

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1997

HEARING BEFORE THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS OF THE COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTH CONGRESS

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CONTENTS

WITNESSES

	Page
Hon. John Shattuck, Assistant Secretary of State, Bureau of Democracy, Human Rights and Labor (DRL)	8
Mr. Wei Jingsheng, Visiting Scholar, Columbia University Center for the Study of Human Rights	29
Mr. Stephen Rickard, Director, Washington Office, Amnesty International	42
Ms. Elisa Massimino, Acting Director, Washington Office, Lawyers Committee for Human Rights	47
Ms. Nina Shea, Director of Religious Programs, Freedom House	51
Mr. Kenneth Roth, Executive Director, Human Rights Watch	55

APPENDIX

Prepared statements:

Hon. Benjamin S. Gilman, a Representative in Congress from New York, and Chairman, Committee on International Relations	75
Hon. Christopher H. Smith, a Representative in Congress from New Jersey, and Chairman, Subcommittee on International Operations and Human Rights	77
Hon. Tom Lantos, a Representative in Congress from California	81
Hon. John Shattuck	87
Mr. Wei Jingsheng	104
Mr. Stephen Rickard	107
Ms. Elisa Massimino	115
Ms. Nina Shea, plus attached statement	147
Mr. Kenneth Roth	164

Additional material submitted for the record:

January 28, 1998 letter to Mikhail V. Komissar, Deputy Chief of Administration, Russian Federation	172
January 29, 1998 letter to President William J. Clinton on the Universal Declaration of Human Rights from human rights groups	175
September 9, 1997 letter to Chairman Gilman on "Freedom From Religious Persecution Act"	177

Questions submitted for the record to Assistant Secretary Shattuck:

Iran	181
Child Labor	184
Religion	187
Human rights abuses against women	189
Forced labor and slavery	192
China	196
North Korea	205
Vietnam	207
Burma	214
Iraq	218
Occupied Territories	222
Africa	223
Cuba	227
Colombia	236
Haiti	238
Mexico	242
Romania	248
Serbia-Montenegro	249
Turkey	252

IV

Questions submitted for the record to Assistant Secretary Shattuck—Continued

Page

Turkmenistan	254
Northern Ireland	256
Sterilization in Peru	259

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1997

TUESDAY, FEBRUARY 3, 1998

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10 a.m. in room 2172, Rayburn House Office Building, Hon. Christopher Smith (chairman of the Subcommittee) presiding.

Mr. SMITH. The Subcommittee will come to order. I am pleased to convene this hearing of the Subcommittee on International Operations and Human Rights.

It is fitting that the Subcommittee's first hearing in this session of the Congress is for the purpose of reviewing the "Country Reports on Human Rights Practices for 1997." It is particularly appropriate that our distinguished witnesses this year include not only Assistant Secretary John Shattuck and the representatives of four leading human rights organizations, but also Wei Jingsheng, whose name is known around the world as a synonym for courage and perseverance in the cause of freedom.

This year's "Country Reports," released by the State Department last Friday, serve to confirm and document what we knew already, that the last year has not been a good one for the state of human rights in the world. The totalitarian governments of China, Vietnam, and Cuba all continued their persecution of political and religious dissidents, and women in China continued to be subjected to forced abortions and forced sterilization.

Military dictatorships in Indonesia, Burma, and other countries continue to harass and, in some cases, to persecute their peaceful and legitimate political opponents. The practice of child labor, female genital mutilation, trafficking in women and children for purposes of prostitution and human chattel slavery continued unabated.

Perhaps even more alarming were the reports of serious human rights violations by governments with which the United States enjoys a close relationship. Religious persecution in Saudi Arabia and Morocco, mass sterilizations of women without informed consent in Mexico and Peru, death threats against defense attorneys by members of the Royal Ulster Constabulary in Northern Ireland. Unfortunately, on some important issues, the "Country Reports" appear to be pulling their punches, minimizing or even ignoring serious

and ongoing abuses, particularly by governments with whom our government is trying to improve relations.

Some of the worst evasions and euphemisms are in the report on Vietnam. First, the report minimizes the extent of religious persecution in that country by noting that people are allowed to attend religious services and then discussing restrictions on religious institutions almost entirely in terms of administrative matters such as the appointment of clergy and permits to build churches. It says nothing at all about government-imposed restrictions on religious teaching such as Catholic opposition to abortion. Similarly, the Vietnam report grossly understates the extent and nature of discrimination, harassment and persecution of asylum seekers who have been forcibly returned under a comprehensive plan of action.

The report also inexplicably states, and I quote, "The government made no efforts to limit access to international radio" even though it is well known within Vietnam and here in the United States that the government systematically jams Radio Free Asia.

As Wei Jingsheng so eloquently said in his speech to the Council on Foreign Relations yesterday, this year's China report attempts to "beautify the Chinese Communists." As in previous years, the report continues to describe the Beijing regime as authoritarian rather than totalitarian. Although the report appears to be generally accurate, the language is juxtaposed so as to emphasize isolated and microscopic improvements rather than the grim reality of continued systematic oppression.

I would just note parenthetically, in looking at the report, it states, for example, there were positive steps in human rights although serious problems remained. Then it goes on to say that the government continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms, and then it goes on to talk about some of those violations. It talks about how average citizens go about their daily lives with more personal freedom than ever and then points out that if a woman seeks to have a child and does so without the permission of the government, not only does she suffer the cruelty of a forced abortion potentially, but the standard fine in Fujian, for example, has been calculated to be twice a family's gross annual income; and it also points out that in Kiangsu, the standard fine is calculated to be up to 50 percent of 7 years' income for the average resident. Absolutely draconian fines, yet this suggests that they have more personal freedom than ever before. There seems to be something out of sync there.

The report on Mauritania understates the gravity of the continuing problem of slavery in that country. By focusing inordinately on legal distinctions, which are of little consequence to the slaves themselves, the report obscures the responsibility of the Mauritanian Government for the forced servitude of many of its citizens. The report boldly states that, and I quote, "A system of officially sanctioned slavery does not exist" even though it recognizes later that "forced and involuntary servitude persists" and "many persons still consider themselves to be slaves." By focusing on the statutory abolition of slavery and the difficulty of proving the existence of officially enforced slavery, the report tends to legitimate what it admits to be, and I quote, "the government's weak

record of enforcing the ban on slavery." The need to maintain moral pressure on that government to combat forced servitude has sadly been reinforced by that government's arrest earlier this month of prominent antislavery activists.

In Peru, human rights groups have reported a systematic campaign complete with numeric goals and timetables, to sterilize poor women. There are credible and detailed reports that this campaign has resulted in widespread abuses, including the absence of informed consent and the provision of food and other incentives in exchange for sterilization and even in deaths from operations performed in substandard facilities. Yet the State Department's report devotes less than a paragraph to these reports, noting with apparent optimism that the Ministry of Health, the very organization accused of conducting the campaign, is among those investigating the allegations.

In other cases, the Country Reports make human rights abuses look just as bad as they really are, but raise serious questions about why elimination of these abuses has not been a more central goal of U.S. foreign policy. For instance, the report on Indonesia contains chilling accounts of extrajudicial killings, disappearances, torture and other grave human rights violations in East Timor, Irian Jaya, and elsewhere, yet our Indonesia policy is overwhelmingly tilted toward trade promotion. It is particularly shameful that the recent U.S.-supported economic bailout of the Indonesian Government imposed no conditions with respect to democracy or to human rights.

The report on Rwanda repeatedly highlights the fact that Rwandan security forces committed numerous serious human rights abuses. It states that the Rwandan army, and I quote, "committed thousands of killings of unarmed civilians in the past year, including routine and systematic killings of suspected insurgent collaborators and their families including women and children."

Among other problems the report also notes that Rwandan citizens do not have the right to change their government by democratic means and that the Rwandan Government harassed journalists whose reporting was contrary to official views. At the same time the U.S. Government has maintained a close relationship with the Government of Rwanda and State Department officials have stated that this Administration simply will not consider conditioning future aid to Rwanda on improvements in that government's human rights practices.

The report on the United Kingdom is dominated by abuses specific to Northern Ireland. It correctly reiterates the widespread criticisms of so-called "emergency laws" which permit arbitrary arrests and detentions, criminal trials without judges, infringements on the right to counsel and the right against self-incrimination, and reliance on false or coerced confessions.

The report discusses the tragic cases of Robert Hamill, Pat Finucane, Patrick Kane, the many victims of plastic bullets, intimidation of defense attorneys in the Catholic community, and the shockingly disproportionate rate of unemployment among Catholic men in Northern Ireland. The report notes the widespread criticism of these and other abuses by international and nongovernmental human rights institutions and the promises of reform, mostly

unfulfilled, by the Government of the United Kingdom itself. It is therefore difficult to understand why the Administration has been conspicuously absent from this Subcommittee's hearings.

We have had two hearings on the issue of Northern Ireland on H. Con. Res. 152, which condemns these very human rights abuses and identifies specific ways in which internationally recognized human rights standards can be integrated into the Northern Ireland peace process and why the Administration has been so vague in its support for the resolution itself.

To acknowledge abuses, but then hold back on congressional support of those reforms sets us back. I think we would very much like to be a part of this, and I hope the Administration will support that legislation.

In conclusion, the biggest problem with the Country Reports is not the reporting itself—and I want to commend John Shattuck and his shop for the job they have done—but on the uses to which this human rights reporting may or may not be put. As James O'Dea, head of Amnesty International, said at this Subcommittee's hearing on the 1994 Country Reports, and I quote him, "Human rights is an island off the mainland of U.S. foreign policy, pretty to look at but too seldom connected to the policy itself."

All in all, with the reservations I have noted above, the State Department is to be commended for trying to do a good job in these Reports. This is one of the most important services the Department performs. The cornerstone of U.S. foreign policy should be the promotion of American values and that is the protection and advancements of fundamental human rights of people around the world. For this reason, it is troubling that in this year's State Department budget, as in previous years, the Human Rights bureau is grossly undervalued compared to bureaus charged with advancing other concerns. The bureau is smaller than State Department's Public Affairs office, smaller than the Protocol office and far smaller than the six regional bureaus which have an average of about 1,500 people each. These are the bureaus the Human Rights bureau sometimes has to contend with ensuring that human rights is accorded its rightful priority among competing concerns. They have a combined budget of about \$1 billion or about 160 times the budget of the Human Rights bureau.

If the Department would correct this gross disparity in resource allocation, we would have a better human rights reporting, and I believe a better U.S. foreign policy.

I would like to ask my good friend, Mr. Payne, if he has any opening comment.

Mr. PAYNE. Thank you very much. Let me commend you, Mr. Chairman, for that very thorough analysis of the report. It is always good to see Ambassador Shattuck who, in my opinion, is doing an outstanding job, as it has been indicated, in a very understaffed operation.

I think that human rights is one of the pillar stones of U.S. foreign policy. It should continue to be. I think that we should judge nations that we deal with based on their human rights reports and democracy, the whole question of governance.

I would also like to see at some point more attention focused on the question of corruption. Corruption is something that has been

a virus in the Third World, whether it is Asia, whether it is Latin America, whether it is Africa, Eastern Europe now. There needs to be a real statement made, and, to me, it falls in the area of human rights.

I think we look the other way on the whole question of corruption. We talk about the Third World leaders who are accepting corruption, but very rarely do we talk about those Western countries in Europe and other developed countries that are doing the corrupting.

As a matter of fact, in Germany, the whole question of bribes and payoffs are tax deductible if you state them. In other countries, they don't necessarily go that far, but they look the other way. It is simply called a business expense.

