

Principles of Human Rights Monitoring

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Monitoring of state compliance with the Council of Europe's Human Rights standards is basically the context in which I intend to speak. As explained, I'll do the intergovernmental, and then Roger will follow up with the discussion of NGOs and see if there is any interrelationship. It will be an interesting point to discuss.

I propose to subdivide my presentation into 4 parts; a quick introduction, followed by an explanation of the Council of Europe's political monitoring procedures, followed up with my third part, which is the committee of ministers' confidential monitoring procedure, and then finish off with some short concluding remarks.

My introduction: the organization I work for, the Council of Europe, is a regional organization of 43 member states. It is composed of three organs that were established by the statute of 1949. First, you have the Committee of Ministers, the executive organ, foreign ministers of the 43 countries when they come to Strasbourg. When they are not there, it is the ambassadors who are there on a daily basis. So that's the executive organ that, by and large, works in confidence and in camera.

Then you have the Parliamentary Assembly, which is in effect a body that reflects the elected bodies of the member states, with delegations being sent to Strasbourg. Lastly, you have the Secretariat, a separate body. There is a congress on local and regional authorities in Europe, which merits discussion, but within the 20-25 minutes that I have to speak, I think it's inappropriate to try to deal with too many complex issues. So bear in mind that political monitoring has to be distinguished from our daily, bread-and-butter, legal, conventional monitoring mechanisms we spoke about yesterday.

In terms of introduction, when I started monitoring, I tried to find out what the word monitoring actually meant. The statute of the Council of Europe of 1949, all the Council of Europe conventions and documents do not provide a definition for the term monitoring, so I looked up the term in the Shorter Oxford English Dictionary. I got the etymological meaning of the word. It says: "the term's historical origins probably are traceable to the monitory lizard found in Australia, Asia and Africa, which makes a hissing or whistling sound in the vicinity of crocodiles." So, are we meant to be doing this? I'm not sure. Since then, some nasty NGOs, and of course they are nasty if you are representing an intergovernmental organization, upon hearing what I'm working in, namely a confidential monitoring procedure of the Committee of Ministers, they picked up a much better definition. The definition was from the Independent of London. In February, Myles Kingsley wrote "monitor: a verb meaning to ignore, to do nothing about, to treat with apathy, as "we are monitoring the situation on a 24 hour basis." There may be more truth to that than meets the eye.

So you have the idea of monitoring. I come to my second point, political monitoring: yesterday, we did a very quick overview of the various human rights legal or quasi-judicial monitoring procedures. Amongst them, their *raison d'être*: the Council of Europe and the jewel of the Crown, the European Convention on Human Rights. We mentioned the work of Alvaro Gil-Robles, the Human Rights Commissioner and the CPT (Committee for the Prevention of Torture). These are all conventional mechanisms that have been negotiated within the Council of Europe, and they live their own separate lives.

However, big changes occurred in 1989-1990. The Council of Europe, a nice comfortable club of mature democracies situated in Strasbourg, was rather shaken by the changes in Central and Eastern Europe and the need to accommodate these new countries, many of which were not quite up to the standards of the Council of Europe and its conventional human rights monitoring procedures. So, what happened is that we looked for a verification process. We had to readapt and in order to do so, we had to accommodate newcomers.

Back in 1989-1990, when the first new countries knocked on the door (Hungary, Czechoslovakia, Poland), one had to see that in the Council of Europe, all twenty-three member states had, at that time, fully ratified the Convention of Human Rights, accepting the right to individual petition. So there was a barrier. The answer was: "If you, country X, want to join the Council of Europe, you jump the hurdle, you join the standards of what's considered democracy." And it is when these countries knocked on the door that we had to readjust and deal with the criteria and the compliance with those commitments. We looked at the statutory obligations of the Council of Europe, the statute of 1949, and the case-law of the Court of Human Rights. And we have a hard core, we call them the three pillars of joining the organization: rule of law, pluralistic democracy and respect for human rights. And so when countries want to join the Council of Europe, they have to genuflect in front of those three basic premises. It's a club. If you want to join, you abide by the rules of that club - it's as simple as that.

