolated and socially marginalized. They face discrimination in virtually all aspects of life. To combat this situation, specific rights have been established to protect disabled persons.

According to the definition contained in the Declaration on the Rights of Disabled

Persons (1975), the term *disabled person* means "any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of a deficiency, either congenital or not, in his or her physical or mental capabilities."

The rights of disabled persons have increasingly been recognized by international and national law. The Declaration on the Rights of Mentally Retarded Persons (1971) and the Declaration on the Rights of Disabled Persons (1975) both establish the principle of equality of the rights of disabled

*Myanmarese (Burmese) Karen who have lost limbs as a result of the government's war against the Karen, March 1993.*

*Homeless Angolan man missing a leg, probably as a result of land mines, July 1990.*

persons, and add some specific rights. The Declaration on the Rights of Deaf-Blind Persons (1979) adopted by the Economic and Social Council provides universal rights.

A United Nations Decade of Disabled Persons was also introduced, lasting from 1983 to 1992. The question of disability was put on the international agenda, which brought many substantial changes in disabled persons' lives.

In 1993, at the end of the decade, the United Nations' most important document concerning disabled persons was adopted: the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. This text addresses all aspects of disabled persons' lives, such as equal opportunities,

physical environment, services, education, employment, and social welfare. It suggests some measures governments should take in order to ensure that disabled persons become fully equal citizens. The rules act as an international instrument and as a mechanism of control to guarantee the effective application of the stated rights. It is not possible to force governments to apply them, and the rules require a concrete commitment from governments in order to transform equal opportunities for disabled persons into reality—a commitment which is often lacking.

Domestic laws protecting the rights of the disabled vary in their definition of who qualifies as disabled. For example, Jordan has a

rather restrictive definition, in so far as it only includes persons who are disabled in their training or working capacities. Unlike Jordan, Norway has the widest definition, as its legislation even considers as disabled those persons suffering from a social disability, such as alcoholism or drug use.

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*See also:* Mental Health and Psychiatry.

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# Disappearances

Authorities come and kick in the door of the house, villa, or shack. Its residents are rich or poor. The perpetrators do not always wear uniforms, but they always carry weapons. They often come at night, but sometimes also in broad daylight. They take the father, the mother, or the child into custody without an arrest warrant. The victim disappears without a trace.

Disappearance is one of the crimes invented by the police states of the twentieth century. Governments and their supporters target people they view as enemies. Those people are arrested and then made to disappear. The lucky ones may someday be released alive. Most will be discovered in some shallow grave. The fate of some may never be discovered.

The cruelty of disappearances comes from the uncertainty that surrounds them. The victim is unsure of what will happen next. The relatives and friends who are left behind are tormented by this uncertainty and fear that the same will happen to them. These factors, along with the hope that the disappeared person will one day return, make it very hard for the remaining relatives to get on with their lives. Disappearances can be almost as devastating as murder.

Amnesty International defines *disappeared persons* as those “who have been taken into custody by agents of the state, yet whose whereabouts and fate are concealed, and whose custody is denied.” Amnesty puts the term *disappeared person* between quotation marks to indicate that the person in question has not really disappeared, because there are officials who

know the whereabouts of the disappeared person but remain silent.

The government is usually directly or indirectly responsible for a disappearance: directly, if they order the secret service, the armed forces, or the police to make a person disappear; or indirectly, if they implicitly allow others to make someone disappear without directly ordering it to happen. In both cases, the authorities always deny their involvement. They hide behind a wall of silence and do not cooperate by releasing information or helping conduct research into the disappearance.

The people carrying out the disappearance wish to remain unknown. The disappearance itself is also a secretive affair. According to most constitutions, disappearances are implicitly or explicitly forbidden. The perpetrators will therefore do all they can to not be held responsible. Their reasoning implies that as long as a prisoner, a victim, or a body is not found, there can be no offender. Disappearances are carried out by the military, death squads, civilian patrols, and the police. Governments give these groups freedom to act, but officially they are completely ignorant and uninvolved. Disappearances have a structure of central planning and decentralized execution.

In some cases, a military unit of various cells is established. Each cell has a large degree of autonomy to take individuals into custody, make them disappear, and kill them. In other cases, the disappearances are carried out by paramilitary groups and death squads. They have no official status,

but have been granted far-reaching authority that enables them to do as they please without punishment.

The main objective of disappearances is to punish those who cause the state trouble, but against whom the state is unable or unwilling to take legal measures. Legal proceedings, trials, and the acknowledgment of imprisonment are unnecessary in the case of disappearances. The reason disappearances still occur, and occur more frequently is because this method is advantageous to the government using it.

Disappearances cause confusion. As opposed to legal proceedings, the government can claim that groups beyond its control, or persons who wish to discredit the state, are responsible. It can claim that the person went into hiding, fled, or never even existed.

The government can spread fear by disclosing death lists with the names of future victims. Families and kindred souls are thus informed that the same may happen to them if they dare to stand up to the authorities. In case of a disappearance, this intimidation is strongly felt: a killed person may grow into a martyr for his cause, but a disappeared person is a silent hostage.

A disappearance is an effective way of removing from the community an individual considered a threat to the government. The political, social, and economic situation of a country determines which persons are considered subversive. They may be political adversaries, but they also may be members of an undesirable ethnic group, such as the indigenous people of Guatemala, or the socially rejected, such as street children or prostitutes in Brazil.

The figures provided by the United Nations Working Group on Enforced or Involuntary Disappearances are probably just a fraction of the real number of disappear-

ances. Since its establishment in 1980, the UN Working Group is seeking to clear up a total of 48,770 disappearances. In 1998, the Working Group was engaged in 240 new reports from twenty-five countries. The number of countries the Working Group has contact with on disappearances is seventy-nine. In approximately forty-five of these countries, the relatives of the disappeared have organized to demand answers from their governments.

With the end of the cold war, and the international decline of left/right conflicts, the use of disappearances by authoritarian governments has declined, but it has not stopped. Along with the decline has come an increased willingness by a few governments to acknowledge their past misdeeds. In June 2000, for example, after eleven months of negotiation, the Chilean military agreed to search for the bodies of those Chileans who had disappeared during both the 1973 coup and in the subsequent seventeen years of General Augusto Pinochet's military dictatorship. This agreement, while not burying the wounds of the past, did take the giant step of having the military acknowledge its involvement in the crimes of the Pinochet regime. For some, it was amazing that the military even admitted that disappearances had ever occurred.

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*See also:* Habeas Corpus; Torture.

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# Domestic Violence

Some of the worst human rights abuses take place not in the public arena but in private homes. Women and children around the world are battered, sexually abused, and killed by their husbands, lovers, brothers, and fathers. Men are almost always the perpetrators of domestic violence, and women are almost always its victims. Although domestic violence is pervasive, affecting every country and economic class throughout the world, it has historically been dismissed as unimportant. It is only since the late twentieth century that much of the world has begun to accept that domestic violence is a significant threat to women's human rights.

The historical downplaying of domestic violence has much to do with its victims. Women, the primary target for domestic violence, have had fewer rights than men in most societies for most of history. When Thomas Jefferson wrote the Declaration of Independence in 1776, he said that all *men* were created equal; he did not include women or slaves. In none of the world's major democracies did women have the right to vote until the twentieth century. Even after gaining the right to vote, they remained, and sometimes still remain, second-class citizens in many parts of the world.

Along with the tradition of women's political and social inferiority has come another tradition: the belief that women are appropriate targets for male violence. Up until the 1800s, it was assumed in most Western countries that men had the right

*Moroccan poster designed to raise awareness of the problem of domestic violence.*

to beat, or "chastise," their wives. Women "belonged" to men, first to their fathers, then to their husbands, and men could do as they pleased with their "property." In the twentieth century, there was a slow but steady shift in attitudes in the rich, industrialized countries of the West. This shift accelerated with the women's movement of the 1970s; domestic violence soon became so-

cially unacceptable in Western countries, and laws were passed to protect women. However, these laws are not always effective, and they are only slowly spreading to countries outside the industrialized West. In much of Africa, Asia, and Latin America, wife beating is still considered acceptable. As a result, in most of the world, women do not have their full human rights.

Women in the Western world now have legal defenses against domestic violence. They can leave their husbands or boyfriends, ask a court to put a restraining order on their abusers that requires them to stay away, or have their abusers arrested for assault. These defenses, however, have weaknesses. The court is sometimes slow to protect women from violent abusers who often strike out the hardest just as a woman is seeking help. Many women have been killed in courthouses while seeking legal protection from their abusers. Of women who are murdered in the United States, 30 percent are killed by a boyfriend, husband, or ex-husband. Public awareness campaigns have also helped to raise consciousness about the evils of domestic abuse, giving women more support and lessening the leeway that male abusers used to receive from police and their community. But even today there are still those—male and female—who think that men have the right to hurt women. Violent abuse in the United States is declining, but one million women are still abused every year.

Outside the West, domestic violence is an even more severe problem. In many countries, particularly in the Middle East, it is considered honorable for a husband to kill a wife who has wronged him in some way. Human Rights Watch, an international human rights organization, offers the story of Samia Sarwar, a twenty-nine-year-old

Pakistani woman, who was killed in her lawyer's office by a hit man because she was trying to get a divorce from her husband. Her family supported the killing. These kinds of killings are common, and even more common are beatings. The Pakistani government, dominated by men who believe in women's subservience, does almost nothing to stop this violation of Pakistani women's human rights. The same situation exists throughout the Middle East and much of Africa. In Jordan, for example, it is estimated that a third of all murders are "honor killings," in which women are killed for violating family honor—usually for seeking a divorce or having an adulterous affair.

But the Middle East is not unique in fostering violence against women. In Russia, it is estimated that 12,000 women are killed every year as a result of domestic violence committed by husbands and boyfriends. In Latin America, with cultures that praise male machismo, violence against women is still often condoned. Even when there are governmental efforts to reduce domestic violence, they run into cultural barriers. In Peru, new laws designed to help protect women were thwarted by public prosecutors who often sided with the abusive men over the abused women. In one case, the husband of a Peruvian woman, Irma Quispe, admitted beating her, but said it was because she was stubborn and would not do what she was told. The prosecutor then turned to Quispe and said, "So you're stubborn? You have to obey your husband. You have to do right by your children and improve. You deserved your abuse."

The United Nations has lately begun acting to protect women's human rights. In 1994, the United Nations General Assembly adopted a Declaration on the Elimination of Violence Against Women, which called vio-

lence against women a violation of their fundamental human rights and called upon all nations to end it. But statements and declarations can do little until the cultures that accept domestic abuse as normal recognize that it is a human rights violation that is as important as any other such violation.

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*See also:* Crime; Police and Law Enforcement; Victims' Rights.

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# Drug Trafficking

Drug use can destroy lives and drug-related crime can destroy neighborhoods, but the human rights fallout from drug trafficking results largely from the abuses stemming from government prosecution in the war on drugs. Some people or groups are unfairly, and therefore unjustly, targeted, and police and courts often use oppressive methods—methods which violate human rights—in their attempts to eradicate the drug trade. Drugs can be bad, but human rights abuses in the name of fighting drugs are even worse. When civil liberties suffer, the war on drugs has gone too far.

## EXCESSIVE FORCE

Methods of catching drug users and sellers can lead to human rights violations. In many parts of the world, mandatory drug tests violate people's basic right to privacy. Testing airline pilots or bus drivers seems defensible because they hold many people's lives in their hands, but should those tested include college students on financial aid, welfare recipients, and elected officials (all of whom can be legally tested in Louisiana)? Private businesses also often require their employees to submit to drug tests, and fire them if they refuse. Other privacy violations include the secret wiretapping of telephone conversations and airborne surveillance of private property. Police on drug raids are allowed to break down doors of private homes in their search for illegal substances. In many of these cases, no drugs are ever found—sometimes because the police mistakenly break down the wrong door—but the families who are pushed to the ground

*Two Romanian street children sniffing paint for a drug high. Inhaling paint rapidly destroys brain cells.*

and handcuffed suffer terror and humiliation. (In 1998, one woman was kept handcuffed for two hours and prevented from using the bathroom, so she soiled herself. No drugs were found in her apartment.)

The pursuit of drug users and sellers is concentrated in the United States, the world's capital of drug consumption, but drug production occurs mostly in poor countries, with weak human rights safeguards. The poor farmers at the bottom of

the drug-dealing hierarchy often suffer from the methods their governments use in their attempts to suppress the drug trade. Rich drug lords can bribe police officers or buy their way out of prison; peasant growers have no such options. In Bolivia, peasant farmers who harvest the coca crop (from which cocaine is produced) do so simply to make a little extra money in a very poor country, but they risk raids by police and soldiers who have scant concern for their human rights. A number of Bolivian peasants have been killed by anti-drug forces under questionable circumstances.

### BIAS AND DRUGS

One of the central human rights violations in connection with the war on drugs is racism. In countries where racism is a problem, those races on the bottom of the social ladder are more likely to be arrested and imprisoned for drug offenses. In the United States, five times as many whites as blacks use illegal drugs (because whites make up a majority of the population), but almost two thirds of those imprisoned for drug offenses are black. Even though approximately the same proportion of whites and blacks use drugs, blacks are more likely to be arrested for drug crimes, and if arrested, they are more likely to serve jail time.

In another form of bias, police action against drug traffickers and users tends to focus on the poor, even though drug abuse can be found at all strata of society. Police organize drug sweeps in poor neighborhoods, break open doors in high-rise tenements, and assume that young men hanging out on street corners must be dealing or using drugs. Rich and middle-class neighborhoods do not receive this same police pressure and attention, and when drug offenders are arrested, rich defendants who

can afford expensive attorneys are more likely to avoid prison terms.

In the drug war there is also debate regarding which drugs should be illegal and whether justice and human rights are being served by imprisoning people for all drug offenses. In most of the world, drugs such as alcohol, caffeine, and nicotine are legal, while marijuana, cocaine, and heroin are not. All these drugs, legal or not, can be harmful if abused, and many nations continue to debate whether some banned drugs should be legalized.

### DRUGS, PUNISHMENT, AND PRISONS

In fighting drugs, punishment can also be excessive. The United Nations Universal Declaration of Human Rights states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” yet in China, more than 400 people were executed for drug crimes in 1997. Many other countries impose the death penalty for some drug crimes, including Malaysia, Kuwait, Singapore, and Vietnam. In Iran, one can be executed if found with 1.05 ounces of heroin. Even without death sentences, drug-trafficking penalties can be severe. In Thailand, life sentences are common for those carrying small amounts of heroin or marijuana.

In the United States, the aggressive prosecution of the drug war is partially responsible for the quadrupling of the U.S. prison population. Currently, two million Americans are behind bars—a number greater, both proportionally and absolutely, than any other industrialized country—and many of them have been convicted of only non-violent drug-related offenses. One of the main contributors to this rising American prison population are mandatory sentencing laws. Under mandatory sen-

tencing, drug dealers and users must serve a minimum period of time, which is usually determined by how large a quantity of drugs they had on their persons and whether they had any prior criminal convictions. Mandatory sentencing laws, which became popular in the 1980s and 1990s, were inspired by a general desire to get “tough” on crime. The result of such laws, however, is to take away the ability of judges to use discretion in sentencing. Before mandatory sentencing laws, a judge might decide to be lenient in a case involving a small quantity of drugs and a non-violent offender. Under mandatory sentencing, merely possessing one ounce of marijuana might result in an automatic prison term of many years.

The United States is not the worst offender in its excessive use of prison terms to punish small-time drug offenders. In Ecuador, Malaysia, and Taiwan, for example, more than 40 percent of those in prison are serving time for drug offenses. Drug arrests have led to prison overcrowding in all these countries, creating unsafe conditions and denying prisoners the dignity they deserve as a basic human right.

## CONCLUSION

Governments may have an obligation to prevent drug abuse and fight against the damage that drugs can do to a society, but they also have an obligation to respect the rights of their citizens—even those who use drugs—and not to use methods that violate human rights standards. They have an additional obligation to ensure that crimes are prosecuted fairly, with no favoritism given to one race or excessive burden placed on another. Until these two basic requirements for human rights and human dignity are satisfied, the war against drugs remains problematic.

Carl Skutsch

See also: Prisons.

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# Education and Literacy

Education and literacy are basic human rights. A person who cannot read or write cannot be a fully functioning member of society. Such persons cannot completely embrace their right to be part of a democratic process because they cannot read information about competing political parties and candidates. They may have the right to vote, but illiteracy may prevent them from understanding for whom or for what they are voting. In the sphere of economic rights, poorly educated people have access to only a limited selection of jobs, usually manual labor of some sort, and usually at wages far below what better-educated people receive. In today's information- and technology-driven world, being poorly educated or illiterate is like being blind in a world that requires sight.

Article 26 of the United Nations Universal Declaration of Human Rights (1948) states: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit." Reiterating this point, Article 10 of the United Nations Declaration on Social Progress and Development (1969) decrees that all people have the right to education, and that to protect this basic human right, governments are obliged to dedicate themselves to "the eradication of illiteracy and the assurance of the right to universal access to culture, to free compulsory education at the elementary level and to free education at all levels."