So if we are going to root out corruption so that governance can move forward—because I think that corruption is an obstacle to governance; I think corruption is an obstacle for human rights and freedom—I believe that there has to be more focus put on this question of this epidemic of corruption that we see in many countries.

I would just like to indicate that I have not gone as thoroughly through your report, and I therefore will listen. I do want to mention, though, that the question of Liberia was raised and the fact that Star Radio has been taken off the air, that was highlighted, whereas I believe that President Taylor has made a number of initiatives, starting a Human Rights Commission, had brought opposition party people into the government—one of the first times, of course, you know, after a 7½-year brutal civil war. So I think that we ought to take a more balanced approach.

As a matter of fact, Star Radio was not properly registered nor did it pay any fees that were required by the government. I think that we need to focus on issues, but I think in some instances one issue is highlighted and many of the other very positive programs that had begun are overshadowed by that.

I also agree with the Chairman that slavery in Mauritania and also in Sudan need to be highlighted more. I think that moving into the new millennium, it is absolutely unconscionable that slavery—regardless of what you call it or how it fits, slavery is slavery. I think that we need to have more focus on this question, because it should not move into the 21st century with countries still practicing some sort of chattel slavery.

I also believe that the Nigerian report should have been more harsh. I think we have a very brutal dictatorship up there, and I think that our policy must focus on what are we going to do about the corrupt Abacha government—100 million people, the largest country on the continent. Their governance must work, because the rest of Africa will suffer if it does not, if it continues not to be practiced.

I also would like to say that the Rwandan Government is having a very difficult time. I heard my colleague talk about some abuses on the part of the government, but I certainly would hope that you have seen the recent article in *The Washington Post* on January 28 that talks about the Hutu rebels' wrath of killing against Tutsis that still goes on, and that there seems to be a cry to continue the

genocide that happened in 1993-94, where we looked the other way while this genocide went on.

I also would like to say that I was very pleased to see that the Government of Great Britain will be looking at the bloody Sunday 1972 situation where many Northern Ireland Catholics were shot down. I visited the site several years ago, and at that time called for the British Government to reopen the case in a sort of a reconciliation process. And so I am very pleased to see that that has happened.

I would like to once again commend you for the outstanding work that you do, and your staff. At this time, I will yield back the balance of my time.

Mr. SMITH. Thank you very much, Mr. Payne. The Chairman of the Full Committee, Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. I want to thank you, Mr. Chairman, and Mr. Lantos for arranging this review of the Country Reports at this appropriate time. I too want to welcome Assistant Secretary John Shattuck who appears before us. We will welcome his views, as well as the other witnesses you have arranged to bring before us today.

The release of the annual "Country Reports on Human Rights Practices" is certainly a much anticipated event in the human rights community both in our Nation and around the world. Over the years, our State Department has worked to make these Reports a fairly accurate reflection of the human rights situation in every nation throughout the world and are carefully reviewed by those respective governments. As we visit some of the countries abroad, we hear occasionally their comments with regard to the report, whether they are supportive or in opposition to some of the findings we make. It is a way of sensing the nature of our relations with these governments.

In Asia, as the report rightfully emphasizes, the Government of China continues to commit widespread and well-documented abuses of its citizens' human rights. We are hoping that Mr. Wei will be able to join us a little later this morning. We had an opportunity to hear from Wei Jingsheng last night at the Council of Foreign Relations and he had some very appropriate comments to make about the situation today in China. We would like to hear more from him before our Committee.

How the State Department report can assert that things are somehow better in China is beyond me. We cannot allow our policy of engaging the Chinese authorities and promoting economic liberalism to overshadow our own Nation's most fundamental interest in seeing the blessings of democracy spread to every nation on the globe. This report should give credit where credit is due, but it is not helpful for it to stray into the world of politics. It should be a strictly factual and objective report.

Last April, Beijing for the seventh year successfully lobbied the U.N. Commission on Human Rights in Geneva to pass a "no action" motion against the consideration of a resolution on China's human rights violations. Before that vote, some Members of our Committee contacted every swing vote on the Commission urging them to vote against the "no action" motion and vote for the resolution condemning China.

In occupied Tibet, the repression of human and religious rights has reached new highs. Monks must sign a five-point declaration renouncing His Holiness, the Dalai Lama. The deputy head of the Communist Party in Tibet last year called the Dalai Lama, and I quote, "the scum of the people, the chief criminal of religion," and directed greater control of Tibet's monasteries.

Repression of Christians in China has reached new heights as more and more clergy are sent to prison for the mere practice of their faith.

In Burma, in Cambodia, Indonesia, Laos, East Timor, and Vietnam, human rights abuses continue to be pervasive. As we have made well known to the Administration, we believe that it was a mistake to accord the Vietnamese Government full diplomatic recognition while the people of Vietnam continue to languish under its repressive dictatorial sway.

In addition, I would like to note the troubling incidence of religious intolerance that we see around the world, including many nations with which we enjoy friendly relations. Freedom of conscience and of worship are a sacrosanct aspect of the human condition.

An area of concern to many of us in the Congress is the continuing problem we are facing in Bosnia. The United States and its allies are engaged in a major undertaking in Bosnia to restore peace to that part of the Balkans which has been so tragically wracked by conflict during the opening years of this decade. Regrettably, some within the Republic of Srbska continue to refuse cooperation with the tribunal and continue to harbor individuals that have been indicted, including the former President, President Karadzic, and the former commander of the Bosnian Serb Army, Mladic. The international community must not tolerate such blatant attempts to thwart the respect for human rights by protecting and rewarding those who have infringed upon the most basic standards of civilization.

In Turkey, although it is claimed that there has been some progress in ending the official criminalization of speech, I am concerned that political freedom remains less than perfect, and former members of the Grand National Assembly still remain in legal jeopardy, essentially because of some of the public statements they have made. If Turkey desires to be incorporated into a united Europe—and they have expressed that on a number of occasions—I believe most of the leaders recognize as its best course it must do more to demonstrate a true and unswerving commitment to upholding the human rights of all of its citizens.

Finally, I am still concerned about governments which ignore parental rights and in some cases actually support the crime of international parental child abduction. I am concerned that too many of our own citizens are victimized by a number of these governments when a foreign spouse abducts or illegally detains children in other countries which do not afford adequate recognition of protection of the custody rights granted under our courts. Enforcing the rights of parents, I believe, is an essential aspect of enforcing the rights of the child. I would like to see adequate reporting on this subject contained in future Country Reports on Human Rights.

I also would like to note that in Northern Ireland, the report is good and lays out the human rights abuses especially against the

Catholic minority. We hope the Administration will support H. Con. Res. 12 pending in the House calendar on Northern Ireland. Timing, we are told, is the issue. As once was said, it is always the right time to do the right thing.

In closing, I look forward to hearing from our witnesses who are here today. We have a long way to go, but this report helps us set our sights on appropriate goals as we review human rights around the world. Enforcing the rights of all throughout the world is essential. We cannot close our eyes to any of those abuses. We look forward to hearing our witnesses.

Again, Mr. Chairman, I thank you for arranging this hearing and for your extensive overview of all of the issues involved in these Country Reports. Thank you.

[The prepared statement of Mr. Gilman appears in the appendix.]

Mr. SMITH. Thank you, Chairman Gilman.

Mr. Wexler.

Mr. Ballenger.

I would like to introduce our first witness, Assistant Secretary John Shattuck, Assistant Secretary of State for the Bureau of Democracy, Human Rights and Labor since 1993. Before that, he spent 9 years as vice president of Harvard University, where he taught human rights and civil liberties law. From 1976 to 1984 Mr. Shattuck was executive director of the American Civil Liberties Union, the Washington office.

Secretary Shattuck, welcome.

STATEMENT OF HONORABLE JOHN SHATTUCK, ASSISTANT SECRETARY OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR

Mr. SHATTUCK. Thank you very much, Mr. Chairman and Members of the Committee. I am very pleased to be here again on this momentous occasion in releasing the Human Rights Reports. And I consider it in many ways a joint exercise between the Congress and the executive branch in pursuit of our long-term, very significant commitment to human rights on a global basis.

Mr. Chairman, as you know, the Country Reports' role in human rights advocacy and diplomacy is very far-reaching. Their preparation serves to concentrate the minds of U.S. diplomats and their foreign counterparts on our global commitment to the promotion of human rights.

Thousands of personnel hours are devoted to preparing these Reports, at our embassies all around the world and here in Washington. They bring our commitment to the promotion of human rights and our personnel into ongoing contact with extraordinary human rights activists in every country whose independent reporting is indispensable to our own. The annual presentation of these Reports to countries around the world is itself a major opportunity for dialog and deepening the issues of human rights in our foreign policy. It affords a regular benchmark for progress and a steady reminder of this government's commitment.

I might say parenthetically, Mr. Chairman, I am sure you and other Members of the Committee would be interested to know that even now, only 4 days after the Reports have been released, we

have received major responses from a half a dozen countries. They are coming in regularly, and our diplomats and ambassadors are engaged in discussing these Reports. I might also say that, not surprisingly, those countries that are engaged in major human rights abuses are objecting to having those abuses characterized publicly in our Reports, which itself demonstrates the value of the process.

In my Introduction to the "Reports" this year, we lay out the themes and highlights in some depth. I want to submit that Introduction, in addition to my prepared statement, which I will also submit for the record and then summarize in some shorter fashion.

The Reports set out a factual basis for the formation of our human rights policy. It is that policy which is of interest to this Committee and certainly of paramount importance to us, and that is what I want to focus on this morning. Highlighting abuses is an important first step in our approach, because truth is always the most powerful weapon against oppression and injustice. But it is only the first step and all that follows is what we want to discuss here this morning.

Looking back at 1997, let me review just a few of the major developments outlined in the Reports which are treated at much greater length in my prepared testimony. Let me start with Bosnia, because I think it belongs at the top. I believe that when the dust settles history will record 1997 as a turning point toward greater peace and justice in Bosnia, by no means the end of the road but a significant turn.

The number of war criminals taken into custody—through arrests by NATO for the first time, and through pressure by governments that surround the countries in which the war criminals were being harbored—tripled last year from 8 to 24, and multiple trials were begun in the Hague. Through a series of elections—controversial and highly imperfect elections to be sure, pluralism began to take hold in some Serb areas and the Pale war criminals and hardliners were increasingly isolated. They must now be brought to justice, and they will be.

More refugees began to return to their homes. Joint institutions of justice, such as the International Police Task Force, were strengthened to provide protection for the first time for human rights in their express mission. And, finally and above all, the NATO Stabilization Force was extended indefinitely to provide the international backbone for stepping up implementation of the Dayton Accords, and to symbolize the commitment of the United States to what in many respects is one of the most horrendous human rights situations in the post-cold war world, indeed, since the Second World War.

Major human rights abuses continued, as our report demonstrates, in Bosnia. There is no question about it. Clearly much more needs to be done. This is why our continued engagement is essential, indeed critical. We look forward to working together with the Congress to assure that commitment to our human rights policy. Bosnia marks the most significant and, I believe, the most difficult human rights progress of 1997.

I would like to look briefly at the record of 3 different groups of countries: Authoritarian regimes, countries in conflict, and countries in transition. I could go on at length but for the sake of time

I will discuss just a few examples. Many more are set out in my prepared statement.

First, let us consider authoritarian regimes, a prime example of which is China. The Government of China continued to commit widespread and well-documented abuses in all areas covered by our 1996 report. There were positive developments which included the release of a few political prisoners, continued legal reform and a somewhat greater tolerance of dissent. The abuses, which last year worsened in several areas, including Tibet, stem from the government's continued aversion to dissent, fear of unrest, and inadequate legal protection of fundamental internationally recognized freedoms. Large numbers of people remained detained for the peaceful expression of their political and religious views.

