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ASIA & OCEANIA

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 Commission-

er 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 RE- LEASE 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 Tohti'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