

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

The annual Department of State document, "Country Reports on Human Rights Practices," was presented to the Congress on January 29, 1983. The following has been extracted from the introduction to this document, and is provided for the information of our readers inasmuch as it reviews U.S. efforts during 1981 in promoting international principles of human rights, discusses the problems of human rights, and reflects current Administration policy on this issue.

Regional and International Institutions for the Protection of Human Rights

During the past year the U.S. has taken the lead in opposing in international fora the double standard applied to human rights violations, and has worked toward encouraging a more regional approach to solving international human rights concerns.

The 37th (1981) session of the United Nations Human Rights Commission (HRC) met in Geneva scarcely less than two weeks after the *Inauguration*. The U.S. delegation used the opportunity of the HRC session to express the abiding commitment of the United States to fundamental human rights. The delegation continually emphasized the need to deal with human rights concerns in an evenhanded way and stressed that the United States was particularly concerned that Latin American countries supportive of the West were being singled out for condemnation while equal or greater violations of human rights in Eastern Europe, the Soviet Union and Cuba went virtually unnoticed. The United States insisted that international bodies entrusted with protecting human rights judge human rights performance by a single standard. While the delegation, at this meeting alone, could not accomplish this objective, which would represent a profound change in the political culture of the HRC, it was encouraging that the HRC condemned foreign intervention in Afghanistan and in Kampuchea, and the flagrant violation of the human rights of the Khmer people.

Furthermore, the Human Rights Commission reached agreement on the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which had been twenty years in the making. The Commission's action completed an important step towards international recognition of religious freedom as a basic human right.

Many of these problems appeared during the 36th session of the United Nations General Assembly: a double standard which focuses solely on certain countries, almost ignoring the violations of human rights in Communist lands, partisan treatment of issues where common decency could be expected to guide national positions, and an atmosphere in which those who would ordinarily resist such distortions felt it futile to do so.

The General Assembly's Third Committee (Social and Humanitarian Affairs) voted on issues regarding, among others, racial discrimination, misuse of psychiatric institutions, and human rights in El Salvador, Chile and Guatemala.

Although the Declaration on the Elimination of All Forms of Religious Intolerance was the most significant resolution adopted by the Third Committee, in other areas our efforts served primarily to limit damage and to provide a forum for articulating the beliefs of the Administration, including emphasis on the hypocrisy of current double standards, discrimination against Latin American countries and indifference to violations by the Soviet Union and its Communist allies.

It was particularly significant at this session that many countries in Latin America began to perceive the impact of the current imbalance and seemed more inclined to move toward regional solutions to problems rather than suffer under the sharp light of discriminatory focus. The vote on El Salvador was one example; those who abstained or voted against the resolution outnumbered those who sought to charge that country with gross violations of human rights. We hope to move further in the coming year toward encouraging greater impartiality in evaluating human rights conditions in Latin America, and toward greater regional consciousness and responsiveness to regional problems.

U.S. efforts in the coming year in international and regional bodies will focus on a heightened international consciousness of human rights concerns in which there is implicit recognition of equality and consistency as underlying themes.

The Madrid meeting of the Conference on Security and Cooperation In Europe (CSCE) continued intermittently throughout 1981 in an attempt to reach agreement on a final document which would reflect the need for substantial steps forward in human rights, including full Soviet and East European implementation of the 1975 Helsinki Final Act. In addition, the U.S. and other Western states used Madrid to raise many individual human rights cases. Delegates from the Soviet Union and some Eastern European countries consistently opposed important Western proposals on human rights and criticized the West for its human rights emphasis. The Madrid meeting recessed in December 1981 at an impasse over human rights and other issues in the military field. The recent suppression of the Solidarity labor movement in Poland constitutes a massive violation of the Final Act further damaging the work of the Madrid conference. The Madrid meeting is to resume in February 1982; the West plans to raise the damaging effects of repression in Poland.

In 1981, the European Commission on Human Rights and the European Court of Human Rights continued to hear and decide on cases involving violations of human rights in the 21 countries which are members of the Council of Europe. The Commission registered approximately 400 individual cases for examination during the year. Spain and France joined the list of more than a dozen member countries which permit their citizens to appeal directly to the Commission when they believe their basic rights have been infringed. Council of Europe member states regard European Court of Human Rights judgements as binding and generally seek to make amends in accordance with the Court's ruling. While neither the Court nor the Council of Europe is empowered to enforce the Court's rulings, member countries' voluntary acceptance of its findings demonstrates that the Court exerts a positive influence on human rights issues in Europe.