In addition, the statutory obligation is respect for human rights, under article 3 of the Statute of 1949, as exemplified by the monitoring legal procedure of the Court of Human Rights. Then you have article 4 of the Statute, which says that countries that want to join must be "willing and able" to abide by the Council of Europe's standards, not that they are perfect democracies, but that they are willing and able. So one has to make a distinction. Countries (for example, some would say that a country like Russia) might be willing - but are they able to abide by the Council of Europe standards? Once they are in, there is a procedure under articles 8 and 9 that forces a country to withdraw from the organization when it doesn't abide by the rules of the game. That's the weapon. It may not sound very important, but you ask the Greeks, when the Greek Colonel's regime quit the Council just before being forced out. Or, a few weeks ago, we had a very tense moment when the Parliamentary Assembly proposed to the Committee Ministers that a procedure be commenced to suspend the Ukraine from membership in the Council of Europe. It hurts, and if a country is a purportedly democratic country, it may mean loss of power by those who are in the executive or the Parliament.

Also, being member of the Council of Europe is a "visiting card of respectability". In particular, for certain Central European countries that want to join the European Union, it means genuflecting in front of Council of Europe human rights standards, not necessarily only for human rights purposes. Let's be realistic.

New member states enter into political commitments that are tied to statutory obligations. What does this mean? It means, basically, that the Parliamentary Assembly must provide an opinion to the Ministers, the executive organ, in order to allow a country to join the Council of Europe. The Parliamentary Assembly has various committees that travel to the country and this procedure takes anywhere from 2 to 10 years. This is because it's the procedure in which the verification process is at its most intense. What happens is

that there are changes in the code of criminal procedures - a promise to abolish the death penalty within 3 years and ratify the protocol to the convention thereon. The prison regime may have to change from the Ministry of the Interior to the Ministry of Justice. You may have a situation of restructuring the media or abolishing the procuratura, etc.

The Parliamentary Assembly, whose opinion is needed in order for the country to be invited to join, has a very important role: going to and from the country to verify whether the country's standards are compatible with the Council of Europe requirements; to verify that the country will sign the Convention of Human Rights upon joining the Council; and, within a reasonable time, that it will ratify the Convention so that it is legally bound by the human rights legal mechanism. So that's the general framework of political monitoring. Once a country is in, there is a monitoring committee of the Parliamentary Assembly, which verifies whether the list of promises has been complied with.

So I move onto my third part, namely the way the Parliamentary Assembly deals with monitoring: the Parliamentary Assembly has its own committee which is called the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe [Monitoring Committee]. What does monitoring mean from the terms of their mandate? The fulfilment of obligations assumed, treaties ratified and commitments entered into by the authorities of the member states. A political commitment may have more weight than a legal ratification of a treaty. If the President, the Prime Minister and the head of a Parliamentary body promise to change the code of criminal procedure within the next 3 years or to abolish the death penalty within the next 3 years, that political commitment, if not abided by, may mean suspension from the Parliamentary Assembly or a request that the country be withdrawn from the Council of Europe.

A few words about the Parliamentary Assembly Monitoring Committee: I will provide you with an internet site so that those who are interested can consult the site for more detailed information, but the important thing is the methodology. There is a verification process for the fulfilment of obligations, and the proceedings of the Monitoring Committee are basically publicly conducted and country-specific. At present, there are 8 countries which are being monitored by the Monitoring Committee, amongst them Albania, Armenia, Azerbaijan, Georgia, Moldova, Russia, Ukraine and Turkey. They also have a monitoring procedure that they call post-monitoring dialogue, which includes, amongst others, Bulgaria, Romania and Slovakia. Romania for example, promised to do something with regard to the penal code. Has it done this? The committee is double-checking, and they discuss this with the authorities.

How do they do this? The Monitoring Committee has two Parliamentarian co-rapporteurs, usually from different political persuasions, and they have close co-operation with the national Parliaments in the country; they go on site to meet various people, including the opposition, and other interested parties such as NGOs, civic society, trade unions and church leaders, who provide them with information which is hopefully constructively critical. They then report back, identify certain shortcomings and establish priorities and as a consequence they say how the Council of Europe's cooperation, intergovernmental programs, must be readjusted, etc.

An example of this procedure is Croatia, which had not abided by certain of its promises. In Ukraine, there is enormous tension right now because they have made promises to do something by the end of June. There are three or four major legislative initiatives, which must be finished by a certain date. They have been rather dilatory. What happens is the Parliamentary Assembly can suspend the Parliamentary delegation from participating in its work in Strasbourg, which is not exactly great publicity at home base; then, on the basis of the Monitoring Committee's report, the Parliamentary Assembly can propose (which they've recently done at the beginning of this month), the suspension of Ukraine from the Council of Europe if substantial progress is not made. If you are interested in more information about what the Parliamentary Assembly Monitoring Committee does, there is a website: www.coe.int In the

documentation centre, I provided a number of documents in English, and there are also French documents available.

