



Human Rights Agenda for the New Administration

October 2008

The next US president will take office at a time when the credibility and effectiveness of the United States in combating human rights abuses abroad has been badly eroded by the US government's own actions. There is an urgent need to remedy abuses on many fronts, but Human Rights Watch here highlights four crucial initiatives that the new president should take shortly after assuming office:

1. Ensure that US Counterterrorism Efforts Comply with International Human Rights and Humanitarian Law

The Bush administration's methodical disregard for the human rights of those detained in the campaign against terrorism has been disastrous for the global human rights cause, diminishing the moral standing of a government that traditionally was an ally in promoting human rights, and setting a powerful negative example for abusive governments around the world. Undoing the damage done will require a public commitment to a new course and firm measures to implement that policy. As first steps, the next president should:

- [Close the Guantanamo Bay detention facility](#), prosecuting those detainees implicated in terrorism and sending the others to their home countries or appropriate countries of resettlement, including the United States.
- Prosecute terrorism suspects in [regular federal courts](#) rather than before [military commissions](#), which have failed to provide basic due process.
- Reject [preventive detention](#) (detention without trial) as an alternative to prosecuting terrorism suspects.

- Reject the “global war on terrorism” as a legal basis for detaining individuals outside a recognizable battlefield to deprive them of basic criminal justice rights.
- Issue an executive order to implement the bans on [torture](#) and cruel, inhuman, or degrading treatment by requiring the CIA to abide by the interrogation rules that the US military has now adopted.
- Put a definitive end to the CIA’s [secret detention](#) program in which apprehended individuals are “disappeared” without acknowledgment into unknown detention facilities and without access to anyone but their jailors and interrogators.
- Sign and press the Senate to ratify the **Convention against Enforced Disappearance** to signal an intention to never again engage in such practices.
- Stop [renditions](#) (returns) of terrorism suspects and others to countries where they are at risk of torture or ill-treatment.
- Ensure the establishment of a nonpartisan [investigatory commission](#) (“truth commission”), equipped with subpoena powers and adequate funding to investigate and publicly report on [post-9/11 counterterrorism-related abuses](#), recommend how those responsible should be held accountable, and specify steps to ensure that such abuses are never repeated.

2. Make Human Rights a Central Pillar of US Foreign Policy

For eight years, the Bush administration claimed to promote democracy and freedom, usually in the form of democratic elections, rather than a more broad-based human rights agenda. Its criticisms of human rights abuses were strongest with respect to longtime adversaries like Iran and Cuba, and countries of little strategic importance, such as Sudan, Zimbabwe, and Burma, but far less consistent when it came to close US allies like Egypt and Pakistan. This selectivity has undermined US credibility, encouraged abusive regimes, and left human rights activists in many parts of the world with weak support from the country that should be their most powerful defender. Some examples of countries where essential change in US policy is needed are:

- [Pakistan](#), where the Bush administration uncritically supported President Pervez Musharraf as he staged fraudulent elections, attacked the judiciary, and

conducted an abusive and ineffectual counterterrorism campaign. The next US president should insist on full restoration of an independent judiciary and the rule of law, and put the Pakistani military and intelligence services on notice that good relations will require ending and resolving “disappearances,” and respecting human rights in tribal areas.

- [**Ethiopia**](#), where the US government has ignored war crimes and crimes against humanity by Ethiopian forces during counterinsurgency operations in Ethiopia’s Ogaden region and in Somalia. The next president should make clear that the United States’ substantial military and foreign assistance programs will be curtailed if Ethiopia does not improve its human rights record at home and abroad. The president should also support the establishment by the UN Security Council of a commission of inquiry to examine serious crimes committed by all sides in [**Somalia**](#) since January 2007.
- [**Russia**](#), where other strategic interests made the US government reluctant to criticize the country’s deteriorating human rights situation. While the Bush administration has now adopted a different tone, the next president should develop a strategy with other states to challenge Russia’s repression of free expression, association, and assembly, to promote civil society and a free media, and to push for accountability for abuses in Chechnya, Ingushetia, and Georgia.
- [**China**](#), where the Bush administration has lacked a coherent human rights strategy including with regard to continuing arrests of government critics, a crackdown in Tibet, and massive forced evictions and other abuses connected to the Beijing Olympics. The next president should work with other governments to press China to end torture, restrictions on free expression, arbitrary arrests of civil society activists, violations of labor rights, and repression in Tibet and Xinjiang.
- [**Afghanistan**](#), where the US government has failed to make a sufficient commitment to protect civilians from abuses by warlords and from armed conflict. The next US president should take immediate steps to reduce civilian casualties in military operations, press President Karzai and the Afghan government to crack down on corruption and marginalize warlords, and ensure that US aid promotes progress for women’s rights, including equal access to schooling for girls at all levels.

