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LETTER FROM THE EDITORS

Malala Yousafzai, a young Pakistani woman and advocate for the right to education, courageously stood up to her Taliban attackers when she continued to attend school in Pakistan after the Taliban had restricted education for women. As a young teenager, Malala had spoken and written publicly on her life under Taliban rule in Pakistan, receiving a nomination for the International Children's Peace Prize by Desmond Tutu for her work. In 2012, Taliban gunmen entered a school bus asked for Malala by name and shot her three times. Surviving this assassination attempt Malala continued to fight for the right to education and the rights of young people and on December 10, 2014, she was recognized for her work with the Nobel Peace Prize; Malala Yousafzai was just seventeen at the time, the youngest Nobel Prize Laureate ever.

Despite widespread condemnation for Malala's attackers, in the summer of 2015 Reports indicated that eight out of ten of Malala's attackers were acquitted in a secret trial although earlier reports noted that they had received twenty-five-year sentences. All ten men had confessed their guilt to Pakistani police but were released by the police citing lack of evidence. The trial, which was held in secret with little transparency, means that we will likely never know what transpired and why Malala was denied the justice she deserved.

Malala's journey represents not only the need for human rights protection, but also for accountability for human rights violations. Ensuring human rights requires both proactive defense mechanisms as well as reactive accountability mechanisms. In Malala's case, she was provided with neither protection nor accountability. Malala remains a symbol of defiance against those seeking to undermine the basic rights of the most vulnerable populations across the globe; however, the failings in affirmative human rights protections and reactive human rights accountability demonstrate a continued need to focus on the rights of the vulnerable and to effectively respond to those who seek to violate those rights.

Malala's story is indicative of a troubling global trend in human rights. Failures to prevent human rights abuses are too often accompanied by failures to hold violators accountable for their actions. By freeing eight of the ten attackers, Pakistan indicated to the world that it did not truly value the need for accountability. The decision to not provide meaningful justice for the assassination attempt underscores the lack of respect for human rights in Pakistan.

Throughout the world, this tragic cycle repeats. States fail to protect vulnerable communities against human rights attacks and then fail to provide accountability and justice, thus indicating a lack of serious commitment to preventing the human rights abuse. Ensuring human rights is not simply about protecting vulnerable populations; it is also about ensuring justice and accountability. States that provide justice and accountability for human rights violations are states that are protecting their vulnerable populations. Protecting human rights is both reactive and proactive.

The *Human Rights Brief* has always been a student-run publication, and in the first issue of Volume 22 we highlight the excellent work of our dedicated staff, many of whom focused on

situations around the world in which states are not protecting the rights of vulnerable groups by either failing to proactively enact measures protecting the rights of those groups or failing to provide reactive accountability mechanisms. For example, in this issue we analyze the rights of unaccompanied children from Mexico, accountability for torture in the Philippines, the right of political participation in Armenia, property rights of indigenous populations and due process of minority prisoners in Ethiopia, the right to work and right to property of Palestinian refugees in Lebanon, and the right to water in the United States.

Together, these insightful pieces emphasize the need to push for stronger proactive measures defending human rights as well as efficient and meaningful ways to provide accountability for unfortunate abuses. As human rights lawyers and defenders, it is essential to draw inspiration from across the globe. We hope that each piece in this issue of the *Human Rights Brief* will inspire our readers to take action in defense of human rights; to stand up for the rights of vulnerable groups and to demand more from our governments in response to each and every violation of human rights. For current coverage please visit *hrbrief.org* where we update daily on cutting edge human rights issues.

Chris Keeler & Whitney-Ann Mulhauser
Co-Editors in Chief

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A New Era for Cuba, But Perhaps Not for Cuban Free Speech

On December 17, 2014, President Obama announced big steps toward the normalization of relations between the U.S. and Cuba: exchanging prisoners, relaxing trade restrictions, and possibly reopening an embassy in Havana. Polls indicate that over sixty percent of U.S. citizens supported the move, as did a majority of leaders in Latin America. Some groups, though, particularly Cuban Americans, staunchly opposed the rekindling of diplomatic relations between the two nations. Senator Marco Rubio, a son of Cuban immigrants, called the move an attempt to "appease rogue regimes at all cost." He points to the Castro regime's abhorrent human rights record as a key reason to continue the U.S. trade embargo.

A recent spike in short-term detentions of political disidents seems to support some of the claim from critics, such as Rubio, have complained about. The Cuban Commission for Human Rights and National Reconciliation recorded 8,899 short-term detentions in 2014, about 2,000 more than the previous year. Tania Bruguera, a performance artist and Cuban expatriate, recently planned an open-mic free speech demonstration in Havana's Plaza de la Revolución for December 30, 2014. Cuban police dismantled the event before it began, arresting at least three well known political dissidents. Several of the activists previously had voiced dissapproval with the resumption of U.S./Cuban diplomatic relations, noting that the U.S. secured no apparent human rights guarantees as a result of its consessions.

In the past, the Cuban government has disregarded recommendations from the United Nations regarding free speech. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) provides that, "everyone shall have the right to freedom of expression." Cuba signed the ICCPR in February 2008; not surprisingly, though, they did not, and have not ratified the treaty. The nation's practice of silencing political dissidents seems to conflict with articles set forth in the ICCPR. While technically a recognized member of the Organization of American States—at least since 2009, when the OAS lifted Cuba's suspension—Cuba has not had any involvement in the organization in more than fifty years and has no plans to involve itself in the future. Despite heavy international pressure to end its suppression of free speech, the small island country remains beholden to no one.

In his 2015 State of the Union Address, President Obama said the new diplomatic steps "have added up to new hope for the future in Cuba." Two days later, on January 22, U.S. Assistant Secretary for Western Hemisphere Affairs Roberta Jacobson visited the island nation to engage in diplomatic talks. She is the highest ranking U.S. official to do so in more than thirty-eight years. Jacobson expressed concerns over freedom of speech and assembly in Cuba. Cuban officials countered by expressing their own concerns about recent police killings in Ferguson, Missouri and New York City. Whether the increased dialogue between the two countries will mean anything in terms of greater freedom for Cubans remains uncertain. Senator Rubio has his doubts.

Indigent, In Debt, and Incarcerated: The New American Debtors' Prison

Across the United States, state courts are revitalizing an old, forgotten institution—the debtors' prison. On June 11, 2014, a Boston area judge sentenced seventy-three-year-old retiree Iheanyi Okoroafor to thirty days in jail for contempt of court for failing to pay a $508.27 debt. In Michigan, state courts sent single mother Kawana Young to jail five times for failing to pay fines related to minor traffic offenses. Similarly, in Georgia, Thomas Barrett, who was unemployed and living on food

stamps, spent over a month in jail for not paying a $200 probation fee. Many human rights organizations, like the American Civil Liberties Union (ACLU) and Human Rights Watch, have questioned the validity of these so-called "pay-or-stay" policies under the U.S. Constitution and international treaties, and have called for the end of the new age debtors' prisons.

Debtors' prisons originated in England and were ubiquitous in the U.S. during the antebellum period. Even James Wilson, one of the founding fathers and an original Justice of the Supreme Court, spent time in debtors' prison while serving on the bench. Congress outlawed debtors' prisons by the mid-1800s, but the practice of sending probationers to prison for not paying their fines has brought the term back into the modern lexicon. While the old debtors' prisons held people for essentially breaching contracts, new debtors' prisons hold misdemeanor offenders for contempt of court brought on by their failure to pay probation costs.

These "pay-or-stay" practices have attracted significant scrutiny from human rights organizations. In February 2014, Human Rights Watch issued a report citing the privatization of probation systems in the U.S. as a key culprit behind increased debt-related incarcerations. The ACLU put out a similar report in October 2010 focusing on how the states' attempts to fund their criminal justice systems have led to higher probation and court fees. Another 2010 report from New York University's Brennan Center for Justice focused on criminal justice debt as a key component of an unbreakable cycle of recidivism.

International law attempts to deal with the imprisonment of people who do not pay their debts. The U.S. is bound by the International Covenant of Civil and Political Rights (ICCPR) and the American Declaration on the Rights and Duties of Man (American Declaration). Article 11 of the ICCPR states that "[n]o one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation," and Article 25 of the American Declaration holds that "[n]o person may be deprived of liberty for nonfulfillment of obligations of a purely civil character." U.S. courts' penchant for locking up probationers may conflict with international human rights treaties, but the language of the treaties is vague and seems to refer more to debtors' prisons in the classical sense, not to the new debtors' prisons human rights organizations, like the ACLU, seek to eliminate. The probationers are convicted criminals, so it would be difficult to argue they are being locked up solely for their "inability to fulfill a contractual obligation," or for "nonfulfillment of obligations of a purely civil character."

A stronger argument against "pay-or-stay" practices may exist in domestic law. In the 1983 Supreme Court case *Bearden v. Georgia*, a unanimous Court held that revoking a person's probation and sending that person to jail for indigency alone violates the 14th Amendment's Equal Protection Clause. According to the *Bearden* opinion, a defendant's refusal to pay fines or court costs must be willful to justify jail time. Whether a probationer failed to pay his fine willfully or simply because he could not afford to do so has been a distinction courts have either had difficulty making, or a distinction they have failed to make at all. When a court locks up a man living on food stamps for failing to pay his $200 probation fee, it calls into question the court's efforts in assessing his financial situation.

Three decades after his case reached the Supreme Court, Danny Bearden continues to see friends and coworkers jailed for being poor. In its report, Human Rights Watch recommended transparency in fine collection and alternative punishments for poor probationers. The ACLU has called for congressional oversight hearings to address the lack of enforcement of guarantees set forth in *Bearden*. A few states have begun taking action. In Michigan, three state senators have recently sponsored a package of bills, which aims to eliminate pay-or-stay practices and replace them with alternatives like community service. If successful, the Michigan legislature could prompt other states to follow suit.

Bolivia's (Now Sanctioned) Littlest Workforce

In July 2014, the Bolivian government signed a bill into law dropping the legal working age below international standards. Although many countries allow children to work from age fourteen, Bolivia's new law makes it the first to legalize work for children as young as ten. The Bolivian people generally supported the act, resoundingly reelecting Evo Morales and his administration—the party responsible for the law—in October 2014. However, international rights organizations like Human Rights Watch lobbed criticism at the bill, pointing to work's propensity to interfere with a child's education. According to the International Labour Organization (ILO), child labor has fallen by as much as a third worldwide in the past decade, but Bolivia's new law could signal changing tides.

Child labor is nothing new in Bolivia, South America's poorest country. A 2013 report by the U.S. Department of Labor found ubiquitous use of child labor in Bolivia's agricultural, service, mining, and manufacturing industries. It reported that around twenty percent of children ages seven to fourteen worked. The prevalence suggests a culture steeped in the tradition of working from an early age. Children even have their own union—The Bolivian Union of Child and Adolescent Workers (UNATSBO)—15,000 members strong. President Morales himself started herding llamas at age four. He claims that "[w]hen one works from a young age, one has a greater social conscience." Children make up an estimated fifteen percent of the country's workforce, and in a nation where many live in extreme poverty, child labor is an essential reality for families struggling to make ends meet.

Proponents of the new law say it protects the country's young workers by guaranteeing fair wages and safe working conditions, and by imposing strict penalties on employers caught mistreating children. While the law officially lowers the legal age of employment from fourteen to ten, it comes with some caveats. For example, children under the age of twelve must still attend school and can only work if self-employed and permitted by a parent or guardian. These children may legally engage in light work like shining shoes or selling goods on the streets. Children age twelve and above may do contract work for bosses and earn a minimum wage, and employers must still allot them time to attend school. Many Bolivians see child labor as a necessary evil, an important weapon in the unending struggle against extreme poverty.