My third area is the Committee of Ministers' Confidential Monitoring Procedure. The Confidential Monitoring Procedure is considered to be non-discriminatory, which initially meant dealing with Russia, Albania, Ireland and Andorra in the same way. How do you deal with all these countries in the same way? And it is based on persuasion.

The Committee of Ministers is the executive organ, and it basically took up a new monitoring procedure based on a declaration adopted in 1994, the Declaration of Compliance with Commitments by States. But the Declaration itself says, in paragraph 1, that one or more member states or the Secretary General may seize the Committee of Ministers of a specific confidential monitoring procedure. In 1994, nothing happened, no state wanted to take a case against another state before the political monitoring procedure of the Foreign ministers.

In 1995, they set up a system of thematic monitoring. In other words, since no state wants to bring another state before the Committee of Ministers under its new monitoring mechanism, which is based on diplomatic negotiation (behind-the-scenes political peer pressure), there was a thematic monitoring procedure. Eight themes have been discussed; one of them which is presently being discussed is non-discrimination with emphasis against intolerance and racism. Another one is the functioning of the judicial system. There are national reports, then confidential comments by the Secretariat, the monitoring unit, and that information is provided by sources such as the Parliamentary Assembly, the OSCE. I have a love-hate relationship with various NGOs, including Amnesty International, because they provide the information to the monitoring department, but we are not allowed to report back to them the extent to which it has been taken into account by the Committee of Ministers.

The confidential mechanism is a very strange mechanism. Is it worth maintaining? Does it have bite? Let me give you one example of where it might have: that is, with respect to countries that want to join the European Union. When you're dealing with the functioning of the judicial system, the 13 applicant countries to the European Union want to be seen as good pupils in the class in order to facilitate their negotiations with the European Union. So in a round-about way, as was the case in Iberian peninsula countries after Franco and Salazar in Spain and Portugal, there is pressure being put on these countries - and although the information is technically confidential, if the information goes back to the ministries of justice, interior and foreign affairs, it will be used in negotiations in Brussels.

At last, the Declaration was used by the Secretary General with respect to Chechnya; there will be a special report on Chechnya at the end of this month. Then, there is an ad hoc monitoring procedure, which is a new one, whereby Azerbaijan and Armenia were invited to join the Council of Europe (they joined in January). In the meantime, they didn't have time to abide by all the rules of the "club", and there was the issue of whether there are political prisoners in Azerbaijan and Armenia. Three independent experts were chosen, and went to Azerbaijan and Armenia to the prisons, to visit the alleged political prisoners with their lawyers. Their report will be available by the 17th of July.

There is one more thing, namely the Declaration: it's now being used with respect to one country, Ukraine; this was in June of this year, where the Committee of Ministers can, in cases requiring specific action, request the Secretary General to make contact and collect information. This sounds banal, but there is a list of things: they can issue an opinion, forward the communication to the Parliamentary Assembly, and then the executive organ can make any other decision within its statutory powers. Therefore, we will be going to Kiev in the middle of July on a fact-finding mission of the Secretariat. We will also be reporting back to the Committee of Ministers, to see the inter-relationship with what the

Parliamentary Assembly has said, if there is not enough progress being made, about suspending Ukraine from the Council of Europe. Information on that procedure is available in the documentation centre.

So I've stuck to political monitoring today, as opposed to legal monitoring, which we covered yesterday. Political monitoring has become an indispensable tool for human rights strategy, whether or not it's an intergovernmental organization - we have 900 full-time staff members - or an NGO of substantial size (if you include the national sections, Amnesty has probably a similar amount of full-time staff members in the world). So the importance of an NGO and an intergovernmental organization in terms of provision of and obtaining information from home base - the interaction becomes much more important, in order to obtain a systematic, focussed, reliable and clear understanding of the extent and nature and location of the problems which exist. Likewise, in the intergovernmental circle, we also have to include reference to improvements that have been made. Unless we have that information we can't identify where the possible solutions are. The difference, the frustration of working within a confidential monitoring procedure is as follows: we know that countries must be indicated, a finger must be pointed where there are difficulties. But the idea is that it is just like an elastic band - you can stretch it, but don't snap it. If you snap it, the country will not play according to the rules of the club.

