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UNICEF-EU Supported Balochistan Basic Education Program Brings Girls Back to School

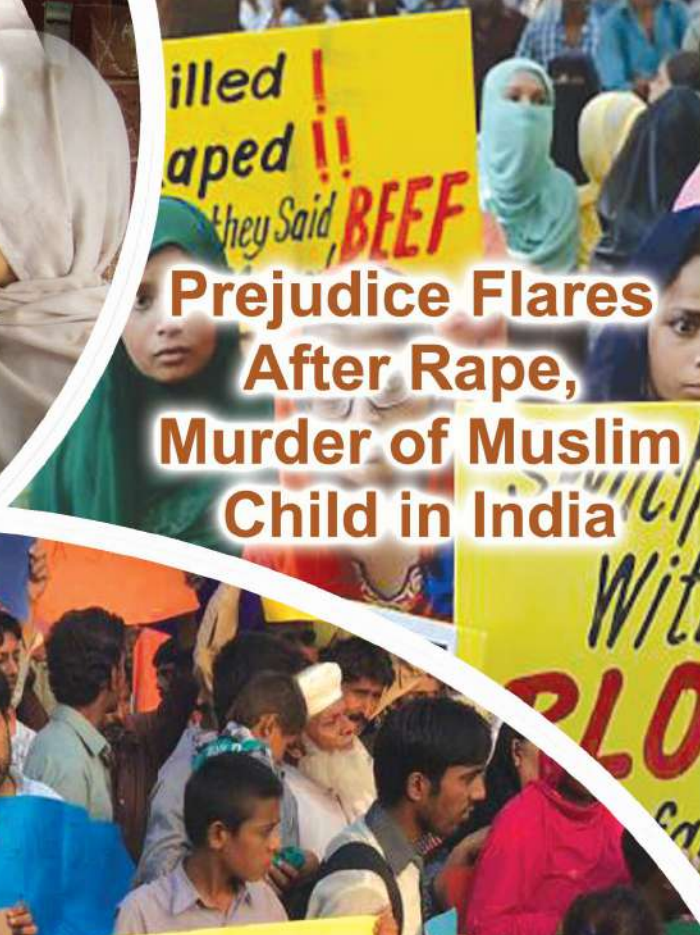


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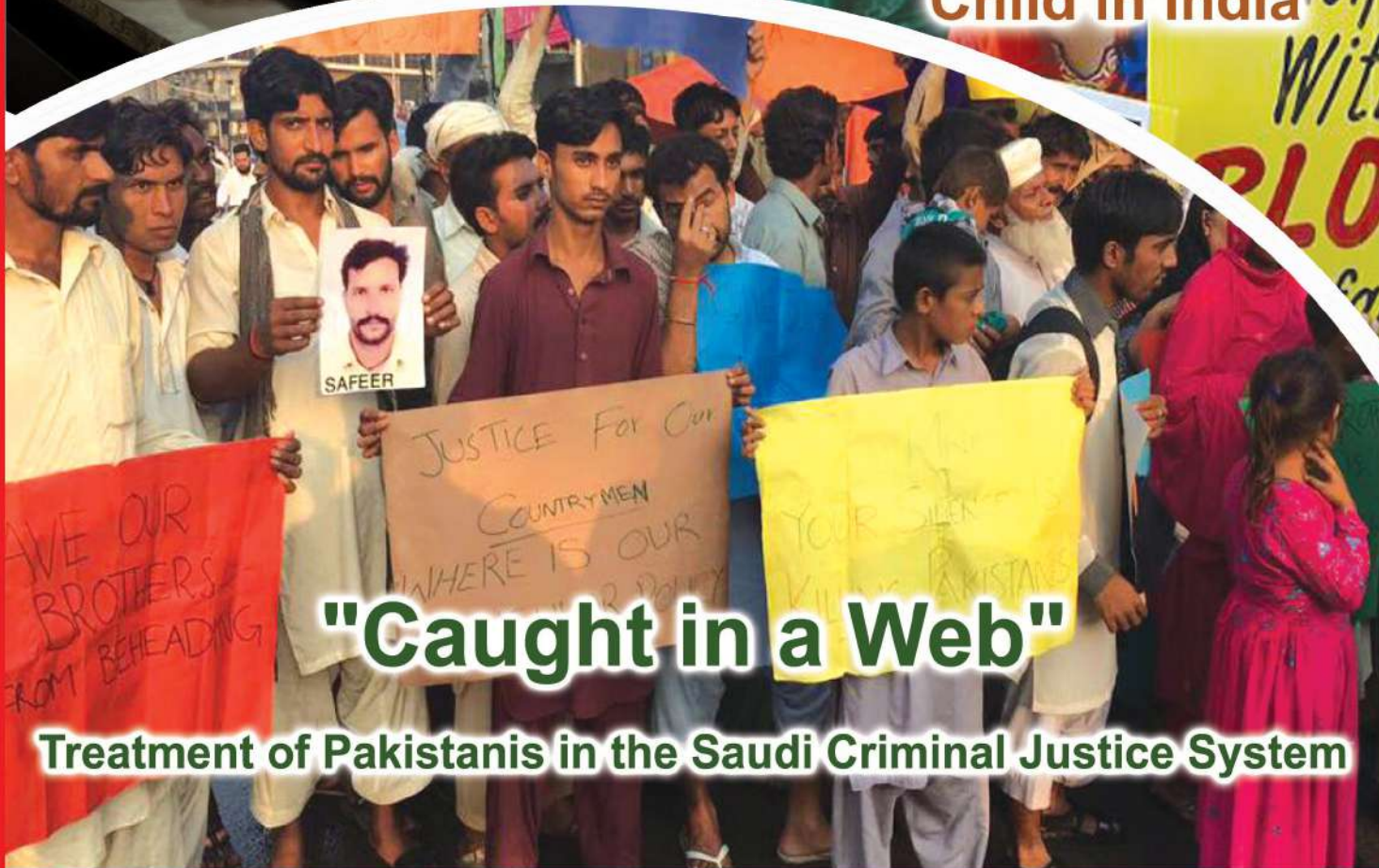
Vol:11 Issue 4-5 APRIL/MAY 2018

Prejudice Flares After Rape, Murder of Muslim Child in India



"Caught in a Web"

Treatment of Pakistanis in the Saudi Criminal Justice System



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South Korea: Press Human Rights in Discussions with North Korea

Over 200 NGOs Call for Rights to Be Prioritized

South Korea should press for human rights issues to be included in all discussions with the Democratic People's Republic of Korea (DPRK), including in the agenda of the summit between South Korean president Moon Jae-in and North Korean leader Kim Jong Un scheduled for April 27, 2018, Human

ty are intrinsically connected." We welcome the renewed inter-Korean dialogue, but it will only be meaningful to the people of North Korea if it leads to improvements in the dire human rights situation in North Korea.

Brad Adams
Asia Director

The letter - signed by 40

"Increase inter-Korean people-to-people contact.

The organizations also called on the South Korean government to provide much-needed humanitarian aid with appropriate monitoring.

Since the Korean War in the 1950s, an estimated one million Koreans have been separated or forcibly removed from

wha for calling on North Korea to abandon its nuclear programs and improve its human rights record. North Korean media said her remarks were "an open political provocation to the DPRK and an intolerable act of chilling the atmosphere for dialogue." On April 4, 2018, Kang told reporters that Seoul maintains



Rights Watch and 39 other leading global nongovernmental organizations said in a letter to Moon today.

"We welcome the renewed inter-Korean dialogue, but it will only be meaningful to the people of North Korea if it leads to improvements in the dire human rights situation in North Korea," said Brad Adams, Asia director at Human Rights Watch. "As the UN Security Council has recognized, human rights abuses in North Korea and threats to international peace and securi-

organizations, including coalitions, representing more than 200 nongovernmental organizations from Asia, Latin America, Africa, Europe, and North America - calls on Moon to:

"Urge Kim to act on United Nations human rights recommendations;

"Engage on inter-Korean human rights issues, including human rights dialogues and information exchanges;

"Push for regular reunion meetings of separated families; and

their families through displacement during the war, enforced disappearances and abductions, or following escape from North Korea. The 2014 UN Commission of Inquiry found that abuses in North Korea were without parallel in the contemporary world, including extermination, murder, enslavement, torture, imprisonment, rape, forced abortions, and other sexual violence.

On March 31, 2018, North Korea criticized South Korea's foreign minister Kang Kyung-

a "firm stance" on the dire human rights situation in the North, but that to include the issue in the agenda the government will need more preparation.

"South Korea should not give in to North Korean bluster and threats on human rights," Adams said. "President Moon's leadership is crucial in efforts to help improve human rights conditions in North Korea while at the same time finding real, long-term solutions to the security crisis."