Poverty is not the only problem facing Bolivia's children, though. Last year, in its annual Trafficking in Persons Report, the U.S. State Department dropped Bolivia to its Tier 2 Watch List, just one step above the tier reserved for countries with the most egregious human trafficking problems. The report cited forced child labor and child sex tourism as key concerns. The report specifically named child laborers as a population vulnerable to trafficking and exploitation. The United Nations Children's Fund (UNICEF) has noted both high rates of child homelessness and high rates of undocumented children (children lacking birth certificates) in Bolivia. It believes that, "[c]hild labour is both a cause and consequence of poverty and the loss of a country's human capital."

Other organizations, like the Council on Hemispheric Affairs, have pointed out the new law's apparent incompatibility with international treaties. In 1990, Bolivia ratified the United Nations Convention on the Rights of the Child. Article 32 of the Convention holds that no child shall engage in work "likely . . . to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." It remains uncertain whether Bolivia's law directly conflicts with such a broad provision. However, seven years after ratifying the Convention, Bolivia ratified the ILO's Minimum Age Convention, which sets the minimum working age at fourteen. Article 7 of the Convention allows children in developing nations as young as twelve to engage in light work "not likely to be harmful to their health or development." But the U.S. Department of Labor points out that

even shoe shining can be hazardous, exposing children to inclement weather, crime, and vehicle accidents. Read in a light most favorable to Bolivian lawmakers, the ILO's Convention supplies no provision allowing for the work of ten-year-olds.

Despite friction with international treaties and mounting criticism from rights organizations, Bolivia's government has no immediate plans to change or eliminate the new law. Critics claim the act will impede education, thus stifling the economy long-term and further perpetuating a cycle of poverty. But Javier Zavaleta, a sponsor of the bill, sums up the government's view on a difficult situation: "we aren't making laws for developed countries, we're making laws for Bolivians." For the time being, this reality means that Bolivia's children will continue to labor on in the unceasing struggle against poverty.

Lost and Never Found: The Plight of Canada's Indigenous Women

On December 21, 2014, the Inter-American Commission on Human Rights (IACHR) released a report concerning the plight of indigenous women in Canada, whom it claims face violence at a rate four times greater than nonindigenous women. The report elaborates on what the IACHR calls a "pattern of violence and discrimination against indigenous women in the country." The report largely blames the violence on inadequate police protection. It claims that discrimination, both past and present, has desensitized police to the needs of indigenous communities.

From slavery to cultural suppression, Canada's history is steeped in the mistreatment of indigenous populations, particularly indigenous women. Laws like the 1876 Indian Act, which banned traditional rituals such as potlatches and outlawed the possession or consumption of alcohol for indigenous people, imposed gender-discriminatory restrictions. Under Section 12 of the Indian Act, an indigenous man could marry a nonindigenous woman without risk to his tribal status. An indigenous woman marrying a nonindigenous man, however, would forfeit all tribal rights, including the right to live on her reserve and the right to inherit family property. The Canadian Supreme Court upheld the provision in 1973, but the United Nations Human Rights Committee found that the provision violated the International Covenant of Civil and Political Rights (ICCPR) in 1981. The legislature eventually amended the Act in 1985 to comply with the ICCPR, but the Act itself remains in force.

It was with this backdrop of discrimination that the Indigenous Women's Association of Canada (NWAC) collected the data on missing and murdered indigenous women that served as the foundation for the IACHR Report. In 2010, NWAC found 582 cases of missing or murdered indigenous women spanning a twenty-year period. It found that only fifty-three percent of investigations into homicides of indigenous women led to convictions compared to eighty-four percent for the rest of Canadian homicides. In 2014, the Royal Canadian Mounted Police (RCMP) released its own report, which cited over 1,000 homicides of indigenous women since 1980. RCMP's report contained detailed statistics comparing the homicide rate of indigenous versus nonindigenous women. In 1996, for example, the homicide rate per 100,000 nonindigenous women was 1.14, while the homicide rate for indigenous women was 7.60. Physical beatings were the number one cause of death by homicide among indigenous women.

The cause of such extreme violence remains a matter of debate. The RCMP Report noted that murdered indigenous women were more likely to be unemployed, to be involved in the sex trade, and to have consumed intoxicants immediately prior to their deaths than nonindigenous women. The NWAC Report cited contributing factors such as gangs, hitchhiking, and fetal alcohol spectrum disorder. The IACHR Report, however, pointed to police misconduct or ineptitude in protecting indigenous women, as well as Canada's legacy of race and gender discrimination as underlying key causes

of the violence. The IACHR Report claims that dismissive attitudes among nonindigenous Canadians create a fertile environment for gender-based violence within indigenous communities, and that Canada has fallen short of its obligations to protect indigenous women under domestic and international law.

Canada is bound by the human rights standards of the American Declaration of the Rights and Duties of Man (American Declaration) as a member of the Organization of American States, and it is bound by international human rights standards as a State Party to the ICCPR. Notably, however, Canada has flatly rejected treaties specifically protecting the rights of indigenous persons. Nevertheless, Article 6 of the ICCPR and Article 1 of the American Declaration provide that all states must protect the right to life. Article 2 of the American Declaration demands equal protection under the law, barring discrimination based on gender or race.

Based on its international human rights obligations, the IACHR and nonprofit human rights groups believe Canada could do more for its indigenous women. The disproportionately high rate of violence against indigenous women coupled with the disproportionately low rate of convictions for violence against indigenous women seem to clash with Canada's obligations to protect the lives of its citizens equally. The IACHR wrote, "a State's failure to act with due diligence with respect to a case of violence against women is a form of discrimination, and a failure on the State's part to comply with its obligation not to discriminate."

With the RCMP and IACHR reports released in 2014, the increased attention has forced Canada to lend an ear to the issue of violence against indigenous women. The Saskatchewan Urban Municipalities Association has agreed to support a new study looking into the violence. On February 27, 2015, Canadian politicians met with indigenous leaders to openly discuss solutions to the problem. While progress was modest, the two groups agreed to meet again sometime before the end of 2016, a step, albeit a small one, toward resolution and peace for Canada's indigenous women.

Turning off the Tap: The Right to Water in the United States

On March 11, 2015, one year after Detroit sparked outrage when it terminated water services for 33,000 customers, the city's Board of Water Commissioners approved a rate hike of nearly ten percent. The increase promises to hit hard. Detroit is the poorest major city in the United States, with nearly half of its households subsisting on less than $25,000 a year. At the same time, Detroit's residents have begun receiving letters from the city threatening to cut water once more. Last year, United Nations (UN) officials lambasted the mass shutoff as "an affront to human rights." The controversy has helped highlight the question of whether access to clean water constitutes a human right.

On June 18, 2013, Detroit submitted the largest municipal bankruptcy filing in U.S. history, revealing a debt of nearly $20 billion dollars, and set in motion a chain of events that would leave thousands without access to potable water. The bankruptcy allowed an emergency manager, Kevin Orr, to wrestle control of the city away from its mayor and city council for the purpose of cleaning Detroit's financial house. Action was swift. The city shut down fire stations and slashed police wages and pensions. Politicians talked of liquidating the city's prized cultural treasures like the Detroit Institute of Art. No move generated as much backlash as the city's decision to cease service for residents with delinquent water bills, though. NGOs condemned the move, activists marched in the streets, Jon Stewart lampooned the action on his television show, and Canadians shuttled hundreds of gallons of water across the border in aid of their neighbors to the south.

An important truth emerged from the frenzy—Americans generally enjoy no constitutional right to clean drinking water. When NAACP Legal Defense Fund lawyers brought suit to enjoin the water shutoffs in September of 2014, a federal bankruptcy judge stated flatly "[t]here is no such right or law." Internation-

al law, however, recognizes a right to water. According to the UN, Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) implicitly grants the right to water under its "adequate standard of living" clause. Countries like El Salvador and Uruguay have taken steps toward the protection of the right, but the U.S., not a party to the ICESCR, has not. U.S. federal custom, however, does not foreclose its states from recognizing water as a human right. In 2012, California signed Assembly Bill 685, guaranteeing clean drinking water for all. If Michiganders seek the same, their answer may lie in the chambers of the State Capitol and not in those of the federal bankruptcy court.

As winter surrenders to spring, rising water prices and impending shutoffs loom large. Detroit vows to handle the delinquent bills better this year by targeting businesses before individuals and by working with customers on payment plans. Still, many live in uncertainty without any guarantee to drinking water as a human right. In a state enveloped by the largest freshwater system on the planet, Detroit's poorest residents thirst for resolution.

By Michael Poupore, staff writer

Venezuela's Treatment of Protesters Forces Questioning from the UN's Committee Against Torture

The United Nations Committee Against Torture (UNCAT) recently questioned Venezuela on its alleged use of torture and other inhumane treatment during the country's political protests that started in February 2014. The UNCAT's concerns come from reports that stated that Venezuelan police forces tortured and abused more than 3,000 people who were detained during the protests. The report documented instances in which "protesters were stripped naked, threatened with [rape]," and were not allowed to receive medical care or call lawyers. This report raises concerns of abuses under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Moreover, the United Nations (UN) review comes at an awkward time for Venezuela; in October, the country ran uncontested and won a seat on the Security Council, a two-year term effective January 1, 2015. Although many Latin American member states support Venezuela's election to the Council, the country's victory has created controversy with Western core member states such as the United States. The election also highlights an intersection between Latin America's desire for international representation in the United Nations and the desire to end human rights abuses in the region. The paradox of Venezuela's alleged human rights abuses and its membership on the Security Council, which effectively sets and maintains the standard for international peace, highlights an interesting question concerning the friction between Latin America and member states.

The political protests in Caracas can be traced back to February 12, 2014, when three protesters were shot while participating in a peaceful march for the release of imprisoned students. The protesters, who were mostly students, were also joined by Venezuela's opposition party, Table for Democratic Unity (MUD). Subsequent to the protests, accusations of excessive treatment and abuse from security forces arose, and the head of MUD, Leopoldo Lopez, was arrested. Venezuela's government, headed by Nicolás Maduro, claims that Lopez's arrest was in response to a U.S.-backed plot to stage a coup. The government also categorized the anti-government protesters as "fascists." Some have accused Maduro, with his anti-protest rhetoric, of instigating violence against the protesters, which has resulted in imprisonments. Protesters were allegedly threatened and tortured during their detainment, actions which raise concerns under the CAT, a treaty that the country ratified in 1991.

Article 11 of the CAT states that parties "shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any

territory under its jurisdiction, with a view to preventing any cases of torture." As a signatory of the treaty, Venezuela is required to ensure that its methods of detention are free of torture and any degrading punishment. Additionally, Article 16 of the CAT provides "[e]ach State Party shall undertake to prevent . . . other acts of cruel, inhuman or degrading treatment or punishment . . . when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." Under Article 16, Venezuela is required to prevent acts of degrading treatment on the part of its public officials (e.g., security forces).