So it's a variable type of monitoring, depending on circumstances, subject, importance of subject, delays, etc... So political monitoring (unlike non-governmental organizations in which publicity is their strongest point) within the intergovernmental circle, is the possibility of being identified; if the country doesn't abide by the rules of the game, to go public would be uncomfortable, likewise to start off a procedure with respect to suspension of certain rights is seen as a major slap in the face of a country espousing to become democratic.

Thank you.

Roger Clark

Thank you very much. I feel very much at ease among all of you. You are, after all, human rights defenders. So I think that, among friends, we're ahead of the game. I would also like to thank Ruth Selwyn, Ian Hamilton, Frederic Hareau and their teams for inviting me to spend some time with you. I understand that there are some volunteers from Amnesty International, so I would like to salute them, as I salute you all, and say once again how happy I am to be here.

In effect, the term "monitoring" translates poorly into French. I searched a long time for a single word that is sufficiently all-encompassing to summarize all that is implied in the English term, « monitoring. » I don't know if you've found a more satisfactory term, because it includes the idea of investigation, it includes documenting, surveillance, and if you wish, it includes the general collection of information. All of which comprises my subject this morning.

Obviously, I will give you my perspective as part of Amnesty International. Because I was asked to think a bit, with you, about the idea of education and the relationship between human rights education and monitoring - please excuse me, I will use this term, as I enjoy the idea of being a lizard among crocodiles, I think that this, also, is not bad. But who are the crocodiles? I leave that up to you. For myself, education spans all activities, especially those of a non-governmental organization such as Amnesty, either on the international or national level. So I will come back to that at times during my presentation, but I wish to underscore that we all are part of an education program, in a broad, but very important, sense. As my colleague stated earlier, for NGOs, publicity is a very important weapon in our field, in our work as defenders of rights in general.

Therefore, I will reflect on four questions. Firstly, the what of our work, and by work, this implies everyone; the why of our work; the who of our work, and the how of our work. I will spend more time on this last question (the how) because I think it will be more interesting to you. We'll see. Now, for the what: we have already heard references to the instruments, declarations, conventions and protocols that have come into existence since the Universal Declaration of Human Rights in 1948. Hundreds, if not thousands, of instruments that are for the protection of rights. It is these instruments that give us the criteria necessary for our work, and thus it is very important to acknowledge that it is against these criteria that we can judge the actions of governments or others who violate human rights.

I would also like to add that there is also a process of evolution of these instruments. Let's take capital punishment as an example: capital punishment is starting to have a place within international instruments, but we have not yet arrived at the point where we can say that capital punishment is universally recognized as a violation of human rights. In Europe, much progress has been made, but there is still a long way to go. So this is part of the work we have to do, as well. Always with the what. Obviously, human rights violations are the subject of our work. I will distinguish between what I call active violations – that is, chosen, willed, or done consciously by authorities or those who commit the violations; and passive violations – that is, violations that stem from an incapacity to act, or from a refusal to act on the part of authorities. You could say that, in the same sense, this leads to violations, although in a more sinister way.

A phenomenon that I wish to stress, always in the context of the what of our work, is that which I call the privatization of human rights violations. This means that there is a phenomenon occurring more and more throughout the world, of violations committed not by the main agents of states, but by armed groups that have a certain allegiance to their government – either by opposition groups (let us not forget acts of torture, disappearances, etc.) – these violations are also committed by opposition groups in many countries today. Also, there is a privatization in the sense that many governments throughout the world, including our neighbour to the south, the US, give the responsibility for prisons and for security to private companies. This is simply to tell you that the complexity of the monitoring depends in part on a serious analysis of these different trends. The what also – and I will end this part by saying that the work of human rights (HR) defenders is very important and increasingly central to this activity. HR defenders are targets because, in fact, they are the most active, they are the most difficult challenge for a government that commits violations.

The why: I say this quickly, because I believe that we all share in what I will say – but let us not forget that those who work in the HR field are, I think, fundamentally convinced of the universal values, notably liberty and justice. On the basis of this profound conviction, we work as best we can in our sometimes-specialized fields. The why is because human rights are not rigid, permanent, as though they were etched in stone. HR violations are often committed in fluid, poorly-defined situations, where the criteria of the instruments are applied, but how? Thus, there is much subtlety, if you wish, and much work in order to measure this – which is where monitoring comes in. It's really an attempt to measure the impact of the instruments and to measure our capacity for action. We often speak today of a global village. I don't know if this is false or true, but many people do not fit into this village – it's a village of exclusion for the most part – but the idea is nonetheless that there is a responsibility that goes beyond nationalities, a responsibility for what happens in our world, in our global village, as concerns HR violations. We have this universal responsibility that touches not only our country.