Another example of authoritarian regimes in which significant human rights problems existed is Burma, which saw continued extrajudicial killings, rape, and repression of Aung San Suu Kyi's democratic opposition. Other authoritarian regimes where there were severe human rights problems included Nigeria, Syria, Cuba, Iraq, Libya, Iran and Saudi Arabia.

After authoritarian regimes, let us consider countries in conflict. Ethnic and religious conflict, as we know, remains among the most intractable and dangerous problems in the world today. Cynical leaders can fan the flames of religious or ethnic differences to create cycles of repression, retribution or abuse.

In Algeria last year, alarming brutality, including massacres and systematic rape, continued. In light of the differing accounts about the origin of these abuses, the United States is making very clear in its diplomacy the need for a credible international factfinding mission to get to the bottom of the crisis in Algeria.

The Great Lakes countries of Africa, where killings and other abuses continued with impunity, provide another major example of the crisis of countries in conflict and human rights abuses. Other countries where conflict has caused major human rights abuses in 1997 included Sudan—where, as Chairman Gilman and others noted, problems of slavery, remarkably at the end of the 20th century, continued—Afghanistan and Colombia.

Finally, my prepared statement reviews the record of countries in transition. Many of these countries present a mixed picture, with competing trends toward progress and regression.

In Albania, the international community, led by the OSCE, coordinated an effective response to the threat of chaos and helped to put the country back on a democratic track. A very clear example of backsliding, on the other hand, is Cambodia, where the democratic process begun under U.N. auspices through the 1993 elections was totally derailed by violent conflict last July. No one has been held accountable for the extrajudicial killings, and limitations on a free press and the right to a fair trial continue.

Other countries in this large group of transition countries which are moving, some positively and some in a negative direction, include Romania, Bulgaria, Liberia, Guatemala, South Africa, Haiti, Bangladesh, Egypt, Indonesia, Vietnam, Serbia, Turkey, Russia, Belarus, Croatia, Mexico and Pakistan.

Now, casting the spotlight on abuses, as I said, is only the first step in our human rights policy. Our goal has been and will con-

tinue to be to use all the tools at our disposal to advance human rights, democracy and justice in our foreign policy.

Mr. Chairman, three of the primary objectives of U.S. foreign policy articulated by the President and by the Congress in pursuit of our national security interests in this very complicated post-cold war world are reducing regional conflicts among ethnic, religious and national groups; promoting adherence to international human rights norms, including the rights of women, and worker rights standards; and facilitating the peaceful expansion of new democracies.

Over the past 5 years we have worked steadily, repeatedly and increasingly to integrate these three overarching objectives into the very mainstream of our foreign policy. These are not issues that are addressed exclusively by the Bureau of Democracy, Human Rights and Labor. They are at the center of the foreign policy articulated by the President and by the Secretary of State. Our experience has taught us that much can be accomplished when the United States exercises leadership, but at the same time we can be most successful when we pursue these human rights objectives in close coordination with our allies and those organizations outside government which share our goals.

Our arsenal for promoting human rights objectives is a broad one and an increasingly broad one. We employ it actively. It includes both traditional diplomacy and a range of new approaches that we continue to expand and develop. I would like to review quickly for the Committee ten different instruments we have used in the past year and increasingly over the last 5 years to advance human rights and democracy.

First, of course, is getting out the information, as we have done in the human rights Country Reports delivered to you this week.

Second, we have publicly and repeatedly expressed U.S. Government positions on human rights. In recent days, for example, we have publicly voiced our concerns about the savage massacres of civilians in Algeria, about killings in the Chiapas state of Mexico, and we have called for respect for fundamental freedoms in Cuba. Speaking out is not a small step. Public diplomacy is an important instrument of our human rights policy.

Third, we have conducted a wide variety of diplomatic initiatives in support of human rights. I will mention just a few examples from the past year.

Throughout 1997, the President, the Vice President, the First Lady and the Secretary of State have consistently raised human rights in their meetings with foreign leaders at the United Nations and in regional forums such as ASEAN. Secretary Albright's deep personal commitment to human rights makes her a particularly forceful and effective advocate. She was the first Secretary of State to meet with Mexican NGOs in Mexico. She pressed leaders on human rights in Vietnam, Guatemala, Croatia, the Great Lakes region of central Africa, and South Africa in her visits to those countries in recent months, and she made clear our concerns on the Russian religion law to senior Russian officials.

I myself have logged hundreds of thousands of miles to over 40 countries to raise human rights issues with foreign leaders. Among other recent initiatives, I have helped implement the successful

U.S. strategy to press Croatia to assist in bringing 10 indicted war criminals into custody in the Hague. In June, I led the official U.S. delegation to the successful Albanian elections which pulled that country back from the brink of chaos. In December, I conducted a comprehensive review of democracy and human rights in Hong Kong after the turnover of sovereignty from Britain to China.

Over the past year, members of my staff have visited Turkey, China, Bosnia, Haiti, Panama, Croatia, Serbia, Mexico and Sudan to press for the evolution of democracy and protection of human rights, and they have participated in the monitoring of elections in Albania. In 1997, we continued newly established, formal human rights diplomatic dialogs with Albania, Colombia, Mexico, Russia and Vietnam to highlight our policies.

Secretary Albright has instructed all of our ambassadors around the world to raise human rights issues with their host governments. In particular, in 1997 she instructed embassies to pay special attention to issues of religious persecution and women's issues and their integrating into foreign policy.

We are also working to ensure that human rights considerations are integrated into our relations with other countries in the area of military and security assistance. My bureau will head up the department's working group to monitor allegations of abuses by security forces that receive U.S. assistance. As a first step, we are asking our diplomatic posts to provide an action plan for implementing section 570 of the Foreign Operations Act.

The fourth major area of our work has been the building and strengthening of new international and national institutions of justice that will advance human rights and democracy. Most notable of these are the War Crimes Tribunals for the former Yugoslavia and Rwanda. The Rwandan Tribunal last year achieved success in gaining custody of indicted war criminals, and began finally to address administrative staffing and morale problems, at our prodding. In 1997, the Yugoslav Tribunal moved into center stage in the Bosnian peace process as a way of isolating the opponents of peace, helping to create breathing room for moderates to emerge, and beginning to answer the demand for justice by victims who would otherwise seek retribution.

At the national level, in coordination with USAID, we are engaged in regional democracy efforts in programs promoting the rule of law, including administration of justice, training police, prosecutors and judges in human rights, and in the building of democratic independent trade unions. We facilitate human rights training for police through the International Criminal Investigation Training Assistance Program (ICITAP), in Guatemala, Haiti, El Salvador and in Bosnia.

The United States has also led the creation of new quasi-international human rights institutions. For example, former Senator Bob Dole recently succeeded former Secretary Vance as chairman of the International Commission on Missing Persons in the former Yugoslavia.

In addition, we have contributed to and actively supported new institutions of accountability in countries around the world, such as the National Truth Commissions of El Salvador, Haiti, Guatemala

and South Africa, and National Human Rights Commissions in India, Indonesia and Mexico.

In the U.N. context we have supported the creation and strengthening of the Office of the High Commissioner for Human Rights. We were pleased in the past year to see the Secretary-General appoint Mary Robinson, former President of Ireland, to that office. Secretary-General Annan also acted to raise the profile of the High Commissioner within the U.N. system. The United States is working to strengthen the High Commissioner's office through more efficient management and additional resources.

The fifth major area of our human rights work last year was the building of multilateral coalitions. At the U.N. Human Rights Commission we led the effort to adopt a resolution on China's human rights practices, and we are now consulting with the commission members about a China resolution in 1998, which we will again support if the human rights situation remains the same. I want to thank Members of the Committee and other Members of Congress who have helped advance U.S. positions at the U.N. Human Rights Commission.

Last year we encouraged frequent consultations among Friends of Cambodia, a group of donors and other interested parties, to coordinate a united international response to the violent events in Cambodia in July. We also developed a strategy for Bosnia, agreed to by the European Union, that led to a tightening of economic assistance conditionality and the turnover of indicted war criminals.

Sixth, my bureau has moved ahead with developing and implementing assistance programs in support of human rights and democracy. With Congress's support, we are now taking steps to implement our new Human Rights and Democracy Fund. This fund provides the Secretary of State with the flexibility to respond to human rights crises around the world, for instance through the Office of the U.N. High Commissioner for Human Rights, or through field operations in Rwanda or Cambodia or other places where the United Nations, with our assistance, must be active to prevent human rights abuses. We look forward to building and expanding on this \$10 million fund in the coming years.

In conjunction with the department's regional bureaus, my bureau now also comanages regional democracy and human rights funds for Africa, the Middle East, South Asia, East Asia and the Pacific.

The seventh instrument we use to implement our human rights policies is exchange programs. We are increasingly collaborating with USIA on such programs, including bringing human rights and labor activists to the United States to observe our democratic processes at work, or legal exchanges that send American jurists overseas where they can advise new democracies on legal reform.

Our eighth area of human rights work is with U.S. multinational corporations and business organizations with whom we promote the Model Business Principles, a voluntary code of conduct released by the President in 1995 for businesses operating abroad. We are also working with the business community to develop new ways of addressing the problem of child labor and slave labor.

Ninth, our labor specialists and reporting officers around the world are key elements in U.S. Government efforts to track child

labor and to do something about it. A particularly striking example of this was in Bangladesh, which last year made significant progress in the effort to remove the scourge or to make progress in the area of child labor in that country. Information the labor officers provide enables us to work closely with the International Labor Organization on its program to eliminate child labor, and also feeds into the congressionally mandated reports on child labor produced by the U.S. Department of Labor.

Tenth, we have identified a number of key thematic issues, many of them of great interest to the Congress, to which we are giving special attention.

This year, for example, we have formed a State Department working group on women's issues, ranging from women's participation in political life to female genital mutilation, to trafficking in women and girls. We are pursuing ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women.

We are also giving greater attention to religious freedom around the world. Last year, in response to a congressional request, we presented a report that focused exclusively on U.S. policies to promote religious freedom, with a particular focus on Christians. Just 10 days ago the Secretary of State's Advisory Committee on Religious Freedom Abroad, which I chair, presented its interim report to the Secretary and the President. In receiving the report, the Secretary announced that she would act immediately on the Advisory Committee's first recommendation to the State Department by designating a new senior level coordinator for religious freedom issues in the State Department.

During my tenure, I have promoted greater communication between the human rights community and our country's armed forces, especially through our ongoing consultations with the Human Rights Office of the U.S. Southern Command. I plan to work with the Department of Defense to establish human rights offices in our other regional commands on this 50th anniversary of the Universal Declaration of Human Rights. We have also increased our efforts to advance the rights of indigenous peoples.

These 10 areas, Mr. Chairman, the focus of our human rights work, are in fact the product of the Human Rights Reports and the impetus that they give to our policy. They are aimed at assisting people and countries to improve their human rights records.

In our bilateral human rights diplomacy we also employ a wide range of measures to induce countries to make these improvements. Let me illustrate a few examples of the negative measures we use.

First, economic sanctions: In Nigeria we maintain a range of sanctions on the Abacha regime, including a ban on the sale and repair of military goods and suspension of consideration for OPIC financing. For Serbia we condition removal of sanctions on cooperation with the War Crimes Tribunal, improvement in human rights in Kosovo, and progress on democratization. Other countries under a variety of sanctions regimes because of their human rights records include Burma, Cambodia, China, Cuba, Iraq, Iran, Libya and Sudan.

Trade sanctions: Congressionally mandated worker rights conditions in U.S. trade legislation, primarily GSP and OPIC, have also been a useful policy tool over the past year. In the last decade, we have conducted worker rights reviews of more than 50 countries, and in the large majority of cases have been able to achieve improvements in worker rights practices. In those instances where improvements have not occurred, Burma and Sudan, for example, we have suspended the country's eligibility.