Despite these declarations, many people in the world remain illiterate or semiliterate. One of the most important international organizations dedicated to fighting illiteracy is the United Nations Educational, Scientific, and Cultural Organization (UNESCO). According to UNESCO statistics, approximately one billion adults remain illiterate. The situation is particularly bad in sub-Saharan Africa, which has an adult illiteracy rate of 43 percent, and in southern Asia, which has an adult illiteracy rate of 49 percent. These figures are merely generalizations, hiding a wide range of illiteracy rates; South Africa, for example, has a relatively low illiteracy rate for sub-Saharan Africa—18 percent—while in Asia, Bangladesh has an illiteracy rate of 61 percent. Some nations, like Niger and Burkina Faso, have illiteracy rates of more than 80 percent.

Even in rich countries, like the United States, functional illiteracy remains a problem. According to the United Nations, more than 20 percent of adults in both the United States and the United Kingdom are functionally illiterate (meaning that they read at or below a fourth-grade level).

A key problem in fighting illiteracy is that in many cultures women are treated as second-class citizens not worthy of education. For this reason, in many parts of the world the literacy problem for women is much worse than it is for men. In Bangladesh, for example, the rate of male illiteracy is 50 percent, the rate for women is 73 percent. India, Afghanistan, Bolivia, Morocco, and many other countries all have similar disparities between male and female illiteracy rates.

*Women in Equatorial Guinea enrolled in an adult literacy class. The literacy rate in Equatorial Guinea is 78 percent.*

To fight illiteracy, many organizations, along with UNESCO, have organized programs designed to bring education to those who have not previously had access to it. One such UNESCO program, the Seti Project in the Seti River Valley of Nepal, focused on helping to improve literacy among women, young and old. Young girls were encouraged to attend morning classes for two hours a day, while their mothers and grandmothers were invited to evening literacy classes. These latter classes emphasized themes and subjects that were directed toward improving the lives of these working women, such as building latrines, improving heating in their homes, and making home remedies for sick children. As a result of the project, thousands of women and girls had access to education, many learning to read and write for the first time. Not coincidentally, both fertility and infant mortality rates in the Seti valley declined.

Literacy and education do more than give people access to better jobs and provide them with a clearer understanding of the world

around them. Literacy rates can also be directly correlated with prison incarceration rates and fertility rates. In other words, better-educated people go to jail less often than poorly educated people, and better-educated mothers have fewer children, and therefore their standard of living tends to go up (fewer people in a household means more money per person). There are also connections—as programs like the Seti Project have shown—between better literacy and reduced infant mortality and other health risks. Literacy and education are clearly essential human rights.

*Carl Skutsch*

*See also:* Poverty.

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# Environment

*Fires in the Kuwait oil fields. During their invasion of Kuwait, Iraqis set many fires, badly damaging the environment, 1991.*

Human rights and environmental concerns are inseparable issues. For example, Principle 10 of the 1992 Rio Earth Summit Declaration links them together: “Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to partic-

ipate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”

The United States Senate’s version of the National Environmental Policy Act explicitly affirmed that “each person has a fundamental and inalienable right to a healthful environment.”

Human rights advocates make the legitimate point that human rights and a protected environment often go hand in hand. Those countries that have the most respect for human rights also tend to be the most supportive of laws that protect the environment.

It is no coincidence that in those places where the rights of human beings are most seriously being trampled, the health and integrity of the environment is likewise being destroyed. The injury suffered by both people and the environment in incidents such as the nuclear accidents at Three Mile Island and Chernobyl, the chemical accidents at Love Canal and Bhopal, or the rainforest destruction in the Amazon or deforestation in the Pacific

Northwest are manifestations of the same problem. One cannot be concerned with human rights and not be at the same time concerned with the health of the environment. As human rights advocate Kerry Kennedy Cuomo put it: "Protecting human rights means preserving the environment, and safeguarding the environment means respecting human rights."

Some modern theories of human rights developed under a specific worldview that regarded people as separate from nature or the environment. But ecology rejects such a picture. Without a healthy environment, it is impossible for people to fully enjoy their rights. Given a true ecological understanding of the world, our commitment to fundamental human rights leads to an ethical

code that also includes concern for all living things on the planet.

By linking human rights and environmental protection, many activists have helped create awareness of the condition of workers, citizens, and the environment. Some of these activists attracted international attention during protests against the 1999 World Trade Organization meeting in Seattle.

*Michael P. Nelson*

*See also:* Globalization and Multinational Corporations.

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# Equality

Equality is one of the foundations of human rights. It is an integral part of the moral teachings of most of the world's religious and philosophical systems. Equality is also mentioned at the beginning of most national constitutions, as a point of departure for enumerating other rights and freedoms. (The United States Declaration of Independence, for example, states in its second paragraph that "all men are created equal.")

The priority given to this ideal of equality is reflected in the concept's central placement or pervasiveness in the United Nations Charter, the International Bill of Rights, and many other human rights documents. The relevant articles of the Universal Declaration of Human Rights, for example, state the following:

Article 1. "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in the spirit of brotherhood."

Article 2. "Everyone is entitled to the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Article 7. "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination"

While equality may appear to be merely the absence of discrimination, the ideal of

equality set forth in various national and international documents was not intended to imply absolute equality without distinctions. It is not difficult to imagine situations in which the equal treatment of unequals—for example, the equal treatment of disabled and non-disabled citizens—is itself a form of positive or helpful discrimination. Equality also does not imply that a state is forbidden from "discriminating" among its citizens for certain purposes—for example, between adults and children, or between convicted criminals and non-criminals. Equality simply requires that the legitimate interests of all people, and their associated human rights, be treated with equal respect and be given equal weight.

The basic idea of equality is popular, although its application often remains controversial. Most people tend to believe that everyone deserves equal treatment. But does this apply to differences between rich and poor? Some radical human rights advocates argue that since great disparities of wealth lead to suffering among the poor, it is up to the government to take money from the rich to help alleviate the problems of the poor.

In other words, does the right to equality refer to equality of opportunity or equality of situation? The consensus in the United States and other industrialized countries is that opportunity is more important than situation and that the government is only under an obligation to protect the right of individuals to freely pursue economic opportunities. However, a sig-

nificant number of writers and human rights advocates believe that redressing the lack of fairness in individual incomes and economic situations is also a human rights obligation.

*James R. Lewis*

*See also:* International Bill of Rights.

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# Exile and Deportation

Exile is a condition forced upon a person or a group of people by their native country. Exiles are forbidden from reentering their country, sometimes for a period of time, often forever. Deportation is the process by which people are forced to leave.

The two terms, *exile* and *deportation*, are related but not always directly connected. Exiles are always citizens of the country from which they are banned; deportees may be citizens, but they are more often foreign nationals who can be deported precisely because they lack the protections of full citizenship. Some deportees have had their status of citizenship revoked, thereby making them vulnerable to deportation. Deportation is also always involuntary: deportees never choose to leave. Exile can be either forced or voluntary.

Forced exile and deportation violate the basic human right to freedom of movement and residence. Moreover, deportees are often sent back to a country lacking any respect for human rights, and thus they fear imprisonment, torture, or even death. The 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol grant refugees the right to safe asylum, but the Convention is ignored more often than it is honored. In a world full of refugees, deportation is commonplace.

## EXILE

Exile is the more romantic of the two words. Classic exiles from fiction include the tragic figure of Philip Nolan, from Edward Everett Hale's 1863 short story "The Man Without a Country," who wishes never to

hear the name of his country again and has his wish granted for fifty-five lonely years. One of the most famous communities of exiles were the American expatriates—including Gertrude Stein, Ernest Hemingway, F. Scott Fitzgerald, and John Dos Passos—known as the "lost generation," who made Paris their home in between World War I and World War II.

Most exiles, however, lack any aura of romance. They cannot go back to their own country, either because their government has forbidden their return or because they fear the consequences to their safety. Exile is common after war or revolution. The Chilean coup of 1973 forced tens of thousands of Chileans to leave their country or risk execution by the Chilean military; the Israeli War of Independence forced many Palestinians to flee into permanent exile; and China's communist government has forced dissidents to leave the country. Some of these exiles, like the Palestinian academic and writer Edward Said, have made successful careers for themselves, but what marks them as exiles, not emigrants, is their desire to return to what they consider their homeland.

Exiles often are political activists who risk arrest or worse if they return to their country. Kanan Makiya, for example, is an Iraqi architect who exposed many of the horrible human rights violations of Saddam Hussein's regime, but who would face danger if he attempted to go home. Czech activist Jan Kavan spent years in exile from his homeland while it was under communist control and worked with those still in the country to smuggle documents de-



*Kurdish immigrants on a hunger strike in Switzerland, protesting against the deportation of Kurds back to Turkey.*

scribing the ongoing human rights violations. With the fall of the communist government, Kavan was able to go home but was later subjected to a smear campaign accusing him of having been a government agent. Even those exiles who return home do not always find it a welcoming place.

## DEPORTATION

Deportation is never voluntary. Deportation is traditionally used against people who are not citizens of the country in which they reside. In the twentieth century, however, it has become increasingly common for even citizens of a nation to be deported, sometimes on a mass scale.

Deportation is often directed against those considered to be political trouble-

makers. In the nineteenth century there were a number of large-scale deportations after failed revolutions; the French government deported revolutionaries to Algeria after both the 1848 and 1871 uprisings. Emma Goldman, known as “Red Emma” because of her revolutionary, anarchist activities, was deported from the United States in 1919, and many other leftists were treated the same way during the Red Scare that followed World War I.

Deportation is often used to eject illegal aliens (non-citizens without proper documentation) from a country. Countries such as the United States will seek to deport immigrants who are attempting to settle illegally for economic reasons. More troubling is the practice of deporting refugees who are fleeing from revolutions, political up-

heavals, or war zones. According to both United Nations resolutions and the 1949 Geneva Convention, it is against international law to practice *refoulement* (returning) of refugees who are fleeing from possible persecution. Nevertheless, despite the fact that the world has agreed that *refoulement* is a violation of human rights, many countries continue to deport refugees, preferring to ignore international law rather than be forced to take on the responsibilities of poor and desperate refugees. The violence in Bosnia and Kosovo led to a large exodus of refugees in the 1990s. Many of them, upon arrival in what they thought were safe havens in Germany or Switzerland, were immediately deported and sent back into the war zones they had just fled. Eventually, public outcry forced both countries to reverse these policies.

During and after World War II, deportation came to be used as a tool of ethnic cleansing, or genocide. The forcible transportation of Jews living under German rule was called deportation by the Nazi government. Millions of these Jews who were “deported” were killed in concentration camps. Because of what happened to them, the United Nations declared mass deportations to be crimes against humanity. This has

had little effect on the conduct of nations. During the Yugoslavian wars of the 1990s, deportation was constantly used as a means of clearing areas of unwanted ethnic groups. In Bosnia, for example, Serbian militias would round up Bosnian Muslims, force them to sign over their property, and then put them on to trains heading for Austria. (These Muslim deportees were sometimes then deported back into Yugoslavia by the Austrians, who did not want them in their country.) Mass deportations, often connected with policies of genocide, are particularly troublesome offenses against human rights.

Carl Skutsch

See also: Aliens and Non-Citizens; Asylum; Extradition; Genocide; Refugees.

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# Extradition

Extradition is the process by which a country demands that another country return to its custody a person that it accuses of having committed a crime. Unlike deportation, extradition is initiated by the person's home country (whereas deportation is initiated by the country where a foreign national currently resides). Every country has its own legal code spelling out who may be extradited and under what circumstances. Many countries have signed extradition treaties that give each the ability to extradite fugitives from the other. If two countries have no extradition treaty, neither is under any obligation to turn over alleged criminals to the other, although they are often willing to do so, particularly in the case of heinous, non-political crimes. Usually countries will also only agree to extradite people for crimes that are also punishable under their own legal code.

Most extradition cases concern common criminal cases; some, however, have political and human rights implications. These fall into two categories.

First, there are the cases where a government demands that a person it considers dangerous for political reasons be returned. This kind of extradition is applied to revolutionaries, political activists, and other persons that governments consider subversive.

Second, there are those cases where the person accused is a former government official who is being extradited to face criminal charges for his or her crimes while in power. Often the crimes for which these

people are being extradited involve human rights violations.

The most famous extradition case in recent years has been that of former Chilean dictator Augusto Pinochet. Pinochet was the leader of a violent 1973 coup against the democratically elected government of Chilean president Salvador Allende. Pinochet ruled Chile for seventeen years after his illegal takeover, during which time thousands of Chileans were tortured and murdered, and hundreds of thousands were forced to leave the country. Even after Pinochet left office in 1990, he retained legal immunity (a form of amnesty) in Chile against any prosecution of his many crimes. In October 1998, however, during a visit to England, the London police arrested him, based on an extradition request by a Spanish judge, Baltasar Garzon. Although Pinochet's crimes were committed in Chile, the Spanish judge issued the extradition request because some of those murdered may have been Spanish citizens. It also seemed unlikely that the Chilean government would ever attempt to prosecute Pinochet for his crimes. (Although the government was and is a democracy, it dared not offend the powerful Chilean military, which still felt loyalty to their old commander, Pinochet.)

After Pinochet had spent more than a year in custody, the British courts finally turned down Spain's request for extradition, releasing Pinochet on medical grounds (he was eighty-three years old and allegedly in poor health). The fact that extradition was con-

sidered at all suggests that former dictators cannot sleep as easily as they once did. Justice Garzon, the man who initiated the Pinochet extradition procedure, has continued investigations into human rights abuses in Argentina and Chile during their years of military rule, and has said that further extradition attempts are quite likely. And even though he escaped extradition, Pinochet still remained in danger of prosecution for his crimes. The Chilean government, perhaps emboldened by the international outcry against Pinochet during the extradition controversy, has begun to consider the possibility of criminal prosecution of the former

dictator. As one human rights lawyer put it in describing the implications of the Pinochet extradition case: "Dictators can hide, but they cannot run."

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*See also:* Amnesty; Asylum; Exile and Deportation.

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# Female Genital Mutilation

*Female circumcision* or *female genital mutilation* (FGM) are terms commonly used to describe a set of traditional practices that involve the cutting of a female's genitals. While the procedure is generally performed on girls between the ages of four and twelve, it is practiced in some cultures as early as a few days after birth or as late as just prior to marriage or following the first pregnancy. Those who perform FGM ceremonies are often older women who come from families in which women have traditionally played this role. In some countries in recent years, trained health professional—including physicians, nurses, and midwives—have also begun performing FGM.

It is estimated that 130 million girls and women worldwide have undergone FGM. At least two million girls each year are at risk of undergoing some form of the procedure. It is practiced in twenty-eight countries in sub-Saharan and northeastern Africa. Prevalence varies from country to country, ranging from 5 percent in Uganda and the Democratic Republic of the Congo to 98 percent in Djibouti and Somalia. According to estimates, eighteen African countries have prevalence rates of 50 percent or higher. FGM is also practiced among immigrant groups from these countries residing in Europe, North America, Australia, and New Zealand.

## **TYPES OF FGM AND THEIR HEALTH EFFECTS**

While the nature and extent of the cutting varies geographically and among ethnic groups, the World Health Organization has

placed the types of FGM into four broad categories. Type I (commonly referred to as “clitoridectomy”) is the excision of the prepuce with or without excision of part or all of the clitoris. Type II (often called “excision”) is the removal of the prepuce and clitoris together with partial or total excision of the labia minora. Type III (known as “infibulation”) is the excision of part or all of the external genitalia and stitching/narrowing of the vaginal opening. Type IV includes all other procedures that involve the partial or total removal of the female external genitalia or injury to the female genital organs for cultural or any other non-therapeutic reason. Such procedures include the pricking, piercing, stretching or burning of the clitoris or surrounding tissues.

FGM has significant health effects for the girls and women who undergo it. The immediate effects of all types of FGM include severe pain and bleeding. Complications can cause women to suffer such problems as chronic infection, infertility, stones in the urethra or bladder, fistulae, difficulties during childbirth, and pain during sexual intercourse. While there have been few studies of the psychological complications of FGM, there have been reports of disturbances in eating, sleep, mood, and cognition among girls immediately following the procedure.

FGM also has severe detrimental effects on women's sexuality. Although it does not necessarily eliminate the possibility of sexual pleasure and orgasm, it often has that result. In some cultures this result is desired. In these cultures, women are often seen as sexually dangerous; by

*Three generations of Egyptian women who have been circumcised. Girls as young as six are circumcised, September 1994.*

removing all or part of the clitoris, women's sexual desire is eliminated and the risk of infidelity and family dishonor are also eliminated.

### **WHY DO PEOPLE PRACTICE FGM?**

In the different communities in which FGM is prevalent, several common justifications are given for the practice. A number of communities practice FGM as a rite of passage from childhood to adulthood. Often in these communities, FGM is performed in conjunction with the teaching of skills for handling marriage, husbands, and children. Because FGM represents a connection to family and community, it often contains an

important element of cultural identity for the people using it.

Another justification for FGM relates to beliefs about female sexuality. In societies that place a high value on sexual purity—where a family's honor could depend upon a daughter's virginity or sexual restraint—FGM is perceived as a means of preventing premarital sex and preserving virginity. In other societies, FGM is thought to reduce a woman's sexual demands upon her husband, thereby allowing him to have several wives.

FGM is often thought to be a religious requirement. It is important to note that the practice predates the arrival of Christianity and Islam in Africa and is not a require-

ment of either religion. However, it is strongly associated with Islam in several African nations. Neither the Koran, the primary source of Islamic law, nor the Hadith, the collected sayings of the Prophet Mohammed, include a direct call for FGM. While debate over interpretations of statements from one part of the Hadith continues, a number of Islamic scholars have determined that certain harmful practices are not religiously mandated.