In the present case, Venezuela's alleged conduct as mentioned in the UN report is likely in conflict with both articles. Regarding Article 11, the arbitrary imprisonment of protesters, along with rape threats and denial of legal representation, brings attention to the lack of oversight security forces had in treating detainees. Further, in a brief submitted to the UNCAT, Amnesty International confirmed instances where security forces punched, kicked, and beat protesters with blunt objects during interrogation and used electrical shocks to extract information. If proved, these acts would uncover actions contrary to the CAT. Regarding Article 16, the fact that the accused abusers are state security forces creates a problematic situation for Venezuela. In addition to torture, the forces are also accused of degrading and inhumane treatment. For example, gender-based discrimination, lack of medical attention, and prolonged arbitrary detention of protesters are accusations that would contradict the principles enshrined in Article 16.

Despite the abuse accusations and ensuing pressure from the United States and other states, Venezuela has maintained popular support for its Security Council seat. It received 181 out the total 193 possible votes and recently the Common Market of the South (Mercosur), a free trade organization that encompasses most of South America, congratulated Venezuela on its victory despite the UNCAT's recent review of the country. This paradox can possibly be attributed to friction between South America and Western core states because of controversial and out of touch economic policies backed by the International Monetary Fund. The UNCAT ended its questions to Venezuela by urging the country to allow the UN Special Rapporteur on Torture to investigate the allegations. However, it remains to be seen whether the country will react to requests from the UNCAT or ignore the continued criticism.

By Dylan S. Maynard, staff writer

Mexican Unaccompanied Children: The Forgotten Ones

Coverage of the unaccompanied minors surge seems to have disappeared from the news headlines after the numbers have dropped from last summer's crisis. The media focused mostly on Central American children crossing the U.S.-Mexico border (Border), while much less attention was given to Mexican unaccompanied children. The disproportionate coverage mirrors the differing treatment of Mexican unaccompanied children, who have been crossing the Border in larger numbers over time and are, unlike Central American children, not entitled to a court hearing before being deported. By treating Mexican children differently than Central American children, the United States, which is bound by the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), may not be fulfilling its obligations under domestic and international law.

When children cross the Border and are apprehended by Customs and Border Protection (CBP), they are split up depending on country of origin. Children who are not from Mexico automatically get transferred to the Office of Refugee Resettlement (ORR) for a hearing with an immigration judge who will determine their removability. Mexican children, on the other hand, have a much quicker process to go through. In 2008, the United States amended the Trafficking Victims Protection Reauthorization Act (TVPRA); Section 235 has a specific provision applicable to Mexican children: "[w]

ithin 48 hours of the apprehension . . . the child shall be screened to determine whether the child meets the criteria [for trafficking]." Only if the child meets the criteria for trafficking is he or she transferred to the ORR, like Central American children, for further processing. Most officers, however, determine Mexican children are not victims of trafficking and subsequently send them back to Mexico.

The U.S. also has international obligations when dealing with trafficking. The U.S. has not ratified the Convention on the Rights of the Child (CRC), but it has ratified and is a strong supporter of the Trafficking Protocol. The Trafficking Protocol was passed in November 2000 and so far, 166 states have ratified it. Section 10(2) of the Trafficking Protocol states that "States Parties shall provide or strengthen training for law enforcement . . . in the prevention of trafficking in persons" and shall also "take into account the need to consider human rights and child" issues. Additionally, Section 6(4) states that State Parties must take into account the special needs of children.

The U.S. is possibly not fulfilling its obligations under domestic and international law when identifying potential victims of trafficking. Under the due diligence standard of international law, a state must prevent and respond to acts that interfere with human rights. A state is also held responsible when it fails to make a situation better for a victim when it could have done so. By not having proper procedures in place, CBP officers often fail to take the correct steps in identifying potential victims of trafficking when it comes to Mexican children. Smugglers often use Mexican children to traffic people or drugs into the U.S. because they know that in most cases, if apprehended at the Border, the children are sent right back to Mexico. A leaked 2014 United Nations Report revealed that Mexican children are frequently used as smuggling guides and are victims of trafficking. CBP officers have been failing to properly screen these children to see if they are victims of trafficking and typically just send them back to Mexico. In addition, CBP officers do not receive the proper training to work with children and focus on quick rather than substantive answers when interviewing them. Other reports have also shown that sometimes children are interviewed out in the open, possibly in front of their traffickers.

Although Mexican children have not been in the news nearly as much as Central American children, Mexicans account for the largest number of immigrants overall. For example, Mexicans accounted for forty-four percent of the 41,800 unaccompanied minors apprehended by CBP in 2013, but only two percent of all children referred to the ORR. This means that most Mexican children apprehended were sent right back to Mexico. The United States, under the Trafficking Protocol, must take measures to prevent the trafficking of children. According to an Appleseed Report, there are at least some Mexican children that are victims of trafficking and do not get identified as such. A large percentage of these children are susceptible to becoming victims of sex or labor trafficking; children who live near the border are often used as "*menores del circuito*" to smuggle drugs and people across the Border. Therefore, the U.S. is failing to identify some victims of trafficking and possibly not fulfilling certain obligations under the Trafficking Protocol and TVPRA.

Mexican unaccompanied children are a very vulnerable population that deserves the same attention as all children crossing the Border. The U.S. must ensure its policies are in line not just with domestic obligations but also international obligations.

By Alejandra Aramayo, staff editor

Military Accountability in Bangladesh

On March 23, 2011, a member of Bangladesh's Rapid Action Battalion (RAB) shot sixteen year old Limon Hossain in the leg in a field near his village in southern Bangladesh. The shooter and his squad had apparently mistaken Hossain for a criminal they were seeking. Four days later, Hossain's leg was amputated to save his life. In the immediate aftermath, authorities said that Hossain had been accidentally caught in the crossfire between the RAB and criminal gangs; later, police filed criminal charges against Hossain himself, allegedly to shield the RAB from accountability. Those charges were finally dropped in October, but no one has been held responsible for Hossain's injuries. Because the government recognized Hossain's innocence by dropping charges but has not prosecuted his attackers, longtime critics of the RAB have called again for the government to hold the organization accountable.

The RAB is a police-military hybrid force founded in 2004 to fight crime. Observers like Human Rights Watch (HRW) have long documented extrajudicial killings and other "serious human rights violations" carried out by the RAB, but no member has ever been successfully prosecuted. In May 2014, following the execution of seven people in Narayanganj, three officers were arrested. However, most observers believe that this was because the victims' families are well-connected, and because there was extensive media coverage, not because it represented a "break [in] the cycle of impunity."

The International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh is a signatory, recognizes that "every human being has the inherent right to life" (Art. 6.1) and requires states parties to "ensure that any person whose rights or freedoms . . . are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity" (Art. 2.3(a)).

Observers have called for such measures as monthly exams of the RAB members for mental fitness and independent investigations of member actions. Some observers have gone so far as to advocate for a complete demobilization of the RAB in favor of an entirely civilian force: while Bangladesh certainly needs strong law enforcement agencies, says Human Rights Watch, the RAB has "run amok" and is "beyond reform."

If proven, the RAB's activities could indicate breaches of Bangladesh's duties under international law. According to HRW, the infractions are so longstanding and so extensive that the force should simply be disbanded. One representative said that "[d]eath squads have no place in a democracy." Human Rights Watch and other observers will be watching to see if Bangladesh disbands the RAB.

"Treated Worse than Animals:" Women and Girls in Indian Mental Institutions

In January 2015, Bollywood actress Deepika Padukone revealed to the press that she has struggled with depression and anxiety. Her disclosure has received praise and sparked a discussion in a society where, according to Ms. Padukone, "[t]here is shame and stigma attached to talking about depression." Supporting her assessment is a report released by Human Rights Watch (HRW) a month earlier in December 2014. Entitled "'Treated Worse than Animals:' Abuses against Women and Girls with Psychosocial or Intellectual Disabilities in Institutions in India," the report describes not only the stigma attached to mental illness in Indian society, but also the mistreatment that many women less fortunate than Ms. Padukone endure: forced institutionalization, prolonged detention, and severe

neglect. The report recommends various legal reforms and emphasizes the need for greater oversight of both private and public institutions so that they comport with international standards.

Researchers for HRW interviewed over 200 women and girls, many of whom reported appalling conditions in the twenty-four institutions that HRW visited. Many of the women said they had not consented to being institutionalized; some had simply been wandering the streets when police picked them up. Some were admitted through court orders with no possibility of appeal while others were dropped off by family members with only a signature to support the claim of mental illness. Even after patients are declared fit for release, says HRW, many women languish in institutions because they have nowhere to go and no one to come get them.

Although India was one of the first countries to sign and ratify the Convention on the Rights of Persons with Disabilities (CRPD) in 2007, its laws may still not meet the treaty's standards. For instance, Article 5 provides that "all persons are equal before and under the law" and are entitled to the law's protection. Article 12 states that all persons with disabilities shall "enjoy legal capacity on an equal basis with others in all aspects of life." Article 6 specifically requires states parties to ensure the equal rights of disabled women and girls, and Article 15 prohibits treatment without the patient's consent. These and several other provisions of the CRPD may be implicated if the allegations in the HRW report are proven true.

Within the walls of the various institutions, women experience physical, verbal, and sexual abuse. Many live in overcrowded and highly unsanitary conditions: one center houses almost 900 patients in a facility built for 350, and another has only twenty-five working toilets for 1,850 patients. Lice are rampant in many centers, so staffers shave the women's heads rather than providing medicated shampoos to deal with the problem. Little education or engagement is provided at the centers that HRW visited; women largely spent their days sleeping. Girls sometimes attend school, but it is not adapted to their needs, so they learn very little. Furthermore, women are often subjected to involuntary treatments, such as medication administered through force-feeding, pills hidden in food or electroconvulsive therapy (ECT) administered without their consent and, sometimes, without their knowledge. Overall, HRW says, women and girls in institutions are deprived of their legal capacity. In other words, these conditions deprive them of the right to make decisions about their own lives.

Although both women and men are institutionalized, women with disabilities have a uniquely vulnerable position in Indian society and face unique barriers when institutionalized. In a country with an "appalling" rate of sexual violence against women and girls, HRW researchers say that many in institutions never see gynecologists or get the reproductive services that they need. Aside from the entrenched marginalization of women, other contributing factors include a stigma against mental illness, a lack of resources, and laws that do not adequately protect some of the most vulnerable members of India's population.

Some in India, especially those in rural areas, view mental illness as evidence of black magic or sinning in a past life. A heavy stigma extends not only to the patients themselves, but also to the doctors, psychologists, and social workers who help them. As a result of this stigma, there is a striking lack of resources available for mental health programs in India. Approximately 70 million Indians live with psychosocial disabilities (such as schizophrenia or depression) and 1.5 million have cognitive disabilities (such as Down syndrome). For these vast numbers, there are three psychiatrists and 0.5 psychologists per million people, and forty-three state-run mental hospitals across the country. Privately run institutions have cropped up across the country, but they tend not to be adequately registered or monitored.

Finally, the HRW report points to laws that are not adequate to protect people with mental illnesses in India. Under current laws, for example, a prospective patient must be declared mentally ill and in need of care by two psychiatrists before they are admitted to an institution. In practice, however, this can be accomplished easily at any mental hospital. Once admitted, HRW asserts, there is a pattern of failing to obtain informed consent from the patient, and no way for patients to challenge their detention. In 2013, the legislature introduced the Mental Health Bill and the Rights of Persons with Disabilities Bill; however, critics argue these bills do not go far enough to guarantee full rights to women and girls with disabilities, as required under the CRPD.

