

# INTRODUCTION

## RESPONSIBILITIES HAVE NO BORDERS

*"When the institutions of collective security respond in an ineffective and inequitable manner, they reveal a much deeper truth about which threats matter. Our institutions of collective security must not just assert that a threat to one is truly a threat to all, but perform accordingly."*

Report of the UN High-level Panel on Threats, Challenges and Change, December 2004

One of the defining events of 2004 happened in its closing days. On 26 December, in the seas off Indonesia, a powerful earthquake sent a series of deadly waves across the Indian Ocean, striking the shores of Indonesia, Sri Lanka, India, Thailand, Malaysia, Myanmar and east Africa. The devastation that followed was almost beyond comprehension. Nearly 300,000 people were killed, around 100,000 were missing and presumed dead, and over five million others were left homeless, hungry and at risk of disease.

The tsunami and its aftermath brought home our global interconnectedness and shared vulnerability. In a year in which "terrorism" dominated the international agenda, the disaster highlighted how the most devastating threats to security arise from a much greater range of sources than the suicide bomber. Whether environmental, political or economic in nature, today's most pervasive threats to human rights

and human security are international in scope – they cannot be dealt with exclusively by individual countries, but require globally coordinated action.

The global response to the tsunami was just as striking in its scale and impact. Unprecedented levels of empathy and solidarity were shown by people around the world towards those with whom they seemingly shared nothing more than space on the planet. Everywhere, people were united in grieving and giving. Media outlets, weblogs and other new and informal media instantaneously linked people to the events and each other. The actions and generosity of citizens and non-governmental organizations embarrassed donor governments into substantially increasing their promised aid and assistance.

At least initially, the worldwide reaction to the disaster was cause for cautious optimism about an emerging sense of global citizenship. There were signs of an increased awareness that only multilateral action can contribute to global shared security. As 2004 drew to a close, the international community appeared to have recognized that in this age of globalization, the responsibility to protect human security transcends the borders of the nation state.

However, the reaction to the tsunami of the international community, including the response of ordinary people, was painfully at odds with the failure to deal effectively with other global crises which throughout 2004 left comparable numbers of victims in their wake. Economic interests, political hypocrisy and socially orchestrated discrimination continued to fan the flames of conflict around the world. The so-called "war on terror" appeared more effective in eroding the international framework of human rights principles than in countering the threat of international



A man walks through the aftermath of the tsunami in the town of Banda Aceh, Indonesia.

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A fundraising event in Fuzhou, Fujian province, China, for victims of the tsunami.

"terrorism". The security of women facing gender-based violence in the home, in the community or in situations of conflict barely received attention. The economic, social and cultural rights of marginalized communities continued to be largely ignored.

**Armed conflict**

*"When we tried to escape they shot more children. They raped women; I saw many cases of Janjawid raping women and girls. They are happy when they rape. They sing when they rape and they tell us that we are just slaves and that they can do with us how they wish."*

A., aged 37, from Mukjar in Darfur, Sudan

The failure of the community of nations to address human rights crises appropriately and effectively was seen most clearly in Sudan's Darfur region, where another humanitarian tragedy on a vast scale unfolded throughout 2004. Unlike the tsunami, this tragedy was not one of nature; it was man-made. And in this instance, the international community made relatively little effort to stop or alleviate the suffering.

Throughout the year, countless women and girls in Darfur were raped, abducted and forced into sexual slavery by the Janjawid, nomad militias armed, paid and supported by the Sudanese government. The mass

rapes, including gang rapes of school children, were clearly war crimes and crimes against humanity.

The Janjawid, often dressed in Sudanese military uniform and accompanied by the Sudanese army, also burned villages, killed civilians and pillaged property and livestock. The Sudanese air force added to the suffering by bombing villages, while the security forces routinely tortured those in their custody, often by heavy beatings with hoses, whips or boots and sometimes by ripping out nails or burning with cigarettes. By the end of the year, the conflict had forced more than one and a half million people to flee their homes, their villages destroyed, their herds and possessions looted. Nearly every village in the region was devastated. During the final months of the year the scale of the crisis in Darfur escalated, with attacks on civilians mainly by government forces and government-supported militias, fighting between government and rebel forces, and attacks on humanitarian convoys.

