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## Transcript

# Human Rights and the Changing World

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**Dr Salil Shetty:**

Thank you. I'm very pleased to be here today. It's an honour to be invited to speak at Chatham House, particularly for the Democracy and Human Rights Series in recognition of the formidable courage of Daw Aung San Suu Kyi.

Daw Suu was one of Amnesty International's best known prisoners of conscience – imprisoned solely for exercising her right to peaceful protest. I would like to begin by taking you back to the origins of that idea in a small newspaper article in May 1961. 'Open your newspaper any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government.' In spite of the sustained efforts and many victories won by human rights activists around the world, those words are as true today as when British lawyer Peter Benenson launched his 'Appeal for Amnesty' in *The Observer* newspaper 50 years ago. For every Daw Suu, even today there are hundreds of other unsung heroines and heroes that Amnesty International is fighting for - who face torture, unlawful detention, the death penalty, unfair trials and politically motivated criminal charges.

Peter Benenson's simple call to action, to 'rally public opinion...to condemn persecution regardless of where it occurs' was described by Benenson's contemporaries as 'one of the larger lunacies of our time.' And yes, it is understandable to think it lunacy that the force of public opinion alone could influence the actions of the most repressive governments and change the fate of men and women imprisoned for expressing their opinions. It may have seemed like lunacy especially given how polarised the world was due to the politics of the Cold War. However, Benenson managed to cut through the 'them-or-us' mentality of that world by choosing as the first Prisoners of Conscience people imprisoned on both sides of the Iron Curtain and in the global north and south: Angola, Greece, Hungary, Romania, and the US.

From the start, Amnesty International maintained a commitment to expose injustice with impartiality and independence. Benenson's 'act of lunacy' ignited a movement that grew in size and strength over the next fifty years and now enjoys the support of millions of members and supporters worldwide. In the forty-year Cold War stand off from 1949 to 1989, human rights were themselves casualties - co-opted into the ideological arsenal of the opposing powers. The USA and its allies, mostly western countries following a capitalist economic model, prioritised civil and political rights. The Soviet bloc favoured collectivist social and economic rights. Each promoted rights that were

aligned with their own political systems and denied those favoured by the other. This ideological struggle had real life consequences.

Not only did people suffer in the US and the USSR but both superpowers thought nothing of playing out their struggle through assassinations, coup d'etats and proxy wars throughout the developing world, the consequences of which are still being borne by several countries that were caught in the crossfire. With the east European revolutions and the collapse of Communism in the late 1980's, everything suddenly changed. Western governments increasingly saw and positioned themselves as the triumphal victors. The 'end of history' was proclaimed. This could have been an opportunity to support and build governments that respected human rights, that saw themselves as truly accountable to the people they governed. This could have been an opportunity to refit institutions of global governance and, again, prioritize respect for the full range of human rights – civil, cultural, economic, political and social. This could have been an opportunity to make sure that these institutions were both representative of the world and accountable to the people. Clearly, not enough of this happened and it is not uncommon to hear the critique that instead, led by the US, western governments promoted 'the market' under the guise of promoting democracy. A strong trading partner or a resource rich country was valued regardless of its human rights record.

Having looked back briefly at the first forty years of the trajectory of human rights at the global level, the main thrust of my talk is about four big shifts since the turn of the century and the implications for those of us that are interested in advancing human rights.

In the wake of 9/11, any country that was seen as strategic in the struggle to fight the so-called 'war on terror' became an ally. Unsolved cases of what could be seen as outsourcing torture and enforced disappearances are now haunting the US and some of its allies. The west has steadily eroded some of its moral authority to push for human rights. But in the last decade, the US and the west has also lost economic and political power. With the financial crisis, the rise of populist political parties and leaders has mainstreamed xenophobic and Islamophobic discourse within its own borders. The growing number of attacks against the Roma and migrant workers in Europe is alarming.

At the same time, collectively encompassing over 25 percent of the world's land coverage, 40 percent of the world's population and runaway economic growth, the BRICs are beginning to flex their muscles both individually and

collectively, albeit with differing levels of confidence. The tide of power moving southwards grows stronger still if we include not just the BRICs but also countries such as South Africa, Nigeria, Indonesia, Turkey, Mexico, and South Korea. This rebalancing of power from the G1 or G2 to the G20+ presents both great opportunities and great challenges to the human rights movement.

