



## **Filling the Leadership Void: Where is the European Union?**

**By Kenneth Roth**

What government is today's champion of human rights? Washington's potentially powerful voice no longer resonates after the US government's use of detention without trial and interrogation by torture. The administration of President George W. Bush can still promote "democracy"—the word it uses to avoid raising the thorny subject of human rights—but it cannot credibly advocate rights that it flouts.

As America's influence wanes, China's waxes. Yet China is hardly a leader on human rights. Its growing economic power has enhanced its global influence, but it remains at best indifferent to the human rights practices of others. Unwilling to permit political pluralism or the rule of law at home, Beijing pretends that human rights are an internal affair when dealing with others abroad.

Russia, with its internal crackdown on independent voices and its dirty war in Chechnya, is going down the same perverse path. Its goal seems to be rebuilding a sphere of influence, especially among the nations of the former Soviet Union, even if that means embracing tyrants and murderers. Attempting to deflect criticism, President Vladimir Putin went so far as to dismiss human rights as "artificial 'standards.'"

In this bleak environment, the European Union and the world's emerging democracies could provide potential sources of human rights leadership. Each has made important contributions, but none is performing with the consistency or effectiveness needed to fill the leadership void.

With Washington's voice diminished, the European Union today should be the strongest and most effective defender of human rights. It is founded on human rights principles and aspires to greatness in global affairs. But as the EU grapples with its

enlarged membership, it is punching well below its weight. Its effort to achieve consensus among its diverse members has become so laborious that it yields a faint shadow of its potential. Union was supposed to enhance Europe's influence. Instead, when it comes to promoting human rights, the whole has been less than the sum of its parts.

The democracies of Latin America, Africa, and Asia, some long established but many new and insecure, have begun to stand up for human rights in certain international dealings. Despite moments of promise, however, these governments have yet to cooperate across regional boundaries to find an effective common voice. Too often, they show greater allegiance to their regional blocs than to their human rights ideals, greater solidarity with neighboring dictators than with the people whose rights they have pledged to uphold. This tendency played a particularly pernicious role in the United Nations' new Human Rights Council, which, far from improving on the discredited Commission on Human Rights, is threatening to repeat its disappointing ways, damaging the credibility of the entire UN system.

Every government these days seems to have a ready excuse for ignoring human rights. High-minded pronouncements occasionally ring from capitals or from ambassadors to the United Nations, but without the sustained follow-through needed for real leadership or change. Commitments are crabbed by caveats, engagements by escape clauses. Whether it is the lack of punitive consequences for Sudan's criminal campaign in Darfur, the EU's requirement of consensus before taking collective action, China's proclaimed deference to national sovereignty, Washington's preoccupation with Iraq and terrorism, or the developing world's sacrifice of human rights principles to regional solidarity, the excuses for inaction overwhelm the imperative of decisive action.

The trend is bleak, but not irreversible. Whether Washington's credibility gap is the temporary consequence of a particularly lawless administration or a long-term problem that will plague US standing for years depends in part on the new Congress—and whether it repudiates past abuses, presses for policy change, and seeks accountability for those responsible. No one pretends that such a turn-around will be easy when the architects of those abuses still control the executive branch,

but it is essential if the United States is to redeem its tarnished reputation as a defender of human rights.

Leadership will also be needed to steer China and Russia toward more responsible behavior. To a large extent, Beijing and Moscow are the beneficiaries of low expectations. As long as few insist that they uphold international standards at home or abroad, they have little incentive to do so. Their new economic strength—China’s booming market, Russia’s energy reserves—only reinforces their ability to resist what meager pressure is directed their way while discouraging other governments from even exerting such pressure. Meanwhile, China’s growing foreign aid program creates new options for dictators who were previously dependent on those who insisted on human rights progress. Changing this dynamic depends on treating China and Russia like countries that aspire to global leadership—on insisting that they respect human rights in their treatment of their people and their peers, and holding them accountable if they fall short. They must be convinced that the route to influence and respect is not through callousness and thuggery but through responsible global citizenship. But they can hardly be expected to improve if other governments’ commitment to human rights is so cheaply sold for energy contracts or investment opportunities.

In Latin America, while a few countries have actively resisted human rights scrutiny, others have played an increasingly important role in promoting the application of international standards. Rare glimmers of hope can be found in Africa and Asia as well. The world needs a true Southern defender of human rights—a nation that rejects reflexive regionalism as an anachronism, a throwback to an era in which authoritarian governments joined hands to deflect human rights pressure. Today, as a growing number of governments stand for periodic election and speak for the aspirations of their people, they should be guided in their dealings with other governments by concern for the same rights that their own citizens embrace.

As for the European Union, many of its members recognize the paralysis and are searching for solutions. The European experiment has helped to bring peace and prosperity to those lucky enough to live inside its borders, but the EU is falling woefully short of its promise as a defender of rights around the world. Some needed

changes might be relatively straightforward and swiftly implemented, such as modifying the flurry of rotating six-month presidencies to permit better accumulation of expertise and pursuit of long-term strategies. Some would require a change in tradition and bad habits, such as making EU institutions more transparent in order to minimize the gap between popular values and governmental action. Some changes are more fundamental, such as easing the requirement of unanimity for collective action in the sphere of human rights, to permit more timely and effective action around the world. All require EU governments to recognize that the status quo reflects an unacceptable abdication of leadership at a time when such leadership is in dangerously short supply.

## **The Human Rights Challenges**

There is no shortage of serious challenges to human rights requiring more effective global leadership. As recently as September 2005, the governments of the world, in an historic declaration, embraced the doctrine of the responsibility to protect people facing mass atrocities. That commitment has rung hollow, however, as Darfur remains synonymous with mass murder, rape, and forcible displacement while the international community has managed little more than to produce reams of unimplemented UN resolutions. The usual political cowardice when it comes to military deployments to prevent mass murder accounts for some of the inaction, but there has also been far too little pressure on the Sudanese government to accept a real protection force. Predictably, Khartoum responds to such spinelessness with rejectionism. As this report went to press in November, there were signs that the Sudanese government might relent somewhat, partly in response to new and welcome pressure from China, but it remained far from clear that Khartoum would permit the deployment of troops with sufficient mandate and capacity to stop the killings or that it would end its own murderous policies.

Part of the problem is that the US invasion of Iraq and the Bush administration's belated attempts to justify it as a humanitarian intervention made it easier for governments like Sudan's to build opposition to any forceful effort to save the people of Darfur. Similarly, the promotion of democracy, a central human rights goal, risks being discredited by the administration's equating it with regime change through military force.