Going forward, human rights observers and mental health care professionals recommend an increase in funding, regulation, and oversight for private and state-run institutions to better protect Indians with mental illnesses. HRW ultimately advocates deinstitutionalization in favor of a community-based model of care that would be more responsive to patients' needs. For India to meet its international obligations, women with disabilities need to be treated as full and equal citizens with the legal capacity to make decisions—with some support—about their own lives. Although Ms. Padukone received the help she needed to combat her depression, India has a long way to go to ensure that all citizens, regardless of their background, are provided with adequate care.

Laos Human Rights Record Under U.N. Review

On January 20, 2015, the United Nations Human Rights Council (UNHRC) met in Geneva, Switzerland to examine Laos' human rights record. Through a process called Universal Periodic Review (UPR), the UNHRC has evaluated Laos' rights record twice in the past five years: once in 2010 and again this month after the country submitted its rights evaluation report in November 2014. Observers have encouraged the United Nations (UN) to take this opportunity to highlight the lack of progress made by the Lao government on key human rights issues since the 2010 review. According to a report submitted to the UPR by Human Rights Watch (HRW), the Council should focus on Laos' major unaddressed human rights issues: the use of enforced disappearances to deal with dissenters; restrictions on freedoms of speech, assembly, and the press; and the lack of labor rights.

Looming over the UPR is the two-year anniversary of the disappearance of agronomist and civil society leader Sombath Somphone. Educated in the U.S., Somphone returned to his native Laos in 1975. Eventually, Somphone became the leader of a "scrupulously apolitical" movement to educate farmers and improve the lives of the rural poor. In the 1990s, the government began selling large tracts of land to foreign companies; by 2012, when Laos hosted the Asia-Europe Meeting, an estimated five percent of the country's land had been sold. In a forum session of the Meeting in mid-October, Somphone made the "bland" statement that "economic development and promotion of investment should not undermine people's land ownership." On December 15, 2012, Somphone disappeared. Although Laos has not been forthcoming about the disappearance, a security video that may depict Somphone's kidnapping was posted online.

For observers like HRW, Somphone's story is just part of a larger narrative in a "repressive" one-party state. A determination by the UNHRC that Laos has made insufficient progress since 2010 could implicate Laos' earlier UPR promises and several other international agreements, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), both of which Laos is party to. The ICCPR sets out the rights of all people to be free from "arbitrary arrest or detention" (Art. 9(1)), to have the right to freedom of expression (Art. 19(2)), and the right to associate with others,

"including the right to form and join trade unions for the protection of his interests"(Art. 22(1)). The ICESCR also protects "the right of everyone to form trade unions and join the trade union of his choice" (Art. 8(1)(a)).

In 2010, the Lao government agreed to adopt the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED); to date, it has signed but not ratified the treaty. According to critics, Somphone's disappearance is "emblematic of the Lao government's lack of accountability for rights abuses." Critics say that the government is obligated under international law to prevent and remedy such disappearances, but that calls by the international community have been met with silence.

The Lao government also pledged in 2010 to change its domestic laws regarding media freedom to comport with the ICCPR. Nevertheless, the government continues to control all TV, radio, and printed media in the country, and expressions contrary to "national interests" or "traditional culture and dignity" are prohibited. In September 2014, the government promulgated a new rule against spreading "false information" online that could "divide solidarity." Fines and even jail time can be imposed for those found in violation of the law. Critics have expressed concern about the limits that these laws place on citizens' basic rights, including the right to privacy, the creation of a culture of self-censorship, and fines and jail terms imposed for exercising these basic rights.

All Lao unions are formed under the Lao Federation of Trade Unions (LFTU), which is controlled by the government; workers are not permitted to form or join unions of their own choosing. The government is therefore both controller and protector of workers, which HRW describes as a contradictory role. One result, according to HRW, is that workers are effectively prohibited from exercising their right to strike—which may violate of the principle of freedom of association.

After the meeting in Geneva, the UNHRC will determine whether Laos is on track to meet its human rights obligations or if it still has work to do. If the observers' reports are correct, Laos could be found to have neglected its duties to ensure human rights within its borders. If that is the case, pressure to locate Sombath Somphone, sign treaties, and incorporate international standards into domestic law will likely intensify over the next few months.

By Liz Leman, staff writer

The Philippines: Culture of Violence in Police Force Blamed for Torture Cases

The Philippine Senate Committee on Justice and Human Rights and the Committee on Public Order met in Manila last week to discuss claims of police torture within the country. The joint committee hearing was announced shortly after the release of Amnesty International's (AI) investigative report, Above the Law, which details widespread abuse of detainees by Philippine civil authorities. Senator Aquilino "Koko" Pimentel, teh Committee on Justice and Human Rights Chairperson, found the reports disturbing and pleaded that steps be taken "to prevent torturous activities, provide mechanisms for the effective investigation and restitution of legitimate claims of torture, and end impunity." Citing the AI report, Senator Pimentel explained that police officers have used a variety of torture methods on victims, who are mostly from disadvantaged and marginalized backgrounds or groups who have fallen out of favor with their local police officers, such as political activists. Torturous acts recorded in the report include electric shocks, water boarding, asphyxiation with plastic bags, stripping detainees naked, and threatening detainees with death. Furthermore, sources confirmed last January that police played "wheel of torture" with forty-one detainees at the Philippine National Police Laguna Provincial Intelligence facility in Biñan. In addition to the Amnesty report, the Philippine police force's maltreatment practices have garnered

concern from the United Nations Human Rights Committee (UNHRC) in 2012 as well as the United Nations Committee against Torture (UNCAT) in 2009.

The Philippines signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1986 and is a state party to the International Covenant on Civil and Political Rights (ICCPR). Both treaties forbid torture and require states to prevent other acts of related abuse. Article 10 of the ICCPR requires that states treat all persons deprived of their liberty with humanity and respect for the inherent dignity of the human person. Under article 11 of the CAT, signatories are expected to engage in regular systematic assessments of their interrogation rules and practices regarding treatment of persons subjected to arrest, detention, or imprisonment.

The Philippines also has a national legal framework for protecting its citizens against torture. Article III sections 12 and 19 of the 1987 Philippine Constitution explicitly prohibit torture and in 2009 the Philippines enacted the Anti-Torture Act (ATA), which sought to ensure accountability and redress for torture and ill-treatment. The ATA criminalizes torture and those convicted are not allowed to benefit from special amnesty laws or other measures that would excuse them from the judicial process. The Philippines' Commission on Human Rights (CHR) reported that there has been marked improvement in reporting cases of torture by police since the enactment of the ATA in 2009. According to Amnesty's 2014 report, some of these cases have been filed in court but many others are stuck in the preliminary investigation stages or have been dismissed. To date, not one person has been convicted for the crime of torture since the ATA was enacted five years ago.

In 2012, the Philippine government acknowledged the problem of impunity for perpetrators of torture in their country in a state report submitted for the Universal Periodic Review at the Office of the High Commissioner for Human Rights (OHCHR) in Geneva. In the report, the Philippines cited its effort to build a National Monitoring Mechanism (NMM), which would bring together diverse government agencies, civil society organizations, and the Philippine Commission on Human Rights. The body would not have prosecutorial powers but would be an effective monitoring system to ensure that justice is served to victims of extrajudicial killings and torture. Nearly two and a half years after its announcement, however, the NMM has yet to be convened.

During the Senate's joint committee hearing, Senator Pimentel, backed by fellow committee members, stated the torture problem in their country could be solved with the proper implementation of the existing Anti-Torture Law. National Bureau of Investigation head, Chief Joel Tovera, echoed the Senator and pointed to the "culture of violence" within the Philippine National Police (PNP) for accommodating and administering torture. Many police officers are exposed to violence and hazing in their recruitment phases, sometimes even from their superiors, and thus, the committee concluded that many officers feel permitted to administer the same sorts of violence against civilians. Chief Superintendent of the PNP, Jose Villacorte, noted that all officers receive trainings in proper interrogation tactics but recognized the joint committee's desires for a cultural shift beyond just the training of officers.

Moving forward, the senate committee echoed many of the recommendations put forth by the AI report. The committee acknowledged the serious nature of torture in their nation and ensured the PNP, and others attending the hearing, that the previous climates of impunity for such actions are not acceptable and perpetrators will be sought and punished under Philippine national law. As the Southeast Asian country continues to acknowledge shortcomings in its protection against torture and enact pieces of corresponding legislation, many await what will be done to bridge the gap between the standards

of law and the reality of implementation.

South Korea: United Nations Calls for Korean Anti-Discrimination Act

After a weeklong visit to South Korea last October, The United Nations (UN) Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance—Mutuma Ruteere—called on the government to address xenophobia and racial discrimination. Over the last decade, waves of migrants have entered the Korean workforce. To date, around 1.57 million foreign nationals reside in South Korea, making up three percent of the population. To support its growing population of multicultural settlers, the Korean Government has enacted a series of laws and policies. Yet, despite requests from the International Labor Organization and the UN, South Korea has yet to pass a comprehensive anti-discrimination law.

The Republic of South Korea is a party to a number of international treaties and conventions against discrimination. Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); Article 2 of The International Covenant on Economic, Social and Cultural Rights (ICESCR); Article 8 of The International Covenant on Civil and Political Rights (ICCPR) as well as Article 7 of the United Nations Educational, Scientific and Cultural Organization's (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions collectively prohibit forced labor, protect the diversity of cultural expression, and guarantee the right to work in just and favorable conditions. Though South Korea has yet to pass a comprehensive anti-discrimination law, the state does have some applicable domestic legislation. Article 11 of South Korea's Constitution, Article 22 of the state initiated Employment Permit System (EPS) Act, and Article 6 of South Korea's Labor Standards Act prohibit discrimination or unfair treatment of foreign nationals.

Despite these commitments to anti-discrimination, the Special Rapporteur found countervailing amendments within Korean domestic policies that offset progress and exacerbate the nation's problems of racial discrimination. South Korea's Employment Permit System (EPS), enacted in 2004, was created to resolve low-skilled labor shortages in South Korea and allows employers to legally hire foreign workers. Ruteere explained, however, that since 2004, the government made amendments to the system that restricts migrant workers' abilities to change jobs and challenge abusive practices by their employers. Additionally, Ruteere expressed concern that the EPS prevents those within the scheme from being granted permanent or long-term residency, because the EPS limits workers' eligibility to a maximum of four years and ten months. Indeed, according to a recent study by the National Human Rights Commission of Korea (NHRCK), eighty-four percent of migrant workers surveyed felt they experienced some form of discrimination, including pay and benefits, type of work assigned, and overall hostile treatment.

Another domestic directive, South Korea's Labor Standards Act, was enacted in 1997 to provide a systematic framework to protect all of the country's workers, citizens and foreigners alike. However, a recent investigative report from Amnesty International finds that a provision in Article 63 of the Act specifically excludes the agriculture industry; a sector, according to the International Organization for Migration (IOM), made up of over seventy percent migrant workers. In his press conference in Seoul last month, Special Rapporteur Ruteere noted that the agriculture industry in particular needs improved oversight from the Korean authorities. Out on the farms, migrant workers experience poor working conditions and wage inequity. Employers often illegally subcontract their farmhands in between harvesting seasons, and many migrant workers are subjected to physical or sexual violence.