Finally, many women are reluctant to prevent their daughters from undergoing FGM for fear of social consequences. In communities in which most women have undergone FGM, family, friends, and neighbors may exert tremendous pressure to ensure that young girls are circumcised. There is a fear that girls who have not undergone the procedure may have difficulty finding a spouse. In many societies, the negative social and economic consequences of being unable to marry make mothers unwilling to jeopardize their daughters' chances at marriage.

### FGM VIOLATES WOMEN'S RIGHTS

While FGM has been recognized as a threat to women's health since as early as the beginning of the twentieth century, it is primarily since the 1980s that the practice has been addressed as a violation of human rights. The international community has taken a number of steps to draw attention to the horrors of FGM.

In 1983, the UN Sub-Commission on the Promotion and Protection of Human Rights (then the Sub-Commission on the Prevention of Discrimination and Protection of Minorities) appointed one of its members, Halima Embarek Warzazi, to serve as Special Rapporteur on Traditional Practices Affecting the Health of Women and Children.

In this capacity, Warzazi has produced several reports documenting national- and international-level action to address FGM. In 1990, the Committee on the Elimination of Discrimination Against Women, the committee charged with monitoring government compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (Women's Convention), released a general recommendation pertaining specifically to FGM. In 1993, the United Nations General Assembly, in its Declaration on the Elimination of Violence Against Women, explicitly recognized that FGM was a form of violence against women. At a series of international conferences, including the World Conference on Human Rights (Vienna, 1993), the International Conference on Population and Development (Cairo, 1994), and the Fourth World Conference on Women (Beijing, 1995), FGM was given special attention, and strategies for appropriate policies and actions were outlined in the final documents. In 1994, the Commission on Human Rights appointed Rhadika Coomerswamy Special Rapporteur on Violence Against Women, placing FGM within her mandate.

Because international human rights law is concerned primarily with the actions of governments and not private parties, labeling FGM a human rights violation assumes a level of governmental responsibility for the practice. It is well known that private actors—such as family members and traditional practitioners—are primarily responsible for the practice of FGM and that governments are rarely involved, either directly or indirectly. However, governments are bound not only to refrain from committing human rights violations, but also to ensure the universal enjoyment of human rights in their jurisdictions. Therefore, a government's failure to take action to prevent the practice of FGM can be

characterized as a violation of the government's duties under binding human rights norms.

It is widely agreed that FGM constitutes a violation of women's human rights. However, if governments are to be held accountable for the practice, these rights must be identified with greater specificity. Subjecting non-consenting girls and women to FGM violates a number of recognized human rights protected in international and regional instruments. These rights include the right to be free from all forms of discrimination against women; the right to physical integrity, including the right to be free from violence against women; the rights to life and health; and the rights of the child.

### **THE RIGHT TO FREEDOM FROM DISCRIMINATION**

The right to equality is a fundamental principle of human rights law. Freedom from discrimination in the enjoyment of protected human rights is guaranteed in every major human rights instrument. Article 1 of the Women's Convention defines "discrimination against women" as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

FGM fits within this definition. It is a practice reserved for women and girls that has both the effect and purpose of nullifying the enjoyment of certain rights. As will be discussed below, FGM has the effect of preventing women from enjoying their right

to physical integrity, health, and—in some circumstances—their right to life.

Equally troubling is the discriminatory purpose behind the practice. FGM, a practice often aimed at controlling women's sexuality, carries a strong message about the subordinate role of women and girls in society. The procedure represents a societal impulse to repress the independent sexuality of women by altering their anatomy. By perpetuating the perception that women may play only the roles of mother and spouse, FGM serves to reinforce women's subordination in political, economic, social and cultural realms.

### **THE RIGHT TO PHYSICAL INTEGRITY**

The right to physical integrity, while commonly associated with the right to freedom from torture, is derived from the right to respect for the dignity of the person, the rights to liberty and security of the person, and the right to privacy. Acts of violence interfere with a person's right to physical integrity, for they pose a threat to personal security.

In addition, the dignity, liberty, and privacy interests that are also encompassed in the right to physical integrity protect the right to independent decision making in matters affecting one's own body. An unauthorized invasion or alteration of a person's body represents a disregard for that fundamental right.

FGM interferes with a number of the protections encompassed in the right to physical integrity. The threat to physical integrity posed by FGM is particularly obvious when girls are forcibly restrained during the procedure. No less compromising of the right to physical integrity is the subjection of non-protesting girls and women to the practice of FGM without their informed consent.



A decision to alter the body of a woman or a girl for the purpose of reinforcing socially defined roles is a clear interference with the right to autonomy in decision making about one's body.

### THE RIGHTS TO LIFE AND HEALTH

The right to life is a legal right protected in the provisions of several binding human rights treaties, including Article 6 of the International Covenant on Civil and Political Rights (Civil and Political Rights Covenant). While traditionally considered merely a civil right that protects individuals only from arbitrary execution by the state, members of the Human Rights Committee have interpreted Article 6 of the Civil and Political Rights Covenant to require states to take positive measures to promote the preservation of life.

The right to health is recognized in Article 12 of the International Covenant on Economic, Social and Cultural Rights (Economic, Social and Cultural Rights Covenant), which requires states to "recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." The World Health Organization has defined "health" as "a state of complete physical, mental and social well-being, not merely the absence of disease or infirmity." According to the Programme of Action of the International Conference on Population and Development (Cairo, 1994), reproductive health encompasses "sexual health, the purpose of which is the enhancement of life and personal relations." While the right to health does not guarantee perfect health for all people, it has been interpreted to require governments to provide health care and to work toward creating conditions conducive to the enjoyment of good health. To comply

with this right, governments must devise health policies that take into account the needs of girls and adolescents who may be vulnerable to traditional practices such as FGM.

FGM involves the right to life in the rare cases in which the procedure results in death. Because the complications associated with FGM can have devastating effects upon a woman's physical and emotional health, this procedure has been viewed as an infringement upon the right to health. But even in the absence of such complications, FGM compromises the right to health.

Where FGM results in the removal of bodily tissue necessary for the enjoyment of a satisfying and safe sex life, a woman's right to the "highest attainable standard of physical and mental health" has been compromised. In addition, any invasive procedure—no matter how "safely" performed—entails risks to the health of the person who undergoes it. Subjecting a person to health risks in the absence of medical necessity should be viewed as a violation of that person's right to health.

Some might argue that, in a number of communities, not undergoing FGM could compromise a woman's mental health and "social well-being," which are both elements of health as defined above. Because FGM is often a prerequisite for procuring a suitable marriage partner, a girl who has not been circumcised might suffer social, emotional, and economic dislocation. However, as indicated by the large numbers of women who have advocated against FGM in their own countries, or sought political asylum in outside countries in order to avoid the practice, many women and girls view this procedure as emotionally and physically detrimental. Although it is unquestionable that women and girls will differ in the manner in which FGM affects

their mental health, there is little doubt of the physical, emotional, and societal costs of the procedure.

### THE RIGHTS OF THE CHILD

Because children generally cannot adequately protect themselves or make informed decisions about matters that may affect them for the rest of their lives, human rights law grants children special protections. The right of the child to these protections has been affirmed in the Convention on the Rights of the Child (Child's Rights Convention), one of the most widely ratified international human rights instruments. Article 1 of the Child's Rights Convention defines a "child" as a person below the age of eighteen unless majority is attained earlier under the law applicable to the child. Under Article 5, states must respect the role of parents and family members in providing appropriate "direction and guidance" in children's exercise of their rights. However, under Article 1, governments are ultimately responsible for ensuring that all children's rights recognized in the Convention are protected. In so doing, they should be guided by Article 2's overarching directive that "the best interests of the child shall be a primary consideration." While this principle may be broadly interpreted to accommodate varying cultural views on what constitutes a child's best interest, such interpretations should be consistent with the Convention's other specific protections.

The international community has generally regarded FGM as a violation of children's rights. Because FGM is commonly performed upon girls between the ages of four and twelve, those primarily affected by the practice meet the definition of "child"

set out in the Child's Rights Convention. Moreover, Article 24(3) of this treaty is explicit in its call to states to "abolish . . . traditional practices prejudicial to the health of children." In fact, the concluding observations of the Committee on the Rights of the Child about particular countries often include a call for government action to stop FGM. The concern to stop traditional practices that are harmful to children is also evident in the African Charter on the Rights and Welfare of the Child, which was adopted by the Organization for African Unity in 1990, and entered into force in 1999.

### OTHER HUMAN RIGHTS TO CONSIDER

The use of human rights principles in advocacy against the practice of FGM has given rise to certain counterarguments, also rooted in human rights law. The right to maintain one's culture, the rights of minorities, and the right to religious freedom have been invoked to suggest that FGM should not be subject to government interference.

Because international law protects the right of groups to enjoy their culture and religion free from government intervention, some argue that government efforts to stop the practice of FGM constitute an impermissible invasion into the autonomy of private citizens. However, such assertions lack support under international human rights law. Cultural and religious rights and the rights of minorities are not absolute, and international law recognizes prescribed limitations. As indicated in human rights instruments, governments need to balance this set of rights against their duty to protect the fundamental rights of every member of society. Still, in devising strategies by which to stop FGM, governments should be sensitive to the concerns related to religion and

culture and, in some cases, the minority status of the affected community.

Examining FGM in light of human rights norms clarifies that the practice should be viewed through a prism that recognizes the complex relationship between discrimination against women, physical integrity, health, and the rights of the female child. The strategies for addressing FGM must reflect this complexity and be multifaceted in their approach.

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*See also:* Cultural Relativism; Women's Rights.

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# Freedom of Assembly

The right to assemble freely is the right to gather and protest perceived political and social injustice. This right has a long history dating back to the Middle Ages in Europe and remains an essential human right.

Governments have usually viewed assemblies of citizens with suspicion. If the people have not gathered under government auspices, they might be gathering with anti-government purposes in mind. For this reason, most governments have had laws declaring certain gatherings to be unlawful assemblies. In some states of the United

States, as few as two people gathered together can be considered an unlawful assembly. In India, the number is five. Before people can be charged with unlawful assembly, it is usually necessary to claim that they have some illegal act in mind (although in Canada, it is possible to accuse people of unlawful assembly if they make other people afraid that they might commit an illegal act—a very loose standard).

During the centuries that people have fought for political power, the right to assemble freely was one of the most impor-

tant of the rights that they pursued. The First Amendment to the United States Constitution (in the section known as the Bill of Rights) reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The right to assemble peaceably is essential to the ability of the people to put public pressure on a government. Freedom of assembly includes such actions as demonstrations, marches, and public speeches. Without such public gatherings, a government might assume, or claim, it had the unanimous support of the people—and the people might remain unaware of their own strength or of the degree of existing opposition to a government. It is for these reasons that authoritarian states have always put severe restrictions on the right to free assembly.

In the 1930s and 1940s, Nazi Germany created a society in which the right to assemble (along with most other human rights) did not exist. In partial reaction, the United Nations (UN) made freedom of assembly a central part of the Universal Declaration of Human Rights (ratified by the General Assembly in 1948). Article 20 of the Declaration gives all people "the right to freedom of peaceful assembly and association."

Despite the United Nations Declaration, many authoritarian regimes have denied their citizens and residents the right to assemble freely. In East Timor, Indonesian troops opened fire on peaceful demonstrators, and in Chile, General Augusto Pinochet's soldiers rounded up demonstrators, some of whom were never heard from again. South African police, under apartheid, used water cannons to disperse

protestors, and some, like Stephen Biko, died in police custody.

It was not only authoritarian regimes, however, that sometimes restricted the right to peacefully assemble. In Israel, the police and army have forcefully broken up demonstrations by Palestinians demanding more rights. In the United States, attempts by labor unions to picket for better working conditions were long attacked in court proceedings, and workers were subjected to violent confrontations with government soldiers and private security guards. The right of unions to picket peacefully was finally confirmed by the Supreme Court in 1940. Later, in the 1950s and 1960s, peaceful African-American demonstrators marching for their civil rights faced police who attacked them with fire hoses and vicious dogs. And in 1970, college students at Kent State University in Ohio demonstrating against the Vietnam War were fired upon by soldiers of the Ohio National Guard. Four students were killed and many others injured.

Generally, however, the United States has been an example of a nation that protects the right to assemble freely. In cases where the cause is popular, there is rarely any government interference, and even when protesters' causes are unpopular—such as in a 1999 demonstration by the racist Ku Klux Klan in New York City—the courts have upheld the right to freedom of assembly.

In many other countries, however, this basic human right does not exist. In 1989, Chinese students went to Tiananmen Square in Beijing to demand more democracy and freedom in China. The students sang songs, waved flags, and put up imitation Statues of Liberty. (They also did their homework at night using candlelight.) The Chinese government ordered the army to forcibly disperse the demonstrators, and soldiers using tanks and machine guns

killed hundreds of students. Many of the survivors spent years in prison. Despite this blatant violation of the United Nations Declaration of Human Rights, the world did little but issue subdued protests. China, still run by the same authoritarian government, is today one of the major trading partners of the United States. There are still gatherings every year in Tiananmen Square on the anniversary of the June 1989 demonstrations, but they are gatherings of police, on guard to prevent new students from attempting to exercise their human right to assemble freely.

Carl Skutsch

*See also:* Freedom of Expression; Freedom of the Press; Freedom of Religion; Universal Declaration of Human Rights.

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# Freedom of Expression

The right to communicate freely is entrenched in numerous human rights documents, from the First Amendment to the United States Constitution to the United Nations Universal Declaration of Human Rights (1948). The Universal Declaration of Human Rights, for example, declares, in Article 19, that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.” This is a guarantee that freedom of expression in its various forms will be allowed to exist unfettered by restraints—personal, state, or institutional. Sadly, this right is one of the more commonly attacked human rights.

To defend the right of free expression, many press-freedom and freedom-of-expression groups have been formed since the Universal Declaration was proclaimed. The World Press Freedom Committee, in its fiftieth anniversary commemorative collection of essays, provides the following analysis of the meaning of Article 19: “‘Everyone’—the first word of the declaration, at the time was considered radical, and by today’s standards, still is so. It empowers every person and commands every government in the world to enforce the following freedoms of expression. It is unequivocal and does not limit itself to democracies. Neither does it refer exclusively to government officials, news agencies, newspapers, university professors, or experts. It is all-inclusive.”

In order to work, Article 19 must remain unqualified. Rosemary Righter, a noted British journalist and editorial writer, has

argued that “untrammelled communication sets people free. It is both a statement of principle and a pledge. In the information age of today and tomorrow, that pledge will be redeemed.”

It is also important to note that freedom of expression applies to more than just words. Political demonstrations, protests, and picket lines fall under the heading of freedom of expression. One of the strongest tools of a free people is the ability to organize in public to put pressure on government officials.

Freedom of expression goes beyond news reports or political protest. It includes all forms of fine art, theater, dance, and music. These freedoms are often suppressed by authoritarian governments, religious organizations, or societal pressure. Freedom of expression is the basic human freedom to communicate.

Three international representatives or guarantors of freedom of expression have been designated to monitor, report on, and challenge abuses of the rights laid down under international, regional, and national law. They are the Organization of American States Special Rapporteur on Freedom of Expression, the Organization for Security and Cooperation in Europe, the Representative on Freedom of the Media, and the United Nations Special Rapporteur on Freedom of Opinion and Expression.

Another key defender of freedom of expression is the press. Attacks on and harassment of journalists and other workers in the media industry pose a very significant threat to independent and investigative journalism, to freedom of expression,

*Students in Peru flee from police who are breaking up a demonstration, Lima, Peru, 1989.*

and to the free flow of information to the public. Complicity by government and public officials in these attacks is a gross abuse of power. Governments are enjoined to devote sufficient resources and attention to ending the climate of impunity and bringing to justice those responsible for such attacks.

Informal censorship is also a problem. Informal censorship refers to a variety of activities by public officials—ranging from telephone calls and threats to physical attacks—designed to prevent the publication or broadcast of critical material. Whatever the manifestation, informal censorship is just as unacceptable as formal censorship.

Freedom of expression can often be stifled by the threat of violence, even outside

the boundaries of formal government action. In 1988, the author Salman Rushdie published *The Satanic Verses*, a novel that some critics claimed ridiculed Islam and Muslims. In response, Iran's religious leader, the Ayatollah Khomeini, sentenced Rushdie to death. Rushdie did not live in Iran, but such was the Ayatollah's worldwide influence that Rushdie spent the next decade in hiding with round-the-clock police protection. That Khomeini's threat was not empty was shown by the successful assassination of one of the translators of the book. It seems quite likely that the threat of violence has kept other authors from freely expressing views that might be considered critical of Islam.



New technologies, such as the Internet and satellite and digital broadcasting, offer unprecedented opportunities to promote freedom of expression and information, the global exchange of information and ideas, and broadcasting diversity. Action by the authorities to limit the spread of harmful or illegal content through the use of these technologies should be carefully designed to ensure that any measures taken do not inhibit the enormous positive potential of these technologies. In particular, the crude application of rules designed for other media, such as the print or broadcast sectors, may not be appropriate for the Internet. New technology should not be a tool for new methods of censorship.

Leonard R. Sussman, senior scholar in International Communications at Freedom House in New York City, says that although Article 19 of the Universal Declaration sets the universal standard for the free flow of information, the annual Freedom House study of world press freedom shows that legislators in a number of countries are coming up with new ways to limit freedom of expression.