The brutality in Darfur was a critical test of the ability of the UN to respond effectively to major human rights crises. And, again, the UN failed the test. "Safe areas" designated by the Sudanese government and the UN for the internally displaced of Darfur, for example, proved to be anything but safe. Monitored by the government's security and military intelligence, the displaced people remained vulnerable to arbitrary arrests, rape and killings by government security forces. When the El-Geer camp was bulldozed and residents were assaulted and tear-gassed, with UN and African Union (AU) representatives present, the protests of the international officials were simply ignored.

Meanwhile, three UN Security Council resolutions in less than six months showed the UN largely failing the people of Darfur. It appeared that human rights protection sat awkwardly with attempts to secure a peace deal for the North-South conflict. By adopting a resolution in November that failed to send a strong message that human rights violations would not be tolerated, it is likely that the Security Council created the impression that the Sudanese government could act with impunity. The deployment of the enhanced AU Mission in Darfur had not, by the close of 2004, resulted in improved security and protection for civilians. Nor had it acted as a deterrent to attacks.

Despite clear international awareness of the abuses being committed in Darfur, a long list of governments knowingly or unwittingly allowed arms to be sent to the country that were then used by the Sudanese government forces and allied militias to commit atrocities. Calls by human rights groups for an arms embargo to end military and related supplies reaching all parties went unheeded, and the establishment of an international investigation to examine evidence of war crimes and crimes against humanity was only agreed at the end of 2004. The international community had at its disposal tools that could have saved lives and prevented suffering; the simple truth was that it chose not to use them. Instead, the violence and abuse in Darfur illustrated, starkly and bleakly, the continued

failure of the UN Security Council – under strong pressure from some of its members – to prevent and punish crimes against humanity and war crimes.

In 2004 Darfur was not the only place where human rights became a casualty of the narrow interests of powerful states. The US-led military intervention in Iraq, justified in the name of security, left millions of Iraqis feeling deeply insecure as they faced widespread violence and growing poverty. In Chechnya, the conflict continued into a sixth year. Reports emerged of torture, rape and other sexual abuse of Chechen women by Russian soldiers. To cite just one case, 23-year-old Madina (not her real name) was detained by Russian federal forces on suspicion of being a suicide bomber. A mother with one child, she was kept incommunicado and allegedly tortured for two weeks at the Russian military base in Khankala. Madina told AI: "They warned me on the first day that I would be begging to be dead. But at that time I really wanted to live because I have my baby... I could not imagine that I would ask them for death... But on that day... exhausted, tired, breathless, I started to ask them to shoot me."

In 2004 people who had given up hope of securing justice in Russia and sought redress through the European Court of Human Rights found themselves deliberately targeted by the authorities, as did human rights defenders and activists who attempted to speak out within the region against injustice.

Half a world away, in Haiti, armed government opponents, led by men convicted of committing serious violations under the de facto military dictatorship of the early 1990s, attacked state institutions in February. Following the departure of President Jean Bertrand Aristide, a Multinational

Interim Force arrived, mandated by the UN Security Council to help ensure law and order and protect human rights. Even though disarmament of armed groups and the re-establishment of the rule of law were clearly essential to ensure the safety of civilians, neither the Multinational Interim Force nor the interim government made any credible attempts to initiate comprehensive nationwide disarmament programmes.

Individuals responsible for serious human rights violations in Haiti steadily regained positions of authority. Devastating floods, and further outbreaks of violence in September and October, underlined the need for the international community to tackle the humanitarian and human rights crisis in the country.

The human rights situation deteriorated in the Occupied Palestinian Territories. There was an increase in killings and destructions of homes by the Israeli army in the West Bank and Gaza Strip. Attacks by Palestinian armed groups against Israeli civilians continued.