We have imposed visa restrictions on leaders of repressive regimes such as Burma, Colombia, Cuba, Iran, Iraq, Liberia, Nigeria and Sierra Leone.

Finally, we apply special scrutiny to arms exports proposed for countries with poor human rights records, an area that I am particularly proud of because it has expanded over the period that I have been Assistant Secretary of State. As you know, the State Department policy is to review prospective sales and license applications for their human rights ramifications. During the past 2 years, we have not approved for export licenses a wide range of munitions or crime control commodities for Afghanistan, Algeria, Angola, Burma, Burundi, Cameroon, Chad, China, Equatorial Guinea, Gabon, Guatemala, Haiti, Indonesia, Iran, Lebanon, Liberia, Mauritania, Peru, Rwanda, Serbia, Sierra Leone, Sri Lanka, Somalia, Sudan, Syria, Togo, Tunisia, Turkey, Vietnam, and the Democratic Republic of Congo.

Mr. Chairman, these remarks have offered just a brief overview of some of the human rights policies and activities that we have pursued over the past year. We are proud of these activities and our Nation should be proud of them. This is at the heart of our foreign policy.

I would like to offer my thanks to the Congress for its strong support of our efforts to promote and protect human rights around the world. The support has been bipartisan. It has come from both houses of the Congress. The enormity of the challenge of advancing human rights in a chaotic and fragmented world is well known to both the Congress and the executive branch. Our commitment to do so together should be doubted by no one, and our willingness to stay the course, however difficult the challenge, is one of our greatest sources of strength as a Nation.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Shattuck appears in the appendix.]

Mr. SMITH. Thank you, Mr. Secretary.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. I regret I am going to have to attend another hearing and my time is limited, but I want to thank Mr. Shattuck for his overview and for his good works over the years. There are several areas, of course, that we want to raise today, and I am sure my colleagues have questions.

The new adviser on religious freedom, Mr. Shattuck, what will be the title?

Mr. SHATTUCK. The title will certainly be at the level of Deputy Assistant Secretary. It will report to the Assistant Secretary for Democracy, Human Rights and Labor. Depending on the individual selected, it may well carry the ambassadorial title as well.

The Secretary of State has made very clear that she wants a senior person whose full-time responsibility will be this field of religious freedom, with the requisite support to be able to do the job. At this point, we are looking to identify the right person. This will be a process that we hope to complete in the near future, but most important is to get the right person.

Mr. GILMAN. That person won't be folded into your office but will have a separate office?

Mr. SHATTUCK. The person will report to the Assistant Secretary of State for Democracy, Human Rights and Labor. But it will be a high-level position, comparable, for example, to the kind of thing that we do in the area of war crimes or other issues which we want to particularly highlight in the department.

Mr. GILMAN. We are pleased that you are moving ahead and having some special office for religious freedom. We look forward to getting more information from that office and more support for what we are trying to do in the Congress of raising this issue worldwide. We look forward to working with whoever it may be, the new ambassador, Assistant Secretary, whatever you designate. I hope you will keep us apprised of the progress being made in that direction.

Mr. Secretary, your report notes a long-standing problem of discrimination in the workplace against the Catholic minority in Northern Ireland. Is the Administration urging the British Government to enact the employment of reforms that have been proposed by the Standing Advisory Committee for Human Rights in Northern Ireland?

Mr. SHATTUCK. We have certainly focused in our diplomacy not only on the peace process, which is so ably headed by former Senator Mitchell, but also on the human rights situation. I have traveled myself to Northern Ireland. We have focused on the issues of justice and individual cases. We have pressed the Royal Ulster Constabulary as well as the party leadership of Northern Ireland political parties on these issues. I am going to give you an additional answer to that question in terms of the specific recommendation that you have cited when we give you an answer in writing, if I could.

Mr. GILMAN. I hope you would meet with that Standing Advisory Committee up the road.

Mr. Shattuck, just one or two other requests. The narcoguerrillas in Colombia hold 5 Americans hostage right now. They have killed others. One is a citizen of Alabama. In addition, these narcoguerrillas recently shot several Colombian policemen in the battlefield in the town of Meta. Are these abuses and concerns factors that we should consider in measuring the performance on human rights for places like Colombia?

Mr. SHATTUCK. Mr. Chairman, as I said in my statement, Colombia has one of the most serious human rights problems certainly in this hemisphere. In the past year, we have noticed a disturbing increase in the number of extrajudicial killings by paramilitaries as well as by guerillas.

The cases of these Americans that you cite have been repeatedly raised by us with the Colombian Government, and their welfare is of great concern to us. The situation is one where there are both

paramilitaries and, as you say, narcoguerrillas at war, making it very difficult to get access to them.

But our specific approach toward dealing with U.S. assistance to Colombia is to make very clear, under the Leahy amendment, that no assistance of any security kind should go to any unit of the government, or of the army or the armed forces of the security forces, that have been involved in any human rights abuses. We have not received a report from the Ministry of Defense on the status of accused human rights violators in the army, and therefore assistance will not go to any element of the security forces until that report comes in.

It is a tragedy in many ways. The terrible scourge of narcotics and the narcoguerrilla movement, as well as the government's, in many cases, abusive response, has caused the kind of human rights crises you are talking about.

Mr. GILMAN. Mr. Chairman, I appreciate you allowing me to go first so I can go on to my meeting.

But I note it is an honor to have with us today, as one of your witnesses, Wei Jingsheng. His courage and his commitment to the future of his home nation through his faith in truth and democracy and human rights is a great testimony to the strength of the human spirit, and his presence today will encourage us to continue our work on behalf of the repressed people. And I would hope that when Mr. Shattuck's testimony is completed, and his questions, you would allow Mr. Wei Jingsheng to be the first witness.

Thank you, Mr. Chairman, for your cooperation.

Mr. SMITH. Thank you, Chairman Gilman, and we will do that because Wei does have another appointment he must get off to.

So at the conclusion of this, Secretary Shattuck, we will then go to Wei Jingsheng.

Mr. GILMAN. Thank you.

Mr. SMITH. Let me ask you, Mr. Secretary, a couple questions.

Many of us noticed there was a softening in the China report. There were continually paragraph lead sentences that would say there were positive steps in human rights; although serious problems remain, the government took several positive actions. And it goes on, in the body of it, to suggest that perhaps problems are not as legion as we would believe them to be.

Even in *The Washington Post*, the headline writer and the author of the article on Saturday were savvy enough to say, "China's human rights record improves in U.S. report," not necessarily on the ground in China, but in the U.S. report, kind of like the man who is a legend in his own mind, rather than his own time. Juxtaposing last year's and this one does raise some problems, at least, for those of us who follow this very carefully.

Last night, as you know, Wei Jingsheng did make a very strong statement to the Council on Foreign Relations, and I would like to begin by asking, how do you respond to this part of his statement: We have already seen that the traps set by the Chinese Communists are working. In order to ease domestic pressure, resulting from this oppression of human rights and the democracy movement by the Chinese Government, the U.S. Government has gone so far as to disregard the facts and beautify the Chinese Communists in this year's State Department Human Rights Report.

My expulsion from China, he goes on to say, against my will, is now described as, "allowing me to leave the country for medical treatment." Some of my friends inside the Communist Party, who have joined us in our fight for democracy and human rights, have been the target of persecution, but this has been explained as exhibiting "some limited tolerance," and so on.

More importantly, the U.S. Government seems to say in this report that the results achieved through the pressure of many years are not important. Moreover, it seems to say that all the credit should go to the secret negotiations of the present Administration.

Of course, politicians in democratic countries like to claim all the credit, and this is a domestic political necessity. But the danger lies in the fact, it shows the Chinese Communists have learned how to make use of the political weakness of the United States in order to control American politics and have learned how to draw the American Government into their traps. Then it goes on with that similar line of reasoning, beautify their human rights travesties.

How do you respond to this?

Mr. SHATTUCK. Let me say, first of all, Mr. Chairman, that I have enormous respect for Mr. Wei Jingsheng and his courage and his commitment. We have had repeated telephone conversations. We have not, unfortunately, since he has come to our country, been able to get together yet. We were going to get together yesterday, but we look forward to doing that tomorrow, and I am delighted he is here this morning to share his perspective on the situation in China. I respect his views on that subject in particular.

Let me make three points about the human rights report. First, I think the report is extremely clear on the subject of the continued widespread severe abuses of human rights in all areas that have previously been identified, especially religious and political issues. And it also concludes, in the introduction to the report, that those who seek to express dissenting views still are operating in an environment filled with repression.

We do not see major changes. We have not characterized China as having demonstrated major changes in the period over the course of the last year. It would be remarkable if that were the case.

Second—and this is true of all of our Reports—we take note in these Reports, factually, of things that occur in countries in the area of human rights. We do not exaggerate them, we state them as facts, and there have been some positive steps taken over the course of the last year. A few prisoners have been released. We are not going to characterize the nature of those releases, nor in any way exaggerate the number. There has been, by all accounts in the press, in some few instances, a somewhat more tolerant situation involving those who do express dissent.

A case that Mr. Wei so eloquently told about in his op-ed piece in *The Washington Post* on Sunday, Mr. Fang Jue, is an example; but there are others as well. I don't want to exaggerate them either. There are a number of academics and individuals who have expressed their views. This is something we want to see more of, we want to encourage. This is an important development.

Even Mr. Wei himself identified the Fang Jue article as an important one. We are stating it precisely for what it is. We are not

exaggerating it. We are not indicating that this so far is a trend. But it is a fact, and it is an important fact, and we will continue to see it that way.

Third, our Reports over the course of the last period of time, including previous Reports, 1996, 1995, and 1994, had the same theme that is reflected in this year's report. I refer to an underlying issue of the economic improvement in China, in some measure, improving the lives of average Chinese, not necessarily people who are seeking to express dissenting points of view, but their lives have indeed improved. That also is a fact. We certainly hope that continues.

The future of the Chinese economy is something that I cannot possibly predict here, but certainly it is a fact we want to see continue.

These three themes are the essence of the 1997 China report. They are similar to themes that we see elsewhere. It is important not to politicize our Reports by trying to limit the inclusion or exclude information that is positive, any more than to exclude information that is negative. And all information that we receive will go into these Reports. They are intended to be a benchmark. They are intended to reflect the state of play as we see it at that point in time.

I think the article that you mentioned in *The Washington Post*, frankly, in particular, covered only the third theme and characterized it as new. It wasn't new at all. The third theme being economic growth in China producing a better climate for the average Chinese life.

Unfortunately, the *Post* article did not particularly cover the overwhelming majority of facts that we have in this report relating to the continued widespread and severe abuses of human rights, nor did it indicate the particularly significant but small steps in the positive area. So we stand by this. The process of bringing democracy and human rights to China from within is served by a report of this kind. U.S. policy, as President Clinton made very clear in his public debate with President Jiang Zemin, is not to hesitate to publicly disagree and point out the serious human rights problems in China. Indeed, as President Clinton said, there is a severe danger that if China does not change it will stand on the wrong side of history, and I think that is perhaps one of the most important themes in this whole field.

Mr. SMITH. Mr. Secretary, you say "significant but small." In reading the chapter on China, I can see how the *Post* writer and anyone else could glean from this a sense of real rising and buoyancy with respect to human rights, that things are actually improving, especially since many of the paragraphs, not most, start out with a very positive statement, and it is not until you get into the third, fourth, and fifth sentences that, all of a sudden, they are being very heavily conditioned.