In a collection of essays published by the World Press Freedom Association, Rosemary Righter has observed that access to information is still highly uneven throughout the world. However, technological advances are

making the control of information increasingly difficult. She concluded that, for all its unevenness, the improving access to knowledge and skills, and the expanding capacity to share and compare information and ideas defies “both ideas, and the censor’s pen.” The increased access that technology provides makes the Universal Declaration “a common standard of achievement.”

Perhaps in the future, the human right of freedom of expression will be guaranteed because governments will not be able to stop the technology that allows information to flow freely. But human rights advocates cannot grow complacent: the history of censorship suggests that repressive governments will continue to see free expression as a threat and will continue to look for ways to stop it.

*Marlene Benmergui*

*See also:* Censorship; Freedom of the Press.

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# Freedom of the Press

Freedom of the press is the right to publish without interference from the government or private sources. The term “press” is generally understood to refer not only to printed media such as books, newspapers, and magazines but also to broadcast media such as radio and television. As traditional media publications create web sites, the press has also extended to the Internet.

All governments restrict freedom of the press to some extent. Generally, they restrict press freedom in cases where the material, if published, would endanger other people or violate public morality. For example, people usually cannot publish material that is considered libelous, obscene, or seditious. (Sedition is inciting resistance to or rebellion against lawful authority.) During times of national crisis, especially wartime, many governments place tight restrictions on the press. They often ban access to war zones or else censor stories to protect military operations and plans.

Freedom of the press varies widely around the world. Many Western-style democracies have a very liberal interpretation of freedom of the press in which the media is viewed as an autonomous, independent check on government. According to this belief, journalists encourage the free exchange of ideas by keeping the public informed. Journalists keep their sources confidential, allowing them to investigate freely without fear of reprisal or fear of their sources being revealed. In these countries, the press has a great deal of freedom to criticize government officials.

Press freedom in Western democracies is generally restricted only when it conflicts

with other individual liberties, such as the right to privacy or the right to a fair trial. Freedom of the press is also limited in areas where conglomerates control most or all media outlets. This lack of competition is a growing problem in the United States. Among the countries with a generally liberal freedom of the press are Australia, Canada, the Czech Republic, France, India, Japan, the United Kingdom, and the United States.

Other countries place greater restrictions on who can publish and what can be published. Some countries use press laws not just to regulate journalists but to prevent journalists critical of the government from publishing. Among the techniques that such governments use to control the press are requiring publishers to obtain licenses setting restrictive qualifications for publishers or editors, empowering officials to suspend or seize copies of a publication, and attaching special punishments to certain convictions. In these countries, a fairly free press functions, but journalists and publications often have to be careful about what they write or say, or else risk fines or imprisonment. As a result, they practice self-censorship.

In most of Africa, civil war, political turmoil, and the legacy of Western colonialism have combined to make freedom of the press elusive. African countries such as South Africa and Ghana have created democracies in recent years that have enabled the press to speak with relative freedom. But many African nations, such as Angola and the Democratic Republic of the Congo, use military and presidential de-

*News media covering the 1996 U.S. Republican National Convention in San Diego.*

crees, colonial-era sedition and criminal libel laws, and the threat of detention without charge to control the media. In many of these countries there is no effective free press.

Journalists in Central and South America have gained more freedom to publish in the last twenty years. In the second half of the twentieth century, military coups overthrew socialist governments in the region and eliminated many civil liberties, including freedom of the press, using the excuse that controlling the press was necessary to maintain order. Beginning in the 1980s, democratically elected governments gradually replaced authoritarian rule in all of Central and South America except Cuba. Press censorship in the region still exists in subtle but very powerful forms. For ex-

ample, politicians have intimidated journalists into censoring themselves and have used personal friendships with owners of media outlets to influence media coverage.

Leaders in many east Asian countries stress the importance of promoting stability and economic development, arguing that social order is more important than individual freedoms. This so-called Asian values theory has been used to justify bans of speech that criticize the government. Asian countries, such as Singapore and Malaysia, have laws still in effect that were introduced by Western colonial powers that prevent journalists from reporting on sensitive issues. Like the colonial-era regulations still in place in much of Africa and parts of the Middle East, these laws have remained largely intact. Yet others, such as Japan,

Hong Kong, Australia, New Zealand, and most recently South Korea, allow journalists to publish freely.

In Eastern Europe and Central Asia, journalists are generally allowed to publish far more material now than before the collapse of the Soviet Union, when communist governments in the region owned media outlets and independent journalists were banned. The Czech Republic and Hungary now give journalists a great deal of latitude. Yet authoritarian governments in Yugoslavia and many former Soviet republics, such as Kazakhstan, use restrictive press laws and other means to close down media publications they consider objectionable.

In much of the Middle East, press freedom is often sharply restricted in matters related to national security. Such restrictions are often justified as being necessary to prevent violence. In Israel and Israeli-controlled areas in the West Bank and Gaza, print and broadcast media outlets must submit news stories on topics related to national security to military censors for review. In other countries, such as Egypt and Saudi Arabia, journalists are not allowed to publish any material that criticizes the country or its leaders.

In recent years, journalists have used the Internet to expand their audience and test the limits of freedom of the press. Since anyone with a computer and a modem can

reach an international audience on the Internet, journalists have used the Internet to circumvent government restrictions. The London-based *Al Quds al-Arabi* is banned in Jordan, but people in the country can access it online. When the Yugoslav government banned the independent station Radio B-92, the station's staff began broadcasting over the Internet, enabling the station to evade government censorship for years. Although the Internet is still largely limited to the rich nations of the world, it has already made censorship of the media far more difficult.

James R. Lewis

See also: Censorship; Freedom of Expression.

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# Freedom of Religion

In his 1941 State of the Union speech, United States President Franklin Delano Roosevelt called freedom of religion one of the “four essential human freedoms,” saying that every person had the right “to worship God in his own way.” The right to worship freely is still considered by all human rights advocates to be a basic and essential human right. It is a right, however, which historically has been in short supply. Many religions, believing that they had a monopoly on truth, have been reluctant to allow others to worship in different ways. In the time of the Roman Empire, Christians were

thrown to the lions to amuse crowds of spectators at the Coliseum. During the Inquisition overseen by the Roman Catholic Church in the Middle Ages, thousands of people were tortured or killed because of their religious beliefs. In sixteenth-century England, Catholic Queen Mary I (nicknamed Bloody Mary) burned Protestant Christians to death for their form of worshipping Christ. In the seventeenth century, Puritans fled to America to escape religious persecution in England, and then persecuted other people who disagreed with their religious views.

*The Golden Temple at Amritsar, India, which is the holiest shrine for Sikhs.*

In the eighteenth century, Enlightenment writers like Voltaire attacked religious persecution and helped create a change of heart among Europeans. Inspired by these ideas, the French Revolution's Declaration of the Rights of Man and of the Citizen (1789) included a defense of religious freedom, which stated: "No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not interfere with the established Law and Order." The First Amendment (1791) to the United States Constitution provided an even stronger defense of religious freedom, stating: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The United Nations Universal Declaration of Human Rights (1948) puts the right to worship freely even more clearly. In Article 18, it states: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Support for defending religious freedom remains strong in the West, at least on paper. In 1998, the United States Congress passed the International Religious Freedom Act, which requires the president to take action against those countries the State Department says are violating the religious rights of their people. Actions taken can range from official condemnation to economic sanctions. However, although the words of the act are strong, the actual support for religious freedom is less solid. The

State Department has listed some seventy countries that restrict the religious freedom of Christians, but the government has done little to oppose such persecution. In early 2000, for example, the U.S. Congress voted to allow China full trade rights with the United States, in spite of China's poor record on human rights, particularly the right to freedom of religion.

In China, the government has often seen religion as a threat to the communist ideology of the state and still cracks down on religions it views as potentially destabilizing. China's constitution guarantees freedom of religion, but requires that all worship take place in cooperation with officially approved organizations. Those religious people who wish to avoid government interference suffer the consequences. Tibetan monks endure persecution and occasional imprisonment and torture for attempting to remain loyal to the Dalai Lama, the spiritual leader of Tibetan Buddhism; Muslims in Xinjiang Province are watched by secret police agents; Christians in China face official disapprobation, censorship, and arrest. Responding to criticism of government arrests of Christian leaders, an official Chinese newspaper, the *Guangming Daily*, responded: "We must emphasize strengthening management of religious affairs within the law."

In the late 1990s, China faced the rise of a new religious movement called Falun Gong. Founded in 1992, Falun Gong was a spiritual movement based on a mixture of elements from Buddhism and Chinese mystical traditions. The movement quickly gained followers, and, in April 1999, 10,000 of these followers gathered in Beijing to protest government harassment. The organization was banned in July 1999, but continues to operate underground. Dozens of deaths have been attributed to China's coercive war

against Falun Gong, which is alleged to include torture of movement members.

In India, the Bharatiya Janata Party (BJP), a Hindu nationalist party, has been accused of raising tensions between the Hindu majority and Muslim and other minority religions. Muslim mosques and Christian churches have been attacked by mobs of Hindus wielding clubs and knives. The BJP has denied complicity in these actions, but its public statements often seem intolerant of India's traditional religious diversity. Some extreme Hindu nationalists have suggested that Christians deserved to be attacked, accusing them of attempting to undermine India's traditional Hindu civilization by trying to convert poor Hindus to Christianity with promises of free food and education. One Hindu nationalist leader, Pradeep Patel of the World Hindu Council, denied that Hindu extremists had burned down any Christian churches, say-

ing: "The Christians themselves burned their own churches." It was the World Hindu Council that was responsible for leading a campaign against a Muslim mosque in the city of Ayodhya. After the mosque was destroyed by a Hindu mob, the resulting riots ended up killing more than a thousand people, mostly Muslims. Many Hindus have deplored this kind of narrow-minded bigotry, but it has been on the rise in many areas of India.

Many countries practice some kind of religious persecution. In Iran, members of the Bahai faith are arrested and harassed. Some of them who have been accused of having tried to convert Muslims to Bahai have been executed. In southern Sudan, Christians and African animists have been persecuted by the dominant Islamic government of northern Sudan. In Indonesia, Muslim mobs, with army support, have attacked Christians in East Timor. In Viet-

nam, the government persecutes some Buddhist groups that it considers dangerous.

Religious intolerance of this sort is widespread, a fact that many people in the more religiously tolerant Europe and United States are often unaware of. But even in the United States, with its First Amendment defending religious freedom for all, there are debates over the extent of that freedom. In *Engel v. Vitale* (1962), the Supreme Court declared school prayer to be against the First Amendment because it would force some students to participate in a religious ritual they might not believe in. Since then, there have been numerous attempts by Christian groups to put some kind of religious element back into the schools. These have been resisted by advocates of religious freedom who see these attempts as a way of forcing Christianity on those who may worship differently or not at all. Despite

such controversies, the United States remains a bastion of religious freedom.

Carl Skutsch

*See also:* Dalai Lama; Freedom of Assembly; Freedom of Expression; Freedom of the Press; Universal Declaration of Human Rights.

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# Mohandas Gandhi

Mohandas Karamchand Gandhi was born on October 2, 1869, in Porbandar, India. He was later honored with the title Mahatma (which means “Great-souled one” in Hindi) because of his efforts to free India from British domination. His advocacy of nonviolence made him an inspiration to human rights advocates around the world, from the slums of Belfast to the tenements of Harlem. He was assassinated on January 30, 1948.

## SOUTH AFRICA AND SATYAGRAHA

Gandhi grew up in an India colonized by the British Empire. England dominated his country, controlling its wealth, commanding its army, and oppressing its people. Indians were second-class citizens in their own land. Gandhi’s father worked as an Indian bureaucrat and was therefore in constant contact with India’s British masters. From a young age, therefore, Gandhi was aware of the power and arrogance of the English in India.

Gandhi was raised to respect traditional Hindu religious beliefs, and his mother also taught him beliefs associated with Jainism, another Indian religion that emphasizes the practice of *ahimsa*, or non-violence toward all living creatures. Consequently, Gandhi became a lifelong vegetarian and abhorred all violence, even that perpetrated against India’s oppressive British colonizers. As a young man he attended an Indian college and then went to England, where he acquired a law degree. He also met socialists and Fabians, who further helped to develop his antimaterialist and humanitarian beliefs.

After a brief return to India, Gandhi went to South Africa to practice law. In South Africa, the racist policies of the British kept ethnic Indians in the position of second-class citizens without full human rights (although they were significantly better off than the native Africans). Gandhi was offended by the racism he saw and experienced—he was once beaten merely for trying to sit in a railway coach next to white passengers—and decided to fight against it. In 1894 he formed a political league called the Natal Indian Congress and used it as a tool to coordinate Indian resistance to British racist practices. These activities attracted considerable attention among both Indians and the English. They also resulted in Gandhi’s being beaten by an English mob, whose members, because of his beliefs, he later refused to prosecute.

It was during this period that Gandhi developed the non-violent techniques that he would use throughout his life to promote political change. He coined the term *satyagraha* for these techniques, which translates as “firmness in truth” (*sat* means truth, *agraha* means firmness) or, more loosely, “holding onto the truth.” Satyagraha worked as follows: Gandhi and his supporters would protest and disobey laws they considered unjust; the government repression that ensued would highlight the injustice of the law and help bring about the law’s repeal; if successful, it would even bring the oppressors to a recognition of their own false position. Satyagraha has sometimes been called passive resistance, but Gandhi said that this was a misinterpretation of his ideas. Satyagraha forces an

oppressor to confront the wrongness of his cause, but to bring this confrontation about requires the active participation of those who resist the oppressor. According to Gandhi, “the doctrine came to mean vindication of the truth, not by the infliction of suffering on the opponent, but on one’s self.” There is violence in satyagraha, but it is violence deliberately endured by the victims of oppression.

Gandhi’s satyagraha campaigns achieved some limited concessions but no lasting end to British racist practices. They did, however, raise awareness of Gandhi and his methods around the world, particularly in India. Gandhi was being recognized as a fierce, if nonviolent, fighter for human rights.

## INDIA

When Gandhi left South Africa for India in 1914, he arrived a well-known figure. He joined the Indian National Congress, a nationalist organization founded in 1885, and helped transform it into a mass organization dedicated to Indian autonomy. People throughout India looked to Gandhi as a moral and spiritual leader who would help rid the country of British control. His decision to wear the simple cloth dress of a typical Indian peasant helped his appeal among the common people of India. He lived a life of austerity, eating only simple foods, which allowed him to focus all his energies on seeking justice for his people.

Gandhi and the Congress were determined to achieve independence for India. Gandhi organized repeated satyagraha campaigns against the British. Boycotts of British goods, work stoppages, and strikes were all intended to put economic pressure on the British without using violence. Millions of Indians supported Gandhi’s campaigns and followed his advice. The British

also paid a great deal of attention to Gandhi: he was charged with sedition because of his attempts to gain India more independence. Gandhi defended himself by arguing that he was doing nothing to actively destroy the British Empire. “Nonviolence is the first article of my faith. It is also the last article of my creed.” The British convicted Gandhi and put him in jail from 1922 to 1924.

In 1930, Gandhi led his most famous satyagraha, the campaign to boycott the salt tax, a tax whose burden fell most heavily on poor Indians. This campaign was massively successful in arousing public support; more than 60,000 people were imprisoned for joining the boycott. In 1932 he led another satyagraha campaign, this time against proposals that were designed to separate the untouchables, India’s lowest caste, from the rest of the population. (India’s Hindus traditionally are divided into five major castes.) In late 1932, Gandhi, again jailed by the British, went on a hunger strike until the British finally agreed to grant untouchables a higher status in a new Indian constitution. These campaigns of the 1930s had not gained India its independence, but they had helped to inspire many Indians with a renewed sense of purpose and unity.

In addition to his confrontations with the British, Gandhi spent much of his efforts during the rest of his life in trying to bring the untouchables into the mainstream of Indian life. He renamed them Harijans—children of God—and tried to convince high-caste Hindus to accept them as brothers. These campaigns had only limited success. Harijans did receive better treatment, but many Indians resisted treating them as equals and even today, there is a great deal of prejudice against Harijans in India. Gandhi was also troubled by the conflicts

between Hindus and Muslims in India. Although he was inspired by Hindu thought and religious practices, he believed that all Indians and all humans should be free to practice any religion. He wanted to build an India that included both Muslims and Hindus. Unfortunately, fanatics in both religions pushed the two groups apart. Frustrated, Gandhi retired from the leadership of the Indian National Congress, although he remained an influential figure in the background of Indian politics.

World War II brought the struggle between Britain and India to a new peak. Gandhi and Congress leaders, frustrated at their lack of progress, demanded that the British leave India. The British government, in the middle of a grueling war against Nazi Germany and Imperial Japan, responded by jailing the entire Congress leadership, including Gandhi, until 1944. After the war was over, the British accepted the necessity of giving India its independence, and Gandhi was heavily involved in the negotiations for independence, which was finally achieved in 1947.

