



# World Chronicle

UNITED NATIONS

**PROGRAMME:** No. 919 recorded 10 November 2003

**GUEST:** Hina Jilani  
Special Representative of the UN Secretary-General  
for Human Rights Defenders

**JOURNALISTS:** Thalif Deen, *Inter Press Service*  
Anthony Jenkins, *Expresso*

**MODERATOR:** Michael Littlejohns

## “Defending Human Rights”

Defending basic human rights is a noble, difficult and often hazardous job. Even the UN’s top advocate for human rights – Sergio Vieira de Mello – was killed in a terrorist attack in Baghdad in August 2003. Yet a number of governments around the world are using anti-terrorism measures as a pretext for inhibiting human rights advocates.

What kinds of risks face defenders of women’s rights in countries like Pakistan? With the U.S.-led “war on terrorism”, are Western countries turning a blind eye to human rights abuses? Is being a human rights advocate more hazardous than ever?

In this edition of World Chronicle, these questions are explored with the help of Hina Jilani, the Special Representative of the UN Secretary-General for Human Rights Defenders.

**WORLD CHRONICLE** is produced by the News &Media Division, Department of Public Information, United Nations, New York, NY 10017, U.S.A.

Duration: 28:00"  
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**ANNOUNCER:** From the United Nations in New York, an unedited interview programme on global issues. This is **World Chronicle**. And here is the host of today's **World Chronicle**.

**LITTLEJOHNS:** I am Michael Littlejohns and this is **World Chronicle**.

Defending basic human rights is a noble, difficult and often hazardous job. No one knows this better than our guest in the studio today. As a defender of women's rights in her native Pakistan she's been threatened, vilified, and shot at. She is Hina Jilani, the Special Representative of the UN Secretary-General for Human Rights Defenders. Joining us in the studio are Thalif Deen of InterPress Service/ IPS, and Tony Jenkins of Espresso. Ms. Jilani, welcome to **World Chronicle**.

**JILANI:** Thank you.

**LITTLEJOHNS:** Not only were you shot at, defending a woman who was assassinated because she wanted a divorce, but a fatwa was issued against you and your sister, who is also a lawyer I believe. Is that still in effect? I mean do you consider your life to be at risk even as you sit here?

**JILANI:** Well, I think that these fatwas are never withdrawn because in Pakistan there is no actual clergy like in Iran, where there is a systematic form of issuing fatwas and withdrawing it. But there are several groups and elements, who like to do that kind of an exercise and influence the mind of several fanatics who may be around. So for as long as the attention has been drawn to any aspect of the work we do which according to the perceptions of those who issue these fatwas in any way against the injunctions of their religion and somebody who thinks about it at anytime can take any kind of action. So, yes I would say that the risk is there. But again as I said this is a part of our job, and we do take that calculated risk when we engage in the work of defense of human rights. And I think that is so for all human rights defenders.

**LITTLEJOHNS:** Are you with other human rights lawyers in Pakistan or other Islamic countries for example who have been the targets of fatwas?

**JILANI:** Yes I think several. In many countries of the world this has happened and it's not just in Islamic countries also. I mean there have been lawyers in Ireland for instance, Patrick Finnigan and Rosemary Nelson, who died because they were defending human rights. Yes, as I said, defense of human rights is not a very safe job, especially now that we see so many kind of polarizations on ideologies of political or religious. So, I think that yes, the chances are always there, but if that was something we kept thinking about we wouldn't be able to do the work that we do.

**DEEN:** You have been a persistent critic of countries, which had been persecuting human rights defenders in the name of terrorism, but do you have a policy of naming and shaming these countries? Do you identify these countries by name?

**JILANI:** Yes I do in the reports that I submit to the Commission on Human Rights; all the trends that I speak about for instance in my reports to the General Assembly, which I tried to keep as thematic as possible. That's the intention. I name all the countries because that's the job that I'm supposed to be doing. Each and every country and the communications that I make to these countries are listed in my report to the Commission on Human Rights.

**DEEN:** But when you named these countries don't you have a problem of going back to these countries?

**JILANI:** I think that in many ways it is always a problem for all special procedures to some extent, but I hope and I expect that governments realize that this mandate, that any mandate that we are given, has to be implemented as honestly and as fairly and objectively as you possibly can do it. And without naming the countries we can't really pinpoint the problems that we see and observe in those countries. The intention is not to finger point as such, the objective of the mandate is to be able to hold a constructive dialogue with governments on issues that we raise with them, but that doesn't mean that we cannot raise issues. Unless we do raise those issues, how do we hold the dialogue? How do we talk to governments about ways and means in which the situation can be improved? And how do...in my mandate in particular how do I protect the person whose situation has aroused the concern?