The civil war in Côte d'Ivoire, meanwhile, was a reminder of how easily a country can lurch back into war if the root causes of conflict are left unaddressed. In November the Ivorian armed forces bombed the rebel-held town of Bouaké in the north of the country, breaking an 18-month ceasefire. In the aftermath, in the capital Abidjan, there were indiscriminate attacks and violence against civilians, notably French and other foreign nationals who had lived in the country in some cases for decades. The violence was fuelled by xenophobia and allegedly led to rapes of some French and other foreign women by Ivorian civilians. In response to anti-French demonstrations, French troops, who were under a UN peacekeeping force mandate, used excessive force against civilians, most of them unarmed,

A woman building a shelter in a camp for internally displaced persons in South Darfur, Sudan, September 2004.



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A man searches for relatives among the bodies of dead hostages at a morgue in Vladikavkaz, southern Russia. Nearly 350 people are thought to have died in the hostage-taking tragedy at a school in Beslan in September, when explosives were detonated in the school and in the ensuing shoot-out between hostage-takers, armed local civilians and security forces. Shamil Basaev, leader of a Chechen armed opposition group, claimed responsibility for the hostage-taking.



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and shot dead at least 15 of them. Other civilians were killed apparently while fleeing the shooting.

One of the major factors that fuels the continuation of wars is the proliferation of arms. Easy availability of weaponry and munitions tends to increase the incidence of armed violence, to prolong wars once they break out, and to enable grave and widespread abuses of human rights. The majority of current armed conflicts could not be sustained without the supply of small arms and light weapons and associated ammunition.

In Colombia's 40-year armed conflict, where rape and other sexual crimes have been committed by all parties to the conflict, military equipment, including large quantities of small arms, have been supplied in the past few years to the Colombian authorities by the USA, Israel, Brazil, France, Germany, Spain, South Africa, the Czech Republic and Italy. The failure to control the international arms trade has also enabled guerrilla groups to obtain large supplies of arms.

Most governments are still failing in their duty to take stringent measures to prevent the flow of arms to those

who openly flaunt international human rights and humanitarian laws. A comprehensive international framework of controls is needed to close the loopholes that allow weapons and munitions to get into the wrong hands. That is why AI has joined forces with Oxfam and the International Action Network on Small Arms (IANSA) in the Control Arms campaign, to work towards tighter controls, including an international Arms Trade Treaty.

Another characteristic of contemporary conflict is the role of powerful economic interests in fanning the flames and reaping the profits of conflict and militarization. As more conflicts are fought over natural resources in the future, the role of corporate actors will be all the more significant and decisive.

The role of external players in prolonging conflict can be seen starkly in the Democratic Republic of the Congo (DRC), where more than three million civilians have been killed or have died from hunger and disease since August 1998. This conflict has been characterized by illegal killings, torture and rape by forces on all sides, and by the intervention of other states and international

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Marchers flee gunfire in Port-au-Prince, Haiti, March 2004. Four demonstrators were killed after their calls for deposed President Jean Bertrand Aristide to face trial for corruption ended in violence.

**Tens of thousands of people demonstrate in Brazil to demand an end to gun crime.**

corporations in pursuit of their own interests, regardless of the human costs. Many countries have continued to supply arms to the DRC, often arranged and delivered by international arms brokering networks using circuitous routes to breach the UN arms embargo on the DRC.

In 2004, almost all of eastern DRC, where numerous armed groups are fighting for control of the land and its resources, remained under the de facto control of different armed groups or militia. Unlawful killings and torture persisted. Men, women and children were attacked with machetes, homemade weapons and small arms. Sexual violence was used as a weapon of war. There was extensive looting and destruction of homes, fields, schools, medical and nutritional centres, and religious institutions. All armed forces used children as soldiers.

2004 witnessed horrific levels of gender-based violence committed with impunity against women of all ages, including very young girls, in the DRC. A young woman who was twice raped during the DRC conflict told AI: "In the community they made such fun of me that I had to leave the village and live in the forest... I am hungry, I have no clothes and no soap. I don't have any money to pay for medical care. It would be better if I died with the baby in my womb."

The scale of rape has created a human rights and health crisis requiring both an immediate and a long-term response. Yet although tens of thousands of women, children and even babies, as well as men, were systematically raped and tortured in eastern DRC, the government and international community failed to develop an organized or comprehensive response to assist survivors.

### **Violence against women**

The DRC and Darfur were not exceptional in terms of the widespread abuse of women and girls. In other armed conflicts around the world, women and girls were raped or otherwise sexually attacked, mutilated and humiliated.