We're running out of time to stop killer robot weapons

Campaign to Stop Killer RobotsIt's five years this month since the launch of the Campaign to Stop Killer Robots, a global coalition of non-governmental groups calling for a ban on fully autonomous weapons. This month also marks the fifth time that countries have convened at the United Nations in Geneva to address the problems these weapons would pose if they were developed and put into use.

The countries meeting in Geneva this week are party to a major disarmament treaty called the Convention on Certain Conventional Weapons. While some diplomatic progress has been made under that treaty's auspices since 2013, the pace needs to pick up dramatically. Countries that recognise the dangers of fully autonomous weapons cannot wait another five years if they are to prevent the weapons from becoming a reality.

Fully autonomous weapons, which would select and engage targets without meaningful human control, do not yet exist, but scientists have warned they soon could. Precursors have already been developed or deployed as autonomy has become increasingly common on the battlefield. Hi-tech military powers, including China, Israel, Russia, South Korea, the UK and the US, have invested heavily in the development of autonomous weapons. So far there is no specific international law to halt this trend.

Experts have sounded the alarm, emphasising that fully autonomous weapons raise a host of concerns. For many people, allowing machines that

cannot appreciate the value of human life to make life-and-death decisions crosses a moral red line.

Legally, the so-called "killer robots" would lack human judgment, meaning that it

Robots, which Human Rights Watch co-founded and coordinates, argues that new international laws are needed to preempt the development, production and use of fully autonomous weapons. Many



would be very challenging to ensure that their decisions complied with international humanitarian and human rights law. For example, a robot could not be preprogrammed to assess the proportionality of using force in every situation, and it would find it difficult to judge accurately whether civilian harm outweighed military advantage in each particular instance.

Fully autonomous weapons also raise the question: who would be responsible for attacks that violate these laws if a human did not make the decision to fire on a specific target? In fact, it would be legally difficult and potentially unfair to hold anyone responsible for unforeseeable harm to civilians.

There are also security concerns. Without any legal restraints on fully autonomous weapons, militaries could engage in an arms race, vying to develop deadly technology that may lower the need to deploy soldiers - while possibly lowering the threshold to armed conflict.

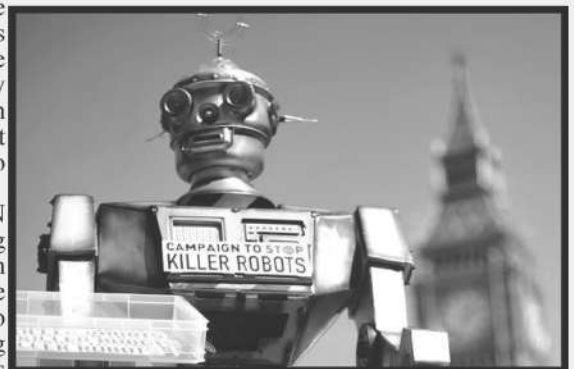
The Campaign to Stop Killer

roboticists, faith leaders, Nobel peace laureates and others have reached the same conclusion, as is evident from their open letters, publications and UN statements: the world needs to prevent the creation of these weapons because once they appear in arsenals, it will be too late.

At the UN meeting going on now, one of two week-long sessions that will take place this year, countries are striving to craft a working definition of the weapons in question and to recommend options to address the concerns they raise. The countries have offered several possible ways to proceed. The momentum for a preemptive prohibition is clearly growing. As of Monday, the African Group and Austria have joined 22 other countries voicing

explicit support for a ban. Other countries have aligned themselves with a French/German proposal for a political declaration, a set of nonbinding guidelines that would be an interim solution at best. Still others have explicitly expressed opposition to a preemptive prohibition and a preference for relying on existing international law.

Despite this divergence of opinion, the discussion on the first day had a significant common thread. Almost all countries that spoke talked about the need for some degree of human control over the use of force. The widespread recognition that humans must have control over life-and-death decisions is heartening. If countries agree that such control needs to be truly meaningful, a requirement for human control and a prohibition on weapons that operate without such control are two sides of the same coin.



These developments are positive, but the countries meeting this week clearly have much work ahead of them. To stay in front of technology, they should negotiate and adopt a new legally binding ban by the end of 2019. Only then will they have a chance to prevent the creation of a weapon that could revolutionise warfare in a frightening way.

"I Needed Help, Instead I Was Punished"

Abuse and Neglect of Prisoners with Disabilities in Australia

A prisoner lies in his bed in a solitary confinement cell in the safety unit at Lotus Glen Correctional Centre, northern Queensland. Prisoners with a psychosocial or cognitive disability can spend weeks or months locked in solitary confinement for 22 hours or more a day.

Australia: Prisoners with Disabilities Neglected, Abused

Inquiry Urgently Needed into Use of Solitary Confinement

Four officers tackled me. I had played up the day before so they were trying to teach me a lesson. The senior officer stood on my jaw while the other hit my head in and restrained me. They said, 'You don't run this prison little cunt, we do,' and they cut my

clothes off. They left me naked on the floor of the exercise yard for a couple of hours before giving me fresh clothes. They probably did it to humiliate me. Officers call me 'black cunt' heaps of times, it's normal.

- Aboriginal and Torres Strait Islander male prisoner with a psychosocial disability (name and details withheld by Human Rights Watch), Queensland, 2017

I was sexually assaulted [by other prisoners].... I know at least one of them raped me, but I kind of blacked out. I was

bleeding, I still bleed sometimes. I reported it the same day to two of the supers [superintendents], I filled out the medical request form. They told me if I report it, I would go to the DU [detention unit] for six months. So I ripped up the form in front of them. Then when I went back to the unit, I got bashed up by some of the guys, not the ones who assault-

Islander people are especially overrepresented in the prison community. While they comprise just 2 percent of the national population, as of June 2017, they made up 28 percent of Australia's full-time adult prison population. By 2020, the proportion of Aboriginal and Torres Strait Islanders in custody is expected to reach 50 percent of the prison popula-

have disabilities experience added challenges: the disability is often undetected in childhood, and even when it is, support services are difficult to access, putting them on a path where they are more likely to be incarcerated than get a university degree. Research shows that most offenses by Aboriginal and Torres Strait Islander people with disabili-

ties are relatively less serious and pertain to theft, public order, traffic, and vehicle regulations. While research has focused on the barriers to justice for people with disabilities, including their placement in indefinite detention, there is little information across different Australian states on their experiences once in prison.

This report aims to contribute to

filling this void. Based on research between September 2016 and January 2018 in Western Australia,

Queensland, New South Wales, and Victoria-including interviews with people with disabilities, prison-related and government professionals, mental health experts, academics, lawyers and civil society representatives-Human Rights Watch finds that Australia is restricting and violating the rights of prisoners with disabilities, including Aboriginal and Torres Strait Islander people with disabilities.



ed me.... They beat me up, stomped on me. Called me a dog [traitor].

-Male prisoner with a cognitive disability (name and details withheld by Human Rights Watch), Queensland, 2017

People with disabilities, particularly a cognitive or psychosocial disability, are overrepresented in the criminal justice system in Australia-comprising around 18 percent of the country's population, but almost 50 percent of people entering prison.

Aboriginal and Torres Strait

tion.

Within this group, Aboriginal and Torres Strait Islander people with disabilities are even more likely to end up behind bars. Multiple forms of disadvantage mean that Aboriginal and Torres Strait Islander people are more likely to end up in jail than non-indigenous peers, including greater likelihood as youth and adults of living in out-of-home-care, being homeless, or having earlier and more frequent contact with the criminal justice system.

Those Aboriginal and Torres Strait Islander people who

The government's failure to fulfil its international obligations, particularly under the Convention on the Rights of Persons with Disabilities, compromises a range of rights for people with disabilities in its prison system, including equality and non-discrimination; liberty and security of the person; freedom from violence, exploitation, and abuse; reasonable accommodation; health; and an accessible environment.

Problems exist for people with disabilities throughout detention and prison, beginning with lack of proper assessment and identification of a disability. Without such information, prisons fail to provide appropriate and adequate services and accommodations for the particular needs of prisoners with disabilities, or to track them within the prison system. Disability identification relies heavily on self-reporting, which is inadequate since many prisoners are not aware of their disability; do not identify as having one including many Aboriginal and Torres Strait Islander interviewees (there is no equivalent word in traditional languages); have never been diagnosed prior to entering prison; or hesitate to disclose a disability for fear of stigma.

Life behind bars is challenging for everyone. But prisoners with disabilities often struggle more than others to adjust to the extraordinary stresses of incarceration and may be at a higher risk of violence and abuse.