Meanwhile, the importance of bringing mass murderers to justice is under attack, particularly in Uganda, where the murderers are trying to trade impunity for an end to their killing. Terrorism—the dangerous view that civilians can be legitimately murdered for political ends—remains acceptable in too many parts of the world. Iraq has degenerated into massive sectarian blood-letting, with civilians the principal victims. Ruthlessly repressive governments impose enormous cruelty on their people in North Korea, Burma, and Turkmenistan. Closed dictatorships persist in Vietnam, Saudi Arabia, and Syria. China is slipping backwards. Russia and Egypt are cracking down on nongovernmental organizations (NGOs), and Peru and Venezuela are considering similar steps. Iran and Ethiopia are silencing dissident voices. Uzbekistan is crushing dissent with new vigor while refusing to allow independent investigation of its May 2005 massacre in its eastern city of Andijan. In Zimbabwe, President Robert Mugabe would rather drive his country to ruin than tolerate a political opposition. Civil war is reigniting in Sri Lanka, intensifying in Afghanistan, continuing in Colombia, and threatening in Nigeria. Israel launched indiscriminate attacks in Lebanon during its war with Hezbollah, while Hezbollah often targeted Israeli cities with no military objective in sight.

The intergovernmental institution devoted to addressing these problems—the new UN Human Rights Council—has yet to show any real improvement over its ineffectual predecessor, the Commission on Human Rights. A central duty of the council is to pressure highly abusive governments to change. That requires a series of graduated steps that can lead to the deployment of human rights monitors or public condemnation. Yet in a mockery of the high principles of its founding, the council has so far failed to criticize any government other than Israel. The most it has managed to muster is an “interactive dialogue” with UN investigators and a planned “peer review,” forsaking its most powerful tool—collective condemnation by fellow governments. This failure threatens to call into question whether the United Nations is capable of upholding global human rights standards. Proponents of “coalitions of the willing”—the antithesis of the UN ideal of universal standards—will have gained the upper hand unless remedied by governments supportive of human rights.

## **The US Government: Compromised Credibility**

In the past, many would have looked to the United States to take the lead in addressing these challenges. Though never a consistent promoter of human rights, Washington has been a prominent and influential one. Yet its voice now rings hollow—an enormous loss for the human rights cause. Quite apart from the fallout of its ill-fated Iraq invasion, its credibility as a proponent of human rights has been tarnished by the abuses it practices in the name of fighting terrorism. Few US ambassadors dare to protest another government’s harsh interrogations, detention without trial, or even “disappearances,” knowing how easily an interlocutor could turn the tables and cite US misconduct as an excuse for his government’s own abuses. The cheapness of that excuse does not diminish its embarrassing effectiveness. Nor can consolation be taken in the fact that the United States is far from the world’s worst rights violator. The abuses it has committed have done damage enough.

The last year dispelled any doubt that the Bush administration’s use of torture and other mistreatment was a matter of policy dictated at the top rather than the aberrant misconduct of a few low-level interrogators. The administration claimed to foreswear torture but refused to classify mock execution by drowning—the classic torture technique now known as water-boarding—as prohibited torture. Despite the absolute treaty prohibition on cruel, inhuman, or degrading treatment, the administration claimed it could impose such abuse so long as the victim was a non-American held outside the United States—a position it abandoned only after the US Congress adopted the Detainee Treatment Act of 2005 by a veto-proof majority. Perhaps the low point came in September 2006, when President Bush offered a full-throated defense of torture, referring to it euphemistically as “an alternative set of [interrogation] procedures.”

In the face of these developments and of growing resistance to these illegal techniques by the uniformed members of the US military, the Pentagon in September adopted a new Army Field Manual on Intelligence Interrogation which prohibits coercive interrogation by its own forces. Yet the administration continues to insist on granting Central Intelligence Agency (CIA) interrogators the power to use these coercive techniques. The Military Commissions Act, adopted by Congress in September, reaffirmed the absolute ban on cruel, inhuman, or degrading treatment

but undermined enforcement by denying detainees the right to challenge their detention and treatment in court.

Of parallel concern is the administration's continued use of arbitrary detention as a tool of counterterrorism. It has distorted beyond all proportion the traditional power of warring parties to detain enemy combatants until the end of an armed conflict. Wielding the concept of a "global war on terrorism," the administration claims the power to detain, without judicial supervision, any non-American anywhere in the world as an "enemy combatant" and to hold him without charge or trial as long as it wants—even until the end of his life. The administration denies the need to establish any link between the detainee and actual participation in an armed conflict—a traditional restraint on this wartime power to limit due process rights. The most basic rights are in jeopardy when a government asserts such extraordinary power.

Indeed, the administration's arrogation of power extends even to the claimed authority to "disappear" people—to seize them surreptitiously without any acknowledgment, any lawyer, any Red Cross visit, any contact with the outside world. This odious practice, widely and correctly condemned by the United States in the past when practiced by other governments, leaves friends and family guessing why their loved one has disappeared and whether he or she is even alive.

These abuses committed in the name of counterterrorism have only aggravated the terrorist threat. The use of torture and arbitrary detention spurs terrorist recruitment in communities that identify with the victims. It alienates those communities from law enforcement officials who are trying to reach out to them for tips about suspicious activity—a far more important source of intelligence than statements squeezed abusively from a suspect. And it sacrifices the moral high ground while eroding the principle that laudable ends cannot justify despicable means.

This catastrophic path has left the United States effectively incapable of defending some of the most basic rights. The United States can still promote freedom of expression, association, or religion—where it largely practices what it preaches. But when it comes to such fundamental rights as freedom from torture and arbitrary detention, the hypocrisy renders effective advocacy all but impossible.

Chinese President Hu Jintao's April 2006 visit to Washington made this limitation evident. In a rare exception to his usual practice, President Bush mentioned the phrase "human rights," but he quickly specified that he meant "the freedom to assemble, to speak freely, and to worship"—all worthy goals, all freedoms that the United States itself respects, but hardly a direct confrontation of the Chinese government's use of arbitrary detention and abusive prison conditions to enforce its grip on power.

One might hope that this effective silencing of America's voice on human rights would be short-lived—the product of a particular administration's contempt for any constraint on its power. Much will depend on steps taken by a new Congress to remedy the administration's worst excesses and by a successor administration to reverse and punish them.

But the damage done is also more fundamental. Abusive governments now conveniently equate the advancement of human rights with "regime change" and the invasion of Iraq—an equation that Sudan has used with deadly effect to ward off pressure regarding Darfur. Some Americans are doing the same. Sustaining American will and capacity to promote human rights will require divorcing the militarism of the neo-conservative vision from the laudable quest for democratic governance. Popular support for defending human rights is likely to depend on separating the administration's imperial indifference to national boundaries—ostensibly in the name of human rights but in situations that fall far short of those justifying humanitarian intervention—from the essential duty to stand up for victims of political repression and other abuses.

## **China**

As US credibility on human rights diminished, China has often made matters worse. Its burgeoning economy and thirst for natural resources have led it to play a more assertive international role, but it has studiously avoided using that influence to promote human rights. Instead, it insists on dealing with other governments, in the words of President Hu Jintao, "without any political strings." Indeed, China's position on human rights ranges from indifference to hostility.