- [Uzbekistan](#), where the US government has preferred dialogue to action in confronting systematic torture, arbitrary arrests of human rights activists, and large-scale repression, including the 2005 Andijan massacre. The next president should work with other governments to formulate concrete benchmarks for human rights progress, and make improvements in their relationship with Uzbekistan contingent on the implementation of these benchmarks.
- [Colombia](#), where the Bush administration forged close ties with a government unwilling to rein in brutal paramilitaries. The next president should support Colombia's judicial institutions in the face of violence from both sides of Colombia's conflict, while conditioning final action on a [free trade agreement](#) on measurable progress in ending anti-union violence and dismantling paramilitary mafias.
- [Egypt](#), [Israel](#), and [Jordan](#), where the United States supplies considerable military and economic assistance yet is reluctant to criticize human rights violations. The next president should address, in public as well as through diplomatic channels, serious human rights abuses by all governments and non-state actors in the region.

3. Rejoin the International Human Rights Community

The Bush administration pursued a policy of exceptionalism that extended to the international human rights and humanitarian law framework. The US government has remained an international outcast by failing to ratify important and long-standing human rights treaties, and has repudiated rather than worked with allies to improve, the UN Human Rights Council. Instead of being a leader in promoting international justice, the US government has adopted a tentative and haphazard approach to prosecuting rights abusers that has been at the expense of global accountability and victims of injustice.

The next president should reverse course regarding the international human rights framework and international justice. As immediate steps, the next administration should:

- Seek a seat on the [UN Human Rights Council](#) in May 2009 and work to make it more effective.
- Bring US policy in line with the 2008 treaty to [ban cluster munitions](#); urge the Senate to ratify both the Cluster Munitions Treaty and the [1997 Mine Ban Treaty](#) as soon as possible.
- Urge the Senate to ratify key human rights treaties that are broadly accepted by the international community, including the [Convention on the Elimination of All Forms of Discrimination against Women](#), the [Convention on the Rights of the Child](#), and the [International Covenant on Economic, Social, and Cultural Rights](#).
- Support investigations and prosecutions by the [International Criminal Court](#) (ICC); seek repeal of the American Service-Members' Protection Act of 2002; and begin steps to join the Rome Statute of the ICC.
- Press for the establishment by the UN Security Council of a permanent mechanism to effectively address and seek to eliminate [sexual violence as a weapon of war](#).

4. Demonstrate Leadership on Human Rights Issues at Home

In addition to restoring its credibility as a human rights leader abroad, the United States should expand human rights protection at home. The next president should:

- [Abolish the federal death penalty](#) and, pending abolition, declare an immediate moratorium on federal executions, and direct the attorney general not to seek the death penalty in federal prosecutions.
- Mitigate some of the most inhumane aspects of current US immigration policy by encouraging Congress to amend US law requiring the immediate deportation of any immigrant with a criminal conviction by [restoring individualized deportation hearings](#) in which an immigration judge can weigh the offense's seriousness against the harm caused by deportation.
- Address the stark and persistent [racial disparities plaguing the US criminal justice system](#), such as by reforming federal sentencing laws to eliminate the [powder/crack cocaine sentencing differential](#), and convening a presidential commission to recommend steps to end such disparities.

- Work to end discrimination on the basis of [sexual orientation and gender identity](#) by urging Congress to enact comprehensive anti-discrimination legislation and repeal the [Defense of Marriage Act](#), which prohibits the federal government from recognizing same-sex marriages.
- End benighted and ineffective approaches to the fight against HIV/AIDS by: [eliminating the anti-prostitution pledge](#) and the [emphasis on abstinence-only programs](#); having the Department of Health and Human Services remove HIV from the list of communicable diseases of public health significance in order to [end the ban on entry to the United States of persons living with HIV](#); and eliminating statutory and regulatory barriers to federal funding for [needle and syringe exchange](#) in domestic and international settings.
- Promote respect for reproductive freedom, including by: [rescinding the “global gag rule,”](#) which prohibits family planning organizations abroad from receiving US funds if using their own funds for legal abortion-related activities; submitting a budget with [funding for comprehensive sex education](#) in place of abstinence-until-marriage programs; and removing funding for crisis pregnancy centers that do not provide full and accurate information about pregnancy options.