Those who committed the abuses were many and varied: soldiers of the state's armed forces; pro-government paramilitary groups or militias; armed groups fighting the government or at war with other armed groups; the police, prison guards or private security and military personnel; military forces stationed abroad, including UN and other peacekeeping forces; staff of humanitarian agencies; neighbours and relatives.

When AI launched its campaign to Stop Violence Against Women in March 2004, one of its pivotal aims was to end impunity for crimes of violence against women in conflict, building on the progress made by international tribunals and the International Criminal Court in identifying such crimes.

The campaign also seeks to demonstrate that the violence women suffer in conflict is an extreme manifestation of the discrimination and abuse they face in peacetime, when such attitudes contribute to the widespread acceptance of domestic violence, rape and other forms of sexual abuse against women. When political tensions degenerate into outright conflict, all forms of violence increase, including rape and other forms of sexual violence against women.



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Many of the conflicts of 2004 were based on perceived racial, ethnic, religious, cultural and political differences, and set community against community. In such contexts, sexual violence was often used as a weapon of war, with the torture of women being seen as a means to attack the community's "honour". Moreover, most of the conflicts were internal – between governments and armed groups, or between several competing armed groups, rather than between professional national armies. As a result, there was little chance that many of the atrocities suffered by women would be punished as it is notoriously difficult to hold armed groups to account for abuses.

During 2004, AI produced several reports to highlight different aspects of violence against women around the world. One focused on Turkey, where between a third and a half of all women are estimated to be victims of physical violence within their families. They are hit, raped and in some cases even killed or forced to

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Rape survivors gather to meet Amnesty International delegates in Kindu, Maniema province, Democratic Republic of the Congo, March 2004.

commit suicide. Young girls are bartered and forced into early marriage. Husbands, brothers, fathers and sons are responsible for most of these abuses. This violence is widely tolerated and even endorsed by community leaders and at the highest levels of the government and judiciary. The authorities rarely carry out thorough investigations into women's complaints about violent attacks or murders or apparent suicides of women. Courts still reduce the sentences of rapists if they promise to marry their victim, despite recent moves by the government to end the practice.

Another report issued by AI in 2004 looked at the trafficking of girls and women into Kosovo for forced prostitution. It showed that many of the young women and girls come from the poorest countries of Europe and are vulnerable because of economic deprivation or because they have already been physically abused. They dream of a better life, which the traffickers use when offering them "work" in the West. But instead of getting a proper job, they find themselves trapped, enslaved, forced into prostitution. With clients including international police and troops, the women and girls are often too afraid to escape and the authorities fail to help them.

In countries around the world, poverty and marginalization continue to fuel violence against women. Women have a higher incidence of poverty than men; their poverty is more severe than that of men; and increasing numbers of women are poor. While globalization has opened up opportunities for women, it has also had negative effects. It has left more and more women trapped on the margins of society. Such women find it extremely difficult to escape abusive situations and to obtain protection and redress.

When AI launched its Stop Violence Against Women campaign, it deliberately set out to work with local women's groups in their own countries as well as with the international women's movements in order to build a new constituency for human rights. Women throughout the world have organized to expose and counter violence against women. They have achieved dramatic changes in laws, policies and practices. Above all, they have challenged the view of women as passive victims of violence.

One of the achievements of women's rights activists has been to demonstrate that violence against women is a human rights violation. This changes the perception of violence against women from a private matter to one of public concern and means that public authorities are required to take action. The parallel development of international and regional human rights standards reinforces this accountability. Women's rights activists were central to ensuring that the founding statute of the International Criminal Court explicitly recognizes rape and other forms of sexual violence as crimes against humanity and as war crimes. In December 2004 the International Criminal Court announced that its first investigation would examine allegations of mass murder, summary execution, rape, torture, forced displacement, and the use of children as soldiers in the DRC.

AI's campaign to Stop Violence Against Women aims to show that women's self-organization, bolstered by the solidarity and support of the human rights movement, is the most effective way to overcome violence against women. The campaign is designed to mobilize both men and women and to use the power and persuasion of the human rights framework to end violence against women.