I would like to know, how do you respond? Do you assess his statement to be accurate or inaccurate when he says the U.S. Government has gone so far as to disregard the facts and beautify the Chinese Communists in this year's State Department Human Rights Report? That is from a man, Wei Jingsheng, who has paid an absolutely dear price for his candor, his honesty, and his cour-

age, something I haven't paid, perhaps something you and I have never endured—beatings and incarceration for our beliefs. When he speaks we should all listen and listen carefully, and his take on the report is, it disregards the facts and beautifies the Chinese Government. So how do you respond to that?

Mr. SHATTUCK. As I said, I have a great respect for Mr. Wei and his perspective, for what he is trying to accomplish, and the courage that he is exhibiting. I don't believe that the report has that characteristic. I think it is a factually accurate presentation. Certainly the specific elements that were modest steps that we point to did not exist in the previous year, and, therefore, our previous report did not indicate that that was occurring.

I have no way of assessing them myself, but by other observers within China who themselves have paid a severe price in terms of imprisonment, indicate that they generally agree with the conclusion of Mr. Xu Wei Li. Yesterday, *Reuters* reported Xu as saying there have been some changes in the attitude toward the treatment of dissidents by the Chinese Government, but Xu is very clear to say that this is not a systemic change, as we have said in our reporting.

So I am very eager to learn more from Mr. Wei about his specific perspective on what the situation is now.

Mr. SMITH. In the introduction to this year's Country Reports, a prominent place is appropriately given to an extensive discussion of human rights violations against women. Nowhere, however, in this discussion, is there any mention of forced abortions and forced sterilization in China, nor is there any mention of a similarly coerced two-child-per-couple policy by the Government of Vietnam or the Mexican women who complain they have been forcibly sterilized or mass sterilizations of poor women without informed consent in Peru.

All of these violations are discussed in their respective Country Reports. Why were they not deemed important enough to be included in a comprehensive discussion of women's rights?

Mr. SHATTUCK. As you say, Mr. Chairman, they are discussed at length. I just have the China report in front of me. Pages 14 to 16 of the China report are a very lengthy treatment of the issue of coercive family planning issues. The report covers the severe problems that have been encountered by some in China. Our approach toward the issue of women's rights, generally, is to incorporate the issues of women's rights into the mainstream of our human rights reporting and our policies.

So you will find these issues treated in our China report, and also in the Peru report, and in other countries. We are going to continue to expand our coverage of women's issues in these Reports.

Mr. SMITH. My concern is, under the banner of women's rights, certainly forced abortions not only is violence against the baby but it is an extreme violence against the mother as well. And in Nuremberg it was considered, properly so, to be a crime against humanity—at the Nuremberg war crimes tribunal—because Nazis committed those atrocities against Polish women. And yet when we have a category of women's rights, this is glaringly absent from that discussion.

I have worked on the issue of forced abortion in China since my first term. I am now in my 18th year as a Member of Congress. I have been appalled, for years, first by how many of the women's organizations downplayed, trivialized, and in many cases completely rejected the claims of coercive population control in general, in China, and forced abortion in particular, and it always gets a second-class treatment. And now, in the "Country Reports," even though, as you said, it appears in the China report. And I have read it well. As a matter of fact, I appreciated the extensive coverage with regard to the fines. I have met very often with some of the folks in our Beijing Embassy, and one who appeared some years ago before one of the subcommittees of this Full Committee, who trivialized those findings as if they were nothing. As pointed out here, it could be up to 50 percent of 7 years' worth of wages, which impoverishes a family beyond what we can even imagine, and yet it is not included here.

Another point: On a recent trip I had to Mexico, when I met with all the human rights organizations, which you and I and others always do when we travel to these countries, I asked them a number of questions about Chiapas and all the other issues, and then I asked them about coercive sterilization in Mexico.

Well, before my words were translated so that the Mexican human rights leaders could respond, the USAID officer immediately launched into, "That doesn't happen here in Mexico, there is no coercive sterilization, there is no sterilization of women, particularly poor women," which is what we had been hearing, particularly the Indian women. And every one of the human rights organizations there present, and there were several, all had cases and individual situations they talked about, and now the Country Report itself says there are large numbers of those cases.

I brought it up at another hearing last year, and it was like, "Gee whiz, we never heard of that before."

My concern is, these violations of women's rights, forced abortion and involuntary sterilization, and other violations such as IUD insertions without their consent, which is rampant in the People's Republic of China, one horrible invasion of women's privacy, and sometimes include the murder of their children very late in the pregnancy. Mr. Gilman has been a leader on Tibet. There, as he and I talked about many times—they very often wait until the child is actually being born before they inject formaldehyde or some other chemical poison into the child's brain. And yet it is not even included in the discussion of women's rights. That is a glaring omission.

Mr. Shattuck.

Mr. SHATTUCK. Mr. Chairman, let me get quite specific on the subject of Mexico. This is something that we have focused on a good deal in the recent year. It is an issue where your own concerns are well known, and, indeed, the issue is an important one.

Last month, the USAID Mission Director in Peru wrote to the Government of Peru about allegations of coercive sterilization. The reply of the government will, in fact, serve as the basis for our terminations of U.S. assistance.

In Mexico, beginning in mid-1996, we intensified our discussions with the government on the need for better compliance with the re-

quirements for informed consent procedures, in all these areas. The government has reaffirmed its commitment to informed consent, and we are going to continue to focus on that in our dialogs with Mexico on the subject of human rights. This is a very important issue. It is not one that gets backseat treatment, and it is covered in our Human Rights Reports.

Mr. SMITH. If you can respond to this. We have heard reports—and this is particularly pertinent because of what is in everyday news now—that the IMF has either officially, directly or indirectly, included clauses or admonishments to governments about population control, and there is apparently a link between that and receipt of IMF money. Do you know if that is true?

And, again, in Peru, as you were aware of, as just raised by our chief counsel and staff director for the Subcommittee, who recently went to Peru and heard some chilling testimony of the pervasiveness of this involuntary sterilization—if you can respond to that.

Mr. SHATTUCK. I am not aware of anything in the IMF that would involve that kind of regulation or restriction—

Mr. SMITH. Even if the word “voluntary” is used.

Mr. SHATTUCK. I would be happy to provide you an answer in writing on that.

Mr. SMITH. Let me ask you a question with regard to Northern Ireland. As you know, the Subcommittee and Full Committee have reported out H. Con. Res 152. I am the prime sponsor. We have a good cross section of Members of both sides of the aisle, Democrats and Republicans, who would like to go on record with regard to the peace talks that are occurring in Northern Ireland. I recently undertook a fact-finding mission there and met with all the key players on all sides, and this language certainly seems to be very clear, not ambiguous, it is human rights in character.

What we heard from all the human rights organizations is a concern that human rights have become a P.S. or an addendum, rather than a central part of negotiations. This resolution is pending before the House, the full House. The Administration has so far indicated it does not want it to go forward. I hope that can change, because we certainly want to speak with one voice vis-a-vis the British and Northern Ireland.

Mr. SHATTUCK. Well, as you know from my answer to Mr. Gilman's question, human rights issues have been very much in our minds in the Northern Ireland, peace process, and my own trips to Northern Ireland and conferences and meetings with the Royal Constabulary and other authorities who are responsible for human rights, justice, or security issues. Individual cases of human rights abuse and issues of justice must be addressed in this peace process. I will be happy to provide you an answer to their resolution after this hearing is over. I don't have a position that I am going to give to you on that right now.

Mr. SMITH. Does the U.S. Government support the elimination of the two terroristic laws, the EPA and the PTA, in Northern Ireland?

Mr. SHATTUCK. I will give you an answer on that in writing, too. [The information referred to appears in the appendix.]

Mr. SMITH. We do plan on having additional hearings, we have had two so far. They included a number of people, including Mi-

chael Finucane, who traveled here, to give firsthand knowledge as victims or relatives of victims. We hope that you would come in and testify at our next hearing. We would welcome the Administration's comments.

Let me ask one final question. Then I will yield to Mr. Payne. Again on China, I am very happy to see the Uighurs were included and a discussion on the Uighurs, because our Subcommittee has heard from witnesses as well and it is a terrible situation as to the mistreatment of the Muslims. You might want to respond to that. And what are we doing to try to secure Panchen Lama's release, and regarding the jamming of Radio Free Asia? What is the current situation on that, and what are we doing in both China and Vietnam to protest that?

Mr. SHATTUCK. The issue of religious freedom in China is one of the primary focus points of our human rights report and, indeed, of our human rights policy toward China. As you know, Mr. Chairman, I chair the Secretary's Advisory Committee on Religious Freedom Abroad. Two Members of that committee, Archbishop McCarrick, who is from Mr. Payne's district, if I am not mistaken, and the Reverend Don Argue, of the National Association of Evangelicals, will be joining Rabbi Schneier, the third member of the group for a 3-week visit to China with religious leaders, organizations, as well as with government officials, on the issue of religious freedom. That visit will take place this month and early into next month.

Certainly one of the major focal points of their work and their discussions will be the subject of Tibet and the subject of the Uighur. In preparation for their trip, they have met extensively with religious leaders and organizations throughout the United States and abroad, on the major areas of religion in China, including Catholics, Protestants, Tibetan Buddhists, Muslims and Buddhists. These issues are all at the top of their agenda, and I think Archbishop McCarrick, who I am sure Mr. Payne knows very well, as well as Reverend Argue and Rabbi Schneier will want to meet with you when they return to discuss what they have learned and the kinds of exchanges that they have had. This development is an important one insofar as we hope it will open the door for further religious leader extensive trips throughout China, including Tibet. Hopefully their trip is the first of many such visits.

On the issue of Tibet, as our report very clearly indicates, the situation in some measure has worsened over the course of the last year. Certainly the difficulties that Tibetan Buddhists face in continuing to practice their culture and religion in a highly repressive environment is serious. And we have said in the report, repressive social and political controls continue to limit the fundamental freedoms of ethnic Tibetans and risk undermining Tibetans' unique cultural, religious and linguistic heritage.

This is a subject we all take very seriously because of not only the religious but also the cultural implications of it. As you know, Secretary Albright has recently appointed a high level Tibetan coordinator to work to try to bring about more dialog or dialog between the Dalai Lama and the Government of China on the preservation of Tibetans' religious and cultural freedom. And this appointment, I think, signals the significant importance that both the

Congress and the Administration place on the subject of religious and cultural freedom in Tibet.

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Thank you very much. Let me just say I certainly look forward to Archbishop McCarrick and the team going to the People's Republic of China. I had the opportunity to meet with them at a hearing, at a meeting held by Chairman Gilman, and I think that it is a very excellent team. We had some conversation already before with the Archbishop about some of the situations that I am concerned about, and we will be giving him some additional information, as a matter of fact, regarding some religious organizations before the takeover by the Communists, and whether those organizations are being treated properly. For example, the YMCA was very, very active in China; a lot of programs were conducted. The U.S. YMCA had as many as 50 fraternal secretaries. That is as many as who were in China working with an organization. So we are hoping, and we know this will be a top flight team, and when they return, we would be very interested in their report.

In regard to Northern Ireland, I think the work of Senator Mitchell which preceded certainly much of the current conversation, was very useful. I have legislation introduced also that would ban the making or production of plastic bullets. As you know, they are lethal and I think that they should be banned. We have asked them, in a letter I have submitted to the British Government, that they consider the banning of them in their armed forces.

I might just ask, too: Do you know really where the events of terrorism and the emergency provision acts of the PTA and the EPA have accessed—would do a great deal to change the attitudes in the north of Ireland; do you have any indication of whether they will be pushed by the British Government to be abolished?

