

Overturning impunity

INTERVIEW WITH IRENE KHAN

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IRENE KHAN joined Amnesty International in August 2001 and is the first woman, first Asian and first Muslim to head the world's largest human rights organisation bringing a strong focus to the issue of women's human rights and violence against women. She has served as Senior Legal Advisor for Asia among other senior posts. She is a graduate of Harvard Law School and received the City of Sydney Peace Prize in 2006. Irene has been voted one of the 100 most influential Asians in the UK.

It is now 60 years since the foundation of the Commonwealth and almost 40 years since the Declaration of Singapore first committed the organisation to the defence of human rights. How would you describe the record of the Commonwealth on this issue to date and what further steps would you like to see it taking in the future?

Well, the Commonwealth is a very diverse group of member states and I think in terms of human rights its progress has been mixed.

The strength of the Commonwealth is its diversity because it cuts across different regions, so there are different experiences of human rights that can be shared within the Commonwealth.

Personally, I think the Commonwealth should be doing more on human rights; it's simply a question of coming together to find solutions. A good example is the Commonwealth Human Rights Initiative (CHRI), but of course there are also very difficult situations like Zimbabwe where there is no common position and then it becomes very difficult to deal with the human rights issue.

A consensus-led approach is both a strength and a weakness. There are many members of the Commonwealth who are still applying the death penalty, for example, while there are many others who have abolished it, so there is room for making progress on that issue in the Commonwealth. If members shared their experiences they would find that those who have abolished it have not seen a jump in crime rates but rather they have seen an improvement in the criminal justice system because there is less likelihood that mistakes will be made and the wrong people executed. So, there's room there for a positive experience exchange, even within the constraints of a consensus-driven system.

There has been a notable lack of consensus in the Commonwealth on the issue of Zimbabwe. Is it simply a division between the country's neighbours and the rest of the world?

The issue is an international one, because the issues of human rights are not about race in Zimbabwe; it's the black Zimbabweans who are suffering more than anyone else as a result of what's happening there. When I went to Zimbabwe we visited schools, and we saw the way in which the entire school system has been decimated – there's not enough money to pay the teachers, the schools have been destroyed, the windows

aren't there, the toilets won't function, and even then the parents have to pay top-up fees, even though the education is supposed to be free. So, many children simply don't get an education, which is doubly tragic because the education system was one of the great achievements of the Mugabe regime in the 1980s.

The health system's collapsed; we saw that with the cholera outbreak earlier this year. The economic system is in ruins and they are now using South African rands and US dollars as their currency. Added to which you have the history of political violence, pre-election, post-election, still bubbling beneath the surface.

What is your view on Zimbabwe being readmitted to the Commonwealth? Do you think it would strengthen the development of democratic institutions or simply legitimise the status quo?

The Commonwealth should open a dialogue with Zimbabwe on human rights and make human rights the benchmark for performance to show commitment to the values of the Commonwealth, and then use that to measure whether Zimbabwe is ready or not for membership. We have seen that the process of admission to the European Union has been a positive trigger for improving human rights in countries such as Turkey, Bulgaria and Croatia, and the Commonwealth should approach Zimbabwe in a similar way.

How do you see the political situation developing in Zimbabwe? Do you believe in the new power-sharing government?

When I met Prime Minister Morgan Tsvangirai a few months ago he was optimistic yet pragmatic, and we'll have to wait and see whether the constitutional reform process produces anything. I think it depends a lot on the kind of messages the international community sends to Harare, both to Mugabe and to Tsvangirai.

While we were in the country we heard diverse views; some people in ZANU-PF are taking a very tough line saying change is simply not going to happen. Others within ZANU-PF said 'well yes, of course, we have to work together to build consensus; we need to change a bit and they need to change a bit and between us we can create something'. On the MDC side there are people who feel they want to invest in the process and test it out for a while and there are others who feel let down.

For the sake of the people of Zimbabwe I hope it will

succeed but I do think it will make a lot of difference how much attention and pressure the international community keeps on the Zimbabwean government because otherwise I think that things may slip. One of the things we found in our report was that the systems on the ground that were used to commit human rights abuses were still there – no-one has been brought to account for what they have done. Abuses may happen again so we must keep a close watch on it. People need more assistance but the assistance has to be well targeted in the areas where it will benefit the people directly and not go into propping up the oppressive systems in the security apparatus and other parts of the government.

How would you describe Amnesty's working relationship with the Commonwealth?

I would say we have a selective relationship. In the case of abolition of the death penalty, for example, we have worked closely with Commonwealth organisations and others to raise the issue with certain countries. We also worked together on some issues relating to counter-terrorism.

It depends on the issue, really. Where it is a question of capacity building or developing human rights standards we find that there is much more receptivity and openness than in the case of a difficult country situation such as Zimbabwe.

I think that the Commonwealth has not actually given human rights the kind of prominence that one would expect from elected governments who are all members of the UN. I think the organisation is driven more by political considerations – it is a political gathering, after all – but human rights can actually be used to depoliticise problems. So, I think it has a great deal of unrealised potential in this regard.