Due to the lack of support and reasonable accommodation, prisoners with psychosocial or cognitive disabilities, in particular can find it extremely challenging to understand prison rules and follow instructions. As a result, they are at higher risk of violating the rules and of facing violence from other prisoners and staff. Difficult conditions of confinement—such as sharing cells due to overcrowding, a lack of accessible toilets or showers, and negative staff attitudes—can present additional physical and psychological challenges for people with dis-

abilities.

At-Risk of Abuse

In all 14 prisons visited, Human Rights Watch found that prisoners with disabilities are viewed as easy targets and as a result are at serious risk of violence and abuse, including bullying and harassment, and verbal, physical, and sexual violence.

Sexual Violence

Sexual violence is hidden, but ever-present in both male and female prisons. Due to the stigma and fear of reprisals, it is extremely difficult to document sexual violence in prison. Human Rights Watch documented 32 cases of sexual violence that interviewees said were perpetrated by fellow prisoners or staff.

One man with a cognitive dis-

cell search.

Some staff also abuse prisoners with a disability. A woman with a psychosocial disability said that she "got hit on sexually by officers quite regularly.... They catch you when you're working by yourself and touch your boobs, bum, or put a hand around your waist. Or they make stupid comments like, 'You've been here a while, you must be horny.'"

Many people with disabilities that we interviewed, particularly Aboriginal and Torres Strait Islander women with disabilities, had experienced family and sexual violence multiple times in their lives. Facing sexual, physical, and verbal violence in prison, particularly from staff, perpetuates this cycle of violence and

I became dazed, didn't recognize or remember their faces. I thought I would die and become another death in custody. I've never reported it."

Prisoners with disabilities who suffer abuse often do not report it due to fear of reprisal and lack of faith they will be believed. Human Rights Watch found that prison staff may dismiss the accounts of abuse of a person with a disability as not credible. "I'm an easy target because of mental illness," an Aboriginal woman with psychosocial disability said. "If we get caught fighting, they will tell the officer, 'She hit first because the voices told her.'"

Bullying and Harassment

Human Rights Watch found that other prisoners and staff

repeatedly picked on, bully, and harass people with disabilities. One man with a psychosocial disability said fellow prisoners constantly harassed him for his mental health medication: "It can happen in the laundry or toilets, you can get three to four blokes on you at once and in just a couple of minutes, they've bashed you. By the time the offi-

cers come, it's too late."

Solitary Confinement

Prisoners with a psychosocial or cognitive disability can spend weeks or months locked in solitary confinement in detention, or crisis or safety units, for 22 hours or more a day. Human Rights Watch found that prisoners can spend years in prolonged solitary confinement in Maximum Security Units (MSU); one man with a psychosocial disability has spent more than 19 years in the MSU.

In one case, Mary, a prisoner with a psychosocial disability, was put in solitary confinement for 28 days. After a week, when she was granted access to daily exercise, she was placed in handcuffs connected to a body belt, that



ability described being attacked by three male prisoners in a shower, with two holding him down and forcing him to kiss the penis of the third. "I tried to run away to try to get help and shout out to the prison guards, but they were too far," he said. "I could not do anything because I would be labeled a dog [traitor]."

Some prisoners with disabilities with high support needs have "prison-carers"—other prisoners whom prison authorities pay to look after. However, these relationships can put them at risk of sexual and other abuse. One senior nurse in Queensland described the case of a carer who was found to have repeatedly raped his ward after bloodied and soiled sheets were found in a

creates distrust between staff and prisoners. One woman with a disability told Human Rights Watch: "The officers [use] intimidation tactics. Especially for us girls, that just reminds us of our domestic violence back home, it scares us. If you want to get through to us, they should be nice to us."

Physical Violence

Human Rights Watch documented 41 cases of physical violence reported by prisoners as perpetrated by fellow prisoners or staff.

A man with a psychosocial disability told Human Rights Watch that five officers came into his cell, and put him in the shower. According to him: "They said 'Beat your head up the wall, or we'll do it for you.'"

restricted her movement. During exercise time, correctional officers mocked her, whistled at her like a dog, and told her to crawl on her hands and knees. During her time in solitary confinement, Mary did not have access to a toilet and was forced to use cardboard

and Torres Strait Islander peoples with disabilities in particular; and a strain on staff and resources due to overcrowding.

Prison staff acknowledge that people with disabilities can be overrepresented in detention units and expressed their concerns that

as staff they were not adequately trained on disability and mental health to distinguish between behavior resulting from lack of support and accommodation

of a person's disability and disobedience. They also reported that they do not receive adequate training on techniques to interact with someone with a disability,

understand what's happening. Staff take things personally and then act out in anger against the prisoner.

Human Rights Watch documented several situations in which detention units had become the default response. Without social contact and meaningful mental health services, the stress of a closed and heavily monitored environment is particularly damaging for prisoners with a disability. Problematic Conditions of Confinement

Human Rights Watch research found that many prisons were not adequately accessible for people with disabilities. In at least nine out of fourteen prisons, Human Rights Watch interviewed prisoners who had difficulty accessing basic services such as toilets, showers, bathrooms, or the kitchen because of lack of physical infrastructure. An Aboriginal man with a physical disability who uses a wheelchair told Human Rights Watch: "Toilets are not accessible, I can't get my chair in. I have to pee in a

disability in prison. In some cases, Human Rights Watch found they did not feel comfortable seeking services because they faced racist stereotypes. One Aboriginal man with a disability told Human Rights Watch, "[They call us] 'black cunt,' 'sheep,' 'mother fucker,' or 'pricks.'"

A cultural liaison officer told Human Rights Watch: "They'd rather sit back and be sick rather than go see a nurse because the nurse would say 'Go away, you're exaggerating....' Racism is alive and well, don't think it'll go away.... A lot of the nurses are very harsh with their comments, swearing, belittling them."

Looking Ahead

The Australian government should look for solutions to the plight of prisoners with disabilities not only within the four walls of the prisons, but also within a justice system that should make better decisions about who really belongs in prison.

To address the restriction and violations of the rights of people with disabilities in Australian prisons, the Australian and State and Territory governments should ensure that people with disabilities are systematically screened upon entry into prison and receive appropriate support and recommendations to ensure humane conditions of confinement. State departments of corrective services should train staff to identify and support people with disabilities in prison.

Human Rights Watch calls on state and territory governments to reduce the number of people with disabilities confined in prisons by increasing the availability of community-based disability and mental health resources and providing access to criminal justice diversion programs. State and territory governments should ensure prisons are monitored independently and regularly, with particular attention paid to the concerns of prisoners with a disability.



urine test containers.

Human Rights Watch documented several cases of people with psychosocial or cognitive disabilities whose psychological condition deteriorated after spending time in the sterile and isolating environment of detention units (DUs), including one male prisoner who was taunted and threatened by multiple officers, after which he attempted suicide. A male prisoner with a psychosocial disability said: "The staff terrorize people in the DU. 'Heel, dog, heel,' they said to me.They opened up the grate [in the cell door] and laughed at me. I swallowed batteries in front of them. [One officer] spat in my face. He said, 'I will punch your teeth all over the cell.' Seven other officers were there. They said I was being disruptive. I cut my wrists open. They did nothing, just sat on the bed. [Later] they took me to hospital."

Lack of Adequate and Appropriate Services and Trained Staff

Human Rights Watch found that several factors underlie the negative experience of people with disabilities, including Aboriginal and Torres Strait Islander peoples. These include inadequate staff training-including culturally sensitive training regarding how to engage with Aboriginal



especially in moments of crisis.

As a result, staff responses to prisoners with disabilities are often experienced as punitive rather than supportive.

A psychiatrist who has worked for multiple years in prison told Human Rights Watch:

I haven't seen anyone with an intellectual disability who hasn't gotten worse in prison. They are often punished [by staff] when struggling to communicate or seeking help. The staff don't get that people with intellectual disabilities don't

bottle."

Of the 14 prisons Human Rights Watch visited, most were overcrowded resulting in people "doubling-up" in a cell originally built for one person. Staff shortages mean that people are let out of their cells for fewer hours. A prisoner with a disability who is already at risk of being manipulated or abused, is placed at even greater risk when doubled up. Persistent institutional racism and discrimination further marginalizes Aboriginal and Torres Strait Islanders with a

UNICEF-EU Supported Balochistan Basic Education Program Brings Girls Back to School

Kachhi District, Balochistan - February 2018: "I stopped going to school last year as there was no washroom, water or electricity in the one I used to

attend," says Sumaira (12), a fourth-grade student at Government Girls Community Model School in the village of Rind Ali. "Made up of only two rooms, the school building was not good at all. As a result, I stayed at home for a full one year."