According to Ruteere, it is important that the government begins implementing edu-

cation and awareness campaigns to prevent the proliferation of racist and xenophobic movements and ideas within South Korea. Locally organized xenophobic groups claim that multicultural policy enacted by the government actually discriminates against Koreans because they are not entitled to the same social benefits and programs. Ruteere confirmed that no such inequity exists but cited the discrepancy as further grounds for anti-discriminatory awareness plans in the country. The Special Rapporteur also noted several specific discriminatory scenarios, including prohibiting an Uzbekistan-born, naturalized Korean woman from entering a public bath, Korean television comedy programs featuring actors in blackface, and local shops and restaurants expressing derogatory perspectives towards foreign customers as additional reasons to initiate broad campaigns against culturally insensitive tendencies.

Although South Korea has taken steps to combat discrimination, critics are concerned the country may still fall short of its international obligations. In order to strengthen its efforts against discrimination, South Korea should develop cultural awareness initiatives amongst its citizens, improve domestic legislation, and promote a culturally sensitive and conscious media infrastructure. To offer better protection to migrant workers, Ruteere proposed that the government ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Finally, to help fill voids in South Korea's existing legislation, the Special Rapporteur called for the imposition of a comprehensive anti-discriminatory act. By ratifying these treaties and implementing legislation that conforms to existing obligations, South Korea can strengthen its commitment to eliminating racism.

China: Human Rights Groups Continue to Call for Release of Uyghur Academic

On January 15, 2015, one year after Uyghur Academic Ilham Tohti's detention in China, the Uyghur Human Rights Project (UHRP) has once again called for continued pressure from all concerned parties for the scholar's immediate release. The United Nations Working Group on Arbitrary Detention (WGAD), the European Union (EU), and the U.S. State Department have also released statements condemning the Xinjiang Provincial Court's decision to sentence Tohti to a life in prison last September. Tohti taught economics at Minzu University, a school in Beijing designated for ethnic minorities in China. At the university, Tohti operated the website, Uighurbiz, which he advertised as a moderate and non-violent platform for dialogue and debate between the majority Han Chinese and ethnic Uyghurs living in the Xinjiang Uyghur Autonomous Region (XUAR), China's vast northwestern province.

The Chinese government has long been at odds with a faction of Uyghur Muslim separatists who continually push for additional autonomy within the XUAR, sometimes resorting to acts of terrorism both in Xinjiang and other parts of China. Tohti has repeatedly rejected violence and separatism; he contends that his website and teachings merely reflected his desires for better treatment for Uyghurs and others in the XUAR region. Despite reported non-radical intentions, the Chinese provincial court ruled that Tohti's actions "incite[d] ethnic hatred" between the Han and Uyghurs and in doing so "encouraged his fellow Uyghurs to use violence." The Xinjiang high court rejected the scholar's appeal against the conviction last November.

Article 9 of the Universal Declaration of Human Rights (UDHR) ensures that "no one shall be subjected to arbitrary arrest, detention or exile." Articles 8, 9, and 10 of the UDHR, moreover, guarantee the right to an effective remedy and due process rights. Additionally, the WGAD reminded the Chinese Government that the UDHR forbids the arbitrary denial of liberty and the suppression of freedom of expression. Although the UDHR is not enforceable without ratification of a binding treaty or the implementation of conforming

domestic legislation, China's adherence to its principles would indicate a strong commitment to a preservation of these rights.

In a report concerning Tohti, the WGAD expressed concern that China's criminal law legislation contained "vague, imprecise, and sweeping elements" that allow for Tohti—who was charged solely for his advocacy on behalf of Uyghurs—and other individuals to be prosecuted without rights to freedom of thought, expression, and opinion, all guaranteed by the UDHR. Various reports also indicated that after Tohti's arrest in January 2014 that he was tortured in detention, denied food for ten days, and shackled for more than twenty days. Furthermore, during the course of his trial, government officials reportedly refused Tohti's legal team access to evidence and did not allow the attorneys to meet with Tohti until nearly six months after his initial incarceration. Regardless of treaty ratification, China is obligated to protect Tohti from state-sanctioned or supported torture because eradication of torture is a jus cogens norm. Jus cogens norms refer to particular fundamental and overriding principles of international law from which no divergence is ever qualified. Should Tothti's involvement with Uighurbiz or his non-violent stances on Uyghur representation have led to his imprisonment, China may also be suppressing Tohti's right to freedom of expression.

The WGAD urged the Chinese government to take necessary steps to remedy the situation. Such steps include Tohti's immediate release and compensation for the harm he has suffered during his detention. Additionally, the WGAD encouraged the government to ratify the International Covenant on Civil and Political Rights, which China signed in 1998.

By Wilson Melbostad, staff writer

Energy and Forced Resettlement in Tajikistan

Tajikistan is the poorest nation in Central Asia. The landlocked nation is completely dependent on hydropower to meet growing power needs, and every winter the nation experiences a major energy crisis, making it hard for the average person to survive without United Nations' assistance. Mountains cover ninety percent of the landscape, and during the summer, the melting snow floods many rivers, creating a surge in power output. The frigid winter months, however, create a perfect storm of increased need for power and decreased supply, as the mountains' snowy peaks stop melting and the rivers recede. Consequently, the nation's dams have a lower output of power, creating significant human rights issues every year, particularly those protecting land and labor standards. To address these issues, Tajikistan has undertaken a major building project, which may lead to further issues involving rights protected under international treaties of which Tajikistan is party.

To fix this humanitarian issue, Tajikistan's government restarted building the Rogun Dam. Originally a Soviet project begun in 1976, the dam was shelved "due to financial constraints." At over 330 meters, the project is slated to become the tallest dam in the world. Although it may solve the yearly energy crisis, the dam's reservoir would displace up to 42,000 people. The Tajik government is building resettlement villages and offering restitution to assist displaced citizens; however, according to Human Rights Watch (HRW), the government is failing in its duty to ensure that citizens do not experience unnecessary hardships. For example, forced relocations may be undercutting the peoples' ability to support themselves, and the restitutions do not equal what people will lose. Since many of the displaced people were subsistence farmers or herders, this loss of land not only means a traumatic resettlement, but a loss of their established way of life. Furthermore, many claim that the land on which they have been resettled is significantly less fertile or completely lacks the ability to pasture animals. Resettled families are also responsible for building their own houses, creating a greater economic strain. The World Bank had been helping Tajikistan build the dam with a goal

of eliminating or minimizing "involuntary resettlements." Recently, China's announcement of $800 million in aid has stoked fears that the project will move too quickly for the Tajik government to properly work out existing issues regarding restitution for displaced people.

Tajikistan may break commitments it undertook to uphold when it signed the International Covenant on Economic, Social, and Cultural Rights (ICESCR) if it finishes the dam, but also if it discontinues construction. Article 1 states that people must be allowed to "freely pursue their economic, social and cultural development" and "[a]ll peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice." Furthermore, Article 11 specifically protects "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." Currently, 1,500 families have already been resettled in a manner that may not uphold the citizens' right to economic self-determination while maintaining the right to an adequate standard of living, including housing. Although the energy is clearly needed during the winter, the dam project may be depriving citizens of rights enshrined in the ICESCR; yet not addressing the energy crisis means continuing a lower standard of living for the average Tajik citizen.

Another outcome of the resettlement program is families being moved for the specific purpose of working within the cotton industry. Tajikistan's economy relies heavily on the cotton industry, with up to sixty percent of the rural population working in the industry. Children being forced into cotton fieldwork is a major concern in the resettlement program and may be inconsistent with the ICESCR's Article 13 protection of children's rights to education and Article 10, section 3 protection from economic and social exploitation. Families resettled in cotton producing areas learned upon arrival that much of the work is done by forced child labor. Children who refused to work in the cotton fields routinely suffered abuse. If parents objected, their children were refused entry into school. Although Tajik authorities started paying children for cotton fieldwork, the payment was a fraction of the already miniscule payment adults receive for the work.

According to Human Rights Watch, the "Tajik government should take a close look at the impact of Tajikistan's resettlement program on the lives of the people being moved out of its way." While the World Bank has recently waffled on the issue of major projects such as the Rogun Dam, Tajik authorities have been clear that with or without international aid, they will continue the project because, in their view, the dam is a solution to the annual winter energy crisis.

Human Rights in Kazakhstan and the International Olympic Committee

Almaty, Kazakhstan is one of two remaining candidate cities to host the 2022 Winter Olympics. Human rights activists are using its prominence as a finalist to criticize what they consider Kazakhstan's abysmal human rights record and the International Olympic Committee's (IOC) apparent apathy to such concerns. Activists are pushing for increased scrutiny regarding the Olympic bids of authoritarian nations, and are publicly pressuring the IOC to add effective language to the newly mandated human rights contracts, which countries sign to host the games. In particular, Human Rights Watch (HRW) is pressuring the IOC to enforce the contracts and follow through on strict sanctions for breach of contract. They also hope that the bid will foster a much-needed discussion of Kazakhstan's human rights issues. Human rights defenders are not hopeful that the host nation will live up to its obligations, however, because Beijing, China is the only other remaining candidate city, and protesters languished in prison long after the 2008 summer games they hosted ended.

According to HRW, Kazakhstan's human rights situation has gone "from bad to worse." New laws allow police to quickly break up protests of even a few people, and the nation's recent United Nations Universal Periodic Review criticized policies limiting the freedom of expression and assembly. As a current member of the United Nations Human Rights Council and signatory to applicable treaties, Kazakhstan may be contravening its obligations. For instance, Article 21 of the International Covenant on Civil and Political Rights protects the right of people to peacefully assemble. Since these obligations do not appear to have meaningfully affected Kazakh policies, human rights defenders are concerned that the current language of the IOC contracts will be equally ineffective.

As a result, activists are pressuring the IOC to take action, which has historically been an effective tactic. Responding to public outcry, the IOC investigated unpaid wages to workers in the run up to the Sochi games. It has responded to the recent controversy over human rights abuses by adding a clause to the contract that all host countries must sign, to "take all necessary measures to ensure that development projects necessary for the organization of the Games comply with local, regional, and national legislation, and international agreements and protocols, applicable in the host country with regard to planning, construction, protection of the environment, health, safety, and labour laws." In response over the outcry of the Sochi games, the IOC has added non-discrimination language that will not take affect until after the 2022 games. The Olympic Charter states that the games are designed in part to advance the "harmonious development" of humanity and the "preservation of human dignity." The language has no binding effect on host nations, however, and many nations would promise to follow the Charter with no real intention to live up to their word.

With the near certainty that the 2022 Olympic games will take place in an authoritarian nation with major human rights issues, activists are likely to continue their push for greater transparency. Past successes in pressuring the sporting bodies appear to be a powerful way for activists to pressure nations to live up to their obligations.

By Kevin Whitman, staff writer

Freedom of Expression vis-à-vis National Security: The Need to Strike the Balance in Eastern Africa

With increasing security threats, Eastern African nations are at the crossroads of balancing national security and freedom of expression. The volatile geopolitics of the region may generally justify a broader margin of appreciation in favor of national security. However, if that discretion is abused, it becomes counterproductive as a systemic suppression of freedoms may be a national security threat in itself, especially in a region characterized by porous borders, ethnic and religious diversity, and secessionist tendencies and realities.

In December 2014, the Kenyan Parliament passed the Security Laws (Amendment) Bill, which amends about twenty-one existing parliamentary acts. Human rights activists and Kenyan opposition consider the bill "draconian." It introduces a new section to the National Intelligence Services Act to grant the Director-General the power to authorize mass surveillance of communications for national security purposes. The bill also adds a section to the Prevention of Terrorism Act to criminalize the publication of photographs of victims of terrorist attacks without the consent of the National Police Service and the victim.