The Inter-American Commission on Human Rights (IAHRC) was established in 1960 with its primary function being to promote the observance and protection of human rights and to serve as a consultative organ for the Organization of American States (OAS).

The IAHRC approves definitive reports on the situation regarding human rights in various Latin American nations and prepares the annual report which is presented to the OAS General Assembly. It also considers certain individual cases submitted for the Commission's review.

The Organization of African Unity Assembly of Heads of State and Government meeting in Nairobi at the end of June, 1981, approved the Charter of Human and People's Rights which was drafted the previous year. The Charter will come into force upon ratification by a simple majority of member states.

The Problem of Human Rights

"Human Rights" is today the term with which most of those yearning for justice and for relief from oppression voice their hopes. Today, the cause of human rights exists throughout the world and expresses the longings and convictions of millions of men and women. But we must understand that it is a cause with a recent origin and short history.

The moral principles we call human rights incorporate maxims of justice of every epoch and every culture. The specific concern for human rights as we understand them, however, has not existed throughout human history. It originated as a set of demands in seventeenth century England, and was first embodied in political institutions in the United States, after 1776. Older moral codes and philosophies laid primary emphasis not on rights, but on duties. These codes characteristically took the form of a series of prohibitions, rather than a list of freedoms -- such as freedom of religion and freedom of assembly -- which the individual was justified in demanding from government.

The first historical event in the modern era driven by the belief in individual rights was the American Revolution of 1776. And the original understanding of the meaning of human rights was clearly expressed in the American Declaration of Independence. The Declaration asserted that human rights could not be created or abrogated by any human enactment, whether one of government or of an international body, because they were based on "the laws of nature and of nature's God," on truths which are "self-evident." Thus it was confidently stated that "all men are created equal, that they are endowed by their creator with certain inalienable rights."

When the authors of the Declaration called these rights "inalienable," they implied that rights should not depend on the prior performance of certain duties by the citizen or be postponed until any other group of "rights" was achieved. The original enumeration of human rights in the Declaration of Independence thus did not include anything that could only be gained gradually, such as economic development.

The rights the Declaration asserted covered only part of justice as it was understood in earlier moral codes, and supplied only some of the goods men normally desired. As examples of inalienable rights, the Declaration gave "life, liberty, and the pursuit of happiness." Rights were considered to enable individuals to pursue happiness freely, but not to supply happiness itself. For a government to insist it could define and supply happiness itself would take away men's right to liberty.

The intention of the originators of human rights, then, seems to have been to select from the vast range of things that men need or want certain crucial things that they are entitled to by their very nature -- human rights -- which, when fulfilled, will create the preconditions for the satisfaction of other needs. These preconditions are created, in this understanding, by an economic system that enables individuals to engage freely in various approaches to the "pursuit of happiness," and by a political system of liberty, in which men participate in choosing the laws and the officials that govern them. Such a system was understood as the likeliest source of the other rights, and the Declaration of Independence asserts:

That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed

In other words individuals do not owe their humanity to the community, as earlier philosophies often argued; the community owes its whole legitimacy to the individuals, whose existence is prior to it.

The original demand for human rights seems utopian in the face of conditions experienced by many nations today. But when this demand arose -- in a world where there was not even one state under wholly democratic government, and the few republics existing did not recognize the principles of inalienable rights -- it appeared infinitely more visionary and unrealistic.

Yet the human rights movement in world politics proved to be unbelievably successful after 1776. It is to this historical movement that democratic countries owe their possession of rights, and because of it that other peoples express their yearnings for justice as a demand for rights. It created the situation we have today, in which nearly every regime, no matter how narrowly based or despotic, refers to the people as the source of its legitimacy and has a constitution that provides for a representative assembly and for elections, no matter how meaningless.

Unfortunately, the widespread longing for rights in the contemporary world confronts a real lack of consensus on these rights. Many governments fear individual liberty; many others do not even accept the original and distinctive intellectual foundations of the belief in human rights. Those opposing the human rights movement find themselves in a world already shaped by it, and they are compelled to fight on its ground, using the terminology of democracy. (This explains the great number of so-called "peoples' democracies" today that are not democratic in any normal sense.) In 1776 those who practiced slavery or absolute monarchy admitted it openly; now they draw around themselves the names of freedom. A nominal consensus on

human rights thus hides the reservations of leaders who remain more comfortable with the ancient priority of duties over rights, and of rulers who simply find it more inconvenient or threatening to respect their subjects' rights. For such people there is a great temptation to legitimize their own interests by broadening the basic concept of rights to include these interests -- thus allowing some claim, for example, that duty to authority is a special kind of right and others to claim that certain theoretically desirable rights cannot be afforded at their country's state of development.