Sumaira (12) happily shares her experience of returning to school as a grade four student at the Government Girls Community Model School, Kachhi District, Balochistan.

UNICEF/Pakistan2018/Fatima Shahryar

"It was then that one day my

friend brought me to this school. I loved it instantly. It had classrooms with beautiful wall paintings, a clean washroom and a big playground. I convinced my parents and

though it was a bit far from my home, they got me admitted here. I love coming to this school and have become a keen student." Government Girls Community Model School (GGCMS) is the only school in district Kachhi that has classes up to eighth grade. The area is dominated by tribal leaders who do not encourage girls' education. The population of the district is largely poor and depends on cattle farming or daily wage labour.

Rabia Kausar, who is the acting headmistress and also an activist for girls' education

says, "Some of the girls here belong to families that cannot afford buying shoes, uniforms or stationery. To ensure this, I and other teachers of the school, contribute some

we also had to work at our teachers' homes. We would help them with daily household chores like cleaning, washing utensils etc. It became so difficult that I had to quit school. But here, at my new school, it is so different. Our teachers are like friends and we only study and play."

Sumaira (12) and Zainab (11) smile as they sit together and learn in a child-friendly environment in the Government Girls Community Model School, Kachhi District, Balochistan.

© UNICEF/Pakistan2018/Fatima Shahryar

To improve the existing education system and provide children an impetus for quality learning, UNICEF with funding support from the European Union, initiated the Balochistan Basic Education Programme (BBEP), in 2016. Being implemented in 11 districts of the province, the programme is led by the Education Department, Balochistan.

With guidance and in close collaboration with the Secondary Education Department, management committees have been established at different levels to ensure schools are functioning well and children are provided education in a child-friendly environment. These committees include Parent Teacher School Management Committees at the school level, Local Education Councils for several schools in a 'school cluster' and a District Education Group.

Sumaira (12) stands next to her teacher, while she assesses her work at the Government

Girls Community Model School, Kachhi District, Balochistan. © UNICEF/Pakistan2018/Fatima Shahryar

"The total number of students in the school last year was 110. It has risen to 225 within a few months," says Umme Sulait, District Officer Education, Kacchi. "Enrollment of students has increased twofold due to the renovation of school infrastructure and introduction of child-friendly teaching methods. The overall learning environment has improved considerably and students as well as teachers are more confident and happy. All of "We have observed that since the time our students have received training on MHM, they are more self confident and comfortable," says Rabia Kausar, Headmistress GGCMS. "us feel a refreshing and positive change in the right direction."

The communities in Balochistan are largely conservative. Women and girls have

girls.

"At the time when we received funds for renovating the school infrastructure, we knew we had to exclusively focus on including sanitation facilities and safe drinking water. The presence of a washroom and drinking water alone has encouraged parents, even from the neighbouring villages, to enroll their daughters at GGCMS, Kachhi," says Umme Sulait. "Seeing these girls return to school gives us a great sense of achievement. Implementation of the BBEP has made it certain that the children of Balochistan have a bright future"

Students of the Government Girls Community Model School, Kachhi District, Balochistan, show their hands after washing them properly with soap as taught by their teachers. © UNICEF/Pakistan2018/Fatima Shahryar

Currently, 36 per cent of girls drop out of school in grades four and five in Balochistan.

are the students taught proper management of menstruation but schools are also provided

in absence from school."

BBEP has numerous examples from communities where reju-



MHM kits that have all the essentials sanitary supplies. The trainings have been completed in 83 schools so far, and will be continued for the remaining schools in programme districts.

"We have observed that since the time our students have received training on MHM, they are more self confident

venated schools have proven that good teachers and schools can enroll, teach and retain children. Providing a safe and comfortable environment to children, especially to girls, not only helps them learn better but also improves their chances of contributing to the well-being of society.

The initiative is playing a crucial role in strengthening the quality, performance and management of the education systems in Balochistan. Having impacted the lives of children BBEP has received recognition at the highest level in the Secondary Education Department, Government of Balochistan.

"Government Girls Community Model School, Rind Ali, is an example of how community involvement can change schools into fun learning environments for girls and boys", says Palwasha Jalalzai, Education Specialist, UNICEF. "BBEP is demonstrating pathways to achieve quality education in the province. In addition to school improvement through community engagement, BBEP is reforming learning assessment, real time monitoring and capacity building of the teachers; all coming together at the school level to enable provision of quality education to students across the targeted programme schools. While there are many happy, living stories like that of Sumaira, we aim to see hundreds more in



limited access to basic education, health and other life resources. This is compounded by the number of girls that drop out of school in grades four and five - a time that marks the beginning of menstruation cycle for most of the

To reduce the number, teachers and students of all girls' schools in the focus districts are being trained on menstrual hygiene management (MHM). Highly qualified trainers are conducting these trainings with BBEP support. Not only

and comfortable," says Rabia Kausar, headmistress GGCMS. "Earlier girls would go on leave and stay absent from school, but for past two months, all girls have been regular. MHM trainings have brought tremendous reduction

Cote d'Ivoire: Will Ivorians Take a Stand for Syria's Victims?

Mausi Segun

A United Nations Security Council vote on Syria last month offers fresh evidence that China is using its growing influence to curtail the UN's role in protecting human rights, in this case with help from Cote d'Ivoire.

On March 19, abstentions by the three African countries on the Security Council -- Cote d'Ivoire, Ethiopia and Equatorial Guinea -- allowed Russia and China to block a formal briefing on Syria's disastrous human rights situation.

The briefing by the UN human rights chief Zeid Ra'ad al-Hussein would have highlighted the plight of civilians trapped in places like Eastern Ghouta, the besieged Damascus neighborhood that the Syrian-Russian military alliance has subjected to frequent indiscriminate attacks.

Zeid ended up giving an informal briefing in a conference room near the Security Council chamber, but the council's failure to officially discuss

Syria's human rights situation demonstrated tragic indifference to human suffering.

However, there are now signs that Côte d'Ivoire may be regretting its decision. On April 8, it joined eight other Security Council members to call for an emergency meeting of the council after a chemical attack in the Syrian town of Douma on April 7.

China is becoming increasingly aggressive in its attempts to shrink space for dialogue on human rights issues at the United Nations, both in the Security Council and at dedicated human rights entities like

the Human Rights Council.

Nevertheless, Côte d'Ivoire's March 19 abstention was surprising. The government of President Alassane Ouattara has its human rights problems, but it has promoted rights abroad by supporting the International Criminal Court in the face of attacks by other African leaders.

Since joining the Security

Council, Côte d'Ivoire has protected civilians during armed conflict. The country is only seven years removed from a bloody decade of political violence, culminating in the 2010-11 post-election crisis, when then-President Laurent Gbagbo refused to cede power to Ouattara following 2010 presidential elections.

A UN peacekeeping mission, first deployed to Côte d'Ivoire

Why, then, did Côte d'Ivoire not want to hear from Zeid about the abuses now being suffered by Syrians?

Security Council members that invited him to New York, including the United States, France and the United Kingdom, said Côte d'Ivoire had initially promised it would support the hearing. But several well-placed diplomats told us that a high-level and aggressive diplomatic intervention from China, which has invested heavily in Ivorian infrastructure projects, led Côte d'Ivoire to change its mind.

The nation will have opportunities to redeem itself during the remainder of its term on the Security Council.

In addition to its future votes on issues involving human rights and civilian protection in Syria and elsewhere, it will remain a swing vote on the procedural motions that, unlike Security Council resolutions, can't be vetoed by a Permanent Five member. Although rare, these votes are crucial to enable the council to shed light on other human rights abuses,

such as the humanitarian plight of North Koreans, for which China will attempt to prevent international scrutiny.

African leaders like President Ouattara who say they are committed to global institutions that protect human rights, and who have seen first-hand how UN action can save lives, should not compromise their values in the face of superpower pressure. When Security Council members are asked to stand with victims of human rights abuses, Côte d'Ivoire should be among the first in line.



Council in January, it has also supported a peaceful transfer of power in the Democratic Republic of Congo, where President Joseph Kabila's constitutional two-term limit ended in December 2016.

Ouattara himself said in October 2016 that, "The United Nations Security Council must be the principal organ in which courageous decisions are taken, to save people and states from conflicts and wars, with the suffering and distress that they bring."

Côte d'Ivoire knows the value of Security Council action to

following a 2002-03 armed conflict, had a mixed record of protecting civilians. But a March 2011 Security Council resolution authorizing peacekeepers to target heavy weapons that pro-Gbagbo forces were using against civilians, a decision that ultimately accelerated the end of the 2010-11 crisis, was a rare example of robust UN action in the face of serious human rights abuses. Prior to the resolution, Zeid's predecessor as UN human rights chief, Navi Pillay, gave powerful testimony on the plight of Ivorian victims.

