

on Belgian soil. Later, however, Belgian appeals courts restricted the law's application to defendants already on Belgian territory, rulings that would effectively bar the prosecution of defendants such as Habré.

Human Rights Watch joined Belgian and international NGOs in a campaign to preserve the law, and helped victims from Chad, Rwanda, Guatemala, and elsewhere make their case. We argued that victims had taken great risks to file cases in Belgium and that it would be irresponsible to curtail the law now and leave the victims exposed. As of July, a political majority had coalesced to retain the law's essential features, but the Belgian Employer's Federation, with U.S. government support, was still lobbying to undermine the law.

In an exercise of universal jurisdiction, a Danish court on November 19 began proceedings against Nizar al-Khazraji, former chief of staff of Iraq's armed forces, for his suspected involvement in war crimes perpetrated in Iraq against Kurdish civilians during the 1980-88 Iran-Iraq war. He was charged with violating articles 146 and 147 of the Fourth Geneva Convention Relative to the Protection of Civilians in Time of War.

## **UNITED NATIONS ISSUES**

Throughout the year, Human Rights Watch played a frontline role in defending the United Nations' human rights system from attack. The 2002 session of the U.N. Commission on Human Rights proved to be one of the most difficult in memory, with a solid bloc of hostile governments seeking to protect each other from scrutiny and undermine the commission's capacity to spotlight abuse. Procedural motions were used to an unprecedented degree to prevent debate on countries such as Zimbabwe, and the reporting of special rapporteurs was severely curtailed on the basis of time pressures and budget constraints.

The United States, which in 2001 for the first time had not been elected as a member (but was reinstated at the end of the 2002 session), obstructed positive initiatives, such as a Mexican draft resolution on protecting human rights in the fight against terrorism. And European governments spent more time seeking to build consensus, both amongst themselves and with abusive governments, than galvanizing criticism where it was needed. Votes to censure Russia over its conduct in Chechnya and to extend scrutiny of Iran were defeated by narrow margins, and no member of the commission showed the political will to even introduce a resolution critical of China.

In an initiative led by Cuba, some of the most abusive governments launched a review of the commission's procedures, ostensibly to "strengthen and improve the effectiveness of its working methods," but in reality to undermine its ability to subject countries to human rights scrutiny and criticism. Human Rights Watch worked with a coalition of human rights NGOs to influence this process, mobilizing progressive governments from all regions to suggest positive reforms and defend the commission from attack. We lobbied for improved reporting procedures that would ensure better follow up to the findings of different treaty bodies and special rapporteurs and engage countries in more interactive debates.

The African Union's decision to nominate Libya, with its poor record on human rights, as the regional group's candidate to chair the 2003 session galvanized political attention to the crisis at the commission. Human Rights Watch called on African leaders to reconsider their decision and put forward a more positive candidate for the chair's election in January 2003, particularly in light of their commitments to human rights under the New Partnership for African Development (NEPAD). At the same time we engaged in dialogue with Libya and other governments to set clear expectations for the incoming chair. Human Rights Watch campaigned for the adoption of criteria for the election of commission members, particularly for key posts like the chair. These might include ratification of the major human rights treaties, full cooperation with the U.N. treaty bodies, and standing invitations to the U.N.'s special rapporteurs to conduct investigations on the ground.

The year saw another important transition with Mary Robinson stepping down as high commissioner for human rights, to be replaced by Sergio Vieira de Mello. Human Rights Watch encouraged the new high commissioner to use his outstanding diplomatic skills to build on Mrs. Robinson's important legacy, and to be a fearless voice for victims in the face of even the most powerful governments. We had a number of positive discussions and other communications with Mr. Vieira de Mello on priorities for his office, particularly in the light of challenges at the commission and in the context of the global fight against terrorism. U.N. Secretary-General Kofi Annan tasked the high commissioner with a comprehensive review of his office, the treaty bodies, and U.N. special procedures on human rights, which will be a major priority for Human Rights Watch in 2003.

Throughout the year, Human Rights Watch highlighted instances in which the fight against terrorism had been used opportunistically by governments to justify the repression of opponents or new curbs on refugees and foreigners. We urged the United Nations to ensure that human rights were integrated into the international response to terrorism, for instance in the work of the Security Council's counter-terrorism committee. We also encouraged the high commissioner for human rights, the treaty bodies, and special rapporteurs to examine the impacts within their mandates of counter-terrorist measures. Mexico showed positive leadership at the Commission on Human Rights and U.N. General Assembly by tabling resolutions highlighting these issues. While the draft resolution ended up being withdrawn at the commission, another version was passed by the General Assembly, affirming the importance of protecting human rights in the fight against terrorism and requesting the high commissioner for human rights to monitor and make recommendations on the human rights impact of counter-terrorist measures.

One of the most positive achievements of the year was the adoption of an Optional Protocol to the Convention Against Torture, establishing a system of inspection visits to prisons and places of detention worldwide. Human Rights Watch had campaigned tirelessly for the protocol with a coalition of NGOs during long years of difficult negotiations. A breakthrough was achieved at the 2002 session of the commission when Costa Rica presented a composite text which received broad cross-regional support. The text was actively opposed, however, by the United States, Australia, Israel, and Japan—along with more traditionally hostile

governments such as Cuba, China, and Iran. While the United States argued about the system's potential cost and compatibility with its own constitutional requirements, U.S. opposition appeared to reflect a deeper aversion to the development of international law, as seen also in the campaign against the ICC. (See above.) But the momentum behind this important initiative for the prevention of torture proved unstoppable and the protocol was adopted by a large majority at the U.N. General Assembly in November.

The United States also stood out against its allies at the U.N. General Assembly Special Session on Children in May 2002, where it sought to sideline the U.N. Convention on the Rights of the Child (which only the U.S. and Somalia have not ratified), and roll back previous international agreements to provide adolescents with sexual and reproductive health education and services. Human Rights Watch helped to bring together a coalition of more than one hundred national and international NGOs to press a broad range of child rights concerns, particularly the protection of children in armed conflict and from other forms of violence and exploitation. The session adopted a ten-year plan of action for children around issues of health, including HIV/AIDS, education, and ending violence, abuse, and exploitation. The U.N. also initiated a major new study on violence against children to be carried out over the next two years, which will help to open up an important new policy agenda for children's rights.

## HUMANITARIAN ISSUES

### Child Soldiers

The year also saw important developments in the international campaign to stop the use of child soldiers. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which prohibits the use of children under the age of eighteen as soldiers, entered into force on February 12, 2002. Human Rights Watch joined the international Coalition to Stop the Use of Child Soldiers in marking this important milestone, including by planting thousands of "red hands" (the symbol of the campaign) around the grounds of the U.N. complex in Geneva. By the time of writing, 111 states had signed the Optional Protocol and forty-two had ratified, laying the foundation for a global ban on the use of child soldiers. As part of the campaign in the U.S. on this issue, Human Rights Watch successfully pushed for Senate approval of the Optional Protocol.

The impact of armed conflict on children, including the recruitment and use of child soldiers, also received renewed attention in the U.N. Security Council. In November 2001, the Security Council passed Resolution 1379, its third major intervention on this issue. Significantly, it called for the secretary-general to present the Council with a list of governments and armed groups using child soldiers in breach of their international obligations. Human Rights Watch worked with the Coalition to Stop the Use of Child Soldiers to present the Council with a comprehensive submission, listing twelve governments and eighty-five armed groups in twenty-five