This leads to increasing uncertainty as to what desirable things really are rights. This uncertainty has been encouraged by some new interpretations of social and economic rights, such as the newly minted concept of the "right to development." The urgency and moral seriousness of the need to eliminate starvation and poverty from the world are unquestionable, and continue to motivate large American foreign aid efforts. However, the idea of economic and social rights is easily abused by repressive governments which claim that they promote human rights even though they deny their citizens the basic rights to the integrity of the person, as well as civil and political rights. This justification for repression has in fact been extensively used. No category of rights should be allowed to become an excuse for the denial of other rights. For this reason, the term economic and social rights is, for the most part, not used in this year's Reports. A section on Economic and Social Circumstances is included because of the moral imperative of conquering poverty and since an understanding of these circumstances is useful in appreciating the condition under which the struggle for political and civil liberties is carried on in a particular country. Moreover, the legislative history of the statute which requires the annual Reports made clear that governments' commitment to fulfillment of the basic needs of the people was to be a factor in consideration by the Congress of foreign assistance proposals.

Human Rights in International Relations

How to embody the fundamental principles of democratic societies -- human rights -- in foreign policy has become an especially pressing question for the United States. Because Americans are of many faiths and ethnic heritages, the national identity of the United States is more constituted by its political principles than is that of any other powerful nation. The United States had fought its bloodiest war not for territory but to free the slaves. In fact the United States, protected from the harsh necessities of foreign policy by two great oceans, only entered world politics in a serious way when impelled to do so by its sense that freedom was threatened. The three times when the United States recommitted itself to active involvement *with the outside world* -- whether in wars for the liberty of Europe or in the Marshall plan -- it has done so because it felt called by the defense of human rights.

The attempt to make foreign policy serve human rights confronts several specific problems that must be faced in developing a policy.

A continuing problem for human rights policy is the fact that it traditionally aims at affecting the domestic behavior of other countries, while governments are reluctant to alter their nation's political system for foreign policy reasons. The leverage that the United States does have is strongest in

friendly countries, where we have more access and more influence. Such influence is an important resource in pursuing human rights, but its concentration in friendly countries creates a danger: human rights policy might highlight and punish human rights violations in friendly countries, while giving unfriendly countries immunity. If this took place it would not fairly represent the distribution of human rights abuses in the world. Moreover, a nation that came to display a general pattern of undermining or estranging friendly governments would obviously limit its future influence over them, including its influence over their human rights behavior. This is a second problem of human rights -- the need to avoid pressing only where our influence is greatest rather than where the abuses are greatest.

There is a danger that human rights policy will become like the labor of Sisyphus because it deals only with effects and not their causes. To take an example, it is important not only to free political prisoners, but also to encourage conditions in which new political prisoners are not taken. Many, although not all, of the new things we consider rights are difficult to implant in adverse conditions. This fact creates the danger that by aiming at too much we will not get what is really possible. The founders of the Weimer Republic, by aiming at a democracy stripped of all the authoritarian features of imperial Germany, created a system so fragile that it was overwhelmed by something wholly barbaric in only fourteen years. On the other hand, there still exist in many areas of the world indigenous traditions of decency that coincide in part with the human rights tradition. The best hope for creating the preconditions of effective human rights observance may sometimes lie in working on the basis of these traditions.

For all these reasons, a human rights policy, unless it is very carefully constructed, runs the danger of being ineffective. And if it is ineffective it can also be counterproductive, creating additional resistance to improvement in human rights. It can embitter bilateral relations with other countries, increasing international tension.

Efforts for human rights in the years before 1914 had the advantage that most of the major powers respected, at least in principle, the same conception of human rights. If their practice often failed to live up to their principles, there was a perceived legitimacy to the principles that caused each of these countries to develop in the direction of greater equality before the law and more and more scrupulous adherence to human rights. Because of the fundamental consensus on human rights issues, the great powers that diverged most in practice from the international consensus, such as imperial Russia, did not try to export an alternative ideology.

The fundamental consensus on human rights was broken after World War I by the emergence of totalitarian regimes among the major powers. These political systems were visibly founded in opposition to the way of life of the increasingly democratic Western world. They rejected in principle the ideas upon which were based the great movement for human rights after the American and French revolutions.