**JENKINS:** I don't want to make it sound like this is all about Islamic countries as you make clear, it's a lot broader than that, in fact I see you've named and shamed countries as far afield as Australia and Canada and Russia and Thailand, but I am interested in your role as a woman in an Islamic society. The impression we get is that it's possible that the Islamic world or certainly the Arab world may be at a certain turning point. The Bush administration is trying to encourage the region to become more democratic, for example. I am interested in the role of women in Islam and one of the ...certainly the impression we have in the West is that Islamic fundamentalists read in the Koran the justification for keeping women in second class status. It makes it even more dangerous for you to do the sort of work you do. At the same time I hear people talking about how maybe Islam is at the point where it may be starting a process of reformation, the same as the Christian church went through 500 years ago, where you can re-interpret the Koran to permit if you like greater equality for women. Is there anything to that?

**JILANI:** I think there are some very deep flaws in the premise that you made. Number one, I don't think that the Bush government has contributed very much to the democratization of any country in the world. Number two, the whole context in which you speak

about Islam I think it's a way complex issue, and I may not be able to give you a satisfactory answer over here. But let me tell you my experience as a Muslim woman living in a Muslim country or a country with Muslim majority population. I don't believe that there is any such thing as an Islamic world; it's another myth that has been created for political purposes. But in any case I think that what is important is not that Islam is now at a stage where there is this kind of a reformation possible. If you take it just in the context of religion, this is not the first time that liberal interpretations have been put forward, that has been done all through history. The problem here is not with the religion or with the population that subscribes to this religion, the problem is with the state itself and governments. Governments that have sponsored extremism, governments that have sponsored fanaticism for their own political purposes. In my case in Pakistan for instance, Pakistan has been an Islamic... has had Islamic population, a Muslim population, since 1947, but at the same time Islam was not an issue, it became a critical issue more because of the political reasons behind that. In 1977, we had a military government whose very legitimacy was based on their program of Islamization so to speak. And why was that a particularly important time? Because of what was happening in Afghanistan. So there were security interests that had to be served. So there was a deliberate attempt to create a religious frenzy in order to create a force that would go and fight the Soviets in Afghanistan. So I mean, we cannot really de-link what has happened to the political Islam, so to speak, from the actual events that have been happening in our countries. The problem for us is not that new interpretations need to be made of Islam; that has been done several times and all through history. The problem is, who's going to own this? I know many Islamic scholars who are interpreting Islam in a different manner in which women's role is different. Their securities for the minorities is different, in their point of view than what is being done right now. But these people have had to flee their own countries, not because of the danger from population, but because of the danger from the state.

**LITTLEJOHNS:** Ms. Jilani you are the Special Representative for Human Rights' Defenders. How do you go about exercising that mandate?

**JILANI:** It's a very broad mandate, and it's a very, very I think it's a very important responsibility under this mandate because human rights cannot be promoted and protected unless the human rights defenders are protected themselves, and they have the confidence that they can engage in human rights activity with safety and with facility. So, I would say it's difficult, it's very broad, but that in some place it's a very...you know its something that I like doing because it's something that I've been doing for many years of my life but on a bigger scale. I am a Human Rights Defender myself and I've been working both in my own country as well as the region and engaged in international initiatives for the promotion and protection of

human rights. I think the basic support that I look for is the support of the international community. The United Nations, I think, is an essential organization in that respect. It is very important that if Human Rights Defenders have to really feel protected, they have to have that sense that the international community is not only looking on, in safeguarding their interests, but is also capable of doing it. But as a Human Rights Defender I also know that my sense of security really comes from the people around me, so I think as a Human Rights Defender's mandate it is very important that this mandate also looks at the promotion and strengthening of national movements and national networks.

**DEEN:** You spoke of the international community and the United Nations, but the UN itself has its limitations. When you want to go to probe human rights abuses in a particular country, do you have to get their permission or you can just walk in? And do you plan to do a study or at least probe these human rights abuses in Iraq, for example?

**JILANI:** Well, yes of course the United Nations has its limitations as any organization or any system of procedure would have. I have to request an invitation for governments. I can't just walk in and start conducting an official mission.

**JENKINS:** Have any turned you down?

**JILANI:** Many.

**JENKINS:** Such as.

**JILANI:** Well, one can't well... actually turning down actually, one country has done. So far, Indonesia has said no to my request, for various reasons. Some of them are more procedural and logistical reasons than anything else. Others, I would say have actually turned me down by not replying and not responding. And I find that rather regrettable.

**DEEN:** Does that include western countries?

**JILANI:** I think some of ....I am not sure how many I've requested so far, but I don't remember any particular western country at the moment, which I can say has not responded or has turned my request down because there may not be any that I had requested an invitation from right now.

