

OUTSTANDING HUMAN RIGHTS ISSUES IN THE NEXT CENTURY

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INTRODUCTION

We live in an apparently high time for human rights. The communist regimes of Eastern Europe have collapsed; the notion of “humanitarian intervention” seems to have become a reality to stop ethnic cleansing and mass murder. A former Latin-American dictator has been arrested in Europe and it is being detained at house arrest awaiting extraditions on charges related to crimes committed during his tenure. Human right advocates and organizations are evolving into a human rights movement, which is likely to influence the way we think on international politics, as the Greens have influenced the way we think on environment. Human rights are on the mouth of everyone. Yet, besides these apparent triumphs, there are reasons for deep concern. I will start considering the most basic and perhaps abstract ones to progress toward more particular issues. I will restrict this analysis to the present and foreseeable situation in the USA and in the European Union (EU).

ENDEMIC “NAZI” ATTITUDES

The endemic presence of Nazism has not been fought efficiently after W. W. II. I am not talking here only about the Nazi and Fascist party as they arose in the Twenties and Thirties. That is an historically delimited movement, and its epigones are likely to be confined to a minority at least in the coming years. Much deeper is the concern regarding some key Nazi attitudes that seem to survive in modern society: the exaltation of youthfulness, physical fitness, health, to the point of discriminating and despising the ones that are, in a word, “unfit”. These features are anthropologically surcharged: they are obvious and instinctively related to reproductive ability. Too often beauty and fitness are, instinctively albeit wrongfully associated to ethical rightfulness. Abeyance to some “core norms” in reproductive behavior (for instance, having family and children) is also confused with ethical

rightfulness: “moral corruption” can still be a synonym of “sexual diversity”. The connection ethical-righteousness - fitness also leads to an instinctive rejection of everything that belies the “role model” traits, and sometime to endorsement of (or to the silent consent to) serious abuses. One may be perfectly right, but it may much more difficult to achieve sympathy and understanding if “unfit”. TV and Hollywood are having a tremendous responsibility in spreading this equivocal commonplace, which is nothing else than savagery in disguise. This attitude can also lead to diffidence and mistrust toward reasoning and rationalism, and it is not far from some Nazi predications. Several aspects of Nazi ideology can indeed be seen an utopia of irrational self and group affirmation, distrustful of reason and intellect.

NO CULTURE OF HUMAN RIGHTS

A second issue is the absence of a widespread culture of human rights based on the Universal Declaration of Human Rights (UDHR). Most people do not think on the basis of the UDHR, or even on the basis of the fundamental laws of their countries, which are often based on the principles set in the UDHR. For example, speaking of homosexuals and transvestites, someone asked “Why should we respect those ‘dirty pigs’? Who are we?” The wish to “get rid” of deeply despised people is exactly the opposite of the attitude that inspired the UDHR. The UDHR is the reaffirmation of the right of individuals and minorities against more powerful groups – let it be the state, whole society, or simply a large, organized group within society. There are occurrences in which everyone in a group would instinctively agree that some people deserve violence, or cruel punishments or even death. The recent murder of a US soldier suspected to be gay points out how reason-numbing such forces are.

Here there is a cultural hole. Reason and education should remind everyone – above any instinctive urge – that cruel or systematic violence against a despised minority may ultimately destroy the perpetrators and not the targets of violence. There should be no cruel, degrading or unreasonable and random ‘punishments.’ It has been demonstrated that deterrence (i.e., death penalty) does not work against violent crimes. On the contrary, a climate of widespread fears has a strong deterrence against positive achievements. Fewer persons would be tempted to stand out as achievers if this may bring, instead of rewards, suspects and persecution. Any modern state or government or large group fostering systematic violence – even if only against a segregated minority – will be not only ethically de-legitimated, but may condemn an entire society or civilization to extinction. Burning witches at the stake or gassing hundreds of people at once are actions defining the society or government that carries them out. We now see such societies – and not their victims – as brutish, marred by insanity and ultimately doomed.