The last why revolves around the idea of impunity. I think that we all understand, increasingly, why the Pinochet case attracted so much attention. But it is one case among many and I hope that, in future, the Pinochet case will simply mark the first step. We recently heard about the conviction of two Rwandan nuns in Belgium on crimes committed in Rwanda – in other words, the application of universal jurisdiction outside of the country where the violations were committed. This brings us slowly to the

[potential] international tribunal that will one day exist, maybe in 5 years, maybe in 10 – I don't know. But it's an important step.

Now, after the what and why, the who: I started speaking about HR workers. I would simply like to add to this that the words « defender of human rights » are not limited to someone working in an organization, a group, a network – it's all that, but it is also an individual who, with this conviction of needing to protect those whose rights are oppressed, contributes to the work being done by an organization, NGO and also to intergovernmental organizations. I don't need to insist on NGOs, Amnesty and the hundreds of others within the country. Amnesty has the advantage of being a large, international organization, but there are thousands of other organizations that you know perhaps better than I, that work inside countries and that have often limited means.

But, because of the means of communication we have today, we are starting to have important communication networks that we did not have before. I believe that we will soon understand the importance of these information networks in terms of rights issues. Intergovernmental bodies, such as the Council of Europe and of course, the UN. We, Amnesty, we cannot work outside of these organizations. Either by delivering information that is discussed behind closed doors – but never mind, the information is there. The UN recognizes the importance of the information given by HR defenders and by NGOs. It is really the meat of the matter, without which they could not do their work. Also, I must add two other [...] that might astound you. Governments are equally responsible for monitoring, the main responsibility, because they have signed the instruments about which I spoke before; but also because it is the governments that are responsible for what happens in their countries [at all levels]. Thus, there is a formal responsibility on the part of government, either in the form of commissions, or specialists...

And the second responsibility that will perhaps astound you, in relation to the who, is corporations. Today, in our context of globalization, I think that we are beginning to better understand that the world of transnational corporations is not beyond the responsibilities that exist in our modern world. Obviously, they are there to make money and to make a profit, etc. But companies are also corporate citizens and I would say that not only do they have this responsibility, but we must also put more and more pressure on these corporations, because they have the power to change things, either in the countries in which they work, or in the international world. I think that the activity that you are doing this afternoon demonstrates very well the links between foreign companies that work, in this case in India, and how we can apply pressure in order to change the situation.

The how: as you heard at the beginning, I participated in many of Amnesty International's (AI) missions, on at least three continents. These AI missions are at the base of our research. It is through these missions in countries around the world that AI conducts research and collects information that will allow us to eventually undertake our publicity activities, as well as our campaigns to mobilize volunteers and citizens in general. These research missions do not last long – I would say that, on average, an AI mission lasts about three weeks. In any case, the heart and brain of Amnesty, in terms of research, is located in London. The international Secretariat in London comprises more than 200 people who work on a full-time basis. They are not all researchers; some are lawyers, campaign specialists, action specialists, etc. Just to show you that we have an important staff working in the area of research.

It depends a little on the situation...there are countries where we don't send missions, others where we send 3 or 4 missions per year. Last year, I was twice sent to Algeria. Of course, this country concerned us, especially since Amnesty had not been able to set foot in Algeria during the previous 4 years. We had been refused visas. I have been told that if we were to request visas today, they would be denied. This does not mean that we do not receive information on the situation in that country. Obviously, the researchers in London have many contacts with people inside the country, whether they be lawyers, journalists who are sympathetic to the principles of the organization, or rights protection associations with

whom we are in regular contact. So obviously, access to a country is very important, we cannot deny it; however, although we cannot set foot in certain regions of India, or while our visa requests for China are regularly refused, this does not mean that we can do nothing about these countries. On the contrary, we can do a lot. In addition, we can insist on the fact that we have no access - that is another point.

In all of this, there are three things that are very important and that we must consider when we speak of monitoring: firstly, the truth of the information that we collect; the authenticity. How can we know, when visiting a country, when speaking to its people and collecting information – often in very difficult conditions (is this not true? At times we are very close to a war situation, sometimes we are speaking inside a refugee camp) – so often, it is not in the best of condition. And behind this, there are the programs of the groups in the country or outside the country. There are the policies and political histories behind all this. HR violations do not exist in a vacuum. HR violations always exist in a context of a power struggle or the fight for economic control. But this means that the information is sensitive to being modified or even completely false. Therefore, the first principle is the verification of the veracity of the information, which requires much time and also vigilance on the part of the organizations so that they do not say anything unless convinced that it is the truth – for they could be wrong. It's been over 40 years for Amnesty, and we sometimes make mistakes, but we admit it. But in general, one must be very conservative and very precise.