**JENKINS:** Talking of western countries, in this report you talk in general terms about the dangers of the current world terrorism, of the way it's being exploited to pass restrictive legislation in many, many different countries, but you don't actually name any countries in this report. I am interested in your view though of the United States in the sense that it is I would guess still considered the beacon of civil liberties around the world. It is holding itself up as a beacon particularly in the Middle East, and yet there are those who would say, especially in Europe for example and in the Middle East, that the United States cannot see the splinter in its own eye, with its Patriot Act, for example, was rather oppressive of civil liberties. What's your

feeling about that? Has the United States been enough of a beacon in the way that it has reacted to this war?

**JILANI:** Well, if you look at the report, my report is really focused on Human Rights Defenders and the complaints that I have received from Human Rights Defenders, and how certain trends are affecting the work of Human Rights Defenders. Now much of what I have written in my report, if that matches some of the laws or reflect the flaws in some of the laws and policies and practices which are adopted by the United States, yes, then I think it is a serious situation with respect to any country where these trends are becoming apparent because these are trends that impair the work of human rights defenders in many ways as far as my particular concern under this mandate is concerned, but more generally these are terms that will undermine very important and significant human rights achievements. It has taken us decades to find a consensus on what we called human rights standards, and we are placing these standards at risk. And what we are at the moment looking at is attention that has been created between the obligation to protect, which is a very rare and a very legitimate obligation. But at the same time there is also the obligation to promote and protect, and respect human rights. And there should be no tension between these two and the objectives should be the same. It is policies very much like the ones that governments are adopting, which I have mentioned in my report, that are counterproductive, that are creating an environment of instability and insecurity in themselves.

**LITTLEJOHNS:** This is **World Chronicle**. Our guest is Hina Jilani, Special Representative of the UN Secretary-General for Human Rights Defenders.

We're talking about the hazards facing advocates of human rights. Ms. Jilani has been in the frontlines of human right work for decades, often together with her sister, Asma Jahangir.

UN Television interviewed Ms. Jahangir for a documentary made in 1996. Let's take a look:

**VIDEO ROLL IN ("Defying the Odds" TRT 2:30)**

**JAHANGIR:** I am a lawyer, and I deal with the law every day. I can say quite confidently that if I got raped tomorrow, I would never take the risk of filing a case, because I don't think that I - within this legal system - I would get any justice, or that I could sweep away the possibility of getting convicted for Hina myself.

(Background sound)

And yet people are too scared to repeal this law because it was made in the name of Islamization ... everybody admits is unfair; everybody admits is unjust, but nobody has the

courage to repeal it because the opposition comes from a handful of religious extremists who want to use religion to intimidate others...

...And they hate, they hate women. And there's something inside them that – that makes them detest women that want to see women really very powerless. They don't want to see women being independent, having dignity, holding their heads up, and moving in an atmosphere as free agents. No, that is something unacceptable for them.

**NARRATOR:** In spite of death threats by extremists, Asma continues to challenge human rights abuses. For her no other choice is possible.

**JAHANGIR:** You have to not be able to compromise as a defense lawyer, and yet keep your neck on the line just about enough so that you don't get killed. But then I'm not the only one, there are my other colleagues from Human Rights Commission who are with me, and I guess that if we have to fight for what we believe is justice, and against those forces that are really misusing religion for terrorizing, not only minorities, but sooner or later will terrorize any moderate Muslim. I think it is about time that we stood up...

## VIDEO OUT

**LITTLEJOHNS:** Ms. Jilani you spoke earlier about the fatwa against you and your sister. What obstacles have you and she encountered in your country, Pakistan, in defense of women's rights. Pakistan has been under military influence shall we say for quite a long time. Has the military been opposed to rights for women? What's their attitude?

**JILANI:** I think it's the military really that started this whole process of undermining women's rights and women's status in the name of Islam. We've never had very much of a priority on women's rights at anytime in Pakistan, but anyway there was legislation, it was one step forward before the 1977 military coup that took place. Then suddenly there was a rolling back, and laws, which are blatantly discriminatory against women, were enforced and are still enforced in Pakistan. But one good thing that came out of this blatant discrimination and the move by the military, which forged alliances with the mullahs by the way, and there has always been this very strong mullah and military axis in Pakistan that has acted against human rights, acted against democracy and very much against women's rights - and the reason of course, there were several reasons behind it and there's a very real political agenda, which the military wanted to follow by using these trends, and one of them was of course to enforce terror in the population by using Islam as a means to a suppressed dissent because then you couldn't see anything and that's why all these fatwas came. But I think the important thing also is that this triggered off a very strong women's rights movement in Pakistan. And it's a very vibrant

movement in Pakistan. And any progress that we've made so far and the fact that we still survive is despite the state rather than because of it. Women's rights are now a priority also on all political parties' agendas and manifestos except for certain religious groups that keep insisting on keeping women behind the veil and behind the four walls of the home. But I think it's a success in the women's movement in Pakistan that these very laws, which Asma was speaking about, and which were at that time when she was speaking a real threat and danger, are now very controversial, and are part of a political debate now. It is I think a success of the women's movement, but a failure of the state that failed to repeal these laws.