Individual freedom is not yet accepted, and human right issues are not seen as

worthy issues by most people. TV shows and movies, and even Mickey Mouse's comics – more often instigate in adults and children the foundations of a police state, rather than let them assimilate the principles of the UDHR. In Mickey Mouse's comics, for example, attorneys are often portrayed as the accomplices of the bandits, and cross-dressing is practiced only by the most deceitful criminals. Several Hollywood movies insinuated hatred or at least diffidence against transgenders or even any transgender feature, associating such features to ethical wickedness. Such faulty associations go unchallenged wherever a culture of individual rights and sexual diversity is missing. All the errors that were once of nationalism are now repeated on sexual minorities: the core value of “fatherland” and “country” has been substituted by the aspiration to an happy sexual life, but the notions that someone may live his or her own sexual life in a different way is not accepted or is sturdily rejected. Sexually different behavior is even confused with “enmity”.

STATES AND GOVERNMENTS CRUSH INDIVIDUAL RIGHTS

On a second stance comes the imbalance of power between state and individual, and the lack of a consolidated way to gain a remedy against human rights abuses. Responses to human right abuses are poor not only because of the lack of a widespread culture of human rights but also because of missing social structures. There is no human right “red cross” or human rights phone “hot line”. If you pass a person wounded in an accident, you stop your car and call an emergency number. What if someone comes to you and tells you that he or she has been victim of police harassment? You cannot call the police. Often, the first reaction is one of disbelief, turned on second thoughts in attempts to discredit the victim or even to justify such abuses (“if they hate you they must have good reasons”). None wants to know. We now live after a twenty-year-long propaganda on TV shows, almost invariably depicting police as brave and rightful, fighting against non recuperable sexually deviant, extremely evil criminals. This stereotype has been enforced by mass media in Europe and America. It was not so 30 years ago. But now, in Italy as well as in America and other EU countries, if a person is murdered or a robbery – efficiency of police is not even mentioned: the issue is to put more and more police on the street, more surveillance camera in every corner of every public or semipublic place. Attention toward individual rights is being constantly eroded by the collective need to feel more secure. This has created a power group with a tremendous and unchallenged influence in everyday life, and can suppress awareness of abuses. Abuses most often go unpunished. They are sometimes barely reported. Abuses appear even legitimated by a superior cause. The main aim of some police corps has been less and less related to their original service, and increasingly associated to the preservation of power and status, often achieved with illegal means (see the scandals described in *Tainting Evidence* by Phillip Wearne and John Kelly). It is a sad truth that police or the military, if aware of abuses committed by their members, will attempt to cover up everything with a behavior that closely resembles that of the worst

criminal, but with much more powerful means and from the vantage position of a favorable social status (see, for example, the No Gun Ree case). Think how different the consideration and influence of police was at the end of the previous century or in the late Sixties.

The imbalance of investigative capability between police and private citizens is part of the imbalance of power between state and individual. If evidence is tainted because police is biased or inefficient, it may be impossible to prove it. Court debates are often focused on the personality of the defendants, not on facts, and are more aimed at answering the question “Is the defendant a nice person, one of “us”?” rather than at discussing physical evidence. In several cases in both the USA and the EU, evidence in favor of the defendant has not been brought to court to ease a conviction. The police apparatus – and thus the investigation – serves the interest of the prosecution, not of the defense. To level the disparity between defense and prosecution it would be necessary to have two independent investigative structures – which could carry out “investigation on demand” for either party. Otherwise the outcome of trials could be set by the babbling of attorneys (and ultimately by money) – a treason of justice. An independent structure is obviously even more needed in the case the police is accused of abuses.

MEDIA ABUSES

Media abuses – tampering with information – tend to destroy fundamental civil rights, and have now gone even beyond the ones described in George Orwell’s novel *1984*. An impressive sequence of people crying in front of the camera has been broadcasted by European TV around the time of the Kosovo NATO intervention. With the respect and compassion we all nurtured for the refugees, we immediately realized that such pictures were repeated in such obsessive way that they stem out from the realm of information to become propaganda – propaganda in favor of war. This is perhaps just the top of the iceberg. Right in 1999 the general public was informed of the so called Mitrotzkin Dossier, which describes the spy network of the Soviets in Western Europe. It is impressive to learn that a deliberation of the Soviet authorities could translate into newspaper articles in the Western European press attacking this or that personage. The Dossier tells that Eastern secret services played a role in the social and intellectual life of European countries. It tells also that this influence was rather limited and circumscribed. Much larger was – and it still is – the influence of Western secret services in manipulating and filtering information, in orienting the attention of the public opinion, and in creating successful careers for selected individuals. On Geocities a whistleblower of a Western secret service published a list of undercover agents – several of which worked as journalists. It is not difficult to guess that they may be able to write articles in newspaper in a way consistent with the demands of the agencies for which

