

Human Rights Policy and Practice

By

The U.S. Department of State

[The following is a reprint of a portion of the Introduction to the *Country Reports on Human Rights Practices for 1987*. This document is prepared annually by the U.S. Department of State in accordance with Sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended. The 169 separate country reports included for 1987 cover the human rights practices of nations which receive U.S. assistance as well as all other members of the United Nations, plus selected other countries that do not fall into either of these categories. The general objective of the reports is to assist Members of Congress in the consideration of legislation and assistance programs for specific countries. In the selection which follows, a brief general summary of human rights conditions in 1987 is presented, followed by a definition of human rights and a statement of U.S. Human Rights Policy. For a further discussion of this subject, see the article by Assistant Secretary of State Robert Schifter which appears elsewhere in this issue.]

INTRODUCTION

One of the very important consequences--perhaps unintended--of [the legislative provisions requiring the annual preparation of human rights country reports] . . . is that they have made human rights concerns an integral part of the State Department's daily reporting and daily decisionmaking. A human rights officer in an Embassy overseas who wants to write a good annual human rights report on the country in which he or she works must carefully monitor and observe human rights developments throughout the year on a daily basis. As a consequence he or she will report on such developments whenever something of human rights significance happens in the country of assignment. In the past 11 years, the State Department has become decidedly better informed on and sensitized to human rights violations as they occur around the globe.

As we look back at human rights developments worldwide during the year 1987, there is no doubt that the attention of a great many observers focused on developments in the Soviet Union. Was Mikhail S. Gorbachev, in this third year of his stewardship of the world's first Leninist dictatorship, bringing about fundamental change, or were the changes merely cosmetic? The answer to this question, asked by so many observers, is that neither adjective fits. The changes were more than cosmetic and less than fundamental. The Soviet dictatorship, concentrated in a small elite group and operating through a single recognized party, remained in place. The secret police and its comprehensive network of informants remained the principal pillar on which the state edifice rests. A majority of political prisoners remained in jail. But, as our report on the U.S.S.R. points out, there was *some* relaxation of totalitarian controls. *Some* political prisoners were released. The Soviets announced moves to end the truly barbarous practice of abuse of psychiatry. Emigration levels for ethnic Germans, Armenians, and Jews were higher than those of recent years, although totals for Soviet Jews fell far short of those of the 1970s. Plays and films could be seen that dealt with the realities of Soviet life more honestly than had been allowed in a long time. On the other hand, we regret to say, the hopes and expectations voiced in the Spring of 1987 as to rapid additional progress were not fulfilled by the end of the year. We need to see what 1988 will bring.

Poland and Hungary continue as the two countries in the Warsaw Pact most tolerant of the expression of internal dissent. In fact, Poland completed a full calendar year, for the first time in a long time, without a single person convicted and incarcerated for the mere expression of dissenting

political views. It surely does not mean that political freedom has come to Poland, but it is progress of a sort.

Elsewhere in the world, we note with satisfaction the holding of free elections in the Republic of Korea and the further relaxation of controls in Taiwan. On the other hand, hopes for the establishment of democracy in Haiti were seriously set back, and there was no progress toward respect for human rights in South Africa.

Free elections and a democratic system are essential, but not sufficient, elements of a society which respects human rights. The mere fact that democracy has been established is no guarantee that human rights will be fully respected in such a democratic country. As these reports demonstrate, effective law enforcement, including the operation of an independent, effective, and efficient judiciary, is needed if the rights of the individual are to be protected against all forms of encroachment. We note with regret that, in a number of Latin American democracies, the law enforcement system lags significantly behind other institutions of government in safeguarding human rights and due process.

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DEFINITION OF HUMAN RIGHTS

Human rights, as defined in Section 116(a) of the Foreign Assistance Act, include freedom from torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; disappearance due to abduction or clandestine detention; and other flagrant denial of the rights to life, liberty, and the security of the person. Internationally recognized worker rights, as defined in Section 502(a) of the Trade Act, include (A) the right of association; (B) the right to organize and bargain collectively; (C) prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

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In applying these internationally recognized standards, we seek to be objective. But the reports unashamedly reflect the U.S. view that the right of self-government is a basic political right, that government is legitimate only when grounded on the consent of the governed, and that government thus grounded should not be used to deny life, liberty, and the pursuit of happiness. Individuals in a society have the inalienable right to be free from governmental violations of the integrity of the person; to enjoy civil liberties such as freedom of expression, assembly, religion, and movement, without discrimination based on race, ancestry, or sex; and to change their government by peaceful means. The reports also take into account the fact that terrorists and guerrilla groups often kill, torture, or maim citizens or deprive them of their liberties; such violations are no less reprehensible if committed by violent opponents of the government than if committed by the government itself.

We have found that the concept of economic, social, and cultural rights is often confused, sometimes willfully, by repressive governments claiming that in order to promote these "rights" they may deny their citizens the right to integrity of the person as well as political and civil rights. There exists a profound connection between human rights and economic development. Experience demonstrates that it is individual freedom that sets the stage for economic and social development; it is repression that stifles it. Those who try to justify subordinating political and civil rights on the ground that they are concentrating on economic aspirations invariably deliver on neither. That is why we consider it imperative to focus urgent attention on violations of basic political and civil rights, a position given renewed emphasis by the 1984 Congressional Joint Resolution on Torture.

If these basic rights are not secured, experience has shown, the goals of economic development are not reached either.

UNITED STATES HUMAN RIGHTS POLICY

From this premise, that basic human rights may not be abridged or denied, it follows that our human rights policy is concerned with the limitations on the powers of government that are required to protect the integrity and dignity of the individual. Further, it is in our national interest to promote democratic processes in order to help build a world environment more favorable to respect for human rights and hence more conducive to stability and peace. We have developed, therefore, a dual policy, reactive in the sense that we continue to oppose specific human rights violations wherever they occur, but at the same time active in working over the long term to strengthen democracy.

In much of the world, the United States has a variety of means at its disposal to respond to human rights violations. We engage in traditional diplomacy, particularly with friendly governments, where frank diplomatic exchanges are possible and productive. Where we find limited opportunities for the United States to exert significant influence through bilateral relations, we resort to public statements of our concerns, calling attention to countries where respect for human rights is lacking. In a number of instances, we employ a mixture of traditional diplomacy and public affirmation of American interest in the issue.

The United States also employs a variety of means to encourage greater respect for human rights over the long term. Since 1983 the National Endowment for Democracy has been carrying out programs designed to promote democratic practices abroad, involving the two major United States political parties, labor unions, business groups, and many private institutions. Also, through Section 116(e) of the Foreign Assistance Act, funds are disbursed by the Agency for International Development for programs designed to promote civil and political rights abroad. We also seek greater international commitment to the protection of human rights and respect for democracy through our efforts in the United Nations and other international organizations.

Preparation of these annual reports constitutes an important element of our human rights policy. The process, since it involves continuous and well-publicized attention to human rights, has contributed to the strengthening of an international human rights agenda. Many countries that are strong supporters of human rights are taking steps of their own to engage in human rights reporting and have established offices specifically responsible for international human rights policy. Even among countries without strong human rights records, sensitivity to these reports increasingly takes the form of constructive response, or at least a willingness to engage in a discussion of human rights policy. In calling upon the Department of State to prepare these reports, Congress has created an increasingly useful instrument for advancing the cause of human rights.