The second thing is the credibility of the organization. The two are linked, of course. If what you say and what you publish are correct, then you immediately have credibility, whether it be in government, embassies or elsewhere. Thus, a very important element that allows information to be passed along. The third thing is impartiality. Impartiality is very important because it would be too easy to fall into the trap of the politics of certain interests. And when we are large and have influence, we can be targeted even more to play those games. So we must really keep our impartiality and avoid falling into a trap, be it on either side.

So you can sense, in what I say, that education is part of all of this. Information that is collected, that is shared, that is published...but there are also the actions that we undertake in order to publicize violations that have been committed. At present, Amnesty has just over a million volunteers – both young and old, working in 150 countries around the world, waiting to take action. We sometimes call these actions « campaigns. » A campaign generally means that people are directed towards a certain country, a specific problem. For example, three years ago, we undertook a world campaign against capital punishment. We are presently conducting a campaign against torture. Two years ago, we conducted a campaign on the United States, a campaign which made a lot of noise, I should say, because people did not expect it. But we also conduct campaigns on Central Africa, on Cambodia, on India.

There are also urgent actions. I don't know if you're aware of all of the urgent actions, and because we were talking about internet sites, I suggest Amnesty's site, at: www.amnesty.org It will allow you to see the latest documents, press releases and latest urgent actions. Urgent actions are simple, one-to-two-page sheets that are published and sent all over, asking our volunteers to act rapidly. They were created in the 1980s to respond to the critical situation in Central America, where there had been disappearances, where torture was a regular occurrence, etc. So it is a tool that, because communication is so rapid today, is a tool of action and of education. Each year, there are over 900 urgent actions around the world. Thus it takes place at an enormous rate, with 2 or 3 urgent actions every day in different countries of the world.

I hope that I have sufficiently described Amnesty's perspective. I will, of course, respond to your questions and comments. Thank you for having listened so attentively.

Questions

Participant

Thank you for both of your presentations. I have a question for Mr. Roger Clark. I would like to draw your attention, Mr. Clark, to your statement [where] you talked about advocacy. You said advocacy is the central part and you mentioned very briefly about visa problems for human rights activists. I would like to share my observations and my questions. They are in two parts. Human rights activists suffer the most as well as their families, in some countries, depending on the type of government they have. Human rights activists are deprived of some important opportunities in their lives such as to get visas for some countries, immigration, jobs in police, defence, space programs and some major companies. Whenever they have to apply they are always asked if they have been arrested. You have to explain to them. They may not say you cannot get a job or opportunity, but they will discriminate [against] those people.

The second part of my question, based on my personal observation, I am a member of the Interfaith Committee, which visits correctional institutions. I have noticed that a large number of inmates belong to the minority groups. I would appreciate very much if you draw some light on why this situation exists.

Roger Clark

I will answer in French: Firstly, saying that discrimination and examples of racism can be found in many countries including ours, I acknowledge this. On the questions of visas, this can open up the whole question of right to movement, either outside of one's country, or inside of the country. Because in many countries, the problem of internal travel is enormous. We have not spoken of the problem of refugees, but that also opens up a new element. I would simply say that, increasingly, there are commissions being put in place in many countries by governments that have the responsibility to examine cases of discrimination, whether they be in the workplace or in a civilian situation. You are right, and there are numerous examples in all of the countries that are represented in this room today. I did not grasp the last part of your question, but if you clarify it, I will perhaps be able to answer – but I think that it comes back to the question of discrimination that you brought up in general.

Participant

My question goes to Roger. I am concerned, now that you talk about Amnesty. I appreciate the work of Amnesty International, especially in the struggle to liberate us from the military grip. But recently, I am actually [concerned] about the activities of Amnesty International in my country. On the 12th of June, 2001, your representative in Nigeria, Dr. [Simeon] made a statement which has caused me sleepless nights. He said, and I quote: "We don't meddle in things religious or political. It is Nigeria that must deal with that. If the government allows Sharia to supercede the constitution, that is a government problem". That is the statement from your representative in Nigeria. I just want to know whether Amnesty International supports such a statement? And I just want to know, how do you monitor your own monitors, since you have so many monitors in different countries?