Concerns about hypocrisy and blowback might lie behind China's reluctance to defend rights that it routinely violates at home—such as those that sustain an independent civil society and the rule of law. Yet there are areas where such fears are less acute and should not constrain China. At least since the repression of the Tiananmen Square democracy movement, China has eschewed mass murder, let alone mass ethnic cleansing and crimes against humanity. China thus could credibly defend people facing such severe oppression, such as the people of Darfur or ethnic minorities in Burma. Yet it has done too little too late. Part of the explanation is its expressed ideological discomfort with what it calls “interference in the internal affairs” of other countries. Part is prioritization of its own quest for natural resource over the survival of people whose land yields those resources. Whatever the balance of considerations, China has done far less than it should.

There are signs that on certain matters, not always involving human rights, China's reluctance to meddle in others' affairs might be easing somewhat. In September, China seemed temporarily to suspend oil deliveries to North Korea because of Pyongyang's testing of a long-range missile. In October, after North Korea's first nuclear test, China reportedly threatened additional fuel suspensions until Pyongyang returned to the negotiating table. In November China's permanent representative to the UN, Wang Guangya, applied some, though insufficient, pressure on Sudan to agree to the deployment of a UN peacekeeping force in Darfur. China is also increasing the number of troops it offers to UN peacekeeping efforts.

Yet even though a UN Security Council resolution authorizing the deployment of a protection force in Darfur was premised on Khartoum's consent, China could bring itself only to abstain on the resolution, not support it. It is bad enough that China joined with other council members to reduce the international “responsibility to protect”—a doctrine aimed at preventing mass atrocities—to asking the murderers' permission to protect their victims. But China has made matters worse by refusing to use, or blocking, key sources of leverage to secure that consent.

Because China purchases a reported two-thirds of Sudan's oil exports and is the largest investor in its oil industry, Sudan's economy is booming, emboldening Khartoum to pursue its slaughter in Darfur and leaving it flush with funds to

purchase arms (sometimes Chinese) for the fighting. Cutting off that revenue would make Khartoum far more susceptible to pressure to stop the killing in Darfur and allow the deployment of a protection force. Yet while China has now shown itself willing to invoke oil sanctions with respect to North Korea, it is not known to have done anything of the kind for Darfur. Indeed, it has allowed the UN Security Council only to ban travel and freeze assets for four individuals—two rebel commanders, a Janjaweed militia leader, and a former army officer—none of them a senior government official. If China wants to avoid the impression that it is more interested in continuing the flow of oil to its growing economy (some 4 to 7 percent of which comes from Sudan) than in staunching the flow of blood in Darfur, it should step up its public efforts to press Khartoum to cooperate.

The problem extends beyond Darfur:

- China remains a source of investment and military supplies for Zimbabwe despite President Mugabe's war on his people—the mass eviction of some 700,000 urban poor perceived as potential supporters of the political opposition, the bulldozing of their homes, the routine arbitrary detention and torture of opposition supporters, and the destruction of the country's economy. By disrupting their access to treatment, the evictions have had a particularly devastating impact on tens of thousands of people living with HIV/AIDS.
- By making some US\$5 billion in no-strings-attached loans to Angola, China effectively undermined efforts by the International Monetary Fund to promote greater budgetary transparency to stop the government's looting of the national treasury—some \$4 billion from 1997 to 2002, the equivalent of Angola's entire budget for social programs during that period.
- After Uzbekistan's government forces massacred hundreds of demonstrators in Andijan in May 2005, China greeted the country's president, Islam Karimov, with a 21-gun salute and announced a US\$600 million oil deal. In 2006 China participated in joint military exercises with Uzbekistan and signed a two-year cooperation protocol.
- China is more concerned about stemming the flow of refugees from North Korea than stopping the grave threats to their lives caused by the ruthless

and economically incompetent government of Kim Jong Il. Despite North Korea's pervasive repression, China pretends that those fleeing North Korea are all economic migrants and refuses even to cooperate with the UN special rapporteur investigating human rights conditions in North Korea or to allow the UN High Commissioner for Refugees access to refugees congregating near the North Korean border. There is no evidence that China has exerted pressure on Pyongyang for its repression comparable to the pressure apparently exerted with respect to its nuclear and long-range missile tests. China does look the other way as some refugees flee through it to third countries, but it could do much more.

- China is the most generous supporter of the Burmese military government, showing more interest in securing access to a deep water port and Burmese natural resources than in supporting the rights of the long-suffering Burmese people. In many parts of southeast Asia, China is showering aid on rights-abusing governments.

China is not the first government to place its own economic and political interests above those of the world's poor and unfortunate. Imperial powers have long done the same and worse. But the Chinese Communist Party is, at least in theory, built on an ideology of looking out for everyone's basic needs. Beijing cultivates a profile of friend to the developing world. It prides itself on creating jobs and relieving poverty. Increasingly it is contributing foreign assistance. But some of its behavior runs counter to those principles.

The repressive governments it supports are crushing and impoverishing their people. Newly rich oil magnates in Khartoum may toast the Chinese from their posh cafes along the banks of the Nile, but the uprooted and destitute people of Darfur do not. Robert Mugabe may thank the Chinese government for his ability to cling to power, but the hundreds of thousands of Zimbabweans rendered homeless by his Operation Clean the Filth do not. The Burmese military, with Chinese help, is building a splendid new capital and enjoys access to a vast array of weapons, but the Burmese people live in squalor and fear. If China is to gain the international respect it craves, it must shun—not subsidize—these governments.

It is hard to believe that the Chinese government wants to be known as the supporter of tyrants, the exploiter of the impoverished. We would hope a government that eagerly sought the symbol of international fair play and cooperation—the Olympic Games—would not dispense with international solidarity when it comes to the victims of its tyrannical partners. But change will come only if China is called to task for its ugly actions. For decades, the Chinese government was so repressive, its global role so limited, that few looked for anything from Beijing but hostility toward human rights. China did not disappoint. Today, we can hardly expect better if no government is willing even to ask.

When pointedly confronted on human rights, the Chinese government has made some concessions. At his meeting with President Bush in April, President Hu said that, “on the basis of mutual respect and equality,” the Chinese government would be “ready...to promote the world’s cause of human rights.” By abstaining on Darfur, China allowed passage of UN Security Council resolutions authorizing the deployment of a UN protection force in Darfur and the investigation of atrocities by the International Criminal Court. It also, as noted, has applied some limited pressure on Khartoum.

Yet governments that are the traditional proponents of human rights are so busy cutting their own trade deals with China that they rarely voice concern about Beijing’s inhumane behavior at home or abroad. If they were true to their principles, they would condemn China’s rising role in global repression. Only by ensuring that China pays with its reputation for its misconduct is there any chance of encouraging better behavior.

## **Russia**

Russia has followed a similar trajectory. After the collapse of the Soviet Union, Russia was in too much disarray at home to play much of a role abroad. But as the value of its gas and oil reserves has soared and President Putin has consolidated power by neutralizing most other domestic centers of power, the Kremlin is flexing its muscles. Determined to reassert its dominance within the former Soviet Union, Putin’s Russia has cozied up to entrenched dictators such as Uzbekistan’s Islam Karimov, Belarus’s Alexander Lukashenko, and Turkmenistan’s Saparmurat Niazov, and done much to undermine democratic government in Ukraine and Georgia.