Syria: A Year On, Chemical Weapons Attacks Persist

International Action for Deterrence, Justice Ineffective



are banned the world over without paying any price," said Lama Fakih, deputy Middle East director at Human Rights Watch. "One year after the horrific sarin attack on Khan Sheikhoun, neither the UN Security Council nor the Organisation for the Prohibition of Chemical Weapons has acted to uphold the prohibition against chemical weapon attacks."

Sources: Human Rights Watch, OPCW, UN Joint Investigative Mechanism, UN Commission of Inquiry,

OPCW Fact-finding Mission in Syria, United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in Syria, Amnesty International, & Bellingcat. Note: When sources identified differing numbers of injuries, we used the HRW confirmed number or the lowest estimate.

© 2018 Human Rights Watch On April 4, 2018, the UN Security Council will meet to discuss the situation of chemical weapons in Syria. Members of the Security Council should find an alternative to the Joint Investigative Mechanism, a group that the Security Council and OPCW had tasked with identifying the party responsible for chemical weapons attacks, but whose mandate was not renewed because of a Russian veto. The Security Council should impose sanctions on officials involved in the Khan Sheikhoun attack.

The sarin attack on Khan Sheikhoun was the largest chemical weapon attack in Syria since the government acceded to the Chemical Weapons Convention in October 2013. The government acceded to the convention following the chemical weapons attacks in Ghouta on August 21, 2013, when the Security Council demanded that the Syrian government destroy its chemical stockpiles, weapons, and production capacity.

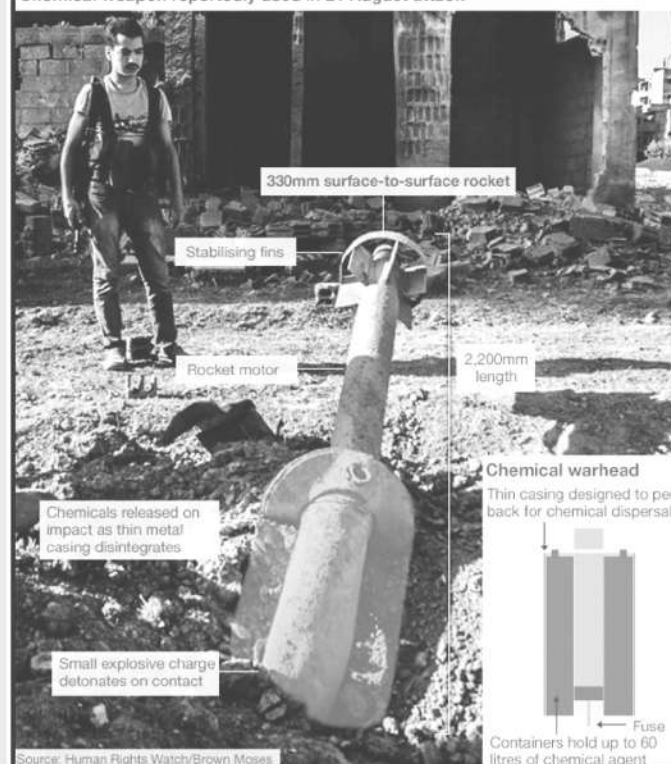
In June 2014, the OPCW announced that it had shipped Syria's declared chemical weapons out of the country for destruction, though it contin-

Beirut - International efforts to deter chemical attacks in Syria in the year since the devastating sarin attack on Khan Sheikhoun on April 4, 2017, have been ineffective, Human Rights Watch said today. Human Rights Watch has collated and analyzed evidence of chemical weapons attacks in Syria between August 21, 2013, the day of the deadliest chemical weapon attack in Syria to date, and February 25, 2018, when the Syrian government used chlorine in the besieged enclave of Eastern Ghouta.

The information, based on data from seven sources, shows that the Syrian government is responsible for the majority of 85 confirmed chemical weapon attacks. The data also show that the Syrian government has been largely undeterred by the efforts of the United Nations Security Council, the international Organisation for the Prohibition of Chemical Weapons (OPCW), and unilateral action by individual countries to enforce the prohibition

on Syria's use of chemical weapons. "In Syria, the government is

Chemical weapon reportedly used in 21 August attack



Source: Human Rights Watch/Brown Moses

using chemical weapons that

ued attempting to verify the accuracy and completeness of the Syrian declaration. Nevertheless, several incidents of the use of the chemical weapons in Syria have been reported, including by the Syrian government. As part of a strategy to re-take areas held by anti-government groups, the Syrian government has conducted coordinated chemical weapon attacks, including in Aleppo in December 2016 and likely in Ghouta in January and February of 2018. On April 4, 2017, an aircraft attacked Khan Sheikhoun, a town held by anti-government forces in Idlib governorate, with sarin, a toxic chemical. Human Rights Watch investigated the attack and found that all likely evidence pointed to Syrian government responsibility. On October 26, the Joint Investigative Mechanism confirmed that the Syrian government was responsible. On November 16, the Russian government vetoed a UN Security Council resolution to renew the group's mandate and on November 17, it ceased operations.

May 1, 2017 Report
Death by Chemicals

The Syrian Government's Widespread and Systematic Use of Chemical Weapons
- (Download the full report in Arabic)

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Russia has also used its veto at the Security Council to prevent holding the Syrian government accountable for its violations. That includes vetoing a resolution along with China that would have referred the situation in Syria to the International Criminal Court on May 22, 2014.

Since the Joint Investigative Mechanism ceased to operate, the Syrian government has likely carried out at least five more chemical weapons attacks. There is no UN or OPCW entity to identify the party responsible for these attacks. And beyond unilateral sanctions by countries like the United States, France, and the European Union, those responsible have not been held accountable for the use of these weapons.

The sources Human Rights Watch used for this analysis are: Human Rights Watch research, the Joint Investigative Mechanism, the UN Commission of Inquiry, the OPCW Fact-finding Mission in Syria, the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in Syria, Amnesty International, and Bellingcat. In some cases, multiple sources investigated the same attack, while in others only one investigated it. The sources selected are independent and document viola-

The 85 attacks reflect attacks that have been investigated by at least one of these sources and made public. The total

groups using chlorine. Those responsible for the remaining attacks in the data set are unknown or unconfirmed.



number of actual chemical attacks is likely higher.

Human Rights Watch classified the data based on the organizations' findings. Human Rights Watch has not independently verified attacks that it did not investigate. Of the 85 chemical weapon attacks analyzed from these sources, more than 50 were identified by the various sources as having been committed by Syrian government forces. Of these, 42 were documented to have used chlorine, while two used sarin. In seven of the attacks, the type of chemicals was unspecified.

The groups found that the Islamic State group (also

The OPCW is also mandated with protecting and executing the international Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. The Conference of the OPCW is empowered by Article XII to take "necessary measures to ensure compliance with this Convention and to redress and remedy any situation which contravenes it," including the use of collective measures such as sanctions.

But despite confirmed use of sarin by the Syrian government by both the Joint Investigative Mechanism and the OPCW's own fact-finding mission, the OPCW has not taken any collective measures. The OPCW should suspend and sanction the Syrian government for its failure to comply with the Convention, Human Rights Watch said. If the Security Council and OPCW continue to drag their feet, it is a signal that member countries need to individually hold the Syrian government accountable and re-instate a system to identify responsibility for attacks.

"Despite the incentives to act, the UN Security Council and OPCW are silently watching on as Syria transforms the nightmare of chemical warfare into reality," Fakihi said. "It is high time to do right by the victims of the attack and the international standard set in the chemical weapons treaty."



Arabic)

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tions based on witness and victim evidence, analysis of open source material, and - where available - physical samples.

known as ISIS) carried out three chemical weapon attacks using sulfur mustard. One attack was by non-state armed

"I Would Like to Go to School"

Barriers to Education for Children with Disabilities in Lebanon

"We are always scared of tomorrow because the school could say we need to remove him."

-Huda, the mother of Wael, a 10-year-old boy with autism, Beirut, April 13, 2017

Under the law, all Lebanese children should have access to education free from discrimi-

system discriminates against children with disabilities. Children with disabilities are often denied admission to schools because of their disability. And for those who manage to enroll, most schools do not take reasonable steps to provide them with a quality education.

Basmah, a 9-year-old girl with

Nabatieh, and the Chouf districts, were not enrolled in any educational program.