The world after 1945 has been characterized by competition between two adverse ideologies, one represented by the United States and one by the

Soviet Union. The United States is the nation that has most vigorously undertaken the effort to make human rights a specific part of its foreign policy. The Soviet Union, on the other hand, is ruled by a very small elite through a massive bureaucratic and police apparatus. Its regime inherits in a modified form the Marxist tradition that reacted against the philosophic ideas on which the original human rights concept was based, and superimposes this on a heritage of absolute monarchy. In contrast to the Western democracies, whose original human rights principles gradually radicalized themselves, producing a greater and greater transformation of social life, the alternative Marxist conception of justice in the USSR was soon withered by tactical compromises with the necessities of absolute rule.

The effect of Soviet foreign policy has not been to encourage human rights. The Soviet Union dominates, without their consent, not only the non-Russian peoples of the former Czarist empire, but also the nations of Eastern Europe. The efforts of the people of East Germany, Hungary, Czechoslovakia and Poland to create freer and more pluralist systems have all been frustrated by Soviet intervention and pressure. In 1979 the Soviet army invaded Afghanistan to impose a government unacceptable to the overwhelming majority of the Afghan people. In the developing countries, the Soviet Union has a tendency to use its influence to move governments toward political structures of the Soviet type where possible. For example, in Ethiopia, whose government is a friend of the Soviet Union, there has been persistent Soviet pressure to create a communist party on the Soviet model. Thus a world in which several major powers were in theoretical agreement over human rights has given way to a world in which the two great powers are fundamentally divided over this issue.

United States Human Rights Policy

This is the complex setting in which U.S. human rights policy must be constructed. The concern for human rights has been a constant theme throughout American history. The United States owes its formation as a nation to the love of liberty; it owes its continuing as a united nation, in the crisis over slavery, to the desire to extend that freedom to those who did not enjoy it. Americans are right to see their national concern for justice as a strength that intelligent foreign policy should build on, rather than as a defect to overcome. In fact, every recent U.S. administration has seen the advancement of freedom and justice, by one approach or another, as an important goal of foreign policy. There is thus a fundamental consensus among the American people on the aims of human rights policy; there is disagreement only about means of carrying out these ends. Here there is room for honest disagreement, because the problems faced in constructing an effective human rights policy have no simple or easy solution.

This Administration believes that human rights is an issue of central importance both to relieve suffering and injustice and to link foreign policy with the traditions of the American people.

But no nation can carry out an effective human rights policy unless it shows that its principles can make it successful and confident. The strength and prestige of the most powerful democratic nation is inevitably important for human rights.

The other side of this principle is that it is a significant service to the cause of human rights to limit the influence the USSR (together with its clients and proxies) can exert. A consistent and serious policy for human rights in the world must counter the USSR politically and bring Soviet bloc human rights violations to the attention of the world over and over again.

At the same time, the United States must continue to respond to serious human rights problems in friendly countries. U.S. human rights policy will not pursue a policy of selective indignation. Every act of torture or murder is equally repugnant to the American people, no matter who commits it. Of course, the means available to us to halt such human rights violations always vary with the specific case. Our specific response to human rights violations appropriately differs from country to country, but the intensity of our concern should not.

Since the United States will continue to seek the redress of human rights abuses even in friendly countries, human rights policy will sometimes be very troubling. We will sometimes be forced to make hard choices between the need to answer human rights violations and other foreign policy interests, such as trade or security. In some cases we will have to accept the fact that bilateral relations with a friendly country may be damaged because of our human rights concern. This is the unavoidable price of a consistent policy.

But a realistic policy must be alert not only to human rights violations by governments, but also to those by opposition groups. It should be obvious that murder, torture, the intimidation of free expression, interference with free elections, or attacks on the independence of the judiciary are equally reprehensible whether they are committed by a government or by a group attempting to replace or capture it.

Terrorist groups, whether of the left or right, usually display a distaste for democratic institutions and civil liberties. But regardless of terrorists' specific political aims, their activity erodes democracy. The brutal tactics pursued by terrorists almost never bring them to power, but democracies find it difficult to cope with these tactics; terrorism creates a temptation to respond by a turn to authoritarian political structures. What terrorist movements have sometimes succeeded in doing, at the cost of great suffering, is to destroy democracy. Terrorism has an intrinsic tendency to corrode the very basis of human rights; accordingly, United States policy includes a serious effort to control it.

Building Freedom

It would narrow the range of action of our human rights policy excessively to limit it to responding to individual violations of human rights when they appear. This "reactive" aspect of human rights policy is essential. But it must be accompanied by a second track of positive policy with a bolder long-term aim: to assist the gradual emergence of free political systems. It is in such systems that we can most realistically expect the observance of human rights across the board. The development of liberty is, in turn, encouraged by the emergence of areas within a political system where free choice and free expression can become familiar and respected, even while they

are not permitted in other parts of the political system. Among these areas where freedom can develop are labor unions, churches, independent judicial systems, bar associations and universities. Where we do not have leverage over the shape of an entire society, we can nourish the growth of freedom within such institutions.