Mr. SHATTUCK. I don't have a specific response to you. I can generally say, and would be glad to give you more response, as I will, to the Chairman on this very point of the PTA legislation, et cetera, that the process seems to be moving forward under the new British Government, although there have certainly been plenty of back and forth on this very peace process that has, of course, gone on for so many years. But we are optimistic that the new figure that is being put into it will bear fruit. Let me be very clear as I was to the Chairman, we are also very committed to assuring that the human rights injustice elements of the peace process remain sharply focused. Certainly issues such as weaponry and plastic bullets and things of that nature have come up in my discussions with NGOs and others in Northern Ireland.

Mr. PAYNE. The RUC continues to be a real obstacle. In any discussion you have heard, have you ever heard of any consideration of the abolishing of RUC in attempting to build a police force—because they are supposed to be policemen—a police force that more reflects the composition of the country? We found here in the United States during the sixties, in urban centers, most of the police departments were all white, the residents were predominantly African American and Hispanic, and we found there was no dialog, there was no sensitivity, there was actually overt police brutality, which manifested itself in the civil disorders in the sixties in the

United States. And we of course could see remnants of some of the overt police brutality.

But just citing that as an example, how can you have a police department that is made up 99 percent of Protestants in Northern Ireland, which is almost an evenly divided country? It just cannot dispense justice fairly. Has there been any conversation about an attempt to reorganize them or abolish them and come up with a new system?

Mr. SHATTUCK. These are all issues central to the peace process. They are issues that the United States can focus on in the peace process, and that Senator Mitchell can explore as the process moves forward. You raised obviously one of the major elements of the peace process, providing security in a fair and even-handed way, in a period after the end of the armed struggles that have been going on. But I think I am going to leave that to Senator Mitchell and his good offices.

Mr. PAYNE. Thank you very much. Also, let me just ask—well, I would like to finally comment that I think in addition to Senator Mitchell's work, when breakthroughs came—I suppose when the government allowed Sein Fein's Gerry Adams to visit the United States—I think that also sent a good signal out. And I also wish the Administration would get more support from the McBride Principles. I know they had some problems with them, but I think if they are ever going to attempt to equalize or at least move toward some of the problems of massive unemployment, from Irish youths and some of those problems, that the McBride Principles would certainly be a step in the right direction, as was the Sullivan Principles in South Africa. They are basically the same; where U.S. companies are doing business, that there be equal opportunity for Catholics as well as Protestants. So I would hope that the Administration will also push that. I know you initially had some reluctance.

Let me ask another quick question; then I will have a final one. You didn't mention anything about the question of Scientology in Germany. As you know, there have been strong allegations and behavior on the part of the German Government, especially persons in the entertainment field, to prevent them from performing in Germany. And if they come in, they have to go through a special registration, and they are told that they would be followed or that their phones may be tapped, and just things that make no sense. Is there any movement on this whole question of the official position of the German Government against Scientologists?

Mr. SHATTUCK. Well, as you know, Mr. Chairman and Mr. Payne, this subject is in our human rights report on Germany this year. I would just say parenthetically, this is an example of how we try to be very even-handed in dealing with all the countries. I think the United States has a good record, although I know some NGOs—and I think they are right—are urging us to say more about our own human rights record. We have a good record in producing information from the U.S. Department of Justice, Civil Rights Division, U.S. Human Rights Commission, et cetera. That is all parenthetical. But there is an area where we have some disagreements with our friends from Germany. Our concern is outlined in this report, and regrets freedom of association. Individuals

or members of an organization should not be treated in a discriminatory fashion, solely because of their membership.

There have been instances in which that has occurred with Scientologists in Germany. We have had good discussions with the German Government on this subject. Secretary Albright has made it very clear that she certainly does not want this issue to become a problem in the relationship between the United States and Germany. We raised this issue most recently in Warsaw at the OSCE meeting where I was head of our delegation. A number of members of the CSCE Commission, including some of the staff of this Committee who were there, are aware of the fact that this issue was raised both in our discussions bilaterally with the German Government and also in the OSCE setting. So I think, frankly, this is another example of the evenhanded way in which we are trying to promote our human rights policies around the world.

Mr. PAYNE. I sense my time is about expired. Thank you very much. Let me conclude by saying I am certainly very pleased with the attention that the Administration has given to Africa, with the support of the African Growth and Opportunity Act that Mr. Crane and Mr. Rangel are pushing. The recent visit by Secretary Albright set the right tone and was very well received on the Continent. And finally, the proposed visit to Africa by the President sometime perhaps in the spring or early summer, I think sits well.

There are still a number of outstanding issues that you mentioned similarly, in Sudan and particularly Mauritania. The question of the Great Lakes region—and I think we ought to have an even-handed policy there, too—it appears that many of the human rights groups simply seem to take one side; that it appeared that this whole question just began in 1996 and 1997, but it has, as you know, a long history. Ambassador Koba is doing an outstanding job in Africa, Assistant Secretary Susan Rice is concentrating, but I think that the Great Lakes region needs to be dealt with in a balanced way; that it appeared that many people forget about the genocide of 1993, and start with what is going on at the present time. I think there are certainly atrocities on both sides, and I think that the answer is some attempt to have reconciliation rather than point the finger at Hutu atrocities and Tutsi atrocities, but the fact is there needs to be a real comprehensive Great Lakes position, where the cycle of violence can finally end. Thank you.

Mr. SMITH. Thank you, Mr. Payne. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Mr. Secretary, I want to thank you for being here this afternoon. I have been an admirer of you over the years, not only for your outstanding leadership but your championing of human rights, and I think between you and our Chairman, we could not have found better champions as human rights leaders of our country.

One particular country I am wanting to pursue on a line of questioning concerns Indonesia. Now I know over the months and years there have been a lot of commentaries, both by the media as well as international communities, concerning East Timor, but it is not East Timor I am interested in, particularly. I want to know from you basically the situation in West Papua, New Guinea. I would very much like to know, in terms of the fact that these are about 3 million Melanesians who are not even ethnic Indonesians, if you

will. This was the last vestige of a Dutch colony for some 100 years or so before the Dutch finally gave up its colonial rule in that area of the Pacific. But during the Kennedy Administration, rather than placing West Papua, New Guinea under the trust issue of the Council of the United Nations, questions are raised by our own action, where somehow mysteriously it is now an integral part of Indonesia, and realizing that Indonesia, of course, was a former Dutch colony.

But I would like to request a statement or a position. Example: What the State Department's position is concerning West Papua, New Guinea. They give it the fancy title now of Irian Jaya. What is the official policy toward West Papua, New Guinea, Mr. Secretary? And I rather would appreciate if this should not be taken in terms of passing the buck and saying this is an internal matter of the Republic of Indonesia, and the fact is these people were forced to be subjected to another colonial master. And as far as I am concerned, this is all the principles of humanity as far as this situation with the 3 million Melanesians. I want to know what your comments might be on this issue.

Mr. SHATTUCK. Well, Mr. Faleomavaega, I think the problems of Indonesia in the human rights field are enormous. Our report is very clear on that. During my most recent visit to Indonesia, last year, I met with a number of NGOs who were active, including those who were from, as you put it, West Papua, New Guinea, Irian Jaya, an area of Indonesia. I heard some very chilling details, many of which are verified and you will find in our report. They don't just put stories in there, they put things we can actually conclude, problems of extrajudicial killings, mass movement of people.

This is an area, as you say, like East Timor in a sense, but with less international focus. I found very few ambassadors to Indonesia from other parts of the world, who were familiar with the problems in that very difficult area. I raised these concerns directly with the Foreign Minister, and in our regular meetings on human rights. The issue of the West Papua, New Guinea area and Irian Jaya is a clear focus. We have begun to send our foreign service human rights reporting officers there, to an area of vast distance. You have of course been to East Timor, so you know; this area is about a third as far from Djakarta as East Timor, and even more difficult to reach.

The scope of Indonesia and the vast number of islands and peoples who are a part of that country is really staggering, but certainly one of the most difficult and troublesome areas of human rights abuse in Indonesia is in that area, and we will continue to focus on it. The Ambassador has now made a couple trips out there as well, so I want to assure you we have this very much in mind.

Mr. FALEOMAVAEGA. I would like to suggest, and I am very happy Secretary Albright is seeing fit that we coordinate, or appoint someone in the State Department to be the Tibet coordinator, because Tibet and East Timor and West New Guinea are on a very similar light. Perhaps it doesn't hurt to include coordinations as well of East Timor as well as New Guinea in this light.

Mr. Secretary, I am very serious about this, and it is my sincere intention to visit West Papua, New Guinea in the coming months—hopefully with the good grace of our Chairman here, that we will

be able to make the visits in the Asian region—but that is particularly the area. And I would like to know basically what our official foreign policy is toward this and that will give me a better sense of what I need to do from there. Thank you, Mr. Secretary. Thank you, Mr. Chairman.

Mr. SMITH. Thank you. And, Mr. Secretary, thank you for your extensive testimony. Because of the time, I will submit a number of questions and would appreciate your answering them, particularly the questions with regard to the appalling situation in Vietnam. It is my understanding the Administration is looking into the possibility of extending MFN and waiving the Jackson-Vanik amendment. And there are a number of thorny human rights issues that relate to Vietnam, and I have some specific questions on them.

Also, I would make part of the record a letter that is signed by Congressmen Tony Hall, Frank Wolf, Dr. Billington and I, after we undertook a trip to meet with the Russian leadership on the Religious Freedom Act, setting it backwards very substantially, and this lays out our specific reasons why that is flawed.

And I have a number of questions with regard to Cuba, even Brunei, Mr. Secretary. I noted in reading the report, it says a foreign beauty contest winner brought suit in foreign court against members of the Brunei royal family, alleging she and others were brought to Brunei and subsequently held against their will for purposes of sexual exploitation. It is my understanding the foreign court is a U.S. Federal District Court and that so-called foreign beauty queen or contest winner is a U.S. citizen, Brandy Sherwood. And they say you are talking about somebody in a far off land; this is an American citizen making a serious allegation, and the language in the report seems to address the issue very significantly, I believe.

Mr. SHATTUCK. I think it is important to understand that one of the virtues of this report is that, unlike my testimony and the exchanges that we have had, it does not focus on the United States. We are very careful not to include reference in the report to the United States, because we don't want to leave the impression that our only concern, or our primary concern is U.S. citizens and others in other countries. We are actually quite proud of including that piece of information on Brunei. I think we probably brought that out, along with some amounts of media focused on it as well, and we are very actively interested in the case. But if we focused on Brunei exclusively, as if we are only interested in the U.S. citizens in Brunei, then I think it would indicate that this report is not as objective as it is, and this is true of other parts of the report as well.

In our policy work and in our bilateral relations, we certainly are very active in pursuing each of the cases as they affect American citizens, no question about it; we had some exchanges here about it.

Mr. SMITH. It just seemed awkward to me; referring to an American citizen as a foreigner seemed to be a stretch. Mr. Secretary, thank you very much.

I would like to invite our second panelist to come forward, if you would—the human rights organizations and representatives have

been kind enough to accommodate Wei Jingsheng's schedule. I would like to introduce him to our Subcommittee.

Wei Jingsheng was imprisoned by the Government of China from 1979 until 1993, on a charge of bogus propaganda for his peaceful participation in the Democracy Wall movement.

While in prison, he was subjected to beatings and other harassment and maltreatment. After a brief period, Mr. Wei was re-arrested in April 1994, shortly after meeting with Mr. Shattuck, Assistant Secretary of State, and myself and many others who met with him and talked, and were greatly moved by his thought and his moral courage. He was held incommunicado for over a year, without formal charges.

We held two hearings in our Subcommittee at which time we heard from witnesses, including a family member of his, who made a compassionate plea on his behalf and got legislation passed on the floor of the House, demanding his release.