Roger Clark

Let me answer this question in English. I haven't seen the statement you referred to, but I make two comments. The first is that Amnesty International members, worldwide, do not work on specific cases within their own country. That's a working rule that we have had for many, many years. It's partly for the impartiality that I talked about earlier, it's partly for protection—in some countries, it's dangerous to make statements within one's own country, it's also a way of showing the international nature of the organization. Now, having said that, though, if those statements that you quote were intended to imply that Amnesty as an International organization was not concerned about political and religious issues within Nigeria, then I would have to disassociate myself from those comments because it's very clear -

and I think you know very well that our work over the years on Nigeria, although it's been very difficult, has become increasingly effective. I won't go into details, but we have been very active in Nigeria for many, many years. The comment that you made at the end about how does Amnesty control its own members, we could talk a long time about that. People in any organization will sometimes say things that don't follow the party line. I don't want to give you the impression that Amnesty International has a party line, but we do believe that the principles that we adhere to, the information that we use worldwide, is the same information and that the actions are the same actions. That's very important, otherwise there would be confusion. So unless I can have a conversation with the gentleman that you quoted, I would have to say that I would hope he was referring to work done by Nigerian Amnesty on Nigeria, and not by the International Organization. I thank you for your question.

Participant

Thank you for letting me speak. This is a purely technical question, inter-organization, non-governmental. I would like to know what relationship could exist – for example, common actions that could exist between Amnesty International and the Fédération Internationale des Droits de l'Homme (FIDH), or other organization. What are the, let us say, common points of common actions, and what are the specific activities of each organization that must take these actions? So, if you wish, the complementarity of actions between international organizations?

Roger Clark

That's an important question, because in fact, the networks of which I spoke before, and which are more and more prevalent, need a stricter complementarity between them. Historically, the three organizations – I'm speaking of Amnesty, FIDH and Human Rights Watch, have worked sort of in their own fields, for good reasons. Human Rights Watch, being based in the US, has often been considered as an organization with a certain perspective, if I can say that, which was particular, and not always appreciated. FIDH is much more spread out among organizations, but does not have the resources to undertake actions to be followed in countries. Obviously, there are visits and missions, but unlike Amnesty, Amnesty can [undertake such actions] because we have researchers dedicated to such-and-such a country or region, and we can continue our work. But having indicated the differences that separate us, it is important to recognize that we now have more and more examples where two or all three organizations work together with a common strategy. For example, when Amnesty was admitted to Algeria last year for the first time in 4 years, the other organizations were also invited by the Algerian government. So the three went, but beforehand, the three agreed on what they were going to investigate and what they were going to publish. We even undertook, in 1998, a mission to Kenya, where the three organizations went into the field together. I wish to encourage this complementarity of which you speak, and which I find very rich in potential.

Andrew Drzemczewski

Just to follow up on that, in terms of NGOs which work together within the Council of Europe framework, the weight and quality of a number of bona fide NGOs can be substantial within the Council of Europe, or the UN framework - and perhaps, for those who do not know, one should mention that NGOs in the framework of an international organization (whether it be the Council of Europe, the UN or the Organization of African Unity), there are at least three different ways in which they work quite often together: one would be in political monitoring; I mentioned the fact that the Committee of Ministers' monitoring procedure is confidential, but that's not the case with respect to all other monitoring procedures. Secondly, the work of NGOs in providing factual information in judicial procedures, for example, before the European Court of Human Rights or quasi-judicials, Collective Complaints

mechanisms before the European Social Charter. Four or five NGOs getting their act together is worth its weight in gold, despite their technical and specific mandates which may differ.

Last, but not least, I think that's possibly the most important, yourselves, coming from national non-governmental organizations, don't forget that there are very many umbrella international organizations in different spheres of interest in the human rights field which have consultative status within the UN, UNESCO, Council of Europe etc... To be more specific, within the Council of Europe, we have the European Convention on legal personality of International NGOs so as to give them a certain stature and status with respect to freedom of movement, funds, personnel, etc... And, within the human rights field, when for example the Convention for the Prevention of Torture was being negotiated, we had certain NGOs that were directly involved behind the scenes helping certain governments or the Secretariat in providing an impetus and pressure on governments which were reluctant to go into a certain negotiation process.

Look at the World Criminal Court—if it weren't for certain legal officers of Amnesty International's Secretariat, we would have been blocked a number of times. Four major NGOs that have a specific observer status with respect to Council of Europe intergovernmental work, and they work quite often together, are the International Commission of Jurists, La Fédération Internationale des Droits de l'Homme, Amnesty International and the International Helsinki Federation.

