
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 1988*. 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 1988 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 1988 is presented, followed by a definition of human rights and a statement of U.S. Human Rights Policy.]

INTRODUCTION

Congress amended the Foreign Assistance Act by adding the foregoing sections [Sections 116(d)(1) and 502B(B)] of law so as to be able to consult these reports when considering assistance programs for specific foreign countries. One of the very important consequences--perhaps unintended--of these legislative provisions 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 12 years, the State Department has become decidedly better informed on and sensitized to human rights violations as they occur around the globe.

Any country-specific discussion of worldwide human rights developments in 1988 must start, as did our discussion of such developments in 1987, with an assessment of the remarkable changes in the Soviet Union. Last year we said that the changes which occurred in 1987 were more than cosmetic but less than fundamental. We still cannot say that there has been a fundamental shift in the Soviet Union's approach to human rights, but there is no doubt that the changes in evidence in 1988 have profound implications, as advocates of significant systematic reform appear to have gained strength.

By the end of 1988, all persons in the Soviet Union who had been sentenced under the articles of the criminal code which punish dissenting political or unauthorized religious activity had been set free. Plans for amendment or repeal of the so-called political and religious articles have been announced. Abuse of psychiatry has been made a punishable offense. Freedom to leave the country temporarily has been significantly expanded. Armenian, ethnic German, and Jewish emigration has increased further, as has the emigration of Pentecostals. Plans have been adopted for elections which, though not completely free and open, are no longer to be the farce they have been heretofore.

At the same time, the ability of opponents of reform to slow down progress, the existence of a powerful and pervasive secret police force, and the supremacy of the Communist Party remind us of the fact that institutional guarantees to protect the rights of the individual against unbridled state

authority are still needed. Soviet reformers speak of the importance of respect for the rule of law and have underlined the vital importance of creating an independent judiciary, but that is still in the future. Nonetheless, the recognition of the need for action to secure the rights of individuals, and the fact that defects of the existing system are now openly discussed, offer a basis for cautious hope of a better day.

The year 1988 also saw significant further advances in Hungary and Poland toward a more open society.

As far as the positive side of the ledger in 1988 is concerned, we need to note that, abiding by the provisions of the Chilean Constitution, President Pinochet submitted his candidacy for continuation in office to popular referendum. In a free and fair plebiscite the decision of the voters went against him. There is hope that in 1989 we shall witness Chile's peaceful return to democracy.

On the Asian continent, the year 1988 also saw significant steps taken by the Republic of Korea, Taiwan, and Pakistan toward democracy and increasing respect for the rights of the individual. By contrast, in Burma, a nationwide outpouring of sentiment in favor of free elections was brutally suppressed when the military systematically killed and detained student demonstrators and leaders.

The other most significant human rights violations of the year 1988, if measured by their severity and the numbers of persons affected, took place in the context of inter-ethnic conflicts in Iraq, Burundi, and Sudan. In each of these situations innocent civilian bystanders died as a result of guerrilla warfare or reprisals for violence by others.

The Iraqi Government employed chemical warfare against a Kurdish insurgency, killing and injuring thousands of civilians and causing tens of thousands to flee their country. Hundreds of thousands of Kurds have also been forcibly relocated within Iraq. An estimated 5,000 to 10,000 civilians were killed during ethnic violence in Burundi. Following attacks by Hutu tribesmen on Tutsis, the Tutsi-dominated military retaliated by killing thousands of Hutus. Tens of thousands of Hutus fled the country. By year's end, however, President Buyoya has succeeded in establishing a government of reconciliation consisting of members of both of these ethnic groups, and most of the Hutu refugees had voluntarily returned to Burundi.

Tragically, the inter-ethnic conflict in Sudan, between the Sudanese Army and the government-supported tribal militias on one hand, and the Ethiopian-supported Sudanese People's Liberation Army on the other, resulted in the largest number of victims in 1988. Although no accurate assessment has been made, some reports estimate that 100,000 to 250,000 civilians in southern Sudan died from starvation after elements of armed forces on each side interfered or failed to cooperate with efforts to deliver food supplies to regions controlled by the other side.

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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 grounds 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. This is a point which the Soviet Union's reformers seem to have recognized.

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, and in the process devised by the Conference on Security and Cooperation in Europe.

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.