"Positive" policy of this kind will be aided by the genuine echo that the concept of human rights evokes around much of the world, and by the fact that no other conception of political justice has been able to win as much legitimacy over the last two hundred years. In aiding this movement, we will not be struggling alone, but assisting the most powerful current of history during the last 200 years. This Administration is committed to developing such a positive track of human rights policy.

The Congress has already established one human rights program on the "positive" side. Section 116(e) of the Foreign Assistance Act provides AID funding for programs and activities which will encourage or promote increased adherence to civil and political rights in countries eligible for U.S. bilateral assistance. In FY 1981 AID obligated a total of \$1,512,000 for twenty-eight separate projects. Activities included the training of black magistrates, primary court officers, and legal draftsmen in Zimbabwe, provision of legal and human rights materials in Zambia, and travel of participants from developing nations to conferences and meetings on human rights issues. The United States Government also spent \$582,000 in FY 1981 in support of similar programs carried out by the Law and Human Rights Program of the Asia Foundation.

Present United States human rights policy gives special attention to encouraging major improvements in the observance of human rights over the long term. But it does not neglect the imperative of simply responding to the fact of suffering. The United States is a major haven for refugees and the major contributor to the work of the United Nations High Commissioner for Refugees, giving \$137.5 million in FY 1981, in addition to \$5 million donated to the Intergovernmental Committee for Migration. In FY 1981 the United States contributed just over \$13 million to the International Committee of the Red Cross for its programs on behalf of prisoners, missing persons, and civilians in wartime. In FY 1981 the United States added a contribution of \$1.5 million for the ICRC's political detainee work, which we had not supported in FY 1980.

In the pursuit of its human rights policy the United States uses a wide range of instruments. Decisions on foreign assistance provided by the United States take human rights conditions into account. The transfer of police and military equipment is carefully reviewed in order to avoid identifying the United States with violations of human rights. In addition, the human rights policy employs a varied mix of diplomatic tools: frank discussions with foreign officials; meetings with victims of human rights abuses; and, where private diplomacy is unavailing or unavailable, public statements of concern. These instruments are applied in a manner that takes into account a country's history, culture, and current political environment, and recognizes that human rights concerns must be balanced with other fundamental interests. This Administration has used all of these instruments at one time or another during its first year.

In choosing among these instruments United States policy is guided primarily by the criterion of effectiveness, choosing the response that is most likely to actually improve human rights. In the majority of cases this criterion suggests an emphasis on traditional diplomacy. Traditional diplomacy maximizes the limited leverage we do possess, while minimizing counterproductive reactions, damage to bilateral relations, and international tension. Traditional diplomacy has the drawback of being least visible precisely where it is most successful. But this Administration is pledged to employ traditional diplomacy vigorously on behalf of human rights.

Our response to the suppression of human rights in Poland offers an example of the United States government's response under present policy. The initial repression of trade unions and other rights was raised in private diplomatic discussions with the Polish government. When the abuses continued, the United States denounced the proceedings of the Polish and Soviet governments publicly and sought support from other nations. Finally, we identified a wide range of sanctions against both the Polish government and the Soviet Union, since in this case the abuse of human rights was substantially due to pressure from an outside power. We implemented the mildest sanctions first, to show our concern and to back private representations with a credible demonstration that we would bring our political and economic resources into play. We are now applying more effective sanctions demonstrating that violators of human rights on a similar scale would pay a price. Most important, the more substantial sanctions are calculated to develop concrete leverage that might influence the decisions the Polish and Soviet governments will have to make about whether to relax repression or to carry it through to the end.

Poland and other key human rights issues will be discussed and debated at the UN Human Rights Commission 1982 session now underway, at the CSCE Madrid meeting beginning February 9, and at international meetings throughout the year. The United States will of course be vigorously represented.

Americans can be justly proud of their country's contributions to the cause of liberty today as over the decades. The Reagan Administration will maintain this historic commitment.

We in America are blessed with rights secured for us by the sacrifices of our forefathers, but we yearn for the day when all mankind can share in these blessings. Never is there any excuse for the violation of the fundamental rights of man -- not at any time or in any place, not in rich countries or poor, not under any social, economic or political system.

-- President Ronald Reagan
Human Rights Proclamation
December 10, 1981