For example, on the eve of the first anniversary of Uzbekistan's Andijan massacre, President Putin demonstrated his political support of President Karimov by inviting him to Putin's holiday residence. At about the same time, the lower house of the Russian parliament ratified a military alliance treaty with Uzbekistan. Similarly, despite its considerable influence, Russia has not lifted a finger to ease repression in Turkmenistan, even when the victims are Russian citizens.

This behavior abroad is matched by Putin's conduct at home. He presides over military forces in Chechnya that continue to use pervasive torture and to "disappear" more people than security forces in just about any other country. He has the power to rein in his Chechen proxies who are behind most of these abuses, but instead he supports them unconditionally and heaps praise on their leader. His Kremlin has transformed most competing centers of power—the Duma, the provincial governors, the electronic media, the business community—into pliant partners. Nongovernmental organizations, one of the few remaining independent sectors, are threatened by new regulations that invite meddling and closures. Unidentified assailants have murdered high-profile independent journalists, such as Anna Politkovskaia, who was investigating atrocities in Chechnya, without any successful prosecution of the perpetrators.

Like China, Putin has paid little price for dancing with dictators. Few other governments refer publicly to his misdeeds. Their occasional grumbling is barely heard over their groveling for energy deals.

Russia will persist in its misconduct if it continues to get away with it. The Russian government aspires to global citizenship. Its membership in the G8 matters to it. But the world's most powerful democracies have not insisted that it earn its seat at the table. They rewarded Russia with the G8 chairmanship in July and let it host the G8 summit in St. Petersburg without any positive movement on its human rights record at home or abroad. Its desire to join the World Trade Organization, which seemed to be nearing fulfillment as this report went to press, depends on a willingness to play by global economic rules. But it is wrong for the world to accept Russia as a closed, authoritarian country so long as its markets are open. Turning Russia around will hardly be easy, but it will be impossible if no one even tries, and those in a position to speak out remain mute.

## Democracies in the Global South

One potential source of human rights leadership might be some of the democracies, both new and established, in the global South. Because these governments are non-Western, their rights advocacy could help to reinforce the fact that human rights are universal values. Because they often live in the neighborhood of abusive governments, their proximity could give them added clout. And because many have emerged from periods of extreme repression, whether colonialism, apartheid, or dictatorship, they could have special moral authority on human rights. Some Southern governments have begun to live up to their leadership potential, but principled stands for human rights have been too sporadic to fill the leadership void.

Latin American countries have generally supported efforts to strengthen international human rights mechanisms. Nearly all countries in the region ratified the Rome statute and joined the International Criminal Court, and many have resisted intense US pressure, including the threatened loss of substantial US assistance, to sign bilateral agreements that exempt US citizens from the ICC's jurisdiction. More recently several countries, most notably Argentina, Chile, and Mexico, actively supported the creation of the UN's new Human Rights Council. Mexico was then chosen to serve as the council's first president, largely because of the vocal role it has played in recent years in the international promotion of human rights. The Mexican government has been a forceful advocate for protecting human rights while fighting terrorism, drafting a resolution on the issue that the UN General Assembly unanimously adopted and pressing successfully for the creation of a post on human rights and terrorism within the Office of the UN High Commissioner for Human Rights. Argentina has also supported human rights protections within the UN system, using its seat on the Security Council to address human rights crises in Darfur and Burma.

However, there are important exceptions in Latin America. Cuba has categorically rejected all efforts to hold it accountable for its dismal human rights record. The Colombian government has campaigned aggressively to undercut the authority of the representative in Colombia of the UN High Commissioner for Human Rights. Venezuela has championed the view that national sovereignty trumps international human rights obligations.

Positive developments in Africa include Liberian President Ellen Johnson Sirleaf's call for the surrender for trial on charges of war crimes and crimes against humanity of former Liberian President Charles Taylor, to which Nigeria's President Olusegun Obasanjo ultimately acquiesced; and Senegal's President Abdoulaye Wade's belated agreement, at the request of the African Union, to begin moving toward prosecution for systematic torture of former Chadian President Hissène Habré. The African Union—an institution built on a commitment to democracy, human rights, and the rule of law—has also played an important role in Darfur, although its protection force of 7,000 was inadequate to the task without UN help which Khartoum has blocked. In addition, in June the African Peer Review Mechanism of the New Economic Partnership for Africa completed a report that was surprisingly critical of several aspects of Rwanda's poor human rights record—the beginning of what is supposed to be regular African commentary on African human rights problems. Ghana's human rights record has also been reviewed.

In Asia, South Korea has emerged as a consistent supporter of human rights efforts, so long as they are not directed toward North Korea, where Seoul seems more interested in averting a governmental collapse than precluding crushing repression of the North Korean people. Even there, in a significant shift, Seoul voted in November in favor of a UN General Assembly resolution on human rights in North Korea.

However, these governmental efforts on behalf of human rights remain the exception rather than the rule. At the Human Rights Council, an outdated sense of regional loyalty led several African and Asian governments that are ostensibly committed to human rights—Ghana, Mali, Senegal, South Africa, as well as India and Indonesia—to allow their positions to be dictated by the likes of Algeria and Pakistan.

India, the world's largest democracy and a potential leader, remains mired in a Cold War-era antipathy to the promotion of human rights abroad. It has not forcefully condemned Burma's dismal human rights record. It went so far, during a summit with China in November, to order Tibetan refugees not to publicly protest on pain of deportation. However, on the positive side, India overcame its longstanding allergy to outside involvement in South Asia and supported the deployment of a successful UN human rights monitoring mission which helped halt Nepal's slide toward disaster.

South Africa, having seemingly forgotten that it was the beneficiary of strong public campaigns against apartheid, continues to insist that only quiet diplomacy is appropriate for addressing Robert Mugabe's devastation of Zimbabwe's people. Mugabe himself was a strong opponent of apartheid, but South African President Thebo Mbeki seems to be putting respect for his former political ally ahead of respect for the human rights principles they fought for.

In sum, while democracies of the global South should be key partners in protecting human rights, they have yet to show themselves ready to fill the leadership void.

## **The European Union**

With the United States having largely disqualified itself from human rights promotion, China and Russia effectively undermining the effort, and the global South not yet bearing its share of the burden, it is imperative that the European Union rise to the occasion and assume a leadership role. After all, the EU is the world's leading collection of democracies, founded on a commitment to human rights and the rule of law. Yet the sad truth is that the EU is nowhere near picking up the leadership mantle. All too often, when the EU musters a statement about a human rights problem, it is delivered by a Brussels bureaucrat or takes the form of a written EU Presidency press release rather than a forceful public pronouncement by a head of state or foreign minister. Such statements are rarely followed by firm action or pressure to protect human rights. Due in part to structural problems and in part to a lack of political will, the EU's underperformance on human rights has left a gaping leadership hole.