On the one hand, Brazil, India and South Africa are sources of hope. They all boast relatively vibrant media, robust and diverse civil societies, multi-party democracies, independent (even if at times ineffectual) judiciaries, and statutory bodies for human rights protection (even if weak). Combined with their growth in economic and diplomatic clout, they could, and should be, well placed to bring their influence to bear by leading human rights change at home and on the global stage. On the other hand, they are still mostly domestically focussed and their own human rights records are often not clean. Like other powerful nations before them, the BRIC countries are pursuing agendas that often put economic gain above human rights. Brazil, under President Lula, was particularly cosy with Egypt's Mubarak and developed a close relationship with Iran that has seen it abstain from a UN General Assembly vote criticising Iran's human rights record for three years in a row. Dilma Rousseff's new administration has sought to distance itself from this strange choice of bedfellows, backing the creation of a Special Rapporteur on human rights in Iran, and publicly committing Brazil to promoting human rights in its foreign policy. But this did not extend to supporting the UN Security Council resolution to condemn human rights abuses in Syria last month.

India has a long way to go in addressing human rights inside the country, both civil and political as well as economic and socio-cultural. India refused to comment on what a UN panel of experts described as 'a grave assault on the entire regime of international law' taking place in neighbouring Sri Lanka. Its voice is still not heard amongst those calling for the accountability, which is so badly needed, for crimes committed by both sides during the long and terrible conflict. The UN panel called clearly for an independent international inquiry. India's support for that idea is critical – but still missing – despite ample evidence of the Sri Lankan government's unwillingness to allow justice to run its course.

South Africa also has huge domestic human rights challenges and remained remarkably passive with regard to the systematic human rights abuses in neighbouring Zimbabwe. It has too often lined up with the likes of Russia and

China to prevent pressure on human rights abusers everywhere, not only Zimbabwe but also Burma and Syria. China and Russia are, it has to be said, heavier on the challenge than the opportunity. But there are some very slim signs of hope. China, whose economic power is in a league of its own, wants to be seen as a credible global leader and a country of international respectability. This desire may be influencing its decisions as, earlier this year, it voted in favour of referring Libya to the International Criminal Court. The situation in Russia is even less hopeful. China and Russia have vetoed the sole Security Council resolution that sought to condemn violence and impunity in Syria, where more than 3,500 have been killed since the protests began. They seem happy to let President Bashar al-Assad get away, literally, with murder. The situation in Syria should clearly be referred to the International Criminal Court. There can be no excuse for not doing so. Finding meaningful ways of engaging these new powers on the question of human rights is now imperative.

The last decade has seen a big increase in the number of countries that have for the first time given their populations some possibility of political participation by organising elections. This has often been accompanied by a phased freeing up of mainstream media including FM radio and TV. With the explosion of mobile phone usage and growing access to the media, access to information to even marginalized groups has dramatically improved.

Human rights activists have always campaigned for independent media because it is so critical in holding governments to account. And new forms of media are – at least for now – largely able to avoid or even subvert the controls that governments have used to reign in traditional media in this respect. The revolutions across the MENA region have been dubbed the Facebook revolutions. And there is no denying that Facebook, Twitter and other social networking sites opened up possibilities for mass mobilisation in ways that seemed unthinkable just a few years ago.

In the images broadcast from Tahrir Square in January (and again in the last few days), we saw glowing cell phone screens everywhere; people Tweeting and tapping out text messages along with the traditional banners and placards. There was even a small tent called the 'Freedom Motel' where bloggers and other cyber-activists were hard at work. It is no surprise that some activists in Egypt now refer to social media itself as 'Massbook'. From Tunisia, the rapid circulation on Facebook of images of police abuse against protesters – along with compelling, personal appeals for action – helped reveal the scale and pattern of abuse as well as the growing scope of public

protest. Text messages reading 'Ben Ali get lost' first circulated on cell phones and websites, and then quickly appeared on placards carried by protesters across the country.

Countering tyranny with wit, a joke doing the rounds on Egyptian social media sites quips: 'After Mubarak dies, he meets his assassinated predecessors Sadat and Nasser in heaven. They ask him what had killed him, poison or a bullet. He angrily replies: 'Facebook!'" To state what every dictator knows: knowledge is power. If you know what protests are planned and where; and if you know where the security forces are gathering and what they are doing (or, where they are not), that gives you a clear advantage over those who, in past years, could not easily gain such information in real time. A page like 'We Are All Khaled Said', named after the 28-year-old man who was beaten to death in June 2010, could gain a million followers, each of whom in turn could be heartened and astonished that he and she is not alone. These sites helped connect people in a sense of common cause, and this likely made people more confident and more determined.