### 'Terror', 'counter-terror' and the rule of law

*"Then [the guard] brought a box of food and he made me stand on it, and he started punishing me. Then a tall black soldier came and put electrical wires on my fingers and toes and on my penis, and I had a bag over my head. Then he was saying 'which switch is on for electricity?'"*

Iraqi detainee, Abu Ghraib prison, 16 January 2004 (statement given to US military investigators, obtained by *The Washington Post*)

US President George W. Bush has repeatedly asserted that the USA was founded upon and is dedicated to the cause of human dignity. It was a theme of his speech to the UN General Assembly in September 2004. Yet during his first term of office, the USA proved to be far from the global human rights champion it proclaimed itself to be.

These double standards were perhaps most vividly captured by the appalling photographs from Abu

Ghraib prison in Iraq—a detainee, hooded, balanced on a box, arms outstretched, wires dangling from his hands with electric torture threatened; a naked man cowering in terror against the bars of a cell as soldiers threaten him with snarling dogs; and soldiers smiling, apparently confident of their impunity, over detainees forced into sexually humiliating poses.

The Abu Ghraib photographs prompted official investigations and reviews by the US authorities, but none was comprehensive in scope or had the independence or reach needed to investigate the role of the Secretary of Defense or agencies, departments or individual office holders outside the Pentagon. Moreover, a series of government memorandums that emerged after the Abu Ghraib scandal broke—which suggested that the administration was discussing ways in which its agents could avoid the international ban on torture and cruel, inhuman or degrading treatment—indicated that the US administration's stated opposition to torture and other cruel, inhuman or degrading treatment was paper-thin.

Throughout 2004, violence was endemic in Iraq, whether in the form of unlawful killings, torture and other violations by US-led Coalition troops and Iraqi security forces, or attacks against civilians and others by armed groups. Delivery of aid and reconstruction assistance was debilitated by the violence. Millions suffered the consequences of destroyed infrastructure, mass unemployment and uncertainty about their future. Dozens of hostages were brutally killed, some beheaded on film that subsequently received worldwide media attention. Criminal gangs kidnapped scores of Iraqis, especially children, for ransom. And there was little or no progress in bringing to justice those responsible for past and present human rights abuses.

Meanwhile, the main human rights body of the UN ignored the crisis in Iraq. In April, the UN Commission

on Human Rights decided to discontinue its review of the situation in Iraq at a time when monitoring, assistance and cooperation were of crucial importance to a successful transition from a brutal dictatorship to a government respectful of human rights. By doing so, the Commission showed yet again it had no stomach for confronting grave abuses of human rights in the face of intransigent governments.

In June, in a resolution unanimously adopted on the transfer of power in Iraq, the UN Security Council included a commitment by all forces in the country to act in accordance with international law, including their obligations under international humanitarian law. However, a crucial opportunity to make clear the specific obligations of the multinational force and the Iraqi authorities under international human rights and humanitarian law was missed. A proposal to state these obligations in unambiguous terms and include them in the binding part of the resolution was blocked by the drafters of the resolution—the USA and the UK—even though a majority of Security Council members supported the proposal.

Meanwhile, Afghanistan slipped into a downward spiral of lawlessness and instability. Anti-government forces, which were aligned to the Taleban, carried out violent attacks on election staff and aid workers. Throughout the country, levels of violence against women were extremely high, and there were ongoing allegations of human rights violations including torture and ill-treatment by the US military in US-managed detention facilities.

The human rights abuses in Iraq and Afghanistan were far from being the only negative repercussions of the response to the terrible events of 11 September 2001. Since that day, the framework of international human rights standards has been attacked and undermined by both governments and armed groups.

A former football pitch in Falluja, Iraq, now used as a graveyard for people killed since the US-led invasion of Iraq in March 2003.



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The USA continued to hold hundreds of foreign detainees without charge or trial in the US naval base in Guantánamo Bay in Cuba. The refusal of the US authorities to apply the Geneva Conventions to the detainees and to allow detainees access to legal counsel or the courts violated international law and standards and caused serious suffering to detainees and their families. The ruling by the US Supreme Court in June that the US courts have jurisdiction to consider challenges to the lawfulness of such detentions appeared to be a step towards restoring the rule of law for the detainees, but the US administration sought to empty the ruling of any real meaning in order to keep the detainees in legal limbo. The USA also failed to clarify the fate or whereabouts of detainees that it held in secret detention in other countries.