Much against Gandhi's wishes, those Indians who wanted to split India into religious sections were victorious, and so the newly independent country was divided in two: Hindu India and Muslim Pakistan. The breakup of these two parts of the Indian subcontinent was extremely violent. Riots, sectarian murder, and mob violence of Hindu against Muslim and Muslim against Hindu racked India during 1947 and 1948. Gandhi worked hard to calm tensions, touring conflict-ridden areas, and, when all else failed, going on hunger strikes in an attempt to shame the warring parties into stopping the violence. His actions did little good, but inspired much hatred by Hindus who felt that Gandhi was too sympathetic to Mus-

lims. On January 30, 1948, a Hindu fanatic named Nathuram Godse shot and killed Gandhi at a prayer meeting in Delhi.

## LEGACY

Gandhi's life has become a symbol to people all over the world during their struggles for human rights. His advocacy of a moral course, his willingness to suffer personally for his views, and his rejection of violence have inspired many political movements. African-American civil rights leaders in the United States, such as Martin Luther King, Jr. and James Farmer, Catholic civil rights leaders in Northern Ireland, and other human rights leaders from around the world, such as Argentine Nobel Peace Prize-winner Adolfo Pérez Esquivel, turned to Gandhi's ideas in their attempts to resist oppressive systems.

Gandhi's legacy in his own country is mixed. On the one hand, his successes in India led to a change in British policy—his satyagraha campaigns are part of what forced the British to abandon India. However, Gandhi failed to overcome the religious hatreds that would eventually rip India into two nations. And the India that was created, even though it revered Gandhi as a holy figure, was not modeled on Gandhi's own ideas of mutual tolerance, ascetic behavior, and communal living.

Currently, Indian politics is dominated by the Bharatiya Janata Party (BJP), a political party that preaches the need for a return to Hindu values, and, critics allege, has encouraged violence against Muslims and other non-Hindus in India. While most Indians still honor Gandhi, they tend to ignore his values in their political attitudes, and some actively reject his principles. Gopal Godse, the brother of Gandhi's as-

sassin Nathuram Godse, spent eighteen years in prison because of his role in the assassination. In February 2000, when a reporter asked him if he still thought Gandhi deserved to die, he answered yes, "because he was encouraging the Muslims to kill Hindus." Gandhi's dream of universally respected human rights has yet to be realized in India.

*Carl Skutsch*

*See also:* India; Freedom of Religion; Martin Luther King, Jr.

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# Genocide

Genocide is the deliberate attempt to exterminate members of a specific ethnic group. The first modern genocide took place in Turkey in 1915 during World War I (1914–1918), where Armenians were targeted by Turkish officials for extermination. Approximately one million Armenians were killed. During World War II, Adolf Hitler and the German war machine attempted to exterminate the Jewish people of Europe. Six million Jews died in the Holocaust. The most recent genocide was the 1994 massacre of ethnic Tutsi in Rwanda, in which at least half a million people were killed.

It was in part the spectacle of—and reaction to—genocide that gave rise to the modern human rights movement. People across the globe had been shocked by the horrors of World War II, especially the systematic massacre of Jews and other groups by the Nazis. The United Nations (UN) was created soon after the war for the purpose, among other goals, of preventing such genocide in the future. The UN, in turn, became the launching pad for the many human rights declarations and covenants that constitute the basis of the modern human rights movement.

In 1948, the UN General Assembly established the Convention for the Prevention and the Punishment of the Crime of Genocide. This Convention defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life cal-

culated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.”

While they were not incorporated into the Genocide Convention, it is interesting to note that the representatives of some countries proposed the inclusion of cultural and economic genocide, and others wanted to add political motivations to the definition.

The term genocide is of recent origin. Raphael Lemkin, a Polish-born Jew who worked for the U.S. War Department during World War II, coined the term in his 1944 book, *Axis Rule in Occupied Europe*. Because he viewed the Nazis’ motive for exterminating Jews, Roma, and Slavs as unprecedented, Lemkin argued that “new conceptions require new terminology,” and he proceeded to construct “genocide” from the Greek *genos* (race or tribe) and the Latin suffix *cide* (to kill). Lemkin’s understanding of his new term was that it denoted a coordinated plan to effect the extermination of a nation or an ethnic group. Individuals suffered as victims for no other reason than because they belonged to a specific group.

In *Axis Rule in Occupied Europe*, Lemkin defined genocide as “a coordinated plan of different actions aiming at the destruction of essential foundations of life of different groups. . . . The objectives of such a plan would be the disintegration of the political and social institutions of culture, languages, national feelings, religion, and the economical existence of national groups, and the destruction of personal security,

liberty, health, dignity, and even lives of the individuals belonging to such groups.”

Lemkin argued that *mass murder*, the term that was being utilized at the time to describe Nazi atrocities, did not really capture the phenomenon that had taken place in Nazi-occupied Europe. It was not adequate because of the specific motive of the Nazis, which had nothing to do with the war itself, but, rather, arose from “racial, national or religious” characteristics. Lemkin further asserted that genocide should not be confused with war crimes, which had been defined in the Hague Convention of 1907. Genocide, by contrast, was “not only a crime against the rules of war, but a crime against humanity itself,” affecting the whole of humankind.

While arguing that genocide was a distinctly modern phenomenon, Lemkin, somewhat contradicting himself, described the destruction of Carthage by the ancient Romans in 146 B.C. as the oldest case of genocide. Carthage and Rome had been through a prolonged struggle for supremacy of the Mediterranean world. After decisively winning out over Carthage, certain Romans felt that every remnant of their old enemy should be eradicated. This attitude was reflected most famously in the words of Cato the Elder, who ended every speech with the assertion, “Carthage must be destroyed.” When Rome finally moved against Carthage, some three quarters of the population (estimated to be approximately 200,000 people at the time) were killed. Survivors were enslaved and taken away, and whatever remained of the city was razed. In a final act of spite—an act that clearly embodies the “genocidal spirit”—the Romans plowed salt into the ground on which Carthage had stood, so that no one could ever reconstruct the city. They were

so successful that to this day nothing substantial can grow on the site of ancient Carthage.

Following World War II, the Nuremberg trials established beyond a doubt that the Nazis had killed Jews and others with the goal of exterminating them as a people. Nuremberg provided Lemkin with the basis for what became a one-man crusade to promote the Genocide Convention. This Convention was adopted by the United Nations on December 9, 1948, the day before the adoption of the Universal Declaration of Human Rights. The Genocide Convention was then sent to member states. Three years later it had been ratified by enough nations for it to become part of international law. The United States did not ratify the Convention until 1988.

In the same way that the individual has a natural right to exist in the face of the threat of murder, so national, racial, and religious groups have a natural right to exist in the face of genocide. Efforts to eradicate such groups violate this right. The distinction between genocide and other acts of mass murder does not lie in the extent of the savagery, but rather in the intention to destroy a specific group.

Because of the specificity of the original definition, it has been argued that the term genocide should be reserved for certain kinds of mass murders. In *Rwanda and Genocide in the Twentieth Century*, Alain Destexhe has asserted that, using both Lemkin’s definition and the definition of genocide set forth in the Genocide Convention, there have “really only been three genuine examples of genocide during the course of the twentieth century: that of the Armenians by the Young Turks in 1915, that of the Jews and Gypsies by the Nazis and, in 1994, that of the Tutsis by the Hutu racists.”

the uses of the word seem reasonable—there is some justification for calling the Serbian attacks on Bosnian Muslims genocidal—but others are questionable. The attractiveness of the term lies in its rhetorical power, which is still able to evoke images of Nazi concentration camps and human crematoriums. Hence, in common with terms like *fascism* and *fundamentalism* that have also been generalized beyond their original meanings, genocide will likely continue to be used in the more general sense of mass murder or massacre.

Whether future genocides will be stopped remains an open question. During the 1994 massacres of Tutsi by Hutu, many world leaders—including those in the United States—deliberately avoided using the word genocide. If they had admitted that what was going on in Rwanda was genocide, they would have been legally obliged by the 1948 Convention to intervene. Since they did not wish to intervene, they did not admit that genocide was really happening.

James R. Lewis

*Village shrine of skulls, victims of the Khmer Rouge war on the Cambodian people. The Khmer Rouge's genocidal acts killed more than 1 million of their own people.*

The Khmer Rouge's slaughter of more than 1 million Cambodians is also often called a genocidal war. While members of the communist Khmer Rouge were also ethnic Cambodians, their ideology defined most of the population as being a separate people targeted for extermination. Genocide has, however, been used indiscriminately to designate almost every massacre that has taken place since World War II. Some of

See also: Crimes Against Humanity.

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# Globalization and Multinational

Multinational corporations are large companies with assets in many different countries. Examples of major multinationals include General Motors, Mitsubishi, Exxon, Volkswagon, and IBM. Globalization is the process by which these multinational companies are working to turn the world into one unified marketplace; in a globalized world the idea for a product might come from the company headquarters in New

York, be produced in factories in India, and then be marketed to consumers in France. The Internet and mass media, which includes Hollywood movies and American television shows, are also part of globalization, merging the nations of the world into one global culture.

The human rights impact of globalization is mixed. On the one hand, a world drawn closer together by trade can be a world in

*Family gathered in front of a house leased to them by a mining company, San Mateo, Peru.*



which poor people can become a bit richer by getting jobs that might not otherwise be available. Many observers, however, emphasize the negative aspects of globalization. Big companies are often more focused on profits than on the well-being, or human rights, of their workers. They are also sometimes willing to support corrupt and oppressive regimes if those governments allow them to operate freely. This all hinders human rights.

### **BENEFITS OF GLOBALIZATION**

The essence of globalization is free trade, and it is fairly clear that free trade produces more wealth, although it is not always clear where this wealth goes. If globalization allows Nike to build factories in Vietnam that give jobs to people who might not otherwise have them, then it is reducing poverty and helping to provide the basic human right of a decent standard of living. Proponents of globalization argue that the growing corporate reach is going to turn a world, which currently has one quarter of its population stuck in poverty, into a better place for everyone.

Globalization also brings with it more than potential economic benefits. Along with Nike sneakers and cans of Coca-Cola come Western ideas like democracy and human rights. People in traditional cultures become exposed to new ideas and may begin to question their own practices. For example, female genital mutilation is widespread in parts of Africa; with the increase of outside influences that accompany globalization, this procedure is under mounting attack. Similarly, in India, the women's rights movement, pushed along by the influence of Western ideas, is slowly giving poor village women more say over their economic and personal lives.

It is also argued that the freedom of globalization helps to spread other freedoms, including the human rights freedoms of free speech, free assembly, and the ultimate political freedom: democracy. This is because people exposed to Western ideas will demand Western human rights, including democracy.

### **HUMAN RIGHTS HARMED?**

Critics of globalization will usually agree that it has had some benefits, but they argue that the driving force behind globalization is the large multinational corporations that dominate the world economy, and these companies have no interest in human rights, only in profits. As a 1998 United Nations report put it, "[multinational corporations] are unaware of or disregard the impact their activities could have on economic, social, and cultural rights, whether at the collective level or at an individual level. These companies are frequently, if not always, behind massive human rights violations."

The size of multinational companies is staggering. General Motors, the biggest multinational in 1999, made \$161 billion in gross revenues—a sum larger than the gross domestic product (GDP) of many nations, including Ukraine, Israel, and South Africa. Each of the twenty biggest multinationals had revenues greater than the GDP of Peru. This kind of economic power gives multinational corporations great leverage. It is difficult for a country to tell a large multinational to treat their workers better when that company is richer than the country, and is well aware that it can easily transfer its factories to a more cooperative country—meaning one less aggressive about defending human rights. If Vietnam cracks down on human rights abuses in Nike factories,

Nike might move its sneaker business to Indonesia.

Large corporations have also been accused of actively assisting in human rights violations in order to defend their profits. In May 1998, for example, Nigerian human rights activists took over a Chevron oil platform, threatening Chevron's profits. Four days later, Chevron helicopters ferried Nigerian assault troops to the platform to arrest the protestors. Two Nigerian protestors were killed. Chevron denied responsibility for the deaths.

Even when multinational corporations do not actively help oppressive governments, they can violate human rights by allowing pollutants and poisons to spread, thereby threatening the lives of people living near their factories. This kind of corporate disdain for the right to life can happen anywhere, but is much more likely to happen in poor countries with weak governments that are eager to lower environmental standards in order to encourage multinational investments (which is why multinationals often move their factories to such countries).

The most famous disaster stemming from this kind of multinational irresponsibility occurred in Bhopal, India, in 1984. A Union Carbide chemical plant allowed a flood of toxic gas to escape from its grounds and pour into the neighboring city of Bhopal. The gas, a pesticide compound that included cyanide, killed at least 3,000 people and permanently injured tens of thousands more. The safety precautions at the plant were far below what Union Carbide was required to maintain at its plants in the United States (which made the Bhopal plant cheaper and more profitable). Even today, the former site of the Union Carbide plant remains, according to the environmental group Greenpeace, a "toxic hot

spot." Union Carbide, recently bought by Dow Chemical, is still worth many billions, with investments around the world.

Globalization has also tended to benefit rich nations more than poor ones. The world's seven largest industrial economies—the United States, Japan, Germany, Canada, France, Italy, and the United Kingdom—make up less than 12 percent of the world's population, but consume 43 percent of the world's fossil fuel production, 64 percent of the world's paper, and from 55 to 60 percent of all the aluminum, copper, lead, nickel, and tin. Translated, this means that the average person in these industrialized countries consumes and benefits from far more resources than the average citizen of the developing world. If a decent standard of living is a universal human right, globalization may have only succeeded in granting that right to a small minority of the world's population.

Globalization has brought jobs to the people of the developing world, but sometimes they are jobs working in sweatshops for less than a dollar a day. Nike, a sneaker maker, and Gap, a clothing company, are only two of many companies that have been strongly criticized because of the unhealthy conditions in their overseas factories. These sweatshops, so called because they work their employees so brutally hard, produce much of the clothing that Americans and Europeans wear, but at a fraction of the cost of similar factories in the United States. Workers in sweatshops not only receive low pay, but are often physically intimidated, prevented from forming unions (a basic human right), and compelled to work in unsafe environments. In Nike factories in Indonesia during 1999, workers were slapped and pinched, screamed at, forced to work overtime—often more than seventy-two

hours a week—and paid wages far below what was necessary to support a family in moderate poverty (some workers were paid 15 cents or less per hour).

That workers can be paid so little and treated so badly is a result, in part, of government policies that prevent the formation of independent workers' unions. Multinationals dislike unions because unions raise the cost of labor and therefore the price of the goods produced; governments dislike unions because they challenge multinational dominance and threaten to lower corporate profits (on which many governments and politicians depend for financial support). But preventing the creation of unions denies the basic human right to organize, which is covered in numerous United Nations documents and conventions. For instance, the 1948 Convention concerning Freedom of Association and Protection of the Right to Organize states: "Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization." In other words, forming a union is a basic human right, a right denied in many Third World countries that host multinational corporations' sweatshops.

Even beyond the suppression of unions, the treatment of workers in sweatshops denies them their basic human rights. The United Nations Universal Declaration of Human Rights (1948) states in Article 23 that "everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of dignity." Workers who are pinched, hit, screamed at, and underpaid are not being treated with human dignity.

Opponents of globalization see globalization personified in the major international economic institutions: the World Bank, the International Monetary Fund (IMF), and the World Trade Organization (WTO). The WTO has come under particularly heavy attack by human rights activists, who accuse it of fostering trade with countries, such as China and Indonesia, that constantly violate the human rights of their people. Crowds of human rights activists took to the streets of Seattle, Washington, during the WTO's 1999 meeting in that city, and temporarily shut down Seattle's downtown business district. Their goal was to protest the WTO's blindness to human rights issues, and to bring these issues to the attention of the American public.

## CONCLUSION

Globalization can improve the economic well-being of people, but sometimes at the cost of their political power. Outside powers, major trading partners, and international organizations, such as the World Bank and the IMF, impose conditions on poor countries that take away local political power. Large companies may also support abusive governments or practices that deny people their basic human rights. Globalization is not inherently evil, but it has the capacity to do great harm—and perhaps great good.

The solutions to the human rights threats of globalization are unclear. The United Nations Sub-Commission for Prevention of Discrimination and Protection of Minorities has suggested that multinational corporations should sign agreements with the countries with which they do business that would commit the corporations to support human, cultural, and economic

rights in those countries. How these corporations—which are often more powerful than the states they do business with—could be forced to sign such agreements, the United Nations has not yet made clear.

*Carl Skutsch*

*See also:* Child Labor; Democracy; Female Genital Mutilation; Poverty.

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# Habeas Corpus

*Habeas corpus* is a Latin phrase whose original meaning is “thou shalt have the body” (*habeo* meaning to have; *corpus* meaning body). In its current legal sense, it allows a court or judge to demand that a prisoner be brought before them. Its purpose is to prevent prisoners from being wrongfully detained by the government or its officials, usually the police. A judge will issue a writ—a written order issued by a court—to a police department or other government body demanding that a prisoner be brought before the court. The judge will then determine whether or not the prisoner is being lawfully detained and properly treated.

The legal tradition behind habeas corpus dates back to the Middle Ages in England where it became a part of accepted common law. Writs of habeas corpus were used by judges as a way of demanding that the king explain why he had imprisoned certain individuals; this prevented kings from arbitrarily arresting people without cause. By the time of the American Revolution, habeas corpus was considered an essential right, and a belief that King George III’s officials had unfairly imprisoned Americans in violation of habeas corpus was one of the factors that convinced many colonists to support independence. Because of its importance to the American revolutionaries, the writ of habeas corpus was written into the U.S. Constitution in 1787: “The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.” Although habeas corpus originated in the Anglo-American legal tradition, it is also accepted by other countries whose

constitutions also recognize the importance of putting legal restraints on the government’s power to imprison.