In the cases Human Rights Watch investigated, most families said children with disabilities were excluded from public schools due to discriminatory admission policies, lack of reasonable accommodations, a shortage of sufficiently

dren registered with a disability aged between 5 and 14 (the age of compulsory education in Lebanon). Of these, 3,806 are in government-funded institutions, with some others spread among public and private schools. But many of those registered do not attend any type of educational facility. Furthermore, these figures



nation. Lebanon's Law 220 of 2000 grants persons with disabilities the right to education, health, and other basic rights. It set up a committee dedicated to optimizing conditions for children registered as having a disability to participate in all classes and tests.

In reality, the educational path of children with disabilities in Lebanon is strewn with logistical, social, and economic pitfalls that mean they often face a compromised school experience if they can enroll at all. Lebanon's public education

Down Syndrome, puts on her own backpack every day as she gets in the car to accompany her siblings to school-but despite her enthusiasm, no school has accepted her because of her disability. Human Rights Watch interviewed 33 children or their families, who said they were excluded from public school in Lebanon on account of disability, in what amounts to discrimination against them. Of these, 23 school-age children with disabilities in Beirut and its suburbs, Hermel, Akkar,

trained staff, lack of inclusive curricula (including no individualized education programs), and discriminatory fees and expenses that further marginalize children with disabilities from poor families.

There is no clear data on the total number of children with disabilities in Lebanon or on how many children with disabilities are in school. According to Rights and Access, the government agency charged with registering persons with disabilities, there are currently 8,558 chil-

are low, given that the United Nations children's agency (UNICEF), the World Health Organization (WHO), and the World Bank estimate that at least 5 percent of children below the age of 14 have a disability. Based on this statistic, a conservative estimate is that at least 45,000 children ages 5 to 14 in Lebanon have a disability. This discrepancy raises concerns that tens of thousands of Lebanese children with disabilities are not registered as such and many of these may not have access to education.

According to the Convention on the Rights of the Child (CRC), which Lebanon ratified in 1991, children with disabilities have the right to education, training, health care, and rehabilitative services. The Convention on the Rights of Persons with Disabilities, which Lebanon has signed but not ratified, promotes "the goal of full inclusion" while considering "the best interests of the

with an emphasis on identifying and removing discriminatory barriers and attitudes in the environment. In Lebanon, however, authorities still seem to generally treat disability as a defect that needs to be fixed. This report focuses on the barriers to quality and inclusive education for Lebanese children with disabilities who are at the age of compulsory education in Lebanon. It also

old boy with autism, she went to many schools in the Beirut area. But she said one after another, they turned her away with explanations that included: "We don't take handicap [sic]" and "We cannot accept your son, because the other parents might not approve." Most public and private schools that Human Rights Watch researched lack reasonable and appropriate accommodations that ensure a learning environment in which all children can participate fully. In Akkar, for example, Jad, a 9-year-old, music-loving boy who uses a wheelchair, attends a private school where the bathrooms are not accessible. As a result, Jad is forced to wear diapers, which his mother must come to school once a day to change. One of the few public schools in Jad's district that accommodates children with disabilities

children's education; and discriminatory fees and other expenses such as transportation.

Ahmed, a 5-year-old boy with a speech disability, attends a public school in Akkar. When he started his teachers could not understand him. In order for him to remain at the school, the school required his family to take Ahmed for speech therapy, and cover the costs, including transportation. The school did nothing to provide assistance or accommodations to Ahmed and his family. Possible classroom accommodations could include written assignments or written responses that someone else could read aloud.

A lack of community-based services and support means that many children with physical, sensory, or intellectual disabilities must travel long distances—spending up to six hours a day in a car or sleep in residential institutions in order to access any educational, health care, or other support services, such as early childhood education.

Imad, a 4-year-old who has a hearing disability, was denied admission to a school by local school administrators in Hermel, a district in northeastern Lebanon, because he uses a hearing aid. His only educational options are either to enroll at a residential institution in Beirut, about 150 kilometers away, or to make daily trips to a school in the nearest large town, Baalbek—amounting to a 10-hour school day at a cost of US\$100 per month. Both options were out of the question for Imad's mother. "I have three other children to take care of," she explained. With no alternative, Imad will stay out of school for the foreseeable future.

Under Lebanese law, specialized segregated institutions funded by MOSA—some of which are residential—are supposed to serve as the educational alternative to school exclusively for children with disabilities, yet the educational resources at these institutions are often of poor quality. Most of the specialized institutions are not even classified as schools by the Ministry of



child." Law 220 mirrors this principle in requiring the best interest of the learner when it comes to inclusive versus special education.

As detailed by the UN High Commissioner for Human Rights, inclusive education has been acknowledged as the most appropriate means for governments to guarantee universality and nondiscrimination in the right to education. Inclusive education is the practice of educating students with disabilities in mainstream schools with the provision of supplementary aids and services where necessary to allow children to achieve their full potential. It involves the recognition of a need to transform the cultures, policies, and practices in schools to accommodate the differing needs of individual students and an obligation to remove barriers that impede that possibility.

The affirmation of the right to inclusive education is part of an international shift from a "medical model" of viewing disability to a "social model," which recognizes disability as an interaction between individuals and their environment,

assesses the segregated system of Ministry of Social Affairs (MOSA)-funded institutions, which is supposed to be the educational resource for children with disabilities kept out of school.

Although Lebanese law explicitly prohibits schools

has a wheelchair-accessible bathroom located on the second floor, but that floor is not wheelchair-accessible.

A 2009 survey conducted by the Lebanese Physical Handicap Union revealed that only 5 of 997 public schools observed met all of Lebanon's



from discriminating against children with disabilities in enrollment decisions, admission to public and private schools continues to depend on the discretion of teachers and school directors, which leads to the exclusion of many children. When Huda tried to enroll her son Wael, a 10-year-

physical accessibility standards for public buildings.

The education of children with disabilities is also hampered by a lack of reasonable accommodations, including basic physical accessibility in buildings; a lack of adequately trained teachers; a lack of an individualized approach to

Education and Higher Education (MEHE). Lack of monitoring for quality education, a reliance on poor evaluation mechanisms, and a dearth of appropriate resources raises serious concerns about whether these institutions fulfill children's right to education. "Most of them are just day care centers-nothing more," a disability rights expert told Human Rights Watch.

Conditions in some of the institutions are problematic. At two institutions that Human Rights Watch visited, there was no separation between children and unrelated adult residents. At one institution, boys and men ages 5 to 50 slept in the same dormitory-style bedrooms. At another, the ages of residents in the same room ranged from 8 to 30.

The obstacles that children with disabilities face are not unique to Lebanon. Approximately 90 percent of children with disabilities in low income and lower-middle income countries do not go to school. The United Nations Educational, Scientific and Cultural Organization (UNESCO) estimates that children with disabilities represent more than one-third of the 121 million children at the primary and lower secondary level who are out of school worldwide.

In recent years, the Lebanese government has taken steps in the right direction. MEHE has made some efforts to include children with learning disabilities in public schools, and is planning a pilot program for 2018 to have 30 inclusive public schools around the country that will accept children with learning disabilities and 6 that will accept children with visual, hearing, physical, and moderate intellectual disabilities. The right to education applies to all children with disabilities. No matter how high their support needs are, every child, without exception, has the right to an education.

Private nongovernmental organizations and UNICEF have tried to make public schools accessible through building modifications that can help accommodate children with physical disabilities.

Other private nongovernmental organizations pay for trained teachers and materials that allow children with visual disabilities to be integrated into the classroom. Some private schools have also made significant efforts to include children with disabilities in classrooms, including by providing them with a shadow

"the classes with children with disabilities are the most successful."

Inclusive education stands in sharp contrast to the special education model, in which children with disabilities are taught in segregated schools outside the mainstream, in special programs and institutions and with special teachers. In



teacher and additional supportive material, although usually at a financial cost to the child's family.

Inclusive education benefits all students, not only students with disabilities. A system that meets the diverse needs of all students benefits all learners and is a means to achieve high-quality education. Inclusive

this system, children with and without disabilities have very little interaction, which can lead to greater marginalization within the community, "a situation that persons with disability face generally, thus entrenching discrimination."

While an inclusive education system cannot be achieved overnight, Lebanon should

the same time the Lebanese government should implement and enforce existing disability rights legislation, such as Law 220 of 2000, passed 18 years ago but never fully implemented. While Lebanon should dedicate more funds to make schools inclusive of all children, inclusive education does not have to be costly. A global World Bank study from 2005 found that even where modifications are necessary to ensure that buildings are physically accessible to people with disabilities, making the necessary adjustments usually costs only 1 percent of the overall building cost. A key step toward inclusion is to train teachers on inclusive education methods, which can be integrated into existing training.