Participant

I have a clarificatory question for Mr. Clark. I work with migrant workers in the Philippines and last year, we participated in Amnesty International's campaign to reform the justice system in Saudi Arabia. Many migrant worker NGOs actively participated. But we are quite curious because the campaign in Saudi Arabia will go on from June to September, so it is time-bound. What are your indicators in terms of measuring your success in the campaign?

Roger Clark

You are right, most country-related campaigns do have a start date and finish date. This is largely strategic and internal planning, rather than any assumption that, because we have come to an end of a campaign, we have achieved everything and we don't have to bother anymore. That would be wrong, and in the case of Saudi Arabia, there are many Amnesty members around the world that are continuing that work. It simply means that at the end of the campaign, the level of work has diminished because the focus has turned to another country. So don't misunderstand the term "the end of a campaign." We ended the US campaign some months ago and clearly we attained [a] few of the objectives, but we didn't attain them all. The current campaign against torture, I think it's evident that after a year or so, we've made some progress, but we can't claim that it's over and done with. I can tell you without revealing any secrets that Amnesty is now having some interesting internal strategic discussions about the continuing nature of campaigns—particularly the bigger campaigns like torture, refugees, and so on. So it may well be that we'll have those more-or-less as ongoing campaigns which exist permanently. With respect to country-related campaigns, because of the nature of the work, they must have a fixed time. We've got too many countries to deal with, and if we spent all our time on one, then we couldn't do everything else.

Participant

My name is Ashraf from South Africa. Perhaps as a prelude to my question, I'd like to make the comment that in South Africa, we are particularly grateful to Amnesty International for the role that it played in monitoring the human rights violations that occurred under Apartheid. I'm particularly personally grateful because Amnesty International was one of the organizations that I spoke to when I

was released from detention without trial, and that brought my particular circumstances to the attention of the international community. So for that, I am indebted to your organization. But I am also very critical of monitoring for the sake of monitoring. Your comment about impartiality as one of the three important things that we should consider - that [you know] monitoring organizations should not take political stances. It bothered me and I would like you to explain that in relation to monitoring and the linkage with human rights education. Because I subscribe to the view that monitoring and human rights education do not form a panacea for poverty alleviation, for combating poverty and inequality, for fighting human rights violations in our countries. It's rather a platform for human development. I would like to hear your views on the linkage between human rights violations and education in a manner that would take us beyond just a narrow interpretation of these issues.

Roger Clark

I think you used the expression "monitoring for the sake of monitoring" and I would be very nervous if that were in fact to be the case. What drives the agenda from Amnesty's point of view at least is a careful analysis of what is in the country concerned. We attempt some prioritization within the internal workings of the organization so that a lot of attention can be spent on one country and less on another. That may be self-evident, but it's worth pointing it out. Amnesty has both a narrow mandate and a broad mandate. The narrow mandate relates to our traditional areas of work, which are: our work to end torture, disappearance, to end the death penalty, to free prisoners of conscience, and so on. That has been the traditional Amnesty mandate of action. In a broader way, we talk about the promotion of rights as part of our mandate as well. We are going through a very interesting debate internally about the relationship inside our organization and outside - between the action-oriented work that we have done and will continue to do, and the bigger questions that are related to the promotion of all rights that flow out of international law.

So you raised the questions of poverty, education, health care, housing, food, and so on. These are also part of the promotional work that any organization involved in human rights needs to be aware of and put energy into. The question is: how do you balance that? I think that is a very difficult question to answer, given limited resources. Now, we can do a lot in that regard and Amnesty has been present and fairly vocal at recent discussions around globalization. We were at the Summit in Quebec City and we were in Seattle. No doubt we'll be in other places. That is part of what we are about...Amnesty has grown up a little bit and is able to talk convincingly, I hope, about human rights education at the broadest level - which will begin to address those fundamental problems within our societies that the traditional "action" type of mandate doesn't necessarily do. They interlink, because those who are most active and vocal on the issues of poverty, on the right to generic drugs to treat AIDS, on combating the food crisis and so on...Those are the people who very often get arrested. Those are the people who demonstrate, who get beaten up, who get tear-gassed...and those fall into the other area of our work. So the linkage is very, very tight and as an organization, we are doing a little better in understanding those links - but not enough, yet. However, the reference to the generic drugs is specifically aimed at South Africa, because our researcher in fact was working very closely with some of the people locally in South Africa in the campaign to establish the right to those generic drugs, which has more or less been achieved (although not totally, yet).