The UN estimates that more than 3,500 people have been killed in the protests in Syria. We get updates on this figure on an almost daily basis. In 1982, the Syrian Army massacred thousands of people in Hama. But there was no Facebook, no Twitter, no Al-Jazeera, no Skype, no texting, and the facts of that massacre are still emerging – both within Syria and outside. That made it much easier for the government of Hafez al-Assad to maintain power. Today, his son is fighting to stay in power, because information can no longer be buried for years and the truth effectively denied. Cell phone footage and eyewitness testimony leaked out via Skype, give us real-time evidence of the appalling and bloody battle President Assad is waging against his own people.

At Amnesty International, we successfully used satellite technology in Darfur to monitor 12 villages and put the Sudanese Government on notice that these and other areas in the region were being watched around the clock. The images were unambiguous and devastating – you could plainly see a village in one image, and a patch of scorched earth in the next. The technology could not stop these abuses. But it can ensure the evidence is not buried with the victims. And it can put governments the world over on alert that the eyes of the world are watching. We have undertaken a similar initiative – called Eyes on Syria – to track the movement of the Syrian armed forces and make it clear that they are being watched. Next week in New York we will be sharing this project with officials, including members of the UN Security Council.

While access to and use of digital media is increasing rapidly, there are significant discrepancies in independent access and use – ‘the digital divide’. The poor, particularly women, often find access denied, restricted or made unsafe because of unequal power relations. There is nothing deterministic about technology – digital media in themselves are neutral in respect to human rights and they can be used to support or undermine human rights.

However, given the asymmetry of power between people and their governments, and between corporations and people, there is a real danger of governments themselves using this technology to punish freedom of expression; block the flow of information; disrupt those who are using technology to organize; and to invade people’s privacy.

The evidence of governments using this technology to spy on their people is all around us. We have seen from the security headquarters in Tripoli huge caches of emails that Gaddafi’s thought-police were reading – and arrests of some of the authors, presumably because of the knowledge that the security forces had thus gained.

China’s internet repression and surveillance is perhaps the most extensive in the world. The famous Great Firewall of China blocks all content deemed subversive. China’s Room 101 includes: human rights and democracy, police brutality, freedom of speech, Marxism, the BBC News, Tiananmen Square demonstrations, the Falun Gong, Tibetan and Uighur issues, and, of course, Amnesty International. Not only is content blocked but web access is monitored. China has the largest recorded number of imprisoned journalists and cyber-dissidents in the world. Fears of a ‘Jasmine Revolution’ inspired by events in the Middle East and North Africa has seen the arrest in recent months of scores of ‘netizens’ – government critics, lawyers, activists, and artists tweeting and blogging snippets of information about Chinese politics on Twitter and domestic microblogs. The fear of the government is so great that they had blocked searches for the word ‘jasmine’ despite it being one of the most popular teas consumed in China.

But even worse than this, in some ways, is that western firms, eager to increase their market share, have been ready to cooperate with repressive governments to a startling degree. When Mubarak demanded that cell phone companies in Egypt shut down the networks, Vodafone complied and claimed it had no choice – it was merely following the law. But Vodafone and the other service providers had known about this dubious law since it was enacted two years earlier and did nothing to challenge it. Such inaction is inexcusable. In

2005, Yahoo released to the Chinese authorities an emailer's personal details that led to a 10 year jail sentence for writer and poet, Shi Tao. In 2009, Nokia Siemens confirmed it supplied to Iran the technology needed to monitor, control, and read local telephone calls. And this brings me to my next big shift – the rise of non-state actors.

Although one could talk about several non-state actors – like religious and political extremists who commit human rights violations against ordinary people – I am restricting this section to large corporations. Multinational businesses have been around for a long time. In fact the British Empire was built on the foundation of British companies trading around the world. Back then companies used their power to make the law work for them, and even to influence the government's foreign policy to enhance their profit – think opium wars. And today, still, modern day multinational businesses can and often do have a significant negative impact on human rights.

For too long those who have had the power to regulate corporations have been content to sit back and do nothing as banks, insurance companies, oil companies, mining companies, car companies – the list goes on – said, 'trust me'. The current economic crisis is in part a result of that trust – trust which was inevitably abused. I will focus on two cases that Amnesty International has worked on closely: the Bhopal gas tragedy and the human rights violations caused by oil companies in the Niger Delta.