### **Death penalty statistics**

In 2004 at least 3,797 people were executed in 25 countries. At least 7,395 people were sentenced to death in 64 countries. These figures include only cases known to AI; the true figures were certainly higher.

As in previous years, the vast majority of executions worldwide were carried out in a tiny handful of countries. In 2004, 97 per cent of all known executions took place in China, Iran, the USA and Viet Nam.

By the end of the year, 84 countries had abolished the death penalty for all crimes. A further 12 countries had abolished it for all but exceptional crimes, such as wartime crimes. At least 24 countries were abolitionist in practice: they had not carried out any executions for the previous 10 years or more and were believed to have a policy or an established practice of not carrying out executions. Seventy-six other countries and territories retained the death penalty, although not all of them passed death sentences or carried out executions in 2004.

Such serious abuses carried out by a country as powerful as the USA created a dangerous climate. The US administration's unilateralism and selectivity sent a permissive signal to abusive governments around the world. There is strong evidence that the global security agenda pursued since 11 September 2001, the US-led "war on terror", and the USA's selective disregard for international law encouraged and fuelled abuses by governments and others in all regions of the world.

In many countries, new doctrines of security continued to stretch the concept of "war" into areas formerly considered law enforcement, promoting the notion that human rights can be curtailed when it comes to the detention, interrogation and prosecution of "terrorist" suspects.

The "security excuse", whereby governments curtailed and abused human rights under the cloak of the "war on terror", was particularly apparent in a number of countries in Asia and Europe. For example, thousands of members of the ethnic Uighur community

were arrested in China as "separatists, terrorists and religious extremists". In Gujarat, India, hundreds of members of the Muslim community continued to be held under the Prevention of Terrorism Act. In Uzbekistan, the authorities rounded up and detained hundreds of people said to be devout Muslims or their relatives, and sentenced many people accused of "terrorism-related" offences to long prison terms following unfair trials. In the USA, there have been reprehensible attempts by officials to argue that torture was not torture, or that the USA bore no responsibility for torture carried out in other countries, even if it had sent the victim there.

Despite widespread "counter-terrorist" measures aimed at securing nation states and their citizens, armed groups in many countries launched appalling acts of violence designed to increase levels of insecurity. The massacre of hundreds of people on their morning train journey to work in the Spanish capital Madrid in March, or the taking hostage of hundreds of families, including children, in the middle of a festive school event in Beslan, Russian Federation, in September, showed complete contempt for the most fundamental principles of humanity.

Governments have a duty to prevent and punish such atrocities, but they must do so while fully respecting human rights. Not only is it a moral and legal imperative to observe fundamental human rights all the more stringently in the face of such security threats, in practice it is far more likely to be effective in the long term. Respect for human rights and fundamental freedoms is not optional in efforts to defeat "terrorism". States' efforts to combat "terrorism" must be firmly and unconditionally grounded in the rule of law and respect for human rights.

The establishment of the International Criminal Court opens a number of new avenues for pursuing international criminal prosecutions, including against armed groups, although it will only be able to investigate and prosecute a limited number of cases itself. The continued opposition of the US administration to the International Criminal Court is therefore counter-productive to its own stated aim of countering "terrorism". The International Criminal Court needs strong political and practical support to be able to deliver justice for international crimes committed by armed groups or governments.

### **Economic and social insecurity**

The persistence of poverty – more than a billion people live in extreme poverty – remained perhaps the gravest threat to human rights and collective security. The fact that so many people live in inhuman conditions, and that the gap between rich and poor is widening between and within countries, directly contradicts the notion that all human beings are born equal in dignity and rights.

The Universal Declaration of Human Rights and international human rights treaties hold out the promise of a life with dignity, where every person enjoys an adequate standard of living and access to those essentials that give practical meaning to such a

Demonstrators in central Sydney protest against the Australian government's policies restricting the rights of refugees and asylum-seekers, October 2004.