**DEEN:** Speaking of Pakistan, when you were in Thailand a couple of months ago, you had a run-in with the Thai Prime Minister who said that you should probably focus more on human rights abuses in Pakistan than in Thailand. What is your reaction to this?

**JILANI:** Well, I think that I agree with the Thai President that the situation in my country is very bad. But that's the reason why I have been working for 25 years to change the realities towards which she was pointing out. Its not that one has not been looking at the country that I come from, but at the same time I think that, under my mandate, I look beyond just Pakistan, My mandate requires me to look at the situation of Human Rights Defenders the world over. And I think because, perhaps not necessary to point out to my country in particular where human rights abuses and violations occur. I think that my work as a Human Rights Defender in Pakistan, actually the experience that I have gained in the 25 years, has made it possible for me to detect violations when I see them - and to be able to make appropriate recommendations, a more sound recommendation for their alleviation.

**JENKINS:** I'd like to bring you back if I may to the United States and its role as a global defender of civil and human rights. Often times Human Rights Defender is just a long-winded way of saying lawyer. I am wondering to what extent it hampers the case that you have to make globally when the global leader if you like of the movement to expand human rights and democracy, as at least were given to believe, denies prisoners the right to see a lawyer, or shoves them in Guantanamo and says that they have no right to judicial proceedings or, in the latest allegation, knowingly sends deportees to a country where they will be tortured and the list goes on. Is this unhelpful? Is the Patriot Act something that other nations can turn to and say, "well, if the United States can do it, why can't we?"

**JILANI:** Well, first of all let me dispel the impression that Human Rights Defenders are only lawyers. Human Rights Defenders are a range of people who are engaged in any activity for the protection and promotion of human rights, these may be lawyers, these may be journalists, these may be just activists, sometimes they're even political activists who are



promoting the right to democracy; these are activists for the right to self-determination. So these are a whole range of activities.....

**JENKINS:** I understand that but, for example, somebody from Amnesty International doesn't have the automatic right to see a prisoner....

**JILANI:** Right, now you are talking of a specific situation. I would also like to dispel the impression that the United States is necessarily seen as the defender or champion of human rights. It may see itself as one, that's another question altogether, but that's not necessarily the world view or the global view.

**JENKINS:** What's your view?

**JILANI:** I think that a country has to really look at very...introspectively at its own practices and judge its own conformity with human rights value, not only with what with respect to what it does domestically, but what [it does] in terms of its own foreign policy as well. So I think Human Rights Defenders ...

**JENKINS:** But you're in a position to judge, I mean what's your position? What's your view about this? Is this unhelpful to you?

**JILANI:** I think any government or any country that adopts measures and laws, which fall far below the standard of human rights, cannot say that we are respecting human rights, as I said human rights are not only universal they're also interdependent and indivisible, so you can't say, "I'm protecting this human right, but I'm violating the other", so in protecting...

**JENKINS:** Can you put United States in that country?

**JILANI:** Yes. If there are laws that violate human rights standards, which earned -- there are practices that are being adopted which violate human rights standard, and if there are manners...there is a manner in which laws are being implemented that take away from human dignity, then I think, yes.

**JENKINS:** Do you tend to prepare a report about the situation here in the United States?

**JILANI:** In fact, I will only prepare a report with respect to the effect if there is any on Human Rights Defenders. My mandate is not to comment on...

**JENKINS:** In America, if I can't see a prisoner, isn't that affecting a Human Right Defender?

**JILANI:** Yes. That's true, if that is so, that will feature in my report. It is the right of Human Rights Defenders like lawyers to have access to their clients, and I think one of the basic problems that I see with the implementation of anti-terrorism measures and laws which have been adopted like the Patriot Act that you have - is that Human Rights Defenders are

finding it more and more difficult to perform their functions of monitoring and advocacy both because freedom of access to information is restricted and freedom of expression is restricted.

**LITTLEJOHNS:** Ms. Jilani that's all the time we have. Thank you for being with us on this edition of **World Chronicle**.

Our guest has been the Special Representative of the UN Secretary-General for Human Rights Defenders, Hina Jilani. She was interviewed by Thalif Deen of Inter Press Service, and Tony Jenkins of Expresso.

I am Michael Littlejohns, thank you for joining us. We invite you to be with us for the next edition of **World Chronicle**.

**ANNOUNCER:** Electronic transcripts of this programme may be obtained free of charge by contacting World Chronicle at the address on your screen:

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