While Lebanon has a history of laws that promote the rights of people with disabilities and recently has made some progress in providing education for children with disabilities, significant work is needed to implement those laws and bring Lebanon into line with international standards. By taking specific steps to protect the rights of children with disabilities and ensuring they have equal access to quality education in inclusive schools, the Lebanese government and its international partners could



education can promote a more inclusive society. As Khalil Zahri, the school director of Zebdine Public School put it,

introduce new legislation to bring its national laws and practices in line with international law and standards. At

radically enhance the quality of life for many children with disabilities in Lebanon.

"Caught in a Web"

Treatment of Pakistanis in the Saudi Criminal Justice System

Saudi Arabia: Scant Justice for Pakistanis

Brief Unfair Trials, No Legal Representation

"[The Saudi justice system] is like a web and once you are caught in it, it is difficult to get out."

-Ghulam, former Pakistani detainee in Saudi Arabia

and provide fair trial guarantees for all defendants."

The practice of Saudi justice, however, which largely follows interpretations of uncoded Islamic law, does not measure up to such declarations, and over a decade of reforms have not appreciably strengthened the safeguards against arbitrary detention or

foreign migrant workers.

This report is based on interviews with twelve Pakistani citizens detained and put on trial in Saudi Arabia in recent years, as well as seven family members of nine other defendants. All interviews took place in Pakistan with the exception of two telephone interviews with Pakistani

tem tramples the rights of Pakistani defendants to due process and fair trials.

Nearly all the Pakistani detainees, former detainees, and their family members described widespread due process violations by the Saudi criminal justice system and Saudi courts, including long periods of detention without



Saudi officials vigorously defend the country's criminal justice system when facing criticism by international media outlets, United Nations human rights bodies, and human rights organizations. On August 4, 2017, Saudi Arabia's Ministry of Justice spokesperson said, "The Kingdom of Saudi Arabia's courts are independent courts that work in accordance with the Basic Law of Governance to apply Islamic law rulings and follow procedural laws that govern the course of trials

ill-treatment, or enhanced the ability of Saudi and non-Saudi defendants to obtain fair trials. The defects in the criminal justice system are especially acute for the twelve million foreigners living in Saudi Arabia, over one-third of the country's total population, who face substantial challenges obtaining legal assistance and navigating Saudi court procedures. At 1.6 million people, Pakistanis make up the second-largest migrant community in Saudi Arabia, most of whom travel to the country as

inmates in Saudi prisons. Researchers interviewed these individuals between November 2015 and September 2016. Interviews were conducted in Urdu and Punjabi. The criminal cases involved 21 total defendants in 19 separate cases that ranged from minor crimes such as petty theft and document forgery to serious offenses, including murder and drug smuggling, which are often capital offenses in Saudi Arabia.

The Saudi criminal justice sys-

tem charge or trial, no legal assistance, pressure to sign confessions and accept predetermined prison sentences to avoid prolonged arbitrary detention, and ineffective or pernicious translation services for defendants.

Due process violations were most consequential for defendants involved in serious cases such as drug smuggling and murder. In Saudi Arabia, judges apply a 1987 ruling by the country's Council of Senior Religious Scholars prescribing the death penalty for any "drug

smuggler" who brings drugs into the country, as well as provisions of the 2005 Law on Combatting Narcotic Drugs and Psychotropic Substances, which prescribes the death penalty for drug smuggling. The law allows for mitigated sentences in limited circumstances.

Saudi Arabia executes more Pakistanis than any other for-

predetermined convictions and sentences based solely on police reports and asked defendants to accept the rulings and sentences. If they chose to dispute the ruling, the courts permitted defendants to submit a written defense, but nevertheless the courts repeatedly summoned them for additional hearings in which judges presented the same predetermined

judge told him verbally that his sentence was 10 days and 80 lashes, which he considered acceptable. He said he was later shocked to discover that the sentence also ordered his deportation, and he said he would have challenged it had he known this. He pleaded with justice officials to take back the decision to no avail.

With one exception, none of the 21 Pakistani defendants in these trials had a defense lawyer largely because they did not have the resources to locate or pay a lawyer while in prison. Largely due to this lack of legal assistance, only the one detainee had possession of court documents or copies of their convictions. Some of the detainees and family members said courts would not provide these documents while others said they did not request them. Four of the detainees said that court-appointed translators did not provide adequate services, sometimes intentionally misrepresenting detainees' statements to judges or failing to accurately describe the contents of Arabic-language court documents. Three defendants said that court-appointed translators misrepresented their statements to judges, which they were able to understand having learned limited Arabic

In addition to due process violations, some of the Pakistani detainees and their family members described poor prison conditions during their detention, including overcrowding, unsanitary facilities, lack of beds and sheets, as well as poor provision of medical care. One former detainee described his detention experience in the southern province Jazan: "It was overcrowded and the conditions of the prison were deplorable. Often there was no water for days and there was no proper sewage system. The bathrooms were so unhygienic and filthy that we dreaded using them."

Two former detainees and one current detainee said that Saudi prison authorities had subjected them to ill-treatment, including slapping, beating with a belt, and shocking with an electrical device during interrogations. The family member of another detainee said that authorities had beaten her husband with "sticks" following his detention.

Under the Vienna Convention on Consular Relations, which Saudi Arabia ratified in 1988, it has an obligation to inform Pakistani consular officials when they arrest a Pakistani citizen. Under article 36 of the convention, "...the competent

authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner." In the cases

Justice Project Pakistan and Human Rights Watch reviewed, however, it did not appear that Saudi officials informed Pakistani consular officials about the arrests of the Pakistani citizens, and the burden to inform Pakistani authorities largely fell on detainees and family members. Justice Project Pakistan wrote to Pakistani Ministry of Foreign Affairs officials about all of the Pakistani detainees they learned about but did not receive any response to their



eign nationality annually, nearly all for heroin smuggling, including 20 in 2014, 22 in 2015, 7 in 2016, and 17 in 2017.

Of the 21 Pakistanis involved in criminal cases, 15 faced drug-related crimes and authorities charged 11 with bringing in drugs at an international airport. Of the eleven individuals, Saudi courts have given three men death sentences, four individuals had prison sentences ranging between fifteen and twenty years, one had a prison sentence of four years, and three remained on trial. According to family members, drug traffickers in Pakistan forced under threat of violence four of the eleven individuals to serve as "drug mules." The family members stated that courts were not interested in the circumstances under which individuals brought drugs into the country and did not attempt to investigate or appear to take into account claims of coercion during sentencing.

In all the non-death penalty cases, judges did not afford defendants an adequate opportunity to mount a defense. Interviewees said that during their first court hearings Saudi judges presented them with

rulings, leaving detainees with the impression that not accepting sentences would mean indefinite pretrial detention. Five of the Pakistani defendants accepted the rulings during their first court hearing, and all of the others eventually accepted the original rulings merely to halt what they believed would be indefinite pretrial detention and get out of prison as soon as possible. As one detainee stated: "The judge had our case files in front of him. He passed our sentences without listening to our stories."

Nine of the 21 defendants said that court officials pressured them to give their agreement to court rulings through confessions or stamping the ruling papers with an inked copy of their fingerprints (taken as a sign of consent) without affording them the opportunity to read, review, or fully understand these judgments. One detainee deported in 2014 said that he accepted a conviction on charges of alcohol consumption and fighting after the

living in Saudi Arabia. They said that translators told judges that defendants were pleading for forgiveness while they were actually disputing the charges or conviction.

Seven of the former detainees said that they remained in prison up to eight months following the expiry of their sentences for various reasons, including apparent negligence by prison officials and slow processing of deportation procedures.



inquiries. Furthermore, Justice Project Pakistan researchers said that the family members they interviewed generally did not know which government agency to contact when their relatives were arrested in Saudi Arabia.

Based on interviews conducted with former detainees, current detainees, and family members of detainees, most of the Pakistanis did not seek consular services from the Pakistani embassy in Riyadh or consulate in Jeddah at any point during their detentions because they did not believe Pakistani officials would offer any assistance and they did not want to waste limited money on such phone calls. They said that Pakistani officials rarely if ever visited Saudi prisons, unlike representatives of other countries. Four of the defendants who did contact Pakistani embassy officials said they did not provide any assistance other than deportation processing procedures following prison sentences. Only one of the defendants, who is currently serving a 20-year sentence

for drug smuggling, said he met with a Pakistani consular official during his trial.