The EU role at the UN Human Rights Council illustrates the problem. The United States did not even seek election to the council, a decision apparently based in large part on fear that it would lose. Much of the burden for making the new council live up to its ideals thus rests on the EU and its closest partners—governments like Australia, Canada, New Zealand, Norway, and Switzerland.

The council is evenly divided between traditional supporters and opponents of human rights enforcement, with several democracies in Asia and Africa holding the swing votes. By working with Latin American governments to join forces with these undecided voters, European governments could muster a working majority to



address such problems as the crimes against humanity in Darfur, the Uzbek government's murderous impunity, and Sri Lanka's reviving civil war. But the sad truth is that the spoilers—the abusive governments that, despite pledges to the contrary, seem to have joined the council to undermine it—have run circles around the Europeans and their allies. In a seeming daze, the supporters of human rights offered mainly defeatism and feeble excuses.

The EU and other governmental supporters of human rights never put forward a compelling vision for the council's treatment of abusive governments. They never did the needed outreach and lobbying to dissuade swing voters from following their spoiler-led regional blocs rather than their own stated human rights principles. They never called for a special session on Darfur or the deteriorating situation in Sri Lanka to expand the spoilers' fixation on Israel. Many supporters went so far as to take up the spoilers' refrain, "cooperation, not condemnation," as if the threat of condemnation for gross abuses had nothing to do with securing governmental cooperation in overcoming them. For these and other reasons, the council left an awful first impression.

### *Making Decisions*

The EU's clumsiness can be attributed in part to its cumbersome decision-making process. The need to cobble together a consensus among its 25 members (due to be 27 when this appears in print) tends to yield delays and a lowest-common-denominator position. It takes only one government with deeply felt parochial interests—Cyprus on Turkey, Germany on Russia, France on Tunisia—to block an effective EU position.

For example, Germany's new *Ostpolitik* is undermining a strong EU human rights position on Central Asia. In November 2006 Germany succeeded in its aggressive push to ease even the modest sanctions imposed on Uzbekistan following the Andijan massacre of May 2005 even though the Uzbek government took no meaningful steps to meet the conditions originally set for lifting the sanctions. Rather than allow an independent investigation into the massacre, as required, Uzbekistan has offered only "dialogue" and an "expert seminar" on Andijan. Meanwhile, its crackdown on those who dare to voice their dissent has been ruthless,

with a dozen human rights defenders convicted and imprisoned on politically motivated charges in 2006 alone.

To support its stance toward Uzbekistan, a country with huge gas reserves and a useful airbase to German troops in Afghanistan, Germany has argued that sanctions had failed to produce positive results—despite Germany having done everything in its power to undermine the sanctions from the moment of their adoption. The EU travel ban on high-ranking Uzbek government officials had barely been announced when Berlin permitted entry into Germany for medical treatment one of the architects of the Andijan massacre—former Uzbek Interior Minister Zokir Almatov—who topped the EU’s travel-ban list. When several of his victims’ families sought his prosecution at great personal risk, the German federal prosecutor refused to arrest him and would not even open a criminal investigation. Nothing that Uzbekistan has done justifies Germany’s capitulationist approach, yet Germany seems to be dragging the EU along, despite resistance from a sizeable group of member-states.

Germany has also taken the lead in presenting a weak EU position on Kazakhstan by lending unequivocal support to the country’s bid to chair the Organization for Security and Cooperation in Europe in 2009, rather than using Kazakh President Nursultan Nazarbaev’s desire for the leadership post as an opportunity to press for long-overdue, concrete reforms.

Similarly in Nepal, following the February 2005 royal coup, the Nordic governments wanted to condemn the coup forcefully and stop the military government from using EU aid. While Denmark in particular played a positive role, other EU governments, including France and Germany, weakened the EU consensus. Britain also pursued an independent, at times accommodationist policy, citing a historic relationship with Nepal. The result was that in the immediate aftermath of the coup the EU adopted a less than vigorous stance that left Nepali civil society feeling unsupported and discouraged.

The EU’s tilt toward the lowest common denominator reflects a preference for unity over effectiveness. Achieving a common position is understandably important for building a community of European nations. In addition, by banding together, EU

governments have more clout, and face less risk of retaliation, than if they proceed individually. But if the EU never acts beyond the wishes of its most reluctant member, it will most often end up doing little or nothing. Some more nimble and reasonable decisional process is needed. One option would be to allow a supermajority rather than unanimity to achieve a common foreign policy. But that would require each EU government giving up its prized veto over EU action and the sovereign prerogative that it implies. Yet the status quo also exacts a high price in terms of the repressed people of the world whose pleas for help the EU leaves unanswered.

Even within the requirement of unanimity, improvements are possible. For one, at the Human Rights Council, the EU seems to demand a consensus at an absurdly petty level. Rather than signing off on a strategy and having faith in EU representatives to pursue it wisely, EU members insist on signing off on each proposed resolution word by word. This micromanagement makes it impossible for the EU to respond effectively to changing circumstances or to engage in the quick diplomatic give-and-take needed to build majority alliances.

When human rights are at stake, the EU could also treat its common position as a floor rather than a ceiling. It is appropriate to insist that no government do less than the common EU position on key human rights issues, but why should no government—or group of governments—do more? There is no formal bar, and occasionally it happens, for example with respect to treaties on the International Criminal Court, anti-personnel landmines, and enforced disappearances. Denmark even suggested this approach with respect to Darfur. But too often EU governments use the lack of a strong common position to justify the lack of a strong national one. That may make sense on, say, a tax or trade issue, but to preclude national action for human rights, or action by a group of nations, beyond a minimal consensus is callous—a prioritization of the collective over the effective. It suggests that the EU, despite its ideals, despite its lofty pledges, has ultimately decided that a weak uniform defense of human rights is more important than a vigorous varied one.

One welcome exception to the unanimity rule was the decision in November 2006 by 14 EU member-states to co-sponsor a resolution on Uzbekistan at the UN General

Assembly after attempts to reach an agreement among all 25 failed. More such initiatives are needed.

Our aim is not to return to a pre-EU era of 25 separate foreign policies. There is strength in numbers. The relative weakness of the European presence in Afghanistan—where many governments pursue their own bilateral projects without the leverage and reinforcement that would come from a more coordinated approach—highlights the costs of such disarray. Although the EU mission in Kabul is well informed, its member-states hardly use it. As a result, Germany’s police reform was not coordinated with Italy’s judicial reform (the latter ended in 2006). Governments with provincial reconstruction teams do not synchronize their development work. EU participants in NATO’s military operations impose their own bilateral restrictions—German troops will not directly engage insurgents to protect civilians, British troops will not take action against drug runners even if they are supporting the insurgency, Dutch troops are reluctant to hold detainees—that stymie efforts to provide a secure environment for the Afghan people. Yet there are times when strong action by few would be better than weak or no action by many.