they work. We have seen Kosovo refugees crying in front of cameras – but at a conference a Kurd leader said that Kurd activists had a very hard time in finding a Western TV crew to come and document massacres by the Turks. The impression is that the information is “being filtered” and that only a part of it is being brought to widespread attention, especially on prime time on TV, when the largest audience can be reached.

NEW ABILITY TO TAMPER AND TORTURE

Tampering with information goes together with increasing monitoring and tampering ability by police and government agencies. In an EU country (not of the former Communist block), state TV reported that secret police keep files on several hundred thousand people (basically almost everyone politically and socially active, of higher education and in position of responsibility). The so-called project Echelon speaks for all. Echelon – monitoring activities that would be able to track every form of electronic or voice long-distance communication, developed under the leadership of the US – has now become an household name. Echelon is being investigated by the EU commission, as well as by the American Civil Liberties Union. Apart from Echelon, cameras have become, by the late 1999, extremely widespread. Cameras cover almost every public or semi-public places like supermarket, train stations, public buildings, streets and squares, hotel halls in several EU countries. A “surveillance tape” turns out often and apparently of nowhere during investigations. Videotaped sequences are used more and more as a form of evidence. However, it is too often forgotten that such sequences show something, but seldom demonstrate anything. Especially in the presence of a biased audience and of biased reporting, a sequence may appear as “obvious evidence” while it may be appear meaningless if carefully and critically reviewed.

Micro-cameras can be hidden very efficiently in walls and even in garments and accessories. They can be used to spy “suspects” for years without any guarantee offered by the law. The ability to manipulate such information – everyone knows that it is easy to digitally manipulate a photo, but few think that, with some computing resources, it is possible to digitally alter a movie, too – is another possible source of abuse. The possibility of easy manipulation of e-communication has raised concerns of hoaxes among human right activists.

The lack of a widespread attention toward individual rights makes the denunciation of abuses cumbersome. We could distinguish between active and passive censoring. For active censoring, we understand the actual suppression of news and opinions from the press and any other media, in which who is reporting to the new is explicitly compelled to remove it under threat (explicit or implicit) of retaliation. This kind of censoring have been practiced heavily after WWII in several EU countries, and not only in the ones under fascist rule. Now, however, passive censoring seems to become more widespread, as new media like the Internet become of everyday usage by almost everyone: there is no one that stops you in

denouncing abuses, but there is none that listens to you either! Your denounce, now matter how serious and cumbersome, is totally ignored. Since there is no violence and no obvious menace, that may be recollected by witnesses after years, passive censoring can be even more efficient than active censoring.

Passive censoring is part of a broader issue that we may call the “visibility issue”. “Visibility” marks the main difference between present and past human rights abuses, at least in the EU and USA where brutal violence is not tolerated (it is highly visible!). German Jews had their passport stamped with a label; similarly, Germans stamped the passport of homosexuals with an *infrared* label, visible only with a detector. Various forms of electromagnetic harassment – including sleep deprivation – have become possible. Even death sentences are carried out with lower “visibility” while the aim of an electric chair is functionally obvious, the aim of the injection death chamber is not. Will people at the end of one of the next millennia debate whether late IIth and early IIIth millennium Americans were such savages to kill people in those chambers?