## HABEAS CORPUS AND HUMAN RIGHTS

The United States and Great Britain are not alone in believing that habeas corpus is essential to maintaining the rights of individuals. The Universal Declaration of Human Rights states that “no one shall be subjected to arbitrary arrest, detention or exile,” while the International Covenant on Economic, Social and Cultural Rights guarantees all people the right “to be tried without undue delay.” These two articles, supported by other international agreements, give all people much the same rights that the tradition of habeas corpus gives in the Anglo-American legal world. They declare that police and other government bodies cannot detain people without bringing them before a court and justifying that detention.

Unfortunately, while habeas corpus exists as a legal concept, it is often ignored in practice. Around the world, people are imprisoned, detained, tortured, and sometimes murdered, all without having any chance of appearing before a court and appealing their situation.

Even in those countries where habeas corpus protection exists, it is not always effective. In the Chilean constitution, for example, there exists a legal concept called *recurso de amparo* (protective writ). The *recurso de amparo* serves much the same function as habeas corpus: it allows any-

one to petition the courts if they think a person has been unfairly imprisoned. However, it does not necessarily lead to a person's release but simply gives the court the opportunity to ascertain whether or not the prisoner is being legally held and not mistreated. During the 1970s and 1980s, the military-backed government of Augusto Pinochet arrested thousands of political opponents, many of whom "disappeared" forever. Their supporters filed habeas corpus writs on their behalf, but the courts, which supported Pinochet and his regime, ignored these writs.

The head of Chile's Supreme Court, Enrique Urrutia Manzano, dismissed the attempts at filing writs of habeas corpus, saying, "[the courts] have been inundated with a huge number of habeas corpus petitions filed under the pretext of arrests ordered by the Executive Branch. And I say pretext because most of the petitions are for persons, who, petitioners say, are disappeared—understand, not arrested—and in truth, these are individuals who live clandestinely within the country or who left the country clandestinely." Contrary to Urrutia's statement, many of those individuals were dead. Of the 5,000-plus habeas corpus petitions sought between 1973 and 1983, only ten were granted. Chilean laws protected prisoners from unjust seizure, but its courts refused to enforce those laws.

In other countries, habeas corpus laws are enforced but under attack. In the United States, for instance, habeas corpus has traditionally been a strongly defended right. In the last fifteen years, however, there has been a trend to erode its power. Supporters of the death penalty and others hostile to prisoners' rights have argued that habeas corpus slows down the carrying out of death-penalty sentences because prisoners can appeal to higher courts to have

their convictions or sentences overturned. Courts, state legislatures, and the United States Congress have all moved in the direction of limiting the right of habeas corpus. In 1996—in the wake of the Oklahoma City bombing—Congress passed the Anti-Terrorism and Effective Death Penalty Act, which limited prisoners' right to appeal their sentences. This sped up the process of executing prisoners—now they have fewer chances to appeal their sentences—but increased the risk that innocent people might be executed.

## CONCLUSION

It is worrisome that countries like the United States, usually seen as strong proponents of human rights, would be reducing the effectiveness of habeas corpus. Without habeas corpus and a strong judicial system to use it, individuals are at the mercy of unscrupulous or ruthless police and risk long prison stays without hope of freedom. The right of habeas corpus is both one of the oldest and one of the most important of all human rights.

*Carl Skutsch*

*See also:* Disappearances; Human Rights, Ethics, and Morality; Police and Law Enforcement; Political Prisoners; Prisons; Universal Declaration of Human Rights.

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# Health Rights

According to the United Nations Universal Declaration of Human Rights (1948), there is a human right to health. Article 25 of that document states: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

Some critics argue that the health article of the Universal Declaration of Human Rights offers the impossible. How, they ask, can health be guaranteed as a human right? But these criticisms lack validity. The article in the Universal Declaration does not carry with it the implication that governments can prevent illness or that never having a cold is an inherent human right. Rather, the article demands that everyone has the right to a standard of living that would allow for a reasonable chance of good health. Governments have an obligation to see that their people are not starving (and therefore vulnerable to diseases), that they have clean supplies of water, and that decent medical care is available when needed.

The means to fulfill the requirements of the right to health are not excessive, yet much of the world’s population does not have its right to health well protected. In poor countries, poverty leads to hunger and rampant disease. Contaminated water supplies can be even more deadly than starvation: in sub-Saharan Africa, more than half the people lack consistent access to safe water.

Throughout the Third World, medical care is poor, and sometimes not available at all.

In the affluent countries of the West, medical care is generally good and most citizens have their right to health reasonably well protected. But even in the West, there are exceptions.

Unlike many European countries and Canada, the United States does not have any universal health care system and instead relies on a combination of private insurance plans and a couple of government health insurance programs—Medicare and Medicaid—to fill in the missing health care gaps. But Medicare (which applies to the elderly) and Medicaid (which is only available to the very poor) do not give all Americans access to health care. Approximately 15 percent of the population is too poor to have a private health insurance plan, too well-off to qualify for Medicaid, and too young to get Medicare. As a result they go uninsured, and hope that they do not get sick.

Unlike the poor countries of the world, the lack of health care in the United States does not stem from a lack of resources. In fact, the United States spends a higher percentage of its gross domestic product on health care than any other industrialized country. The problem is that the bulk of that spending goes to benefit the top half of the income pyramid. While the wealthy get the best health care in the world, many of the rest get little medical care at all.

In many parts of the world, the mentally ill’s right to decent health care is also denied. Often, the mentally ill are packed in mental institutions that are little better than prisons.

in shorter lives. In the United States, about 22 percent of African Americans lack health insurance, compared to only 15 percent of whites; partly as a result of this disparity, whites live an average of six years longer than blacks. Comparing Third World life expectancies to those of the First World makes the disparities even more stark. Japanese live an average of eighty years; Americans, with their uneven health care coverage, live about seventy-six years; people in Zimbabwe have an average life expectancy of forty-four years—and there are a half dozen countries with even lower life expectancies.

Beyond the health problems caused by a lack of food and decent medical care, there are also fallouts from other human rights abuses. In countries like Colombia, Sierra Leone, or Sudan, where warfare is constant and brutal, many people see their health damaged by violence. Every single day, somewhere on the planet, children are stepping on hidden land mines and losing limbs and eyes, if they are lucky enough to survive.

For most people, the promise of a right to health laid out in the United Nations Universal Declaration of Human Rights is a right yet to be fulfilled.

*Carl Skutsch*

*Nine-year-old with AIDS in Kampala, Uganda.*

The AIDS epidemic helps to illustrate the way in which health care is unfairly distributed. In wealthy countries, a combination of drugs is available that can slow or even stop the progress of the HIV virus. In these rich, industrialized countries, these drugs are difficult for anyone below the middle class to afford. In the Third World, however, they are almost impossible to find because so few people can afford them.

The right to health is also connected to the right to life and to the existence of racial discrimination. Poorer health care results

*See also:* AIDS/HIV and Human Rights; Mental Health and Psychiatry; Poverty; Racism.

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# Housing Rights and Homelessness

Throughout the world, millions of people live in inadequate housing, such as cardboard shacks and houses made of crates or pieces of tin. Even in the United States, the richest country in the world, homeless people still sleep on sidewalks, covering themselves with newspapers to stay warm. To leave these people literally out in the cold seems to many a serious violation of basic human rights.

The human right to housing is entrenched in a number of international human rights documents such as the United Nations Universal Declaration of Human Rights (Article 25 [1]), the Convention on the Elimination of Discrimination Against Women (CEDAW) (Article 14[2] and 16[h]), the Convention on the Elimination of All Forms of Racial Discrimination (Article 5[e][iii]), the Convention on the Rights of the Child (CRC) (Article 27) and, perhaps most importantly, the International Covenant on Economic, Social and Cultural Rights (ICESCR) (Article 11[1]). The ICESCR states: “[These agreements] recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” The right to housing is a human right which should be ensured to all persons irrespective of income or access to economic resources.

The right to housing implies more than just the right to four walls and a roof over one’s head. As a human right, housing is an entitlement and should not be viewed as simply a commodity. The right to hous-

ing should be seen as the right to live somewhere in peace, security, and dignity.

The right to housing cannot be viewed in isolation from other human rights contained in international human rights instruments. For example, the Human Rights Committee, which monitors government compliance with the International Covenant on Civil and Political Rights, has recognized the links between homelessness and the right to life. The Committee on Economic, Social and Cultural Rights (which monitors government compliance with the ICESCR) has noted, for example, the link between the right to participate in public decision making and the realization of the right to housing. The United Nations Special Rapporteur on the Right to Housing (1993–1995), Justice Rajindar Sachar, stated in his first report: “The right to a secure place to live is a fundamental one. The sense of security, dignity, and community gained from being able to retain a home is an essential prerequisite for the pursuit and exercise of a variety of other human rights, including the right to choose one place of residence, the right to vote, the right to popular participation, the right to health, the right to a safe environment and other rights comprising a dignified life.”

Under international human rights law, in particular Article 11(1) of the ICESCR, the right to housing refers not just to “housing” but to “adequate” housing. There are a number of factors which must be taken into account in determining whether housing is adequate. In General Comment No. 4, “the most authoritative legal interpretation of the

*Homeless person in San Francisco, California. Homelessness remains a problem in the United States, 1996.*

right to housing,” the Committee on Economic, Social and Cultural Rights has developed the following factors which must be considered in assessing the adequacy of housing:

“Notwithstanding the type of tenure (rental accommodation, cooperative housing, lease, owner-occupation, etc.), all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. Governments should take immediate measures aimed at conferring legal security of tenure upon those persons and households lacking such protection, in

genuine consultation with affected persons and groups.”

The practice of forced eviction can be defined as the involuntary removal of individuals from their home or lands, directly or indirectly attributable to the state. The UN Committee on Economic, Social and Cultural Rights, which monitors compliance with the ICESCR, recently issued the following definition of forced eviction: “The term ‘forced evictions’. . . is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. . . .”

The issue of forced evictions has long been a matter of serious concern. The Vancouver Declaration on Human Settlements stated in 1976 that “major clearance operations should take place only when conservation and rehabilitation are not feasible and relocation measures are made.” In the 1988 Global Strategy for Shelter to the Year 2000, the General Assembly observed that governments have a “. . . fundamental obligation to protect and improve houses and neighborhoods, rather than damage or destroy them.”

The human cost and trauma of forced eviction on individuals, families, and communities cannot be overemphasized. Evicted people not only lose their homes and neighborhoods (in which they have often invested a considerable portion of their incomes), but also are forced to relinquish personal possessions, since often no warning or notice is provided before militia, police officers, bulldozers, or demolition squads destroy their settlements. Evictees often lose key relationships, such as those which provide a social safety net or survival network of protection and which allow many

daily tasks to be shared. Other negative results of forced eviction include homelessness; insecurity for the future, including lack of security of tenure; dislocation and isolation from community, family, and friends; economic hardship and the loss of employment and employment opportunities; violence against women; the removal of children from school; the confiscation of real and personal property; a decline in health (mental and physical); and physical injury and death.

The people who are targets of forced eviction are those with the least economic and political power in society. Included in this group are people with low income; women; indigenous populations; ethnic, religious, and racial minorities; occupied peoples; and others lacking security of tenure.

Women suffer disproportionately from the practice of forced eviction, especially given the extent of statutory and other forms of discrimination against women. This often occurs in relation to property rights (including home ownership) or rights

of access to property or accommodation, and the particular vulnerability of women to acts of violence and sexual abuse when they are rendered homeless.

Privatization and liberalization have become dominant economic trends throughout the world. It is commonly forgotten that these processes, which have generated so much wealth for the already privileged in society, sometimes also result in low-income people facing significant reductions in the availability of low-cost housing. As a result, large numbers of people are being evicted for non-payment of rent and are falling into homelessness.

*Centre on Housing Rights and Evictions*

*See also:* Hunger; Poverty.

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# Human Rights, Ethics, and Morality

The phrase *human rights* is of relatively recent origin. Only since World War II have people tended to discuss human rights. Before that they would usually speak of “natural rights” or “natural law,” but although the words have changed, the central idea is the same: that all people have certain basic rights. Human rights have been defined in many ways by numerous writers in myriad cultures. They tend to include the same rights: a right to life, a right to freedom, and a right to property. But where do such rights come from? Who grants humans their rights? Are they something natural, or something made by people?

It is important when discussing human rights to distinguish between moral claims that exist in all societies and legal defenses that may exist in a particular society. Legal rights are not necessarily the same as human rights; for example, the Nazi government in Germany in the 1930s had a legal system, but it did little to defend human rights.

A basic assumption when talking of human rights is that such things as rights actually exist; in other words, that there are human rights that we all share. While this may seem an obvious truth to some, it has not always been so. The idea of human rights—whether or not they exist and what they are if they do exist—has long been debated. This debate is the history of human philosophy. Parallel with philosophy, the world’s religions have also debated the existence of human rights. Religions have usually argued that all people are protected from harm by the decrees of God (or gods), and some religious leaders have, therefore, been in the forefront of the fight for human rights.

*Demonstrators in Boston, Massachusetts, protesting the effects of a new more restrictive welfare law, 1998.*

(Other leaders, however, have interpreted their scriptures less generously.) Both philosophers and theologians have tried to answer the same questions: What is the true system of morality or ethics (the words can be used interchangeably), and does it offer people any absolute human rights?

## WESTERN PHILOSOPHY AND HUMAN RIGHTS

The ancient Greeks were the originators of the Western philosophical tradition and therefore also of its tradition of human

rights. In the beginning, the Greeks, like most Near Eastern peoples, believed that proper behavior was decreed by the gods, not determined by people. You did what you did because the gods and the priests told you it was right and proper. In the sixth century B.C., however, this changed. Greek philosophers began to offer explanations of the world that did not include the gods.

In the fifth century B.C., the dominant Greek philosophical tradition was that of the Sophists. The Sophists denied the validity of traditional, god-derived morality, but they also denied that there was such a thing as absolute right or wrong. Each society had its own idea of right and wrong; none was any better than the others, hence, there was no such thing as universal human rights.

The first Greek philosopher to counter this moral relativism was Socrates (470–399 B.C.). Socrates argued that there were universal human values, and in these values could be found the moral rules that all people ought to follow. A good person, Socrates said, would try to determine what these universal values were. Plato (428–347 B.C.), his student, elaborated on this idea by developing a complex answer to the question of why one should do good. He argued that doing good and being virtuous did the most to give humankind a feeling of happiness, and therefore it was in the individual's interest to be a moral being. This argument, however, did not give human beings any particular human rights; it merely suggested that it was better for you if you treated others with respect. However, Socrates and Plato accepted a world in which slavery was normal and proper. Neither man suggested that slaves might have rights, or that slavery might be wrong.

A new idea in philosophy was developed by the Stoics, who followed a school of philosophy established by Zeno (335–263 B.C.), another Greek. The Stoics argued that nature provided the best guidance for people's behavior and that people should do their best to devise an ethical and moral system based upon nature. The Stoics were thus the inventors of the tradition of natural law in human philosophy. The Stoics argued that because nature had given all individuals reason (intelligence), all individuals should realize that they are all brothers and should treat one another with respect. Slave owner and slave were both equal in the Stoics' eyes. This idea that all humankind has the same rights is the beginning of modern theories of human rights. Stoicism was accepted by many non-Greeks, and was particularly popular among intellectuals in the Roman Empire. However, like Plato, the emphasis of the Stoics remained on the behavior of individuals rather than on their obligations to others.

After the fall of the Roman Empire in the fifth century A.D., ethical philosophy languished, overshadowed by discussions of Christian morality and ethics. The idea of rights was picked up again by philosophers in early modern Europe. Hugo Grotius (1583–1645), a Dutch philosopher and jurist, wrote *De Jure Belli ac Pacis* (*On the Laws of War and Peace*, 1625), in which he carried forward the Stoic idea of a natural law based on reason. Even before Grotius, an English legal tradition had developed arguing that all men had certain rights vis-à-vis the government. This tradition began with the Magna Carta (Great Charter), which King John I was forced to sign in 1215. The Magna Carta stated that Englishmen had certain basic

rights that the king could not violate: “No free man shall be taken or imprisoned or dispossessed, or outlawed or exiled, or in any way destroyed . . . except by the lawful judgment of his peers or by the law of the land.” These English rights were expanded upon by the Petition of Right (1628) and the English Bill of Rights (1689).

A key document in the history of human rights came a year after the English Bill of Rights was passed by Parliament. In 1690, an English philosopher and politician, John Locke (1632–1704), published *Two Treatises on Civil Government*, in which he argued a theory of human rights based on natural law. Locke, like the Stoics, argued that all people have reason, but he went further and said that human beings’ reason should tell them that they should not harm others because all humans were created by the same divine force, and therefore all shared certain rights. These rights, said Locke, were “life, liberty, and estates.” A right to life meant that no person should kill another without cause (Locke did allow for self-defense); a right to liberty meant that no person should be held against his or her will; a right to estates meant a right for individuals to have property and possessions. Government, Locke said, exists to protect these rights; a government which does not protect them is a bad government and may be overthrown or ignored.