Saudi Criminal Justice System Background

Human rights organizations and UN human rights bodies have criticized Saudi Arabia's criminal justice system for many years. The violations of defendants' rights are so fundamental and systemic that it is hard to reconcile Saudi Arabia's criminal justice system, such as it is, with a system based on the basic principles of the rule of law and international human rights standards. The violations derive from deficiencies both in Saudi Arabia's law and practices. Saudi Arabia has not promulgated a penal (criminal) code. Previous court rulings do not bind Saudi judges, and there is little evidence to suggest that judges seek to apply

consistency in sentencing for similar crimes. Accordingly, citizens, residents, and visitors have no means of knowing with any precision what acts constitute a criminal offense. The Saudi criminal justice system imposes the death penalty after patently unfair trials in violation of international law and imposes corporal punishment in the form of public flogging, which is inherently cruel and degrading. Saudi law and practice are also inherently discriminatory.

Saudi criminal procedures, which permit judges to shift roles between adjudicator and prosecutor, indicate that in practice there is no presumption

obtained under duress.

With exceedingly short notice before court hearings, defendants have little time to prepare their defense and often lack access to their files, including the prosecutor's case against them and the specific charges under Saudi law. Detainees do not always have access to Saudi statutory laws or relevant interpretations of Sharia for the Saudi criminal justice context. Unless they have had specialized Sharia training, they have no means of knowing the elements of the crime pertaining to the criminal behavior they were accused of, the procedures necessary to establish guilt

gated the country's first criminal procedure code, which establishes the legal and court procedures governing criminal cases but does not define crimes or set punishments. The Law of Criminal Procedure (LCP) theoretically guarantees the right to legal representation as well as Arabic translation services for non-Arabic speakers. Article 4 guarantees "the right to seek the assistance" of a lawyer. For non-Arabic speakers, the LCP states that "[i]f the litigants, witnesses or either of them do not understand Arabic, the court must seek the assistance of interpreters" (article 171).

While this was a welcome step, the LCP does not incorporate all international standards pertaining to the basic rights of defendants. For example, the LCP does not permit a detainee to challenge the lawfulness of their detention before a



tion of innocence for defendants. Unless the crime is considered "major" under Saudi law, the trial judge dons the mantle of both judge and prosecutor. In all criminal cases, the judge can change the charges against the defendant at any time and, in the absence of a written penal code, it appears that judges in some cases set out to prove that the defendant has engaged in a certain act, which they then classify as a crime, rather than proving that the defendant has committed the elements of a specific crime as set out in law. In other cases, defendants recounted how a judge refused to proceed with a trial unless the defendant disavowed and withdrew a claim that his confession was extracted under torture, effectively holding the defendant hostage until he reaffirmed a confession

under Sharia rules, and the penalty they could expect to receive if found guilty.

In the case of Pakistanis interviewed for this report, those apprehended at international airports for drug crimes generally had not visited Saudi Arabia before and did not speak or read Arabic. Many of those who had lived for extended periods in Saudi Arabia had learned to speak Arabic, but few had learned to read or understand written Arabic, adding an additional burden to those wishing to understand Saudi legal statutes and prepare a written defense, which defendants must submit in Arabic. In the absence of Saudi lawyers, some Pakistani detainees said that they relied on Arabic-speaking fellow detainees to prepare their written defense documents.

In 2001 Saudi Arabia promul-

court, it fails to guarantee access to legal counsel in a timely manner, and contains no provision for free legal assistance to those who cannot afford a lawyer. The LCP grants the prosecutor the right to issue arrest warrants and prolong pretrial detention up to six months without any judicial review. While the LCP prohibits torture and undignified treatment, it does not make statements obtained under duress inadmissible in court. It does not set out the principle of presumption of innocence, or protect a defendant's right not to incriminate themselves. Furthermore, it does not sanction officials who coerce defendants, and empowers prosecutors to detain suspects without having to meet a defined standard of evidence of a suspect's probable guilt.

Prejudice Flares After Rape, Murder of Muslim Child in India

Lawyers Try to Block Police from Filing Charges Against Hindu



The BJP and its supporters have often spoken out strongly against sexual violence, even criticizing human rights groups who oppose the death penalty for convicted rapists. After the fatal gang rape of Jyoti Singh Pandey in 2012, where one perpetrator was a juvenile, the government ignored child rights activists and amended the law to prosecute as adults anyone over age 16 accused of heinous crimes

A heated scene outside a courthouse in India's Jammu and Kashmir state unfolded yesterday, as lawyers physically attempted to stop police from filing charges against six men and a boy accused of raping and murdering Asifa Bano, an 8-year-old Muslim nomad girl. In a statement attempting to justify their actions, the Bar Association of Kathua, the district where Asifa was abducted in January, said they wanted a federal investigation because the state government had failed to "understand the sentiments of the people." The police eventually managed to file charges after calling for backup.

It is extraordinary that there can be differences over "sentiment" around the gang-rape and killing of a child. But the lawyers, along with a group called the Hindu Ekta Manch, which is affiliated with India's

ruling Hindu nationalist Bharatiya Janata Party (BJP), has - instead of condemning the heinous crime - been protesting the arrest of alleged Hindu assailants, including four policemen and a retired



government official. The Indian government has in recent years adopted significant legal reforms for sexual

violence cases. But major gaps remain in implementation. Human Rights Watch has found that local authorities often try and protect powerful perpetrators, pressing victims to withdraw complaints. Even

so, it is shocking that the lawyers in Kathua so blatantly tried to obstruct justice in this case.

like rape and murder.

Yet too many BJP supporters seem willing to abandon their tough stand on sexual violence on the basis of religious prejudice. The police allege Asifa's rape and murder was part of an effort to drive the Muslim community away from the area. Yet, for the local lawyers and other BJP supporters, the Hindu suspects and the Muslim victim were grounds for blocking prosecution of the case.

The BJP has often been accused of failing to protect religious minorities against attacks by its vigilante supporters. BJP leaders can start to put to rest those claims by publicly condemning any attempts to block justice for Asifa and encourage the Jammu and Kashmir government to enact and implement the Protection of Children Against Sexual Offences Act.

Iran: Jailed Rights Defender Ailing

Free Hospitalized Peaceful Activist

Beirut - Iranian authorities should immediately release Golrokh Iraee, a human rights defender hospitalized in Tehran, Human Rights Watch said today. Iraee was sentenced to six years in prison in April 2015 on charges solely related to her peaceful activism, after an unfair trial.

Iraee was transferred to a hospital from prison on April 3, apparently suffering medical complications from a hunger strike. The authorities allowed her family to visit on April 9.

"Iranian authorities are apparently so threatened by human rights defenders that they imprison them for years," said Sarah Leah Whitson, Middle East director at Human Rights Watch. "Instead of making prison conditions worse, Iran should start listening to defenders' demands for more rights and freedom for all citizens."

On January 24, authorities transferred Iraee and Atena Daemi, another human rights defender, from Evin prison in Tehran to Qarchak prison in the city of Varamin, which is reputed to have worse conditions than Evin. On February 3, Daemi and Iraee embarked on a hunger strike to protest their transfer from Evin, activists' families reported. Daemi ended her hunger strike on February 26, but Iraee continued hers until she was transferred to the hospital on April 3.

On April 3, Iraee's family had traveled to Varamin in the hopes of visiting her in prison. When they arrived, authorities told them that she had been transferred to a hospital in Tehran but refused to provide the family any



information about her location or condition. On April 9, authorities finally allowed Iraee's father to visit her at a

Watch on April 9 that the visit lasted about an hour, and it was apparent that Iraee had lost a significant amount of



hospital in Tehran. A source who wished to remain anonymous told Human Rights

weight.

On September 6, 2014, authorities from Iran's Islamic

Revolutionary Guard Corps (IRGC) Intelligence Service arrested Iraee along with her husband, Arash Sadeghi, also a human rights defender, and two other people, and sent them to Evin prison. In April 2015, Judge Abdolghassem Salavati, from Branch 15 of Tehran's revolutionary court who has sentenced dozens of activists to unfair prison sentences, sentenced Iraee to six years in prison on charges of "insulting the sacred" and "propaganda against the state." Authorities used an unpublished story Iraee had written about stoning that was confiscated at the time of her arrest as evidence to convict her.

Human Rights Watch had previously documented the couple's lack of access to fair legal representation during their trial. Other human rights defenders have experienced similar conditions at their trials. Several other rights defenders serving long prison terms based solely on their

peaceful activism and criticism include Narges Mohammadi and Abdolfatah Soltani, the former presidential candidates Mehdi Karroubi and Mir Hossein Mousavi, and Zahra Rahnava, an author and activist who is Mousavi's wife, have remained under house arrest in Tehran since February 2011.

"There is nothing to suggest that Iraee has committed any genuine crime and keeping her one more day behind bars is illegal," Whitson said. "She should be released immediately."