STIGMATIZED MINORITIES STILL EXIST

Minority issues – where minorities can be defined by racial, ethnical traits or sexual habits – still matter. We do not live in societies that have been shaped to allow a decent and serene life for every minority. Transgender persons, for example, are not immediately accepted and seen for the persons they are. This happens mostly because of the lack of a cognitive culture on transgender issues. Not even parents see their transgender children under an objective light; transgenders often face in their youth brutish rejection and disavowment, and cruel harassment that may shape the rest of their life. Transgenders have suffered because of a social stigma against cross-dressing. Their low social status has hampered their realization and fulfillment in productive society and has strengthened degrading labels. Fortunately, transgender persons have had the opportunity to demonstrate how unmotivated and senseless the stigma is. The greatest Greek poet of modern age, and probably even Leonardo da Vinci, as well as a large present-day number of outstanding professionals and academicians are known as transgender persons. However, most present-day transgenders could achieve their successful careers only at the expense of keeping their transgender nature undercover. Some recent examples of “out-of-the-closet” cases in which the overall supportive have been mixed with the frequent occurrence of hate crimes. Unfortunately, the label of “homosexual” or “transgender” still overwhelms every other feature in the perception of anyone’s personality. Too many think, naïvely, that if you are homosexual you are a “full time” homosexual and cannot participate to the productive society. Today we can celebrate the achievements of this century in the struggle for women’s rights, which has been fought often with different patterns but always painstakingly in every EU country and in the USA. At the same time, we must acknowledge that the struggle of several

minorities – even in our wealthy and apparently tolerant society – lags far behind. How easier, for example, would be the life of any transgender person – if parents had the opportunity to learn in an objective and scientific way – allowing a transgender child the option of sex reassignment surgery at entrance into adulthood as well as freedom of expression in dressing, and accepting her identity with nurturing advice and sympathy!

There is the perception that a corridor of possible injustice is being maintained leaving in a limbo or poor definition some classes of people, like “monsters”, “sex maniacs”, etc. The lack of an objective definition on categories of people which are deeply despised (who defines scientifically a “sex maniac?”. Even if a scientific definition may be possible, it is different from the general perception, for which even Dostoevsky could be a “sex maniac”) serves a totalitarian purpose: the elimination of potential opponents through their association to one of the despised minority. Some social criticism may be expressed in deep and rational form, but would it have the same weight if expressed by some-one labeled as a sex maniac?

Unfortunately, minorities under attack change depending on the pressures a society is subject to. Jews were the targeted minority of Germans in the Thirties; now in Europe there are other despised minorities. Most of them are associated to sexual behavior. This may reflect a change from an economic pressure to a demographic one. However, present-day despised minorities are not recognized as unjustly stigmatized. Few see the recurrence of the same exploitative patterns. It is a duty of everyone to avoid that minorities will not be acknowledged as unjustly persecuted only after another Holocaust!

THE CONCENTRATION CAMP BROUGHT TO YOUR HOME!

Now, however, it is legitimate to ask whether minority and outstanding individuals would be able to physically survive (or even to be born!) in the Western countries of the next century. Freedom and human diversity go together. Unfortunately, Western societies are applying with unprecedented power and efficiency prejudices and ignorance to quench human diversity. Would a couple choose to have a child which is genetically predisposed toward homosexuality? The specter of eugenics is hanging over. Exceptional creativity gives rise to unpredictable behavior. This sort of unpredictability is still seen as a danger – a danger that police or government may want to quench as it may lead to a change of status for despised and stigmatized minorities. At the same time, status improvement of minorities may bring the delegitimization of powerful groups and institutions. Artistic expression is a very good case. Concerns with creative persons seem to have been present in police agencies, including the FBI that put under surveillance musicians, poets and other creative persons, including Thomas Mass. Low frequency electromagnetic radiation can induce brain damage. TIME Magazine reported in 1993 about the ability of building

a “thought control machine”. Recently, the AP reported on the South African secret services plans to cause brain damage to Nelson Mandela while he was in prison. It is unclear whether thought control can reach mass dimension, but their application to just a few leading individuals can produce great damage. Few, potentially leading persons can often push forward causes that will lay unspoken of without them. Government agencies know that “videotaped” violence is the best way to bring discredit. Turning a leader (or a potential one) into a brutish moron who him/herself provides the case against him/her would in turn de-legitimate the minority or the cause she or he is representing.