© REUTERS/Tim Wimborne

life — including food, water, shelter, education, work and health care.

These fundamental economic and social entitlements must be recognized as rights on an equal footing with the right not to be tortured or arbitrarily detained. Until the corresponding obligations are built into public policy at the national and international levels, efforts to tackle poverty will remain tokenistic and ineffectual.

In several countries, economic and social rights have been invoked successfully in efforts to remedy injustices. For example, the human rights framework has been used to confront the forced eviction of slum dwellers in the Angolan capital Luanda and the political manipulation of food shortages by the Zimbabwean government. In 2004 AI supported efforts in these countries to claim the right to housing and the right to food.

AI's work throughout the year also highlighted how poverty, marginalization and exclusion deprive people of the conditions for enjoying other rights, including freedom of expression and access to a fair trial. The relative powerlessness of the poor leaves them vulnerable to the arbitrary exercise of state power, from repressive policing in urban shanty towns to the denial of access to essential public services.

The UN Millennium Declaration set a range of targets, later complemented by the Millennium Development Goals, which include halving extreme poverty, promoting women's equality and reversing the spread of HIV/AIDS by 2015. The Millennium Development Goals should be seen not as a limited aspiration for selected countries, but as an opportunity to advance a broader range of economic and social rights obligations which apply to all states and to the international community as a whole. They should

provide the context for promoting transnational obligations for human rights which should inform international decision-making on policy and practice in the fields of trade, aid and debt.

In 2004 these obligations continued to be woefully neglected in the international forums and global governance institutions charged with these matters. An indication of the relative neglect of economic, social and cultural rights was the slow progress made within the UN human rights system in adopting a new mechanism to hear complaints of violations of the International Covenant on Economic, Social and Cultural Rights. Despite renewed momentum generated by non-governmental organizations and sympathetic governments, such a mechanism remains a distant prospect.

Another indication of the shortcomings of existing global governance structures is the lack of acceptance that corporate actors have human rights responsibilities. December marked the 20th anniversary of the gas leak in Bhopal, India, which left 20,000 people dead and 100,000 living with chronic illnesses. Twenty years on, the tragedy and contaminated environment continue to ruin the lives of the surrounding communities. The companies involved, Union Carbide Corporation (UCC) and Dow Chemicals, have still not cleaned up the site or stopped pollution that started when the plant opened in the 1970s. Survivors are still waiting for just compensation and adequate medical care. No one has been held to account for the toxic leak. Dow Chemicals and UCC both deny legal responsibility, with UCC refusing to appear before Indian courts to face trial.

Businesses provide employment for countless millions of people and constitute the driving force in most national economies today. Companies therefore

exercise tremendous influence and power, and many businesses have a global reach. Corporate activities have significant effects on the human rights of those they influence. In many countries government regulation and enforcement are inadequate to protect individuals when corporate activities harm workforces or communities. National systems are often unable or unwilling to hold companies operating in their countries accountable. The complex structure of multinationals can create obstacles for local courts in exercising jurisdiction over abuses committed by a corporation with headquarters outside the country.

Most companies oppose any move towards binding international regulations, although many businesses operate across boundaries in a way that exceeds the regulatory power of any one state. Voluntary codes and initiatives such as the Global Compact, the international network in support of responsible corporate citizenship, can be useful in promoting good practice, but have failed to reduce the negative consequences of corporate behaviour on human rights.

In 2004 the process to codify the human rights responsibilities of transnational corporations and related business enterprises gained momentum in the UN.

**UN reform**

2004 revealed the inadequacy of the UN’s response to global human rights challenges, and the need for more effective and impartial mechanisms for human rights protection.

The UN came under strong criticism during 2004, some of it justified, some of it aimed at weakening the UN itself. AI believes that the role of the UN remains central to the protection and promotion of human rights, but needs to be strengthened through constructive reform of its human rights machinery. In

order to recapture people’s trust in the language of human rights, and to strengthen efforts to improve human security, the UN must reform. Governments must recognize that sidelining human rights creates greater insecurity, and greater scope for abuse.