On December 13, 1995, the court sentenced Mr. Wei to 14 years in prison, for his peaceful advocacy of democracy and political reforms in China, while the Chinese Government again called this an attempt to overthrow the government.

Mr. Wei was released and exiled to the United States last year, and he is our witness today.

STATEMENT OF WEI JINGSHENG, FORMER POLITICAL PRISONER

Mr. WEI. Distinguished Chairman and Members of the Committee, thank you for the opportunity given me to speak here. In my view, the report put forth by the U.S. Government this year on the question of China's human rights situation is a very discouraging report. It not only distorts facts, but also signifies the intention of the U.S. Government to take a step back from its position of supporting the cause of human rights and democracy in various countries. It is very possible that this would endanger all that has been achieved in the past by the United States and the Western countries in the field of human rights and democracy.

The importance of China within the political framework of East Asia and of the world needs no elaboration. Whether China becomes a friend of the United States or it continues to be an enemy of the United States will decide the world political structure for decades to come. However, it is only when China has established a certain type of democratic system, one which respects human rights, that it can become a true friend of the United States.

Therefore, the question whether or not to support the cause of human rights and democracy in China not only has a bearing on the future of the 1.3 billion Chinese people, but also is closely aligned with the interests of the people of the United States and other countries of the world. However, the U.S. Government has regressed in its position of supporting the cause of human rights and democracy in China. Most of the Federal funds spent on China have gone to the Chinese Communist Party to support and assist the various projects of the Chinese Communist Party, which includes some items for the suppression of people and for deceiving international public opinion.

On the other hand, the resources used in support of the cause of democracy in China are pitifully small. The political prisoners of China and many other common folks when falsely accused have been deprived of fair treatment and the assistance of legal counsel. On the other hand, the U.S. Government has spent a large sum of money to assist the Chinese Communist Party to train judiciary cadres in order to deal with questions arising from American laws.

The United States even spent a large sum of money to help the Chinese Communists to stage sham elections in order to deceive public opinion in the United States and Western countries. All of this is to create an illusion as if the one-party dictatorship of the Chinese Communist Party has also been the result of elections. There are too many other instances for me to enumerate here.

However, in the human rights report, such items of assistance to the Chinese Communist regime and other instances of disregard for human rights have been explained as exhibiting the Chinese Communist authorities' limited equity of tolerance. Even my expulsion from China has been explained as the Chinese authority's allowing me to leave the country to receive medical treatment.

The report even concludes that there has been progress in the human rights situation in China. All of this shows that the U.S. Government is assuming an irresponsible attitude in the field of human rights and democracy and is now within the global framework shifting to a position opposite to the American values. This serious situation merits the attention of the American people and the American Congress.

The government should be urged to adopt a more firm position at this year's Human Rights Commission session in Geneva and other fora and to provide more direct assistance to the cause of democracy and human rights in China. Thank you, sir.

Also, I wish to take this opportunity to refer briefly to some of the facts and points raised by Secretary Shattuck just now.

He mentioned, for instance, that Mr. Xu and Mr. Zhung have been tolerated by the Chinese authorities in Beijing.

But as far as I know in Beijing without any kind of official protection, no one is able to carry out any activities in the field of human rights and democracy there.

For example, during my brief release in 1993, I have been told by the authorities that as provided by law, people like me who have been deprived of political rights have no right to do things such as holding a press conference. And if I were to do that, I would be arrested immediately.

For example, shortly after the issuance of that paper by Fang Jue, his movement has been limited. Often his telephone has been cut. And he was told by high level officials that he himself and his friends are now being investigated.

However, on the other hand, Mr. Xu Win Li and Mr. Zhung have been able to carry out activities openly in Beijing and throughout the country.

This fact itself shows that they have been approved by the Chinese authorities.

In fact, 1 year before I was released from prison, those two have been engaged in smearing and slandering me and some of my friends and other friends in the pro-democracy movement.

What they have done is to coordinate with the sabotage efforts carried out by the Chinese Communist Party. So their activities can in no way indicate any exhibition of a higher degree of tolerance on the part of the Chinese Communist authorities.

So in my personal view, as far as I know, 90 percent of the overseas Chinese and the same percentage of Chinese people inside China hold similar views toward those two persons. So they will find no market, so to speak, anywhere.

I think should the United States base its policies on such misguided assessments, it would be prone to serious mistakes. Thank you, sir.

[The prepared statement of Mr. Wei appears in the appendix.]

Mr. SMITH. Mr. Wei, thank you very much for that very candid and I would say very disturbing assessment of U.S. foreign policy. You have leveled very, very serious charges against the Administration and by extension the Congress with regard to our China policy.

You have pointed out that we have acted irresponsibly, a step back, that the facts are distorted, and made several other statements that really go to the heart of what the Administration perceives to be its policy.

Let me ask you what your feeling is with regard to the Administration's constructive engagement policy. That is how they like to characterize it. How do you evaluate it?

Mr. WEI. I am not opposed at all to general contact with the Chinese Government.

In fact, after the establishment of a diplomatic relationship between the two countries, this itself is a form of contact. It is a form of dialog.

However, in recent years, led by the United States and followed by some Western countries, the dialogs that you have been engaged in is a form of secret or covert dialog.

There is a twofold danger to this kind of secret dialog. One is that it will no longer be under the supervision of the American people or the American Congress.

I think this, in the least, is contrary to the political principle of the United States.

The second danger lies in the fact that no one would get to know the content of such dialogs, so that the Chinese Communist Party will find it more convenient to go back on any promises.

So when nobody is aware of the content of such dialogs or get to know who is going back on his words, so after such dialog has been held, probably the U.S. Government officials will find it necessary to explain or defend on behalf of the Chinese authorities.

If the United States were to find itself in such a scenario, it would be tantamount to have fallen into the traps of the Chinese Communist authorities.

As a matter of fact, I think many Western politicians have found themselves in such a position; namely, falling into the Chinese trap, and, therefore, for decades now they have been openly defending the Chinese position or even openly spreading lies.

The Chinese consider this as a very successful tactic for the control of political figures in the United States and Western countries. This is probably why the same people have been going all out for

establishing a comprehensive, strategic cooperative partnership with China.

Mr. SMITH. Mr. Wei, you mentioned sham elections in your criticism of China. The Country Reports highlights or boasts, if you will, that approximately 1 million villages are expected to hold competitive direct elections for village communities. It also suggests that a majority of villages have carried out at least two rounds of elections. Foreign observers who have monitored local elections, including the Carter Center and the International Republican Institute have judged the elections they observed on the whole to be fair. The candidates that stood for these elections, were there real opposition candidates or were you talking about the national election for the People's Congress?

Mr. WEI. I think on this question, the report might be a little off. As a matter of fact, it is not only just 1 million, some peasants. Since the 1950's, no less than 1 billion people have been engaged in different forms of the elections. But all these elections are sham and devoid of any substance.

Moreover, these elections lack the necessary conditions to be meaningful. For example, since there is no freedom of speech, the people have no choice. The results of elections are not guaranteed.

There have been many instances in the past with regard to elections in China. Whenever people come out with their own candidates, the Communist authorities will do everything possible until their own candidate has been elected.

What is even more serious, very often all these nonCommunist candidates, those trusted by the people, have been very quickly arrested.

So on the one hand, the people find the elections quite useless, because there is no guarantee of respecting the results of such. On the other hand, they find it unnecessary to send people that they trust to prison. The only purpose of these elections has been to deceive U.S. and Western public opinion.

However, if the Carter Center should decide to support such activities, elections with private donations, that is their business. But should the U.S. taxpayers' money be used for that purpose, I think it merits the attention of the Congress.

Mr. SMITH. Let me ask you, if you could to tell us, what you were interrogated about, upon your rearrest in 1994 after meeting with the Assistant Secretary Shattuck, 2 weeks before that you and I had dinner for about 3 hours. Others, journalists and others I am sure met with you. What did they ask you about those meetings with the "foreigners," especially Secretary Shattuck?

Mr. WEI. Of course they wanted to know everything, including who set up the meeting and so on and so forth. But I didn't tell them anything.

They especially asked about you, sir.

Mr. SMITH. May I ask what they asked?

Mr. WEI. They asked me, for example, do you know what Mr. Smith is up to? We understand that he is quite closely linked with the CIA.

I told them I don't care who he is closely linked to. All I know is that he is a Member of the Congress, and, therefore, he rep-

resents the U.S. people, the U.S. electorate. So when I have a talk with him, that is the same as talking to the American people.

The same thing with Mr. Shattuck. They tried to convince me that he is in no way trying to do anything good for China but to find weaknesses of China to exploit to the advantage of the United States.

Mr. SMITH. That is especially disheartening because at the very time that both Mr. Shattuck and I were there, the Clinton Administration had suspended revocation of Most Favored Nation status, the thought being, give them another year and somehow the Chinese, if they had substantial progress in human rights, then would be afforded MFN for another year. They had substantial regression; regrettably they got MFN. Let me just say for the record, I am not a member of the CIA.

Let me just ask regarding torture. The Chinese tell us that there is no torture. We have heard from other witnesses in this Subcommittee, including Harry Wu previously, about the use of torture. Is torture now being used against political and religious dissidents and other prisoners?

Mr. WEI. Yes, they do use tortures. Very often they use handcuffs, the other way, with the hands in the back. They also use electric rods on the prisoners.

The use of the same against political prisoners has a direct link with the international situation.

Generally speaking, when there is a worsening in the relationship between China and the United States or other Western countries, we tend to get a bit more protection inside the prisons.

For example, when there is a turn for the better in the Sino-American or relationship with other Western countries, last year specifically when the United States declared its intention to establish this strategic collaborative partnership with China, immediately the prisoners had been beaten and received other abuses.

They have been relatively nice to me. After the beating I received, I was only down for about a couple of days. But I quickly recovered. But I understand that the other prisoners have received much more cruel treatment, such as getting locked up in a small dark room and getting handcuffed and so on.

At the same time, the Chinese Communists stepped up its purges generally.

For example, Secretary Shattuck mentioned that the United States should encourage more tolerance on the part of the Chinese Communist regime for people like Fang Jue and so on. I think this might be mistaken because the Chinese Communists will only tolerate anything as a result of pressure. Once the pressure has lifted, then there is no question of any tolerance.

Mr. SMITH. Let me ask you with regard to the pressure, because it is counterintuitive that in a spate of good relations, prisoners get more torture and are more abused. But that is only at first blush. I guess if you think it through, it does make sense, and you are testifying to its reality.

What then would you say to the Clinton Administration and others who would like to extend Most Favored Nation status permanently so that there is not an annual review?

Mr. WEI. I think this can be considered as a part of the regression I mentioned about the position of the United States.

I think in the view of the Chinese Communist authorities, the only two areas where the U.S. Government can exert real pressure is, first, in the field of trade. The second is the Human Rights Commission session in Geneva.

The Chinese Communist authorities have been engaged in friendly activities in the diplomatic field by its agents, in bribery and so on, all for the purpose of eliminating those two sources of pressure.

Including, for example, release of political prisoners, the signing of certain international treaties and conventions, all for the purpose of eliminating those two sources for pressure.

So I think by doing away with the annual review of the MFN status and by eliminating the condemnation of the Chinese Government from Geneva, then the other strategic partnership or whatever would mean nothing in the eyes of the Chinese.

I think it would be wise for the Clinton Administration to continue and to increase pressure. Otherwise, they will achieve very little, I think.