Even when a common position is reached, the EU’s insistence on speaking and working almost exclusively through its “presidency” often undermines its clout. At the Human Rights Council, the tradition of the EU speaking once through its presidency, rather than allowing member governments to chime in to second the common position, leaves spoiler nations who have learned the value of repetition to dominate the debate.

More fundamentally, it is difficult to imagine a less effective way to maintain continuity or build expertise than the EU’s rotating blur of six-month leaders. Sometimes, as in the case of Finland’s presidency during the critical first six months of the Human Rights Council, the government seems to be in over its head and to view its job as consensus-forging rather than leadership. Other times, better resourced governments take the reins, but even they must squeeze an agenda into an abbreviated six-month period. The tradition of the incoming presidency as well as the European Council and Commission maintaining a role in a presidential “troika” mitigates this self-imposed handicap somewhat, but not nearly enough. Leadership

rotation reaffirms the equality of all EU members, but the refusal to assign long-term responsibility to governments—thus undercutting the possibility of their developing expertise and long-term strategies—is a recipe for dysfunction. In some cases, such as negotiations with Iran over its nuclear program, the EU has taken steps to overcome this disability by appointing a permanent strong troika of Britain, France, and Germany to represent the EU. But similar steps have not been taken with respect to important human rights issues.

To overcome this liability, the EU should recognize that its diverse membership could be an asset rather than a procedural problem. Its 25 members have a diversity of experiences and relations with the rest of the world which could be harnessed through long-term “troikas of expertise” or “troikas of effectiveness” rather than rotating “troikas of the recently arrived.” The EU’s clout would be greatly enhanced if, rather than sending a new generation of fresh faces every six months, the same three governments kept showing up at a trouble spot year after year, representing a continuity of concern and a determination to follow through.

EU effectiveness on human rights is also hampered by a lack of transparency. The promotion of human rights will often bump up against other governmental interests. Developing and pursuing a human rights strategy in the back room makes it difficult for the public to know how the EU resolves such clashes—particularly since so many key decisions are taken in Brussels rather than national capitals, and so few involve open parliamentary debate. Governments may find it convenient to avoid embarrassing public scrutiny, but the consequences are felt in the EU’s weak human rights commitments and mediocre performance.

These procedural failings cannot fully explain the EU’s failure of leadership on human rights. Much of the problem is due to a simple lack of political will. Promoting human rights can be costly and difficult, and many governments do not want to bother—at least beyond lip service. But whether procedure or commitment is to blame, the EU’s credibility as a principled promoter of human rights is at stake.

To examine EU leadership on human rights in more detail, it is useful to look at its response to several sets of challenges: the major powers of China, Russia, and the

United States; crises such as Darfur; other human rights problems; and human rights issues within the EU itself.

### *On China*

With respect to China, the EU has steadily muted its human rights critique, relegating most public comments to bland written statements that are easily ignored. The EU maintains a periodic human rights “dialogue” with China, but mid-level officials carry it out, headed each time by a representative of a new presidency, with no apparent benchmarks to measure progress from meeting to meeting, and no tangible results. By contrast, Beijing has developed a team of dialogue specialists to deflect criticism and obstruct any impetus for reform. As a result, dialogue remains ensconced in the foreign ministry without the public airing that might jeopardize China’s reputation and spur change.

The dialogue’s insignificance was highlighted at the time of the most recent EU-China summit, held in Helsinki in September 2006, with Chinese Prime Minister Wen Jiabao in attendance. On behalf of the EU presidency, Finland’s ambassador to Beijing, Antti Kuosmanen, stated that human rights would “not be a dominant point” at the summit and that human rights were a “sensitive and delicate issue ... because we are dealing with values.” In a stroke, the EU relegated universal human rights standards to the realm of subjectivity. Predictably, business and security issues dominated the agenda, as they did during Wen’s later visits with British Prime Minister Tony Blair and German Chancellor Angela Merkel, as well as French President Jacques Chirac’s subsequent visit to Beijing.

Similarly, in October the EU’s External Relations Commissioner Benita Ferrero-Waldner and Trade Commissioner Peter Mandelson urged a “comprehensive reframing” of the EU’s relations with China but never mentioned human rights. Their proposal could be summed up as putting profits ahead of principles.

One area where this lack of pressure on human rights has been felt is internet freedom. With no help from the EU (or, for that matter, the United States) to resist Chinese pressure, internet companies have engaged in a race to the bottom, doing the Chinese government’s dirty work as web censors.

There have been a few bright spots in EU-China relations on human rights. German Chancellor Merkel, in Beijing for her first summit with Chinese leaders, took time out to meet with Chinese activists addressing the problems and unrest of the countryside. Despite Chinese lobbying, the EU resisted lifting its arms embargo on China imposed after the bloody crackdown in Tiananmen Square in 1989—a rare case in which the consensus rules facilitated a strong human rights position because the embargo, originally imposed without an end date, requires a common position to lift. But with China eager to have the embargo ended before the 2008 Olympic Games, the EU still has not articulated the conditions that must be met—such as a transparent and credible investigation into the Tiananmen killings—and thus has squandered a potential source of influence.

### *On Russia*

EU policy toward Russia is dominated by Germany, which will assume the EU presidency in the first half of 2007. Berlin's new *Ostpolitik* reflects an apparent determination to engage at any cost, with no strings attached. As Russia's most important and respected interlocutor, the German government squanders its influence by seeming to assume that achieving energy security—a major European priority—is incompatible with challenging Russia's disturbing human rights record. German reluctance to engage critically with the Russian government may also be influenced by feelings of guilt due to the millions of Russians who died because of the German invasion of World War II, although why today's victims of Russian oppression should suffer because of their ancestors' plight is never explained. The EU has held semi-annual human rights "consultations" with Russia, also at a low diplomatic level, but human rights have not featured prominently on the broader EU-Russia agenda. As with China, the EU periodically responds to individual cases or events such as the new Russian law on NGOs, but human rights rarely enter the public discourse of senior officials. Atrocities in Chechnya have essentially been forgotten, with no public demands for accountability or even a word on the fate of the "disappeared."

As during her trip to China, German Chancellor Merkel made a point of visiting Russian human rights defenders at the time of her first summit with President Putin. She has also spoken about the importance of human rights and the rule of law in

Russia. But no other European leader matched her statements or gestures, and they were not reflected in any common EU position. France's President Chirac even awarded Putin the Grand Cross of the Legion of Honor. By contrast, on four occasions in 2006, the European Court of Human Rights found Russia responsible for violating the right to life because of the role of Russian troops and their proxies in the forced disappearance of people in Chechnya. European leaders are missing an enormous opportunity presented by these court rulings to press Russia to curb abuses and end impunity.