The need for reform was recognized in the report of the UN High-level Panel on Threats, Challenges and Change – *A more secure world: Our shared responsibility* – published in December 2004. The report provides a critical opportunity to strengthen the UN and to re-establish the central importance of human rights and the rule of law in tackling complex global threats and challenges. The governments that make up the UN must use this chance to strengthen human rights protection and promotion in the UN system by giving human rights the authoritative position which the UN Charter requires and by providing the UN’s human rights machinery with the necessary political and financial support.

AI believes that the following reforms, among many others, are needed. In developing a comprehensive, principled "counter-terrorism" strategy, the UN must integrate human rights as a central component. The Security Council must be encouraged to address the human rights deficit in the work of its Counter-Terrorism Committee so that the instruments and measures it promotes remain strictly within a legal framework that is respectful of human rights.

The Security Council should invite the High Commissioner for Human Rights to participate routinely in relevant thematic and country debates. The High Commissioner has an invaluable contribution to make to the Security Council’s debates, including on the mandates of peace operations, on early warning, and on the effective implementation of human rights-related provisions in its resolutions.

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Residents of Bhopal, India, demonstrate for clean water, July 2004. Twenty years after a pesticide plant owned by Union Carbide leaked toxic gases, which killed thousands of people, a proper clean-up of the contaminated site has not been carried out.

A crowd in Barcelona's Plaza de Catalunya joins millions of other people in city centres across Spain to protest against the Madrid train bombings, March 2004.



The Security Council's Permanent Members should commit themselves not to use the veto when dealing with genocide, crimes against humanity, war crimes or other large-scale human rights abuses.

The Commission on Human Rights – the legitimacy of which has been undermined by the political manoeuvrings of its members – should be reformed to ensure the most effective protection and promotion of human rights in all countries at all times. Any proposal to expand membership of the Commission to include all UN member states should be undertaken only as part of a comprehensive strategy to strengthen the UN human rights machinery. Any institutional changes must ensure that the role of non-governmental organizations is maintained.

Governments should substantially increase financial support for the Office of the High Commissioner for Human Rights. The lack of sustained and adequate financial support (it receives only two per cent of the UN budget) has hampered the human rights programme's ability to attract the stable, professional resources that are essential for effective work.

The High-level Panel's report on UN reform discusses the issue of shared responsibilities towards human rights, but the debate is framed largely in terms of a duty to intervene militarily in the case of mass human rights abuses. AI believes that this narrow focus is both limited and dangerous. The international responsibility to respect, protect and fulfil human rights goes well beyond the use of military force in so-called humanitarian interventions and covers a much broader range of obligations. These include: taking early measures to prevent conflict; not selling arms to states that violate human rights; providing asylum to refugees fleeing persecution; and helping other states combat problems such as endemic inequalities, poverty and HIV/AIDS.

### A challenging year

Human rights activists had a difficult year in 2004. The disturbing pictures of torture in Abu Ghraib highlighted the need to defend principles once thought inviolable, like the prohibition of torture. The prevalence of horrific sexual violence against women in conflicts was a reminder of how rapidly men thrown into battle are dehumanized, and how consistently women and girls are targeted. The escalating levels of xenophobia in many countries showed the importance of confronting every manifestation of racism. These, and many other problems, revealed the scale of the challenges facing human rights defenders around the world.

However, there were grounds for optimism. Five countries – Bhutan, Greece, Samoa, Senegal and Turkey – joined the growing list of states that have abolished the death penalty for all crimes. Prisoners of conscience were released in several countries. The International Criminal Court continued to make progress, providing new hope of justice for victims of horrendous crimes.

Around the world, vast numbers of ordinary people demonstrated the power and influence of civil society. The World Social Forum in Mumbai, India, in January; the European Social Forum in London, UK, in November; the widening debate on human rights in the Middle East; and the protests on the streets of Ukraine in December, were all examples of solidarity in action. The millions who massed on the streets of Madrid to protest against the train bombings showed the power of ordinary people to mobilize, to claim their right to live free from fear, to repudiate the acts of the "terrorist", and to demand that their governments be truthful and answerable to the people.

Global activism is a dynamic and growing force. It is also the best hope of achieving freedom and justice for all humanity.