The Kenyan Government considers the bill a response to recurring terrorist attacks from Al-Shabaab, an Al-Qaeda-affiliated group based in neighboring Somalia. Since 2010, the group has taken responsibility for multiple attacks, including bombings in Kampla, Uganda; the attack on Westgate mall in 2013, and a 2014 attack that killed 28 in Kenya.

In 2009, Ethiopia passed an anti-terrorism law based on similar justifications. According to United Nations experts and other rights groups, the Ethiopian Government is using the Anti-Terrorism Proclamation to suppress various rights, including freedom of expression, by prosecuting "journalists, bloggers, and opposition politicians." Meanwhile, some claim that Ethiopia experienced fewer attacks after the new law took effect, and have been advising Kenya to learn from Ethiopia. The United Kingdom has insisted that Kenya pass a tight anti-terrorism law since 2011.

The debate over the Kenyan bill highlights the fundamental challenge of balancing freedoms and national security in the region. Unstable geopolitical situation may provide nations with a broader margin of discretion in favoring their security. However, the discretion is not unlimited under international human rights law. The International Covenant on Civil and Political Rights (ICCPR), to which all eastern African nations except South Sudan are parties, provides for the right to freedom of expression under Article 19, but recognizes national security as a legitimate justification to restrict the freedom.

Ensuring national security is a fundamental precondition to safeguard human rights including freedom of expression. National security may be invoked in response to situations that may threaten the existence of a nation, its territorial integrity, or its political independence. However, restrictions based on security interests must have a genuine purpose and demonstrable effect of protecting national security. It may not be invoked to impose arbitrary restrictions or perpetuate systematic violation of human rights. The United Nations Human Rights Committee General Comment 34 also calls for strict adherence to the tests of necessity and proportionality.

Nations have a general discretion to define what constitutes a national security threat. In east Africa, territorial integrity may be a key interest for several reasons. Firstly, the region is arguably one of world's most volatile. The region witnessed two recent successful secessionist movements leading to the creation of Eritrea and South Sudan. Neither movement delivered the freedoms they promised. Rather, Eritrea is considered by some to be state sponsor

of terrorism, and civil war is still waging South Sudan. Secondly, in the region is also war-torn Somalia, which has been referred to as a "failed State," where groups such as Al-Shabaab and Al Ittihad al Islamiya are based. Additionally, the fact that nations in region share porous borders with similar ethnic demographics, languages, or religion may enhance adjacent countries' real or perceived susceptibility to security concerns.

Counterterrorism may unavoidably be incompatible with human rights as fighting terrorism "necessarily involves the state taking on new powers of surveillance and enforcement." However, states need to act in good faith taking into account the exigencies of the situation as required by the Siracusa and Johannesburg Principles on limiting freedoms. States need to recognize that systematic violations of human rights by themselves may ultimately lead to national security threats. It is important to note that the secessionist movements that created Eritrea and South Sudan were responses to grave human rights situations in the respective nations.

It may be difficult to tailor the actual breadth of security laws in advance of the situations they purport to govern. Thus, the guiding principle should be that laws too suppressive of freedom of expression are national security threats in themselves.

Beyond the election of Mugabe as African Union Chair

On January 30, 2015, African leaders appointed Zimbabwean President Robert Mugabe as the African Union's (AU) next Chair. The ninety year-old Mugabe took the one "year-long rotating chairmanship" succeeding Mauritanian President Mohamed Ould Abdel Aziz. The Union elected Mugabe amidst allegations of human rights abuses by his regime, and longstanding travel bans and sanctions by the European Union and the United States. The post, though ceremonial, may implicate the Union's position of non-interference vis-à-vis human rights.

Following the nomination of Mugabe by the Southern African Development Community (SADC), which he also chairs until August 2015, the Union's senior officials expressed contrasting views on approving the appointment. While the AU Commission Chairperson Nkosazana Dlamini-Zuma emphasized the Union's goals to be "democracy, good governance and human rights," her deputy Erastus Mwencha enquired: "Who am I to say to the people, you have elected the wrong leader?"

In 2007, the Union faced a similar dilemma on the candidacy of Sudanese President Omar Al-Bashir in connection with the Darfur crisis. Instead, the Union elected Ghanaian President John Kufuor on the ground that his nation was celebrating its golden jubilee of independence.

In other situations, the Union welcomed to the same post Libya's Muammar Gaddafi in 2009 and Equatorial Guinea's Teodoro Obiang Nguema Mbasogo in 2011, despite objections from civil society groups.

Mugabe's election may have human rights implications despite the symbolic nature of the post. Firstly, the Union may be regressing to the "sacrosanct" principles of state sovereignty and non-interference; core principles before the Organization of African Unity (OAU) transformed itself into the AU in 2002. These principles were very instrumental during the fight for independence from colonialism. With this transformation, non-interference was supposed to be overridden by emerging values such as human rights.

Secondly, Mugabe's election, about which Western and African opinions sharply contrast, may intensify the Union's anti-neocolonial rhetoric. While there is pessimism as to the value Mugabe will add, there is also deep respect and support for him among many African leaders.

In one-way or another, his election may further strengthen the Union's re-emerging principle of non-interference at the expense of other values such as human rights.

By Bantayehu Demlie Gezahegn, staff writer

Dominic Ongwen—ICC to prosecute LRA leader

On Tuesday, January 6, 2015, a man claiming to be Dominic Ongwen, one of the Lord's Resis-

tance Army's (LRA) top commanders, surrendered to United States military forces in Central African Republic. The following day Ugandan authorities confirmed his identity and explained that U.S. forces where holding him at a military base in Obo. Ongwen's capture gave rise to controversy regarding the jurisdiction under which he would be prosecuted—the options being Uganda's own courts or the International Criminal Court (ICC). However, on January 13, a State Department deputy spokeswoman announced, and the Ugandan Army confirmed, that Ongwen would be transferred to the Hague for prosecution under the ICC, who indicted Ongwen in 2005 on seven counts, including murder and enslavement. At first Uganda appeared reluctant to release Ongwen to the ICC, wishing to prosecute him in the country's own courts instead. Uganda could have exercised its right to prosecute Ongwen because—despite the ICC's jurisdiction over genocide, crimes against humanity, and war crimes—it is a court of last resort, meaning "it will not act if a case is investigated or prosecuted by a national judicial system, unless the national proceedings are not genuine." Uganda has pardoned thousands of LRA fighters under a 2000 Amnesty Law and some feared that Ongwen's "status as both victim and alleged author of war crimes" could have resulted in such a pardon.

At the ICC, Dominic Ongwen will be prosecuted for his role as a top commander in the LRA, where he served under the group's leader Joseph Kony. Ongwen is charged with crimes against humanity, specifically murder and enslavement. According to Article 7(1)(a) of ICC's Elements of Crimes, in order to prove murder the ICC prosecution will have to show that (1) Ongwen has "killed one or more persons," (2) that his "conduct was committed as part of a widespread or systematic attack directed against a civilian population," and (3) that he "knew the conduct was part of or intended the conduct to be part of a widespread or systematic attack against a civilian population." To prove that Ongwen is guilty of enslavement under Article 7(1)(c), the prosecution must show that (1) Ongwen "exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty," as well as evidence proving the same components (2) and (3) stated above.

The prosecution may be able to prove the last two elements of both murder and enslavement. The LRA is allegedly to blame for the mass killings of over 100,000 people, and the kidnapping of over 60,000 children. Their acts spanned over a period of thirty years, and occurred across five central African countries. The LRA was forced out of Uganda almost ten years ago for their cruel acts against humanity, such as chopping off prisoners' limbs and abducting young women for sex slavery. Such information suggests that Ongwen's conduct as an LRA commander was "part of a widespread or systematic attack against a civilian population."

In order for the ICC to find Ongwen guilty of his alleged crimes, the prosecution will need to provide proof of specific instances where Ongwen murdered and deprived civilians of their liberties. A conviction would be, according to Human Rights Watch, an opportunity for victims of the LRA to receive long-awaited justice for the grievances they have suffered.

Al-Shabab's Attack on Garissa and Kenyan Response

On April 2, 2015, four armed gunmen attacked the campus of Garissa University College in northeastern Kenya. By nightfall, the death toll, as reported by the Kenyan government, had reached 147 people. The same night, Joseph Nkaissery, the Kenyan Cabinet Secretary for Interior and National Coordination, announced that the Kenyan security forces had killed the four gunmen involved in the attack.

Al-Shabab, the Somalia-based fighter Islamist group responsible for the attack on West Gate Mall in 2013, claimed responsibility for this attack. The group was also responsible for "two attacks in Mandera county in late 2014, in which a total of 64 people were killed," as well as other smaller attacks. According to the New

York Times, "the Shabab has killed hundreds of Kenyans—on country buses, in churches, in a quarry last year where they marched off miners before dawn and also made them lie face down in rows." These attacks have been especially prevalent since October 2011, mainly as retaliation for Kenya's military troops entering Somalia to fight against al-Shabab.

Survivors of the attack on Garissa claim that the gunmen urged students to step out of their dormitories if they wished to survive, claiming that the alternative was death. However, the gunmen allegedly began shooting students as they flooded out, or forced students to lay down in rows where they proceeded to execute them with gunshots to the head. Some survivors also recounted instances where the attackers ordered students to call their parents and make it known that this attack was in response to "Kenya's military intervention in Somalia." Although it appears that most students were killed indiscriminately, the majority of the victims are said to be non-Muslims.

The condemnation of al-Shabab's acts were unanimous—even a group of ethnic Somali men "marched down Garissa's main road to show solidarity with the victims." In the wake of the attack, there appears to be growing resentment of the Kenyan government. Despite the impending possibility of such attacks, the security at Garissa University was minimal, comprised of only two guards. Human Rights Watch (HRW) also argues that "Kenya's efforts to tackle rising insecurity have been marred by serious human rights violations:" limited freedom of expression, "extrajudicial killings, enforced disappearances, arbitrary detentions, and torture by security forces."

Articles 48 through 51 of the Kenyan Constitution ensure that all persons have access to justice and that their rights to due process are upheld. Articles 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR), of which Kenya is a state party, prohibits the arbitrary deprivation of life, and torture, respectively. Although Article 4 of the ICCPR acknowledges a country's need to employ certain extreme measures "in time of public emergency which threatens the life of the nation," it clearly states that there should never be any derogation from Articles 6 and 7, among others.

Deputy Africa Director of HRW, Leslie Lefkow, understands the "shock and anger" caused by the Garissa attack. However, he argues that "law enforcement operations that respect Kenyan and international law are essential" to preserving basic human rights, especially those of the Muslim and ethnic Somali persons against whom Kenyan police and soldiers are discriminating. Further, given Garissa's proximity to Somalia, the Kenyan government was aware of the city's and university's "vulnerability to [al]-Shabab attacks," yet it "failed to appropriately address" this weakness. "Amnesty International emphasizes the Kenyan government's responsibility to guarantee the human rights of all its citizens within the boundaries of the Constitution and the law," which includes safe educational institutions for its students and teachers.