Locke’s three rights became the foundation of the modern tradition of human rights. The philosophers of the Enlightenment, an eighteenth-century philosophical movement, used Locke’s ideas as a starting point for further explorations of human rights. Voltaire (1694–1778) advocated the right to practice the religion of one’s choice—or no religion at all. Cesare Beccaria (1738–1794) attacked the cruelties of eighteenth-century prisons,

saying that abuses such as torture were violations of basic human rights. Denis Diderot (1713–1784) wrote in his *Encyclopedia* that slavery violated human rights and that all slaves had “the right to be declared free.”

These ideas of basic human rights took practical form in the political documents of the eighteenth century. On July 4, 1776, Thomas Jefferson (1743–1826) wrote in the American Declaration of Independence: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.” Jefferson had taken his idea of human rights directly from John Locke; Locke’s “life, liberty, and estates” became Jefferson’s “life, liberty, and the pursuit of happiness.” Jefferson and his fellow supporters of independence from England believed that the American Revolution was justified because King George III had violated their basic human rights (although Jefferson, a slave owner, did not believe these rights truly belonged to all men; and he certainly did not believe they belonged to women). The United States Constitution elaborated on the Declaration of Independence in its first ten amendments—called the Bill of Rights—which stated that Americans possessed certain basic rights, including the right to speak freely, meet freely, worship as they pleased, bear arms, and be free from unreasonable arrest or searches of their homes.

Motivated by the same ideals, the leaders of the French Revolution published the Declaration of the Rights of Man and the Citizen (1789), which stated that “men are born and remain free and equal in rights,” and that “the aim of every political associ-

ation is the preservation of the natural and inalienable rights of man.” The rights outlined by this revolutionary document included many of the same ones included in the American Declaration of Independence and Bill of Rights, such as the right to worship freely and the right to be presumed innocent until declared guilty.

Some philosophers agreed that human beings should be treated as if they had rights but took a more abstract approach than that of Locke and the other proponents of natural law. Most famous of these philosophers was the German Immanuel Kant (1724–1804). Kant’s ethics made two key contributions to the idea of human rights. First, Kant argued that people, because they are rational agents (they make rational choices), must be treated as ends in themselves, not as means to an end, therefore, Kant believed that you could not harm a person merely because that harm might benefit other people. Second, Kant put forward what he called the “categorical imperative” (something which must be done): “Act only on that maxim which you can at the same time will to be a universal law.” In other words, only do those things that you would wish all people to also do. You should not kill or torture because you would not want all people to kill and torture. Kant’s categorical imperative closely resembles many religious commandments.

Not all philosophers agreed with these defenses of human rights. Jeremy Bentham (1748–1832), the founder of Utilitarianism, believed that the idea of natural or human rights was based upon imaginary wishes. People wanted to be treated as if they had certain rights and so they pretended that those rights actually existed. Bentham believed that natural human rights were a fiction. Bentham asked where these rights

were supposed to come from; nature existed, it did not give rights. Rights came from laws, and people, rather than nature, invented those laws. In a picturesque phrase, he argued that the idea of natural rights was “rhetorical nonsense, nonsense upon stilts.” In the nineteenth century, attacks upon the idea of natural rights continued, coming from both conservatives (who saw them as dangerously disruptive to society) and Marxists (who, like Bentham, thought the idea of rights foolishly idealistic). Those who attacked human rights tended to value the community over the individual. Bentham and the Utilitarians believed in the greatest good for the greatest number. Even if bringing this goal about caused particular individuals to suffer, the happiness of society was more important than the freedom of any one person. Similarly, the Marxists believed that government should serve the needs of the proletariat (the working class), not those of individuals, even individual workers. Taken to extremes, these ideas led directly to the totalitarian ideologies of the twentieth century, which completely ignored human rights.

The twentieth century saw both vicious attacks on, and renewed interest in, the idea of human rights. In the early part of the century, the prevailing trend in philosophy was to dismiss the idea of absolute human rights. The philosophical movement known as logical positivism (championed by A. J. Ayer) advocated that since moral statements could not be empirically proven to be true, they had no meaning or importance. The horrors of two world wars, which killed millions of people, many in ways that violated people’s instinctive belief in certain human rights, helped renew interest in a philosophy that included human rights. In the years since World War II, there has been

a renewed emphasis on applied ethics and attempts to defend the idea of basic human rights. Many modern philosophers support the idea of basic human rights. (Peter Singer, for example, a modern Utilitarian, has attempted to prove the importance of taking a moral stand on issues such as bioethics and asylum.)

### RELIGION AND HUMAN RIGHTS

Although the defense of human rights that is enshrined in many national constitutions throughout the world is rooted in Western philosophy, the philosophical tradition is not our only source of ideas on human rights. Many of the world's religions have been around much longer than philosophy, and for many people they offer a better defense of human rights than does philosophy.

One of the central problems of philosophy and human rights is the question of source: where do our rights come from? Religion solves this problem by having the rights granted by a higher power or powers. The answer to the question "why should I do good things?" is "because God tells you that you must."

The Judeo-Christian tradition has been central to defining human rights in the Western world. This ethical tradition has two sources, the Old Testament (called the Torah by Jews) and the New Testament. The Old Testament contains one of the central moral pronouncements of human history, the Ten Commandments, which, according to the book of Exodus, were given to Moses by God. The fifth commandment states: "thou shalt not kill." For many, the human right to life can be traced to this one short sentence. The Old Testament does not, of course, rule out all killing. Killing in self-defense

or for a righteous cause is both allowed and encouraged. Exodus tells the Jews to punish crimes with "life for life, eye for eye, tooth for tooth"; this justifies a morality of revenge, including the death penalty, which many human rights advocates reject. Still, although the Old Testament remains a contradictory source for human rights, it offers many statements—"thou shalt love thy neighbor as thyself"—which have fed a Western tradition of respect for human rights.

The New Testament, which covers the life and beliefs of Jesus Christ and the writings of some of his followers, expands on the Old Testament's idea of human rights. In the Sermon on the Mount, Jesus speaks to his followers and tells them, "do unto others as you would have them do unto you." This sentence is often called "the golden rule." The early Christians tended to treat all men as brothers, and therefore condemned both war and slavery. Some later Christians discovered defenses for both these practices within the Bible, but within Christianity there has always been a tradition—not universally followed—of opposing violence and injustice. During the wars of the twentieth century, many Christians refused to participate, citing the fifth commandment. These "conscientious objectors" were reviled by some patriots but saw themselves as continuing a long Christian habit of defending the right to life.

Other religious traditions also support the idea of human rights. Hinduism, the dominant religion in India, traces its roots back to the Vedas of the fifteenth century B.C. The Vedas are a series of songs, stories, and pronouncements that portray a world in which justice is inherent. Since morality is built into the fabric of the world, doing the right thing puts one in harmony



with the universe. Vedic commands include non-violence and social justice (helping the poor), both central to human rights. Jainism, an offshoot of Hinduism, is even more strict in its calls for non-violence. Jains argue that even violence against animals is wrong. Jains also say that good behavior requires that people not only avoid doing harm, but actively try and do good. Letting someone suffer is, for the Jains, as bad as hurting them yourself. Although a minority faith, Jainism is still practiced in India.

Buddhism is the other great religious tradition to grow out of India. Followers believe that Siddhartha Gautama, who lived in the sixth century B.C., was the Buddha, or Enlightened One, who was able to recognize the essence of proper human behavior. According to Buddhists, the road to Nirvana, or enlightenment, is to follow the eightfold path, which includes proscriptions against harming others or allowing them to come to harm. Like the Jains, Buddhists say that all life is sacred.

In China, the central philosophical tradition is that of Confucianism. Confucianism is sometimes portrayed as a religious system, but Confucius (551–479 B.C.) himself never claimed to be a religious leader. Instead, he saw himself as a teacher of ethics. The ethical system developed by Confucius puts all people into a social system with rights and obligations toward all others. Confucius wanted to create a world in which all people were treated with justice. One of the central defining statements of Confucianism is, “what you do not want done to yourself, do not do to others,” foreshadowing the golden rule of Jesus Christ.

Of course, even though all these religious traditions contain within them strong defenses of human rights, they have also been

used to justify great attacks on human rights. Their scriptures are complex and have been interpreted in many ways. In the early nineteenth century, Christians in the southern United States used the Bible to justify slavery, while Christians in the North used it to show that slavery was wrong. Each group chose their own verses and ignored those that contradicted their beliefs. Religion, like philosophy, has not been a consistent human rights advocate.

### WHAT ARE OUR HUMAN RIGHTS?

Out of these philosophical and religious traditions, what are the rights that all humans are supposed to have? There is, of course, no absolute agreement, but there are certain rights that have been accepted by a large number of people at the dawn of the twenty-first century. Some basic human rights include:

- right to life;
- right to liberty;
- right to property;
- right to privacy;
- equal treatment before the law;
- freedom of speech;
- freedom of religious worship;
- freedom from torture;
- freedom from cruel and inhumane punishment;
- freedom from discrimination, whether based on race, gender, religion, or sexual orientation;
- freedom of movement and residence;
- right to an adequate standard of living;
- right to education.

These rights are not universally accept-

ed by all societies, but they are accepted by many and are a starting place for a discussion of human rights. They are not completely consistent—what do we do if one person’s right to freedom from discrimination conflicts with another’s right to speak racist words freely?—but nothing in human society is consistent. In addition, the source of these rights is not completely agreed upon: are they legal rights, natural rights, or do they stem from religious teachings? As long as the idea of human rights is accepted by many, however, its exact origin may not be important.

*Carl Skutsch*

*See also:* Asylum; Bioethics; Conscientious Objec-

tion to Military Service; Freedom of Expression; Freedom of Religion; Habeas Corpus; Totalitarian Ideologies.

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# Humanitarian Intervention

It seems strange to link armies—which sometimes can cause so much bloodshed and suffering—with the idea of protecting human rights, but that is exactly what happens with humanitarian interventions: military troops are used specifically to protect human rights.

If some armies have a long history of being tools of oppression, others have been opponents of oppression. After all, it was the allied armies of the United States, the Soviet Union, and the United Kingdom that were given the task of destroying Adolf Hitler's repressive totalitarian dictatorship. And after Saddam Hussein invaded Kuwait, it required American and allied armies to free that country and its people. Sometimes repressive regimes can be deposed only by military invasion. A recent trend has emerged in which armies are being used to intervene in defense of human rights. Sometimes supported by the United Nations, sometimes organized by regional political alliances, nations have sent their soldiers into countries where egregious human rights violations were taking place in an attempt to stop them. These military actions are called *humanitarian interventions*.

The basic idea behind humanitarian interventions is that in cases in which a government is attacking its own people, threatening or stripping away their human rights, the only thing that can stop such action is the armed intervention of other governments. Normally this kind of invasion is contrary to international law, but when the human rights of large numbers of people are being threatened, advocates of humanitarian intervention argue that other coun-

tries have both a right and an obligation to intervene in order to stop those human rights violations. National sovereignty—the right of nations to be left alone by other nations—is ignored when crimes against humanity are occurring. The classic theoretical example of humanitarian intervention is one that never happened: the invasion of Nazi Germany. Few would deny that the world's nations would have been justified if they had invaded Germany in order to stop Hitler's elimination of the Jews and other people. Sadly, when the Allies finally entered Germany, it was far too late.

The most recent series of humanitarian interventions was triggered by the Bosnian civil war of 1992–1995. In Bosnia, the world watched with horror while ethnic Serbian militias forced Croats and Muslims out of their villages in a brutal process called “ethnic cleansing.” United Nations peacekeepers were sent but accomplished little. It was not until the North American Treaty Organization (NATO) launched air strikes in 1995 that the Serbs agreed to make peace. Foreign soldiers, including Americans, were then sent into Bosnia to keep the peace, and they have remained there into the twenty-first century. Despite the flaws of this intervention (most glaring being its long delay), it did manage to end the fighting and the accompanying human rights abuses, suggesting that armed forces could be used in the same way in the future.

Since Bosnia, there have been a number of other humanitarian interventions. Some have been more successful than others. A 1992 international intervention in Somalia was designed to stop the civil

*United Nations armored vehicles on a road in Croatia, July 1993.*

wars in that country and restore food deliveries to starving people. After some initial success, the intervention fell apart when American troops began to intervene in the local political situation and some troops were killed as a result. The Americans, upset at the loss of their soldiers (some of whose bodies were publicly dragged through the streets), pulled out in early 1994 and were followed by the other military intervenors. Somalia descended back in to chaos.

More successful was the 1999 intervention in Kosovo. Kosovo had been brutalized by years of Serbian oppression and human rights violations. In 1999, when it seemed the Serbs were bent on ethnically cleansing the entire province, NATO troops, led by the United States, launched a bombing campaign, which forced the Serbs to withdraw. An international peace-keeping force then moved into the province and has remained there, preventing any further Serbian violence against the Kosovars. However, some critics of the Kosovo intervention say that the American bombing campaign was itself a

human rights violation because it led to the deaths of Serbian civilians.

It seems perverse to use violence to stop violence, and there is an old adage that violence never solves anything. It is true that violence is a clumsy human rights tool, but sometimes it may be the only tool available. When facing regimes that wish to harm their own people or people living under their control, and who are not bothered by international outrage and condemnation, the only way to stop them may be to threaten to bomb or invade. If threats do not work, actual invasion or bombing may be necessary. In Bosnia and Kosovo, the people begged for military intervention. Surely, their requests must be taken seriously.

*Carl Skutsch*

*See also:* Armed Forces; War; War Crimes.

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# Hunger

Hunger is one of the worst crimes against human rights. Without food in your stomach, political rights such as the right to speak freely or the right to vote seem less relevant. The right to eat, along with the right to housing and health, are starting points for all other human rights.

Hunger and malnutrition can have two causes: either there is no food available, or there is food available that cannot be accessed by the deprived persons. Marginalized people, who are not given access to land, pastures, or fishing grounds, lack access to food because they cannot produce enough on their inadequate resource base. The yield per acre from the fields of the rich and the overall availability of food are irrelevant for them, if they are too poor to buy this surplus, and store food is useless if it cannot be obtained by those who need it.

There is no doubt, according to experts, that enough food is available (or could be produced), not only on a global scale, but also in almost every country—even in those where large numbers of people suffer from malnutrition. Many of the so-called poor countries produce more than enough food, not only for their internal markets, but even for export. These countries sell their food overseas because foreign markets can pay more than their own poor can pay. In a market economy, people who are too poor to exercise effective demand will not have food. Hunger and malnutrition today are normally not a question of food availability, but rather of poverty.

The right to food is part of a number of international conventions and declarations, including the following:

1. The Universal Declaration of Human Rights, 1948. This document declares, in Paragraph 25: Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food.”
2. The International Covenant on Economic, Social and Cultural Rights, 1966. This document states the existence of the “right to an adequate standard of living including food, housing, clothing.” Moreover, it recognizes the “fundamental right of everyone to be free from hunger.”
3. The Universal Declaration on the Eradication of Hunger and Malnutrition, 1974. The Universal Declaration on the Eradication of Hunger and Malnutrition proclaims: “Every man, woman, and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties.”
4. The Rome Declaration on World Food Security, 1996. This document states: “We the Head of State and Government, or our representatives gathered at the World Food Summit at the invitation of the FAO [Food and Agricultural Organization of the United Nations], reaffirm the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.”

Moreover, the right to food is mentioned in a large number of other international declarations and resolutions.

*Street children in Albania after begging for money and food, 1991.*

The International Covenant on Economic, Social and Cultural Rights came into force in 1976 and is valid international law for those states—some 140—who ratified it. Considering the large number of pronouncements by the international community on the human right to food, there are good reasons to claim that this right has even become part of customary international law.

*James R. Lewis*

*See also:* Housing Rights and Homelessness; Poverty.

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# Impunity

Imagine that Adolf Hitler were alive today, having committed all the crimes that he actually committed, but instead of being kept behind bars, he were allowed to live in a pleasant mansion, surrounded by servants and friends. This is impunity. And while Hitler is gone, there are many dictators and heads of state around the world who have tortured, raped, and murdered, and yet have not been punished. When a human rights violator lives with impunity, he enjoys freedom from prosecution no matter how severe his human rights violations. Whether he is a Serbian foot soldier who followed orders to rape and beat Bosnian Muslim women, or the Chilean General Augusto Pinochet who allegedly ordered his troops to torture thousands of Chile's citizens, when he lives with impunity, the perpetrator does not fear having to account for his actions in a court of law.

While most in the human rights community oppose this freedom from prosecution, and the international community has passed powerful global treaties calling for the punishment of human rights violators, a whirlwind of debate continues among politicians and the public that questions whether calling human rights violators to account for their actions is always in the best interest of peace and economic prosperity.

In some cases, critics argue, justice and peace may in fact be incompatible. In his essay, "The Precarious Triumph of Human Rights," David Rieff argues that in some instances amnesty laws, although they establish a culture of impunity, may be in the best interest of a nation when "continued conflict risks destroying a country, as was

recently the case in the Sierra Leone." Rieff admits that Sierra Leone's "Revolutionary United Front guerrillas committed the most unspeakable atrocities and war crimes . . . [yet] in the name of peace, the Government agreed not to prosecute. . . . In order to seize what was almost certainly Sierra Leone's only chance, justice had to be sacrificed. And as a result, a fragile peace reigns in Freetown for the first time since 1991."