Take the European Union, for example. The death penalty was made an issue: no European country can

have the death penalty and be a member. There hasn't been a human rights standard that the Commonwealth has actually picked up and said 'this is true to our values and a standard that we must apply as a measure for all our members'. Every Commonwealth member state has signed one or more human rights treaty, so they should be trying to agree on the common principles of human rights to which they all subscribe and report it better. Unless you have good reporting and monitoring, human rights is just rhetoric.

How influential do you think the Commonwealth is on human rights issues among its member states and how effective are mechanisms such as the CHRI compared to their counterparts at the UN?

Well they're doing good practical work but they need to be strengthened more and to be better resourced, so that if they produce a report it's taken very seriously. At present that is not always the case. For instance, CHRI produced a report on Rwanda and the input that CHRI is making to the process in Rwanda should be valued more and CHRI should be given a stronger role on that. Governments should see it as a collective resource on the basis of which they can then make decisions.

Rwanda's application for Commonwealth membership has been championed by Tony Blair, among others, but the CHRI's own report describes its record as very poor. Do you think it sends the right signal for the Commonwealth to be admitting new members under those circumstances, or do you think a more rigorous and lengthy accession period, such as the one for the EU, is more appropriate?

The decision to admit or not is, of course, a political one. But in that political process some human rights tests could be put in place to raise human rights standards

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Irene Khan: fighting for the rights of women in Bangladesh

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and in the case of Rwanda, Amnesty's primary concern has been in the area of freedom of expression. There has been progress made in a lot of areas, but there are some, particularly freedom of expression and the genocide ideology law, as they call it, which is so widely drafted it can effectively be used to gag anyone.

One of the most recently elected Commonwealth leaders, President Nasheed of the Maldives is a former political exile and prisoner who has pointedly refused to take any action against his former torturers and jailers, many of whom he said are still in their former positions. Do you agree with that kind of forgive and forget approach or does he have a responsibility to ensure that such people are brought to justice and their oppressive systems dismantled?

When President Nasheed came to London earlier this year he met with me and my colleagues here at Amnesty because he wanted to thank us for our help in highlighting his treatment as a prisoner of conscience, and we did talk a lot about the human rights situation there, the changes that he's bringing about and the issue of accountability for past abuses. I think to forgive and forget is good but before you can do that there needs to be some form of accountability and some sense of justice, so that those who have suffered feel that they have received justice. You need to have a proper sense of closure and not simply brush the issue under the carpet because it is too politically sensitive to tackle. The problem of forgiving and forgetting without investigating and holding people to account is that there is then a sense of impunity, so it can happen again. And that will be a challenge for President Nasheed.

As the first female – and the first Muslim – head of Amnesty, you have sought to highlight some of the challenges faced by women and girls in countries such as Bangladesh and Pakistan – both, ironically, countries that have had strong female leaders.

One of the issues that I have been very much engaged in in Amnesty has been the issue of gender violence and what we have found is that it's not individuals that make a difference but the whole society coming together, so you need to engage society as a whole to deal with it. Secondly, you need to acknowledge the existence of the problem, as in the case of maternal mortality, where half a million women die a year because of pregnancy or during childbirth. Pregnancy is not a disease, it's part of normal life, and these women are dying at the most productive time of their lives, yet very little political attention is being given to this tragedy. Having women in positions of leadership is important but much more important is a broader acknowledgement of the systemic problems and a willingness to deal with

them, and I don't think women either in Pakistan or Bangladesh ever dealt with the real systemic problems of discrimination. As a result of which, they don't have equal rights in terms of property ownership, employment, healthcare or politics. So, unless you tackle that social status issue it's very difficult to address poverty or gender violence, the causes of which are found to be inequality, apathy and impunity.

The unequal status of men and women created an environment in which it was deemed acceptable to abuse women with impunity because the state basically tolerated it and did nothing. At the same time, you had apathy on the part of society that accepted it as culture, custom, religion or just a fact of life. What we found was that the most successful way of bringing down gender violence was for women to organise themselves, create space to gather together, to find ways of supporting each other, whether it was through micro-credit, to carry out economic activities or to have schools and give literacy classes. Basically, having an empowerment agenda.

In the case of Bangladesh there is a very vibrant women's movement and a very vibrant civil society and that's where success stories like Grameen Bank and BRAC come from. The education of women, population control – these have all been primarily brought about by women organising themselves at the grass roots level and it's quite remarkable, the work that's happened there.

What do you regard as the most important human rights issue in the world today and why?

I would say poverty and yet the response that you get is 'how can poverty be a human rights problem?' I would say it's because poverty is fundamentally about human rights abuse – deprivation, discrimination, exclusion – all of which are human rights problems. Our inability to tackle that makes it very difficult to tackle other human rights problems. My predecessor went to meet with an African Head of State when he was Secretary General of Amnesty – he was from Africa himself – and the Head of State said to him 'look, you're complaining about our prisons but have you been to our villages?' In a lot of these countries the conditions on the ground are so poor it's a luxury to talk about human rights in the abstract, you have to get really concrete about the kinds of problems they face there.

There are rural women who don't have money to get to the local health centre and then when they do get there find that the costs are prohibitive: the cost of childbirth is about 70 per cent of the income of a family and so very often it's easier to let the woman die than to pay for her health costs. There is discrimination, lack of accountability on the part of the government, corruption, no right to health, or right to life of women, so there are many kinds of human rights issues there quite apart from the fact that they don't have the money. **F**