By Stefania Butoi Varga, staff writer

Human Rights Concerns Ahead of Burundi's 2015 Elections

On April 15, 2015, the United Nations (UN) High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, referred to Burundi's 2015 general elections as a "critical moment" in the nation's history with a chance for the country to choose "the path of free and fair elections which would strengthen and mature Burundi's still fragile democracy, and enable an improvement in its dire socio-economic situation." However, since then, violent demonstrations have claimed the lives of at least twenty-seven people. The fighting erupted after the country's ruling party, the National Council for the Defense of Democracy–Forces for the Defense of Democracy (CNDD–FDD), nominated President Pierre Nkurunziza on April 26, 2015, as its presidential candidate for a third term, a move that some Burundians say violates the country's constitution and the Arusha Peace and Reconciliation Agreement. Supporters, however, argue that Nkurunziza's candidacy violates neither law be-

cause the parliament elected Nkurunziza to his first term, not the people. Discontent surrounding the election has continued to mount.

On May 14, 2015, violence continued after an attempted coup organized by a group of military officers failed. Although officials arrested several officers purportedly involved in the coup, the whereabouts of the group's leader, Godefroid Niyombara, remain unknown. Following the coup attempt, public protests resumed on May 18 in Bujumbura despite the government's threat of arresting demonstrators as "accomplices" to the attempted overthrow. Although the government stated in a press release that it would not take revenge, its actions seem to demonstrate otherwise. According to a report by the UN, hundreds of people remain detained in extremely overcrowded conditions "with detainees having to sleep standing up." The UN Refugee Agency estimates that over 100,000 Burundians have fled the country as a result of the pre-election violence, seeking refuge across the borders of Rwanda, Tanzania, and the Democratic Republic of the Congo.

The violence has prompted international concerns over the Burundian government's protection of fundamental human rights including freedom of expression and the right to peaceful assembly, rights guaranteed under Articles 19 and 20 of the Universal Declaration of Human Rights and Articles 19 and 21 of the International Covenant on Civil and Political Rights. Since the onset of demonstrations, there has been a "communications clampdown" in the country, with the government blocking social media platforms such as Twitter, Facebook, Viber, and Whatsapp, as well as independent radio stations. Adama Dieng, the UN Special Adviser on the Prevention of Genocide, noted, "the absence of independent voices through non-State media was contributing to tensions." During his recent visit to the country, the UN High Commissioner for Human Rights stressed that "criticism is a vital element of democracy, not a threat that must be crushed. The right to freedom of expression and opinion is enshrined in international treaties ratified by Burundi, and the Government is obliged to uphold those treaties."

Furthermore, the alleged use of live ammunition by government security forces during protests prompted the Office of the UN High Commissioner for Human Rights to urge authorities to fully comply with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The principles call upon security officials to employ nonviolent means before resorting to any use of force, and to only employ force when appropriate in proportion to the seriousness of the offense, or when strictly unavoidable to protect life. The African Union's Peace and Security Council has also adopted a resolution condemning "any attempt to seize power by force" and stressing "the imperative for all Burundian stakeholders to settle their differences through peaceful means." In addition, the European Union has suspended $2.3 million aid to Burundi unless "conditions for a free, peaceful and credible election are secured."

In response to the violence, UN Secretary-General Ban Ki-moon has urged Burundi's government "to uphold the human rights of all Burundians, including the freedoms of assembly, association and expression, and to take concrete steps to prevent political killings and violence." In a separate statement, the UN Security Council recalled its "intent to respond" to violent acts that undermine peace and security in the country. The United States has advised President Nkurunziza to renounce his candidacy. John Kirby, a spokesperson for the U.S. Department of State echoed this sentiment by stating, "President Nkurunziza's decision to disregard the term limit provision of the Arusha Accords has destabilized Burundi and the sub-region, triggered violence, and endangered Burundi's economic well-being."

Although the coup attempt ultimately failed, Burundi's future stability remains unclear, sparking rumors of another civil war in a country with a longstanding history of political unrest. Despite the opposition parties' demand to President Nkurunziza to renounce his third-term bid, whether he will continue to run in the election remains tentative.

By Andrea Flynn-Schneider,
Social Media Editor

Treatment of Palestinian refugees in Lebanon

The massive Palestinian refugee population in Lebanon has had limited economic and social rights in the country for the last sixty-five years. Lebanese laws that relegate the long-time Palestinian refugee community to second-class status may be inconsistent with international law.

Since the 1948 partition of Palestine, there has been a substantial Palestinian refugee population in Lebanon. According to the United Nations Relief and Works Agency (UNRWA) for Palestine Refugees in the East, there are 450,000 registered Palestinian refugees in Lebanon making up ten percent of Lebanon's population. The UN also reports that the twelve registered Palestinian refugee camps in Lebanon lack resources such as housing, education, and access to health care. Refugee camps in Lebanon suffer from overcrowding, often lack basic plumbing, and frequently experience electrical blackouts. The New York Times reported in 2013 that one camp in South Beirut covers just a third of a mile, but is home to tens of thousands of people. The conditions of these camps are filthy and bear the telltale signs of poverty such as dilapidated housing and rampant unemployment. Poor living conditions and unemployment have led the camps to become a breeding ground for militant Islamic groups, including Hezbollah.

Although many Palestinian refugee families have lived in Lebanon for generations, they are still not allowed to work legally and are largely excluded by law from Lebanese society. Despite the fact that hundreds of thousands of foreign workers from African and Asian countries are legally allowed to work in Lebanon, it is extremely difficult for Palestinian refugees to get work visas. A study in 2012 found that only two percent of Palestinians hold a work permit to legally work in Lebanon. Refugees largely subsist off of services provided by UNRWA and receive no assistance from the state of Lebanon. Palestinian refugees are also not allowed to legally buy property in Lebanon and do not have access to state run educational or medical facilities. The refugees often have subpar housing, limited legal status, and there are few opportunities for young Palestinians according to Al-Jazeera.

Although Lebanon passed legislation in 2010 making it easier for Palestinians to get work visas, it is still a difficult process and Palestinians continue to be legally barred from practicing law and medicine, or becoming engineers. Even with the new legislation, most Palestinian refugees are forced to work menial, low-paying jobs or resort to illegal black market labor.

In 1977 Lebanon ratified the Discrimination (Employment and Occupation) Convention and the exclusion of Palestinian refugees from employment is a violation of Article 1(a) of the treaty, which states that "discrimination includes any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation." National origin is included on the list of characteristics that employers from signatory nations cannot discriminate against. It is possible that Lebanon's legalization of employment discrimination against Palestinian refugees, whose families have lived in the country for over half a century, contradicts the Discrimination (Employment and Occupation) Convention. Article 3(c) of that treaty states that member nations must "repeal any statutory provisions and modify any administrative instructions or practices" which are inconsistent with the provisions of the treaty.

Institutional discrimination against Palestinian refugees that leads to general poverty could be a violation of the International Convention on Elimination of All Forms of

Racial Discrimination. Lebanon has been a party to this treaty since 1971. Article 1 of the treaty defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life." The legal restrictions that Palestinian refugees in Lebanon face preventing them from employment and access to adequate medical care could qualify as racial discrimination under this treaty. If this is true then the Lebanese government would be contradicting the principles enshrined in the International Convention on Elimination of All Forms of Racial Discrimination.

Kurdish Youth Risks Execution in Iran

The Iranian government is likely to execute, Saman Naseem, a twenty-two year old Kurdish prisoner arrested as a minor. Naseem is a member of Iran's Kurdish minority and was arrested in July 2011, at age seventeen, after allegedly participating in a political demonstration that turned violent. The young man was a member of the political organization, Party For Free Life of Kurdistan (PJAK), which the Iranian government categorizes as a terrorist organization.

Naseem was arrested for allegedly opening fire at Iranian forces during an armed clash between the PJAK and the Revolutionary Guards in July 2011, during which three Revolutionary Guards were killed. After Naseem's arrest, he was held in a Ministry of Intelligence detention center and denied access to a lawyer; Naseem was also not allowed any contact with his family during this time. During Naseem's first trial in January 2012, the court referred to a signed confession by Naseem in which he admitted to firing at Guard members. However, during the trial Naseem recanted his confession on the grounds that he was tortured and then forced to sign the confession. In a letter to Amnesty International, Naseem describes being physically tortured by Iranian authorities in order to obtain his confession. Naseem claims that he spent hours hanging from the ceiling after his arrest and that interrogators deprived him of sleep and constantly threatened the safety of his family while in captivity.

Naseem's original execution date was scheduled for the 19th of February. International human rights organizations have expressed outrage over the planned execution and several social media and letter-writing campaigns have been launched to pressure the Iranian government to halt the execution. The Iranian government has postponed Naseem's execution due to international pressure, but the young man is still in danger of being executed at a later date. If Saman Naseem is executed, then the Iranian government could be contradicting the International Convention of Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child, both of which Iran has acceded to.

Part III of Article 6 of the ICCPR, states that "[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." Section 5 of Article 6, specifically states that "sentence of death shall not be imposed for crimes committed by persons below eighteen years of age." Thus, parties to the ICCPR are barred by international law from executing individuals for crimes they committed before reaching adulthood. The Iranian government could be in violation of the ICCPR if it executes Naseem for a crime he committed before reaching the age of eighteen.

Article 7 of the ICCPR also strictly forbids member states from torturing prisoners, "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." The Iranian government's inhumane treatment of Naseem while he was in the custody of the Ministry of Intelligence could also be considered contradictory to the ICCPR.

If Saman Naseem is executed, the Iranian government could also be in violation of the

Convention on the Rights of the Child. Article 37 of the Convention explicitly states that "State Parties shall ensure that (a) no child shall be subjected to torture or other cruel, inhuman or degrading treatment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age." The execution of Saman Naseem and the alleged use of torture against him directly contradict the Convention on the Rights of the Child.

If the Iranian government executes Saman Naseem for a crime that he allegedly committed while still a minor, it would be inconsistent with international law.

The "Disappeared" in Syria's Civil War

Since the outbreak of Syria's civil war in March 2011, thousands of Syrian citizens have "disappeared" from the war torn country. The civil conflict in Syria between supporters of President Bashar al-Assad and various rebel groups, which range from pro-democracy moderates to ISIS, has de-stabilized the country and led to the deaths of approximately 200,000 Syrian citizens. As many as 28,000 other Syrian civilians have been kidnapped or "disappeared" according to human rights groups monitoring the situation.

News sources and human rights groups report that the Syrian government is largely responsible for the kidnapping and forced imprisonment of government dissidents, protestors, human rights workers, and journalists. The United Nations reported that as of August 2014, tens of thousands of civilians taken by the Syrian government have been subjected to ill-treatment and torture. Government methods of torture include severe beatings, electrocution, and the hanging of prisoners by the wrists. Human Rights Watch also reports that prisoners have been denied access to counsel and communication with family members.

Reports surfaced in 2012 that many of the disappeared are being held indefinitely in Syrian prisons and are subject to torture. Activists report that many of the kidnap victims were not members of rebel groups, but are instead civilians. The spate of kidnappings appears random and has cut across all sections of Syrian society. Critics say that government forces have intentionally done this to create a sense of fear among the populace. Human rights activists say that the Syrian government is "disappearing" people in an attempt to stem protests during the civil war and to intimidate the population in order to hold onto power.

The abduction and torture of civilians during wartime is a violation of the Fourth Geneva Convention, which protects civilians during external and internal conflict. Article 3(1)(c) of the Convention forbids "outrages upon personal dignity, in particular humiliating and degrading treatment" of detained civilians during a time of war. Article 76 of the Fourth Geneva Convention states that all civilians detained during conflict "shall receive the medical attention required by their state of health" and "protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross." Article 25 of the Convention states that "all persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families." The Syrian Arab Republic has been a party to the Geneva Conventions since 1949.