An hypothetical pattern of abuse may suppress the “visible” step of imprisonment from the

imprisonment → torture → execution

scheme. Suppose the perpetrators want to “eliminate” a potential opponent, for example an outstanding homosexual person, who has started to show exceptional ability in a field, let us say poetry. First, secret police starts monitoring him, his movements, every aspect of his social life. Second, the intelligence gathered is used to mount a hoax against him, telling everyone around him – possibly following a “concentric circle pattern” to involve first distant acquaintances and then moving in an order of increasing level of closeness toward relatives, so that social pressure may let close relative help believe any accusation just because it is believed by anyone else – that he is being investigated because he belongs to a stigmatized minority – a minority against which many nurture spontaneous animosity. Third, the intelligence gathered may be tampered to be used as a proof of wrongdoing; false depositions – made likely by the widespread hate against that minority – may be collected as well. Forth, a pattern of undercover violence may start. Undercover violence may include sleep deprivation as well as other forms of electronic harassment. Eventually undercover violence may reach alteration of brain activity and even murder passed as illness and death, for example adding cancerogenic agents to the victim’s food or environment. It is obvious that this pattern deprives the victim of any protection under the law, including the *Habeas Corpus*, while creating no responsibility among perpetrators. The standard guarantees offered in the case of an arrest are suppressed.

OTHER SOURCES OF CONCERN

There is a false perception that now human rights matter in foreign policy. Foreign policy is not shaped by international right either – it is shaped by power relationships: the most powerful state is always right. Human rights are heralded with great fanfare only when they can be used in support of an action taken motivated by economic interests or simply by a power game.

Other, minor concerns include the “professionalization” of human right workers. Human rights work has now become a career, that can last for life. It was not so a few decades ago, when human rights workers were people coming from diverse walks of life. This “professionalization” has evident advantage, but can have also drawbacks, like the stiffening or fossilization of human rights organization which may lose grip and become detached from the real world of abuses, and ultimately irresponsible to denunciation. Professionalization may make non-governmental organizations more prone to infiltration by agitators.

A WAY OUT FOR THE XXITH CENTURY?

A more serious concern is perhaps the lack of a theoretical framework in the human right movement. The human rights movement cannot be limited to repressive efforts like bringing (few) war criminals to trial. Nor it can be limited to the efforts for freeing prisoners of conscience in distant countries. It is our opinion that we must first understand the social and anthropological mechanisms that allow the spread of hate and spiteful feelings. There is a tremendous cultural drag here. The prevalent stereotype of the lone monster is misleading. Perpetrators of human rights abuses are often other-oriented personalities – who do what everyone else around them wishes to be done. Suppose leader H orders the deportation of the despised minority J. If H's orders are met with disapprobation from most of H's supporters of most of the member of H's entourage, H will probably turn back and repeal his own order. If, on the converse, everyone around H welcomes his orders, H will not be faced with any problem and his orders will be carried out to the extreme consequences. There is no doubt that the several genocide attempts that plagued this century reveal recurring patterns of collective behavior. Only education and awareness of the social dynamics of the processes that allow perspective human rights abusers to gain status and power will break the repeatability of human rights abuses. Even if the example above is overtly simplistic, the key is to have awareness of human rights so widespread and deeply rooted to make possible a social inhibition of human rights abuses. But if it is only a few who realize how and when abuses are carried out, then there will be always crisis and pressures to foster a social feedback in favor of the abuses. This tell that the human rights movement cannot be confined to an elite, else it will be doomed to failure. Rather, education and empowerment should be planned for everyone in schools and colleges.

CONCLUSION

Democracy and wealth are not sufficient conditions for the respect of individual rights. The “subterranean stream” of totalitarian trends endemic in Western societies has not been adequately challenged as yet by widespread human rights awareness.

Present-day abuses, even if the same in concept as past ones, have taken new forms that may be more difficult to fight. The maneuvering of people and news can easily cross the border between reality and concoction to create “monsters” without possibility of remedy. Abuses can be carried out in a “transparent” way. There is no need anymore to confine opponents to concentration camps or to prisons. Potential abusers have acquired unprecedented monitoring capability, ability to commit remote controlled harassment and even mutilations or murders.

The milestone of all discourses is the respect of human rights of all individuals and of individual freedom. Against any reason-blinding hate, we must open our mind and our heart. Our mind, because the recurring patterns of abuses must be identified at any time and in any place, and broken. We need to open our heart, try to understand targeted people; and try to improve any aspect of their plight that we perceive would be discriminatory or abusive for ourselves.

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