### *On the United States*

As for the United States, the EU has a mixed record. US detainee operations in Europe made European governments complicit in torture, arbitrary detention, and forced disappearance. Evidence suggests that Poland and Romania allowed the secret detention of "disappeared" suspects on their soil. While the US Congress did nothing to investigate these operations, the European Parliament launched an inquiry. The temporary parliamentary committee (TDIP) found it "utterly implausible" that these activities could have occurred without the knowledge of European intelligence or security services. It found similar official complicity in the apprehension of suspects on European soil and their rendition to governments that systematically torture, while also finding the US Central Intelligence Agency "clearly responsible." But Poland has stonewalled in the face of revelations of its complicity, refusing to cooperate with various investigations into the secret detention centers.

An Italian court, by contrast, has been more vigorous, issuing arrest warrants for CIA agents and their Italian accomplices who were allegedly responsible for the 2003 abduction of Osama Mustafa Hassan Nasr, known as Abu Omar, and his rendition to torture in Egypt. In November, in what it described as a "natural rotation," the new government of Prime Minister Romano Prodi replaced the head of the military intelligence services SISMI, who is under investigation for his role in the abduction. But the real test for Italy will be whether the government forwards the court's extradition requests to the United States, and whether it releases information regarding its possible prior knowledge of the kidnapping.



As for US conduct outside of Europe, the EU has not offered any high-level public comment on the findings of the UN Committee against Torture about US complicity in torture and other abusive interrogation. And it took the EU years—not until the EU-US summit in June 2006—to call collectively for the closure of the US detention facility at Guantanamo Bay. That appeal was preceded by similar ones from Britain, Germany, and Spain. Yet the EU has refused to make the humanitarian gesture of taking in Guantanamo detainees whom the US is willing to release but who cannot be returned to their native lands for fear that they might be tortured there. It was only non-EU member Albania that ultimately agreed to resettle five Uighur detainees who were freed from Guantanamo but could not safely be returned to China, as well as allowing Egyptian, Algerian, and Uzbek detainees.

### *On Darfur*

In addressing the enormous crisis in Darfur, the EU likes to trumpet the funds it has sent to support the underequipped and understaffed African Union force (AMIS). However, it has done little to persuade Khartoum to accept the better equipped and staffed UN protection force that the UN Security Council approved in August. The EU imposed an arms embargo on Sudan during the north-south civil war, but has done nothing to enforce the embargo since the Darfur conflict began. Preferring engagement, EU members have resisted freezing assets and banning travel for senior Sudanese officials responsible for the Darfur slaughters. Far from matching US trade sanctions toward Sudan, the EU has seen its, and particularly France's, trade with Sudan increase sharply. That Khartoum has made no progress in disarming the murderous Janjaweed militias or holding accountable those responsible for atrocities, as the EU and UN have demanded, has done nothing to spur the EU to a more vigorous response.

Part of the problem is that Britain and France, as permanent members of the UN Security Council, have insisted that EU policy on Darfur be set in New York rather than Brussels. To its credit, the EU—especially Germany and France—played the key role in the Security Council's establishment of a commission of inquiry to examine atrocities in Darfur and the later referral of Darfur to the International Criminal Court. But the important task of achieving justice for victims is no substitute for immediate action to stop today's murder, rape, and forced displacement. As for enlisting others to pressure Khartoum, the EU raised Darfur with China in advance of the China-Africa

summit in November 2006, and German Chancellor Merkel discussed Darfur in her meetings with Chinese and Russian leaders, but the effort to enlist China and Russia in pressing Khartoum to accept a UN protection force and reverse its brutal policies in Darfur has not been sufficiently sustained or intensive to make a difference on the ground, where Khartoum and its Janjaweed proxies persist in attacking civilians with impunity.

### *On Other Human Rights Issues*

There are many other countries where the EU has dropped the ball on human rights. Sometimes business interests have played an important role.

- In Burma, the EU provides assistance to the democracy movement in exile. It is also a critic of the Burmese government and has imposed limited sanctions. However, several EU members—Britain, France, Germany, the Netherlands—have sizeable trade and investment interests in Burma, a disturbing fact given the Burmese military’s use of forced labor in many sectors of the economy. At a time when Burma’s neighbors have become outspoken critics, many powerful EU states are relatively passive. EU countries even saw fit to invite the Burmese foreign minister to the Asia-Europe (ASEM) summit in September.
- In Thailand, the EU responded firmly to the military coup in September 2006 that overthrew Prime Minister Thaksin Shinawatra. But during Thaksin’s five-year tenure, the EU expressed concern only quietly about deteriorating rights conditions—including some 2,500 extrajudicial executions in Thaksin’s war on drugs, the suppression of media freedom, a brutal counter-insurgency in the south, and the downgrading of refugee protection. Meanwhile, the EU sought a free trade agreement with Thailand.
- In the Middle East, the EU, which has human rights clauses in its trade and cooperation agreements with most countries, should have played a more active role on human rights. The main exception has been its support for an international investigation into the 2005 car-bombing murder of former Lebanese Prime Minister Rafik Hariri.

- In Ethiopia, the EU strongly protested government abuses in the course of the hotly contested 2005 elections in Ethiopia. It also backed those words with some action, withholding or re-channeling more than US\$375 million in direct multilateral budget support to the Ethiopian government. However, there has been no visible EU follow-up in addressing Ethiopia's continuing major human rights problems such as the repression of political opponents and the beating, rape, and extrajudicial killing of members of the Anuak ethnic group in the Gambella region of Ethiopia.
- The EU played a positive role in pressing Nigeria to surrender former Liberian President Charles Taylor for trial before the Special Court for Sierra Leone, based on charges that he committed war crimes and crimes against humanity by supporting the murderous Revolutionary United Front in Sierra Leone. But when the Special Court for Sierra Leone asked that the trial be moved to The Hague because of security concerns associated with Taylor's being held in Freetown—a concern seconded by Liberia—the EU dawdled. The International Criminal Court promptly offered its facilities, and the Netherlands agreed on the condition that another government commit to detain Taylor if convicted. But at a time of potential instability in West Africa, Taylor's transfer was held up for weeks while the EU sought such a government. Britain finally stepped forward.
- The government of Tunisia, intolerant of any entity that criticizes its record, has for years blocked a series of grants that the EU approved to the independent Tunisian Human Rights League, as well as grants that the EU wishes to make to other independent organizations. Yet the EU has failed to publicly protest this ongoing practice except in the mildest terms.

None of this is to deny that sometimes the EU plays a positive role, especially when it comes to fielding operational missions.

- It has played a key part in forging a peace agreement in Aceh and mobilizing a monitoring team, although it has not pressed the Indonesian government to

leave open the option of bringing those responsible for atrocities during the war to justice.