If the Syrian government continues to kidnap and detain civilians without allowing them access to legal representation or contact with family, it could risk perpetrating policies that counter the Fourth Geneva Convention.

By Meghan Monahan, staff writer

Oromo: HRLHA Plea for Release of Detained Peaceful Protestors

From March to April 2014, members of Ethiopia's largest ethnic group, the Oromo, engaged in peaceful protests in opposition to the Ethiopian government's implementation of the

"Integrated Regional Development Plan" (Master Plan). The Oromo believe that the Master Plan violates Articles 39 and 47 in the Ethiopian Constitution, by altering administrative boundaries around the city of Addis Ababa, the Oromia State's and the federal government's capital. The Oromo fear they will be excluded from the development plans and that this will lead to the expropriation of their farmlands.

In response to these protests, the Ethiopian government has detained or imprisoned thousands of Oromo nationals. In a January 2005 appeal, the Human Rights League of the Horn of Africa (HRLHA) claimed that the Ethiopian government is breaching the State's Constitution and several international treaties by depriving the Oromo prisoners of their liberty. Amnesty International reports that some protestors have also been victims of "enforced disappearance, repeated torture, and unlawful state killings as part of the government's incessant attempts to crush dissent."

Under the Ethiopian Constitution, citizens possess the rights to liberty and due process, including the right not to be illegally detained. Article 17 forbids deprivation of liberty, arrest, or detention, except in accordance with the law. Further, Article 19 provides that a person has the right to be arraigned within forty-eight hours of his or her arrest. However, according to the HRLHA, a group of at least twenty-six Oromo prisoners were illegally detained for over ninety-nine days following the protests. The HRHLA claims that these detentions were illegal because the prisoners were arrested without warrants, and because they did not appear before a judge within forty-eight hours of their arrest. The Ethiopian authorities' actions also disregard the United Nations International Covenant on Civil and Political Rights (ICCPR), which requires that no one be subject to arbitrary arrest, and that those arrested be promptly brought before a judge. Ethiopia signed and ratified the ICCPR in 1993, and is thus bound to uphold the treaty.

Additionally, the Ethiopian Constitution deems torture and unusual punishment illegal and inhumane. According to Article 18, every citizen has the right not to be exposed to cruel, inhuman, or degrading behavior. Amnesty International reports that certain non-violent Oromo protestors suffered exactly this treatment, including a teacher who was stabbed in the eye with a bayonet for refusing to teach government propaganda to his students, and a young girl who had hot coals poured onto her stomach because her torturers believed her father was a political dissident. Amnesty International further recounts other instances of prisoners being tortured through electric shock, burnings, and rape. If these reports are an accurate account of the government's actions, the Ethiopian authorities are not only acting contrary to their constitution, but also contrary to the United Nations Convention Against Torture (CAT). According to Article 2 of the CAT, a State Member must actively prevent torture in its territory, without exception. In addition, an order from a high public authority cannot be used as justification if torture is indeed used. Ethiopia ratified the CAT in 1994, and is thus obligated to uphold and protect its principles.

The HRLHA pleads that the Ethiopian government release imprisoned Oromo protesters. This would ensure that the intrinsic human rights of the Oromo people, guaranteed by the Ethiopian Constitution and several international treaties ratified by Ethiopia would finally be upheld. Furthermore, it would restore peace to and diminish the fear among other Oromo people who have abandoned their normal routines in the wake of government pressure, and have fled Ethiopia or have gone into hiding.

By Stefania Butoi-Varga, staff writer

Murder in the Caucasus: Suppression of Civil Society in Armenia

On January 12, 2015, Valery Permyakov, a Russian soldier stationed in Gyumri, Armenia, entered a family home in the city center and killed six people. A seventh victim, a six-month old boy, died one week later of his stab wounds. Following the murders, peaceful assemblies formed throughout the nation larger than anything Armenia had seen since the public outrage over the 2008 election results. The Armenian government responded with a violent crackdown. Armenian authorities' reaction to the public outcry caused by the murders highlights the nation's consistent suppression of freedom of assembly. As a State Party to the International Covenant on Civil and Political Rights (ICCPR) since 1993 the government is obligated to protect freedom of association and assembly; the government's reaction to peaceful protest in response to the murders may contradict this commitment and highlights the nation's troubling history regarding civil and political freedoms.

Since gaining independence from the Soviet Union in 1991, Armenia's political situation has frequently been unstable, and the government often suppresses criticism. The Armenian authorities regularly enforce bans on assembly through violent police action and arbitrary detention. Human Rights Watch has criticized the violent attacks on peaceful protesters, of which the clashes over the murders in Gyumri are the most recent example. Amnesty International has called on Armenian authorities to address the violence by respecting those with differing political views, and by allowing journalists and human right defenders to work free of harassment. Amnesty International also reports that freedom of expression remains one of the nation's "top human rights [concerns]." A central point of Armenia's 2010 Universal Periodic Review (UPR) focused on the suppression of freedom of assembly. The review highlighted occasions where peaceful assemblies erupted into violence once police forces moved to break up the crowds. After perceived fraud in the 2008 presidential election, opposition groups and individuals gathered in the major squares throughout Armenia. After ten days, forces dispersed the gatherings. Even after the civil unrest calmed, official attacks against assemblies occurred with alarming regularity. Innocuous activities like distributing political literature have at times been met with violent reactions. Often plainclothes police officers attended the assemblies to make quick arrests and disperse the gatherings, giving rise to the belief that attacks happened with the full support of the government.

Article 29 of Armenia's Constitution states that freedom of assembly may be restricted in the interests of public safety. The authorities gave this reason as the basis for breaking up the assemblies after the murders in Gyumri. Such actions may break obligations created by the ICCPR Article 21, which protects the right to peaceful assemblies and only allows restrictions during emergencies. Despite its obligations as a State Party to the ICCPR, Armenia's recent history indicates a structural disregard to the duties created to protect peaceful assembly. Additionally, these restrictions appear to infringe on the duties created by Armenia's ratification of the ICCPR's Article 22, which protects freedom of association, as well as Article 21's protection of peaceful assembly.

Armenian authorities have used the suppression of assemblies for the purpose of placing opposition politicians into legal trouble. To highlight this, human rights activists point to the case of Shant Harutyunyan, a radical opposition leader who was arrested on November 18, 2013, for marching to the presidential palace, and is currently serving a six year sentence that activists say stems from his political activism. Harutyunyan states he was abused while in custody, and eventually

moved to a psychiatric hospital for a "forced examination." These activities belie the nation's Soviet past when dissidents, or other people not in line with party dogma, faced psychiatric containment in part to delegitimize their political arguments. That the current Armenian government is undertaking such actions is particularly troubling, especially because the decisions appear to contravene its obligations under the ICCPR Articles 2 and 26. Article 2 states that all articles apply equally to all individuals within a State Party's territory, and Article 26 protects individuals' rights from discrimination based on, among other things, "political or other opinion." Human rights activists frequently decry the nature of his arrest and detention as the suppression of an opposition politician and use the case to highlight the increasing issues they face in the country for expressing their political opinions.

The murders in Gyumri and the national and civil reactions to the situation have drawn attention to the Armenian government's suppression of expression. According to Human Rights Watch, the Armenian government has a long history of violently arresting human right activists. Peaceful assemblies are regularly met with violent reaction from the authorities. Government restrictions on assembly and association may contradict obligations Armenian authorities have under international law. Human rights activists are trying to use the attention the murders have brought to Armenia to highlight the suppression of assembly and association rights that have long plagued the nation.

By Kevin Whitman, staff writer

Response to Charlie Hebdo Attack Should Not Exacerbate Already Tenuous Human Rights Situation in France

On January 7, 2015, armed gunmen stormed the office of French satirical magazine, Charlie Hebdo, killing eleven people and injuring another eleven. The attack, for which Al-Qa'idea in the Arabian Peninsula (AQAP) later claimed responsibility, was in response to the magazine's controversial portrayal of the Prophet Muhammad. In the aftermath, Human Rights Watch (HRW) called on French authorities to guard against backlash against Muslims and to refrain from adopting new counterterrorism measures that might undermine human rights.

According to HRW, the situation for Muslims and other minorities in France may violate Articles 2, 9, and 18 of the International Covenant on Civil and Political Rights (ICCPR), which France ratified in 1980. Article 2 states that each State Party to the covenant will ensure equality without regard to race, color, religion, or national or social origin; Article 9 guarantees the right to liberty and security of person and bars arbitrary detention; and Article 18 guarantees the freedom of religion.

In 1993, facing rising immigration from Eastern Europe and North Africa, the French government passed a law permitting police to carry out random identity checks. As citizens blamed new immigrants for rising crime levels, the recently-elected conservative government endeavored to implement a "get-tough" policy on immigration. A 2012 study by Human Rights Watch, called "The Root of Humiliation," analyzed the law in practice. The report revealed that there is no written legal basis for the use of pat-downs during the identity check stops, that excessive use of police force was common, and that there was no adequate documentation kept of the identity checks that could provide information regarding the application of the procedure among racial or ethnic groups. The report stated that such profiling contravenes international law when law enforcement officers systematically target certain groups for the identity checks.

A Human Rights Watch summary of the report reveals that minority children as young as thirteen years old, when stopped, may be subjected to intensive questioning, body pat-downs, and the inspection of their belongings. It includes the recollection of a

sixteen-year-old boy named Farid who, with five of his friends, were detained three times in a row near the Eiffel Tower. There were a lot of other people around, he said, but only they were detained. A French court recently ruled that these identity checks were legal and did not amount to race discrimination. According to the ruling, an individual claiming an identity check was abusive must prove the check was "a gravely serious offense." One of the plaintiff's lawyers, who characterized the ruling as "a blank check for police to continue these practices," said it is almost impossible to meet the standard of proof to show a check was abusive because the police do not keep any records of the stops.

In addition to the identity checks, in 2004, France passed a law banning religious expression, commonly known as the "French headscarf ban." This law disproportionately affected Muslims, Sikhs, and Jews from expressing their religious beliefs in schools. In 2008, the United Nations Human Rights Committee issued a ruling in *Bikramjit Singh v. France* that France violated Article 18 of the ICCPR. The case arose from Bikramjit Singh's expulsion from a public school for wearing a keski. Going even further, in 2011, France banned full-face veils in public. The punishments for wearing a veil include fines and citizenship lessons. In 2013, two days of rioting broke out in a Parisian suburb after law enforcement performed an identity check on a Muslim woman wearing a full-face veil. Two hundred and fifty people were involved in rioting while 400 others protested. There were at least ten arrests made after clashes involving protesters throwing stones and police officers launching teargas.

To better comply with the ICCPR, particularly with respect to Article 2's guarantee of rights without regard to religion, national, or social origin, Article 9's prohibition against arbitrary detention, and Article 18's guarantee to freedom of religion, France could reform its national security and anti-terrorism measures to eliminate discrimination and promote equality. First, the vague language in France's identity check law could be strengthened to include clearly defined protocols for when and how checks should be carried out and limitations on the use of checks during everyday police work. France should also implement policies requiring a record of each identity check performed by law enforcement, allowing individual officers to be held accountable for their actions and providing a method by which the effectiveness of the identity checks can be measured. Such reforms are in line with campaign promises made by French President Francois Hollande when he campaigned for office prior to his 2012 election. In the wake of the assault on Charlie Hebdo, France should respect human rights as it investigates and responds to the attack.

By Andrew F. Mutavdzija, staff writer