In 1984 more than 7,000 people died when toxic gas leaked from a Union Carbide chemical plant in Bhopal, India. A further 15,000 people died in the following years and more than 100,000 people continue to suffer from chronic illnesses caused by the gas leak. Despite the devastating impact on people's lives, no senior official has been held to account. The lack of effective regulation and accountability systems has meant court cases drag on. 27 years after the disaster, the survivors of Bhopal are still waiting for justice and, it is ironic that Dow Chemical – that now owns Union Carbide – has been awarded a major contract for the London Olympics. Without effective regulation at the national or supra-national level, the failures of justice witnessed in the Bhopal case will continue to occur.

In the Niger Delta, oil spills, gas flaring and illegal oil bunkering have caused massive environmental damage that has undermined rights to food, clean water and health. Security operations to protect oil interests have resulted in serious human rights violations, including extra-judicial execution, torture and rape. Here, as elsewhere, natural resource extraction and the enormous



revenues it generates have fuelled conflict and human rights abuses, increased poverty, and undermined sustainable development.

But oil companies have significant influence on regulatory frameworks. Accountability for damage to human rights and the environment is rare, whilst impunity for the state actors and companies involved is commonplace. While voluntary approaches – as characterized by a range of ‘corporate social responsibility’ initiatives – are important steps, they are no substitute for compulsory compliance with human rights. Voluntary approaches reinforce the problematic power dynamics in relying on business as the key actor, effectively keeping the power with them. Mandatory approaches rely on states, and – where they are effective – give individuals and communities the possibility to demand action and change. Our research and experience in this area underlines the need for law to hold big business to account:

- Firstly – law to require companies to do human rights due diligence, making sure the companies and the communities know what is likely to happen. This process has similarities to the Environmental Impact Assessment process – but with one clear difference. While Environmental Impact Assessments are now mandatory in most countries for high-risk activity, human rights due diligence remains voluntary - a tool for the willing. It does not speak to those companies that are simply not interested in ensuring their operations respect human rights, or those companies that have yet to engage with the issues at all. Unfortunately, these are still the majority.
- Secondly – law to make information available to people. Information is power, and when communities and activists know what is going on, they can question and challenge companies and the government.
- Finally – law to close the loopholes that allow massive, rich companies to exploit weak regulation. In an encouraging development, individuals and communities are increasingly bringing civil actions against companies in courts outside the country where the abuses occurred. In 2009, a high-profile civil action in the UK saw the oil-trading company Trafigura agree a US\$45 million out of court settlement with some 30,000 people affected by the dumping of toxic waste in Abidjan in Côte d’Ivoire in 2006. And in December that same year, a Dutch court agreed to proceed in a civil case against Shell, brought by four Nigerians seeking compensation for oil-spill damages to their livelihoods. That case is ongoing. The potential for individuals to take on, and win, such court cases against major corporations

helps in some measure to rebalance the very significant power imbalance between companies and poor communities.

And it is to this rebalancing of power, from governments to corporations to people, that now turn.

We have seen right across the Middle East and North Africa in the past year, men and women, young and old, taking to the streets, and demanding karama – or dignity. And despite the role of social media, there is no denying that if the protests had stayed on Facebook pages and not spilled out into the streets of Tunis, Suez, Tripoli, Sanaa, Homs, Manama and Cairo, there would be no revolution. Because in the end it is the courage of human beings whose thirst for freedom, justice, and economic rights – facing tanks and guns and armies – changed the world. Just as in Berlin, Prague and Bucharest in 1989, ordinary people showed huge courage in risking their lives to bring down dictators. The viral impact of the actions of the brave people of the Middle East and North Africa has inspired protestors from the *los indignados* in Spain to the Occupy Wall Street protestors. The Square opposite St. Paul's Cathedral, not so far from here, has even been rechristened Tahrir Square. The anti-corruption protests in India were another manifestation of a similar phenomenon – ordinary people asking for greater accountability from their government.

The role of people power will be central in getting the governments of the emerging economies in Latin America, Asia and Africa to take human rights within their own country and on the global stage seriously. It is equally crucial in getting corporations to comply with human rights and governments to regulate corporate actions.

So the past 50 years, and indeed, this last year, have seen huge changes to the playing field, the players and the rules of the game. There have been serious challenges to, but also great opportunities for, human rights in this changing world. And there will doubtless be more change, challenge and opportunities to come. The spirit of ordinary people coming together to do extraordinary things is very familiar to Amnesty International. One person's outrage and hope inspiring others into action until the voices become too strong to be ignored. Let me therefore close where I started, quoting Peter Benenson, who founded Amnesty International 50 years ago: 'Only when the last prisoner of conscience has been freed, when the last torture chamber has been closed, when the United Nations' Universal Declaration of Human

Rights is a reality for the world's people, will our work be done.' Thank you again for this great opportunity to share my thoughts with you.