But some human rights advocates argue that without justice, lasting peace and the rule of law cannot prevail. In her book, *Impunity and Human Rights in International Law and Practice*, Naomi Roht-Arriaza asserts that "any transition from authoritarian rule to greater democracy necessarily involves efforts to establish and promote the rule of law. Societies in which massive human rights violations occur with impunity are by definition lawless societies." Roht-Arriaza goes on to emphasize that "blanket amnesty and silence from the new government perpetuate the existence of a separate class to whom the rule of law does not apply. Continued impunity equally undermines efforts to establish legality." Many in the field of human rights argue that failing to enforce human rights norms undermines the very system of law a just form of government needs to exist. Human rights advocates also argue that when victims do not receive justice, their resentment toward the original perpetrators can fester and grow over time, causing lasting and sometimes increasing internal tension that can later manifest itself in further civil unrest.

When making decisions on whether to grant amnesty in the name of peace and

economic progress, governments tend to see peace as being good for the entire country, while they see attempts to seek justice and prosecute human rights violators as a good only for those who were tortured. As a result, amnesty laws are often passed, which claim to seek the greatest benefit to society in the form of peace and economic progress, even when they come at the price of injustice to the few.

One of the most important reasons the United Nations gave for establishing international human rights norms was that when human rights violations are committed, all of humanity suffers. The UN asserted that human rights violations are so abhorrent that they not only harm those tortured and their loved ones, but also the

entire state in which they occur, and, indeed, they harm the very essence of humanity. Therefore, when a state of impunity reigns, it is not simply those tortured who are denied justice, but all of humankind.

Prosecution of human rights violators by an outside state or an international court has a number of beneficial results. It reaffirms the rule of law, grants closure to those victims who are still alive, and fulfills the demands of justice.

There have been some signs that countries are becoming more willing to prosecute human rights violators. The recent court trials in England of former Chilean dictator Augusto Pinochet prove this. A Spanish judge attempted to have Pinochet arrested



and brought to Spain to be put on trial for his human rights violations. The Spanish judiciary aggressively pursued Pinochet's case through British courts, shaking his mantle of invulnerability.

Although the British government eventually decided not to extradite Pinochet to Spain, it justified its decision based on reports stating that Pinochet was medically unfit to stand trial. It did not deny the courts had the right to pursue human rights violators. Even though Spain was a third party in the legal conflict, and despite Pinochet's senator-for-life status in Chile—which he designed to provide himself with everlasting immunity and which his supporters hoped would grant him diplomatic immunity—England held that Spain still had jurisdiction to prosecute Pinochet.

While international law dictates that the first party responsible for bringing human rights violators to justice is the country where the violations took place, when those countries do not bring these alleged criminals to justice, the burden of enforcement

then falls on international tribunals and third-party countries. More and more, outside bodies such as Spain and the International Criminal Tribunals are stepping up to enforce human rights laws in their own courts of law.

Dictators and human rights violators are less secure than they used to be. The "Pinochet effect," as some journalists have dubbed the repercussions stemming from the Spanish lawsuit, means that impunity is in danger of being overturned.

Ross Hanig

See also: Extradition.

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# Indigenous Peoples

*Indigenous peoples* is a term used to describe the original inhabitants of a region or country. Peoples considered indigenous include American Indians, the Sami of Scandinavia, the Maori of New Zealand, and the Aborigines of Australia. The International Labor Organization, a United Nations affiliate, in its Indigenous and Tribal Peoples Convention, defined indigenous peoples as “peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.” However they are defined, the indigenous peoples of the world face unique threats to their human rights. Almost always outnumbered in the country where their ancestors were the first inhabitants, indigenous peoples face threats to their culture, their traditions, their political autonomy, and often their lives.

## BACKGROUND

The issue of indigenous peoples’ rights is relatively new. For most of human history, the idea that the original inhabitants of a land had any rights was not embraced by the invaders who conquered them; the indigenous peoples were expected to accept the laws and culture of their conquerors or face extermination.

Extermination, in fact, became the lot of many of the world’s indigenous peoples,

particularly during the waves of European conquests that spanned the sixteenth through the nineteenth centuries. When the Spanish came to the Americas, for example, they used the native Indians as slave laborers, killing off large numbers of them through overwork. The indigenous peoples of the Caribbean did not survive this organized slaughter. This is why some historians portray Christopher Columbus—who claimed the Caribbean for Spain—as an architect of genocide, rather than as the heroic discoverer of the New World. (In fact, some indigenous peoples’ advocates have even lobbied the United States Congress to change Columbus Day to Indigenous Peoples Day.) The Indians of Central and South America also suffered devastation, although not total annihilation. In the United States, vicious wars and cruel treaties wiped away much of the native population of North America. Similar stories can be told about the indigenous peoples of Asia and Africa.

In the early twenty-first century, the situation for indigenous peoples has changed slightly for the better. While the cultures of indigenous peoples are still under assault, the threat today is somewhat less deadly, coming usually from rapacious corporations rather than murderous governments. Nevertheless, the cultural devastation caused by the inroads of modern capitalism can be almost as devastating as the military invasions of the past. Unlike in the past, however, today’s indigenous peoples have some international defenders. The United Nations, with its tradition of defense of human rights, has been at the forefront of defending indigenous peoples’ rights and

has been joined by many private organizations dedicated to defending the human rights of indigenous peoples.

The roots of the United Nations' support for indigenous peoples' human rights can be found in the United Nations Universal Declaration of Human Rights (1948). Article 15 of that document states: "Everyone has the right to a nationality." In the years since the Declaration was first ratified, this human right to nationality has been recognized to include the right of indigenous peoples to maintain their own culture and heritage, even within the boundaries of states whose governments do not share that heritage. An American Indian has the right to maintain the language and traditions of his ancestors, just as a Maori has the right to preserve her culture, and it is the oblig-

ation of their governments—the United States and New Zealand, respectively—to protect those basic human rights.

Although a reasonable reading of the United Nations Universal Declaration of Human Rights gave indigenous peoples the right to maintain their own cultural integrity, there was at first no specific document defending their human rights under international law. A key event in the world's move toward recognizing the rights of indigenous peoples came with the United Nations-sponsored International Conference on Discrimination Against Indigenous Populations in the Americas, which took place in 1977 in Geneva, Switzerland. This Conference condemned all discrimination against indigenous peoples and called upon the world's governments to vigorously de-

defend the rights of the indigenous peoples living within their borders.

In a further step toward emphasizing the importance of human rights for these groups, the United Nations declared 1993 to be the Year of Indigenous People. Two years later, the United Nations declared 1995–2005 to be the International Decade of the World's Indigenous People.

## ISSUES

The United Nations' increased recognition of indigenous peoples' significance demonstrates the importance of the human rights issues of indigenous peoples. A central human rights issue is the right to exist as an autonomous culture. There are many threats to indigenous peoples' traditional cultures. Many governments, particularly in dictatorships or totalitarian states, prefer that all residents of their countries all live the same way and under the same laws. Indigenous peoples' attempts to maintain the traditions of their fathers and grandfathers and mothers and grandmothers run counter to this centralizing tendency. Even in societies, such as Western democracies, where individuals are allowed great freedom, indigenous peoples often find their cultures under attack. The lure of consumerism may make traditional methods and customs seem quaint or old-fashioned to a younger generation tempted by a media onslaught of advertising in which satellites can beam ideas and products onto television sets deep in the Amazon jungle.

A key organization in publicizing the human rights difficulties of indigenous peoples around the world is the World Council of Indigenous Peoples. The council attempts to unify the many indigenous peoples' movements around the world, and also

bring the plight of indigenous peoples to the attention of the industrialized world.

In a 1997 report created for the Rio+5 Meetings (a series of events which took place five years after the original 1992 United Nations Conference on the Environment and Development, popularly known as the "Earth Summit," in Rio de Janeiro, Brazil), the World Council of Indigenous Peoples laid out what it thought were the central human rights issues for indigenous peoples. In the council's opinion, the main element necessary for the protection of indigenous peoples' human rights was the active involvement of the government on the behalf of indigenous peoples: "National governments [and] local ministries must help to protect the rights of the Indigenous Peoples in their jurisdiction. This is essential to the continued survival of Indigenous Peoples."

The United Nations was already on record as agreeing with these sentiments. The 1989 Indigenous and Tribal Peoples Convention focused on the obligation of governments to defend indigenous peoples' human rights. Article 2 of the Convention states: "Governments shall have the responsibility for developing, with the participation of the peoples concerned, coordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity." The rights protected included "social, economic and cultural rights," specifically "social and cultural identity, . . . customs and traditions and . . . institutions." The Convention also emphasized the need to "eliminate socioeconomic gaps that may exist between indigenous [peoples] and other members of the national community." In other words, governments have an obligation to defend both the cultural rights and economic well-being of indigenous peoples living within their borders. Ar-

ticle 3 of the Convention emphasized that this was a human rights issue, stating: "Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination."

The United Nations' emphasis on government support recognized the reality that governments, while they can be a great threat to indigenous peoples' existence, are also often the best defenders of indigenous peoples' survival. Government support is critical because all too often large private corporations use indigenous peoples' political and economic weakness to take advantage of them and exploit their environment and their world. The movement of large multinational corporations into the jungles of Brazil and Myanmar (Burma) has resulted in the destruction of centuries old traditions and ways of life, the net effect being a kind of cultural genocide—a clear human rights violation.

Reparation is one issue that has become increasingly prominent in debates revolving around indigenous peoples. Many indigenous peoples have begun to suggest that they are owed financial compensation for the lands that were stolen from them by invading governments. This money would be used to make up for the suffering caused by centuries of human rights violations. The Indian peoples of the United States have been particularly active in this area, some of them even demanding damages in lawsuits against the United States government.

Even seemingly trivial issues can be important to indigenous peoples. The question as to what indigenous peoples should be called has long been debated. In the early days of the struggle for indigenous peoples' human rights, they were often labeled "savages," "natives," and, more kindly, "tribal peoples." All these labels were

offensive because they implied that these groups were primitive and lacked civilization. The labels, thus, were a form of racism, which is a form of attack on the human rights of its victims. Indigenous peoples went to great efforts to prove to the world that their cultures were not less civilized, but simply were different. If they did not follow all the practices of the industrialized world, they had their own traditions and values, which they considered equally valid and which they felt should be accorded equal respect. As a result of these efforts, the old labels were dropped and new ones adopted. "Indigenous peoples" has become the preferred label, but others that are popular are "first peoples," and "Fourth World" peoples.

Of all the human rights that might be accorded to indigenous peoples, the right of self-determination is perhaps the most important. Indigenous peoples with the right of self-determination can create their own governments, protect their own societies, and treat other governments on something approaching an equal basis. Not surprisingly, most governments are reluctant to grant the indigenous peoples living within their borders this basic human right. Self-determination may allow an indigenous people to break away from the nation within whose borders it exists, taking with it a large chunk of territory.

## INDIGENOUS PEOPLES AROUND THE WORLD

It is clear that governments have an obligation to protect the human rights of indigenous peoples. That this protection must extend to their cultural heritage and identity is also clear. How well they are currently succeeding at fulfilling these obligations is not entirely certain.

The treatment of indigenous peoples varies widely throughout the world. At one positive extreme are the Sami of Sweden, Finland, and Norway (the Sami have been called Lapps, but most modern Sami consider this a derogatory name). In Norway, Sami (who make up about 2 percent of the Norwegian population) are protected by law. The Norwegian government has established the Sami Rights Commission, whose purpose is to defend the political, economic, and cultural rights of the Sami. The Norwegian Sami even have their own political assembly, the Sameting, which has the right to legislate on matters of concern to the Sami. The Sami in Sweden and Finland have similar rights, including their own Sameting assemblies. Furthermore, the Sami of all three nations have combined with the Sami of Russia to form a Sami Council, which discusses issues of concern to all Sami, as well as representing the Sami in the World Council of Indigenous Peoples. Even so, life for the Sami has its disadvantages. They have seen their traditional way of life gradually fade away—few of them still herd reindeer—and every year fewer of their young people are learning to speak the Sami language.

Canada is an example of a nation that accords its indigenous peoples moderate respect for their human rights. The Canadian Indians, called the First Nations in Canada, make up 3 percent of the population and have some rights under the Canadian constitution. They can vote and have limited control over their own land reserves, which are substantially smaller than the reservations allotted to American Indians across the border in the United States. But funding for social services for the First Nations is limited, and partly as a result of this they suffer far more health and psychological problems (the First Nations suicide rate is six times

the national average). The Canadian government has also done nothing to make up for its previous policy of “extinguishment,” wherein First Nations lands were bought in return for small sums of money in an attempt to force the indigenous peoples into leaving their lands and being absorbed into Canadian society. Many legal experts have recognized this policy as being a violation of the First Nations’ human rights.

In Brazil, the situation of indigenous peoples is much more tenuous. The Brazilian rain forests are filled with many small tribes whose existence is threatened by the advance of capitalism. Not as well organized as the Sami or First Peoples, these tribes need government help to safeguard their human rights, and, for the most part, they are not receiving it. The Yanomami, for example, have had to deal with an influx of *garimpeiros* (independent gold miners), who have illegally invaded their lands looking for quick profits. A number of Yanomami have been murdered, while others have been exposed to European diseases, drugs, and alcohol and have died as a result. Other Brazilian tribes have faced similar incursions by tin miners, loggers, and rubber plantations. Government efforts to protect the rights of Brazil’s indigenous peoples have been limited, and it is quite possible that they and their cultures may disappear into the fabric of Brazilian life, victims of cultural genocide.

The indigenous peoples of Guatemala faced more than cultural genocide. For a period in the late 1970s and early 1980s, the military government of Guatemala carried out counterinsurgency campaigns against the native Maya peoples, which resulted in the destruction of several hundred Maya villages. The number of Maya killed remains unknown but is assumed to be large. Many observers accused the

Guatemalan government of being intent on destroying the Maya as a people. The restoration of civilian rule in 1985 led to an end of the military campaigns against the Maya, but they remain a people discriminated against. Even though ethnic Maya make up a majority of the population, they hold few political positions and suffer from high unemployment, poor educational opportunities, and lower life expectancies than other Guatemalans.

## CONCLUSION

The worldwide population of indigenous peoples is approximately 400 million, gathered in more than 4,500 different ethnic and cultural groups. Therefore, the human rights issues concerning indigenous peoples are very important.

Some countries grant indigenous peoples rights over their ancestral lands and territories. Many do not. Of those that do, few completely live up to their promises. The Scandinavian countries are nearly unique in their relatively generous treatment of their indigenous peoples. Other countries that grant their indigenous peoples some reasonable degree of autonomy and protection include the United States, India, and Australia. Unfortunately, the number of

countries whose policies on indigenous peoples resemble those of Brazil or Guatemala is substantially larger than those that follow the enlightened policies of Scandinavia. Myanmar, China, and Indonesia have all been cited by Human Rights Watch for their violations of their indigenous peoples' human rights. Even Japan, with its democratic values, has been criticized for its blatant discrimination toward the Ainu, the original inhabitants of Japan.

Obviously, the world still has a great distance to go on the road toward the granting of full human rights to its indigenous peoples.

Carl Skutsch

*See also:* Genocide; Universal Declaration of Human Rights.

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# International Bill of Rights

Because of the reluctance of the nations of the world to enter into any agreement that might compromise their own sovereignty, the United Nations Universal Declaration of Human Rights was promulgated as a resolution—passed in 1948—rather than as a treaty that would bind signers to honor the Declaration’s various provisions.

Although the Universal Declaration of Human Rights has been widely cited as an authoritative document, it was not until the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)—both adopted in 1966—entered into force that the international human rights movement really acquired teeth. These covenants were treaties, meaning that they had the binding force of international law. Although the covenants were proposed shortly after the Universal Declaration of Human Rights was adopted, Cold War politics prevented them from being ratified until 1976.

Collectively, these two covenants, together with the Universal Declaration, are referred to as the International Bill of Rights. While the Universal Declaration provided a more specific delineation of the rights outlined in the United Nations Charter, the ICCPR and the ICESCR further elaborated the content of the Universal Declaration. In addition to these three core documents, other documents are occasionally mentioned as being a part of the International Bill of Rights, such as the UN

Charter and the Optional Protocol to the ICCPR. In the Universal Declaration, the ICCPR, and the ICESCR the following rights are enumerated:

- Life
- Liberty and security of person;
- Freedom from discrimination;
- Protection against slavery;
- Presumption of innocence;
- Protection against torture and cruel and inhumane punishment;
- Protection against arbitrary arrest or detention;
- Humane treatment when detained or imprisoned;
- Protection of privacy, family, and home;
- Freedom of movement and residence;
- Freedom to own property;
- Freedom of thought, conscience, and religion;
- Freedom of opinion, expression, and the press;
- Freedom of assembly and association;
- Political participation;
- Free trade unions;
- Rest and leisure;
- Food, clothing, and housing;
- Health care and social services;
- Education;
- Self-determination.

From the very beginning of the international human rights movement, certain rights have been emphasized more than oth-



ers, such as the right to protection against torture and slavery. The UN has also amplified this list over time, with new agreements and resolutions designed to encompass important emerging areas of concern such as women's rights and environmental rights.

Although the International Bill of Rights is not a guarantee of rights—most of the world's countries ignore some of these rights, some countries ignore almost all of them—it sets a standard to which a nation's actions can be compared and judged. A world where all human rights are respected does not yet exist, but the International Bill of Rights provides a road map for reaching that goal.

*James R. Lewis*

*See also:* Universal Declaration of Human Rights.

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