- A European force sent to the Democratic Republic of Congo in advance of the October 2006 elections provided an important boost to the efforts of the UN peacekeeping force to maintain security, although Germany's insistence on bringing soldiers home for Christmas risked reducing troop strength at a time when political tensions over disputed election results remained high. The risks were underscored by a new revolt in eastern Congo at the end of November 2006.
- In October 2006 a European Parliament committee rejected a proposal put forward by the European Commission for an interim trade agreement with Turkmenistan, stressing that the parliament would approve such an agreement only when "clear, tangible, and sustained progress on the human rights situation is achieved" in Turkmenistan.
- Six thousand EU troops keep the peace in Bosnia, where the EU is expected to take sole responsibility for a scaled-down international civilian presence in mid-2007.
- In Kosovo, the EU is planning to take the lead in the international civilian mission that is expected to deploy in 2007 when the territory's status is determined. Its focus will include justice and policing.

Similarly, the EU can be a strong force for human rights through the accession process, where the requirement of unanimity for action tends to raise the bar for the candidate state—since any EU member can object that the candidate has not done enough to improve its human rights record—rather than stymie the projection of EU influence. That positive influence was felt most forcefully over the past year in the Balkans, notwithstanding Brussels's failure to focus sufficiently on domestic accountability for war crimes in the region. In the recent past, it has been felt in Turkey as well, although the increasing reluctance of several EU governments to admit Turkey on any terms has now undermined much of the power of the stated human rights criteria for accession.

But these positive exceptions do not substitute for the lack of policy coherence that handicaps the EU's response to some of the most important human rights challenges of our time. Finding a firmer and more consistent voice on human rights is essential if the EU is to play a much-needed global leadership role.

### *On Human Rights at Home*

Policy on human rights issues within the EU has been particularly disappointing when it comes to the treatment of migrants and asylum seekers. The EU's determination to stem the flow of migrants at all costs has led it to ignore migrants' rights and narrow their right to seek asylum in Europe from persecution in their homelands. In January 2006, the Asylum Procedures Directive entered into force with its requirement that all member-states turn back asylum seekers from an EU list of "safe countries of origin." Lack of consensus about which countries should figure on the list—many of the proposed ones offer dubious safety—has so far held up implementation, but several member-states already follow their own national lists of safe countries.

In its effort to "internationalize" migration management, the EU has allied itself with repressive regimes such as Libya, a launching pad for thousands of migrants seeking protection and work in Europe. Libya-EU cooperation on migration is one-dimensional, focusing exclusively on blocking access to Europe, with little concern for the rights or refugee claims of migrants. On the eastern border, the EU signed a readmission agreement with the Ukraine in October requiring it to readmit third-country nationals seeking protection in the EU, despite continuing concerns about Ukraine's abusive detention practices and barely functioning asylum system. The two-year "grace period" before such returns commence is hardly enough time to set the Ukraine's beleaguered system right. Spain, which in 2006 received the lion's share of arrivals by sea, is pursuing readmission agreements with countries such as Senegal and Mauritania.

Most EU governments appropriately address terrorism offenses through the normal criminal justice system, but their cutting away at procedural guarantees for terrorism suspects risks damaging the entire edifice of the rule of law. The UK passed a law that increased pre-charge detention from 14 to 28 days, and is debating whether to try again to increase it to 90 days. The Netherlands, in pending counterterrorism

legislation, is poised to increase its pre-charge detention from three to 14 days. As of January 2006, terrorism suspects in France may be held up to six days in police custody with extremely limited access to counsel while police interrogators can question detainees at will.

Some EU members seek to avoid criminal prosecutions at home by deporting or extraditing terror suspects, often to places where they are at risk of torture. The UK has insisted on detaining suspects without charge and attempting to send them back to countries such as Libya and Jordan on the basis of flimsy promises of humane treatment from those governments. It justifies this breach of international law as necessary to fight terrorism, yet it has not empowered its prosecutors to introduce court-authorized wiretap evidence at trial—one of only two Western democracies (the other being Ireland) to take this extreme view. The British government has never explained why the sacrifice of fundamental rights should be considered before widely accepted law enforcement tools are even tried.

The Netherlands continues to seek to extradite certain terrorism suspects to Turkey, based on similarly unreliable promises against ill-treatment. Other governments, including Switzerland, are now poised to adopt this dubious practice. It is ironic that while the European Parliament rightly investigates European complicity in CIA renditions to countries presenting a risk of torture, some EU member-states have embraced transfers to similar countries as a counterterrorism measure at home.

## **Conclusion**

Governments the world over will always be tempted to sidestep human rights, whether in their treatment of their own people or their relations with other governments. If their own values and institutions do not restrain them, external pressure is needed. Those who indulge this temptation must be made to pay a price until human rights are respected at home and find their proper place in the conduct of foreign policy.

But unless a new leader emerges in this time of diminished US credibility, the tyrants of the world will enjoy free rein. Both EU members and democratic governments of the developing world have found safety in numbers, the ease of hiding in the pack when the going gets rough. EU governments retreat behind consensus rules, other

democratic governments behind regional networks. Neither technique for evading the burdens of leadership should be accepted, particularly at a time when China and Russia are mostly leading in the wrong direction.

It is time to transcend these excuses. New leadership on human rights could come from visionary governments of the developing world, a more nimble European Union, or if the new Congress finds its voice, a US government that recovers its ideals. One way or the other, the people of the world need meaningful leadership on human rights. The urgency of this need should not be underestimated—if the great treaty commitments of the twentieth century are not to give way to hypocrisy and empty promises in the twenty-first.

## **This Report**

This report is Human Rights Watch's seventeenth annual review of human rights practices around the globe. It summarizes key human rights issues in more than 70 countries worldwide, drawing on events through mid-November 2006.

Each country entry identifies significant human rights issues, examines the freedom of local human rights defenders to conduct their work, and surveys the response of key international actors, such as the United Nations, European Union, Japan, the United States, and various regional and international organizations and institutions.

This report reflects extensive investigative work undertaken in 2006 by the Human Rights Watch research staff, usually in close partnership with human rights activists in the country in question. It also reflects the work of our advocacy team, which monitors policy developments and strives to persuade governments and international institutions to curb abuses and promote human rights. Human Rights Watch publications, issued throughout the year, contain more detailed accounts of many of the issues addressed in the brief summaries collected in this volume. They can be found on the Human Rights Watch website, [www.hrw.org](http://www.hrw.org).

As in past years, this report does not include a chapter on every country where Human Rights Watch works, nor does it discuss every issue of importance. The failure to include a particular country or issue often reflects no more than staffing

limitations and should not be taken as commentary on the significance of the problem. There are many serious human rights violations that Human Rights Watch simply lacks the capacity to address.

The factors we considered in determining the focus of our work in 2006 (and hence the content of this volume) include the number of people affected and the severity of abuse, access to the country and the availability of information about it, the susceptibility of abusive forces to influence, and the importance of addressing certain thematic concerns and of reinforcing the work of local rights organizations.

The World Report does not have separate chapters addressing our thematic work but instead incorporates such material directly into the country entries. Please consult the Human Rights Watch website for more detailed treatment of our work on children's rights, women's rights, arms and military issues, business and human rights, HIV/AIDS and human rights, international justice, terrorism and counterterrorism, refugees and displaced people, and lesbian, gay, bisexual, and transgender people's rights, and for information about our international film festivals.

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