Mr. SMITH. Just two final questions. Briefly, if you could tell us your view of what we consider to be the crushing of the unofficial or underground church, evangelicals, the Catholic Church, that is not the Catholic Patriotic Association, and the ongoing misery in Tibet with regard to the Buddhists. And second, if you could speak to the issue of coercion in population control, which now gets some attention, but not the kind of attention some of us believe it ought to get, especially when in the report there is a detailed cataloging of the abuse, but meanwhile there is also the statement that the average citizen goes about their daily lives with more personal freedom than ever before.

Certainly, the ability to make a family, to have children and have brothers and sisters not deemed to be illegal and therefore subject to destruction is not a personal freedom when that is the law or the policy of China.

Mr. WEI. I think that the basic policy of the Chinese authorities toward churches is one of gaining total control. They have been actively training so-called religious cadres, which is nothing but, agents active in the religious field.

The purpose of total control of the churches is to have the churches serve the Chinese Communist Party.

As soon as there is any resistance within the churches against the Communist policy, they will use their agents and whatever to immediately carry out suppression.

It is because of international pressure that they are more hesitant to do much against the more higher profile religious figures or churches.

They carry out much more ruthless and cruel suppression against those indigenous religious activities which do not receive so much international attention.

In the final analysis, they do not recognize those churches as religious entities. And so in a way you can say that there is basically no freedom of religion or belief in China.

Let me give you two examples. Before my rearrest in 1994, about half a month before that, I made a trip to the countryside.

For example, in the Province of Shandong. I visited two churches. One Taoist, one Buddhist. I found in the temple signs of the party branch of the church.

In the past, I have heard that the Communist Party has sent cadres out to learn and to study these religions. But after these trips, I found out that, in fact, all the churches were under the tight control of the party branch.

Again, in the Province of Shandong in Qingdao I visited a very famous Taoist temple called Shan Shing Palace. I met some Taoist priests there.

I noticed that they were very thinly clad and asked them about it. They told me that this temple, being a very famous tourist spot, has a very high income. However, all of that has been submitted to the Communist Party. All expenditure of the temple has to be approved by the secretary of the party branch.

So they approve very little money for clothing. That is why when there is a change of season, they were not sufficiently clothed.

I asked him generally what is the ratio between their expenses and their income and I was told that 90 to 80 percent of their income were given to the government, and they keep about 10 percent.

That is part of the realities in the so-called religious freedom propagated by the Chinese Communist authorities.

Let me refer briefly to the question of coercion in population control and abortion. Basically, the Chinese policy in this field is one of total disregard of human rights and not considering people as people.

For example, I saw on Chinese television a very tragic incident concerning a household of peasants in the Province of Jiangxi. Because he and his wife were both opposed to the policy of abortion and so on, she had three children, one after another. After that, the government imposed a huge fine and confiscated their house, all their food, their cattle and all their other assets.

When told by the party branch secretary that before they pay up the fine and so on, they will not be allowed to leave the village and find work elsewhere. So in this total desperate situation, he killed his entire family and then committed suicide.

In summary, the family planning policy of the Chinese authorities is one of total disregard of human rights and not considering a human as human, but simply a tool to achieve its policy goals.

It is not just a simple question of murdering the fetus. They murder adults as well.

Mr. SMITH. Before yielding to Mr. Gilman, just let me comment that, and maybe you would want to comment on this as well, but some of the leading population control organizations, including the UNFPA—U.N. population organization—its executive director, Dr. Nafis Sadik, has said repeatedly that the Chinese program is a "voluntary program." She has said it on CBS Night Watch, she has said it in a number of fora, including a few on Capitol Hill, and she has told me that to my face when I was at the U.N. headquarters as Bush's delegate to the United Nations. She continues to say that. What does that say to you when the United Nations

gives them that kind of cover for a program, as you describe it, that totally disregards the human rights of people?

Mr. WEI. It is not just myself taking exception to this view you just stated, but in general the Chinese people have a very serious view of all U.N. activities in China in the field of population control.

Because all the Chinese people can see that the population control policy of the government is totally useless. Instead they have been turned into tools for extortion and so on.

When the United Nations gave the Chinese Government population control award, the Chinese people were flabbergasted. They were asking, is the United Nations on the side of the Chinese Government?

And so the Chinese people have a very negative image of the U.N. organizations in this field. As a matter of fact, the U.N. organizations have become the butt of jokes among the Chinese people.

Of course, it is only quite normal, because if you do not respect the right of the Chinese people, then why should the Chinese people respect you?

Mr. SMITH. Thank you very much, Mr. Wei.

Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. Again, Mr. Wei, I want to welcome you to our Committee. You have been an inspiration to those of us who respect human rights throughout the world. Your 18 years in prison in China has not deterred your continual advocacy of human rights. We welcome your taking the time to appear before us today.

Mr. Wei, I have a few questions. In our meeting last night when we heard you talk to the Council on Foreign Relations, I asked you then to comment about the letter you wrote to Deng Xiaoping in 1992 with regard to your advocacy of trying to make peace with Tibet and to try to negotiate with Tibet.

At that time in your letter you stated the Chinese Government should eliminate the mentality of the so-called "great Han empire" and sit at the negotiating table with the Dalai Lama. Negotiations should start with no preconditions. We are still at an impasse with regard to Tibet and China. What are your recommendations with regard to Tibet?

Mr. WEI. Of course, I shall stand on the content and the position as stated in my 1992 letter on that question. After my release, I found out that the Dalai Lama is more than willing to negotiate. As a matter of fact, every year he has been sending representatives to Beijing for that purpose. This has been going on for decades now.

Every time his representative would have to wait as long as 2 or 3 months in Beijing, even though they have made it amply clear that they seek no independence for Tibet. They are only seeking the human rights and protecting the interests of the Tibetan people. However, the Chinese side has refused to talk.

On the other hand, in the open propaganda by the Chinese Government, they have been spreading lies concerning the lack of sincerity on the part of the Dalai Lama to negotiate.

All this shows that the Chinese regime has been persisting in its Tibetan policy formulated since the 1950's by Deng Xiaoping.

Mr. GILMAN. When we met with President Jiang Zemin in August, we asked what he intended to do about Tibet and what could he do to try to resolve the issue. He said all I want is that the Dalai Lama say that he does not want independence. When we went to visit the Dalai Lama, within a few weeks of that visit with the President and we asked him what his thinking was with regard to independence, he said we don't want independence for Tibet. We would like some autonomy so that we can rule ourselves, but we are not seeking independence.

So we have a wide divergency, a wide gap between the two of them. I would hope that we can encourage the Chinese Government to eventually sit down, as you urged in 1992, to negotiate without any preconditions and to try to eventually resolve this issue.

Mr. Wei, last evening when you talked to the Council on Foreign Relations, you voiced concern that the Chinese people were getting the wrong impression about our Nation, about Americans in general. Can you tell us what we can better do to improve our image with the Chinese people? How best can we convey to them the American image of freedom and democracy?

Mr. WEI. I feel, first of all, and most importantly the political position of the United States should be clear and firm. This way the Chinese people will be clear what the United States is doing or wants to do.

For example, at this year's Human Rights Commission session in Geneva, the United States should display a clear and firm position and announce its position at an early date and engage in the promotion and mobilization of other countries for the adoption of a resolution condemning the position of China.

This way you can count on the fact that the Chinese Communist paper would launch a mean and vicious attack against the U.S. position. The *People's Daily*, which enjoys the widest circulation in China, will be the best channel for propaganda in this respect, announcing to the Chinese people what the U.S. position is.

I think a lot of the worries on the part of the U.S. businessman is unnecessary, because it is the Chinese side which wants and needs the U.S. business. So, in fact, in 1994, during my secret negotiations with the Chinese authorities, I was told that the thing that they worry most is to lose the U.S. business.

It is shortly after those negotiations, the position of the U.S. Government took a step back. That is why the negotiations were stopped and I was re-arrested.

So you can see from this that any action on the part of the U.S. Government has a direct bearing on China.

Mr. GILMAN. Mr. Wei, what can we better do than we have done in the past to improve the conditions of political prisoners in China and the imprisonment of political prisoners?

Mr. WEI. First and foremost, the United States should take a very firm position.

The other thing is to support organizations such as the International Red Cross Committee, which is not under Chinese control, quite independent, support them in their investigation and supervision.

Another thing is to extend support and assistance to human rights organizations within China and genuine labor and peasant unions. This way it will force the Chinese authorities to ease their mistreatment of the political prisoners.

I think the most effective means will be to extend direct assistance, but only to organizations and individuals who are really engaged in activities for the cause of human rights and democracy in China.

I think some of the other details perhaps we can talk in private without attracting the notice of the Chinese Communist Party.

Mr. GILMAN. Thank you, Mr. Wei, for being here. Thank you for setting a good example of a crusader for human rights. You have certainly motivated many of us to continue in our battle. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Chairman Gilman. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Mr. Wei Jingsheng, if I had my way, you should be the President of the People's Republic of China tomorrow. I certainly would like to echo the compliments and the statements made earlier by our Chairman and Chairman Gilman for the example that you have set.

I am sure that no one in this room could better appreciate what democracy means than the fact that you have suffered dearly physically, emotionally and in every way possible concerning the way that the Communist regime in China currently handles its citizens. I would like to share with you some of the statements you made in this address that you had given to the Council on Foreign Relations, I believe it was earlier this morning. I just wanted some comments from you.

I know you did share with us a very dark page, I suppose, in our foreign policy, in your opinion, U.S. foreign policy on human rights has regressed and that the United States has taken an irresponsible attitude toward human rights. I would like to ask you, drawing from the statement that you had given earlier to the Council on Foreign Relations, you said the American people have become carried away by their own greatness. They refuse to draw lessons from their failures. Within the span of a single generation, they forgot the lesson paid in blood. Duped by the lies of a dishonest politician, the American people hailed their President on his visit to Beijing to see Mao Ze-dong, the greatest butcher in this century, and rescued the Chinese Communist regime from the jaws of death.

I know we all have our own sense of what history is about. History tends to be very subjective. Was there an awareness by the Chinese people as well as yourself that there was this very super power play among the superpowers, if you will, the fact that two of the most powerful Communist nations then, the Soviet Union and the People's Republic of China, that we considered the foreign policy as it was enunciated by the late President Nixon was a very positive step, not only creating a balance of power, but it was to drive a wedge and to see that the People's Republic of China would be more endearing to the United States than toward the Soviet Union? You did think that that was a positive step in trying to win the cold war?

Mr. WEI. Of course you are perfectly correct in saying that everyone has his own view of history. Of course what is important is to see whether this view is in line with the reality.

In point of fact, the contradictions between the Chinese and the Soviet regime at that time had not escalated because of whatever the United States did.

In fact, the split between the two parties or, rather, the two governments took place from the beginning of the 1960's. And all the border incidents occurred in 1969, long before Nixon's visit.

Also, the pro-Soviet faction within the Chinese Communist Party led by Mr. Lin Biao was completely crushed sometime before the 1971 visit by Nixon.

So, in fact, the conflict between China and the Soviet Union is by no means based on ideology, but based on the conflict of interest and border disputes involving large tracts of territories.

Nixon's claim of credit of settling this or escalating this conflict between China and the Soviet Union is totally false.

The Chinese version is that Mao and Zhou Enlai have skillfully made use of the contradictions between the United States and the Soviet Union to the advantage of China.

On this point, I believe the Chinese Communists have not lied.

Mr. FALCOMA. Mr. Wei, you also stated the American people are not familiar with the nature of the Chinese Communists. I might also add that the American people are not familiar with the Chinese people, period. There has been a tremendous lack of understanding just simply of the cultural differences of the Asian-Pacific nations and even with the American people.

I could not agree with you more on that. Here again, I go back to our sense of history. The Chinese people were subjected to Western colonial powers for well over 100 years. There was a struggle between Mao Ze-dong and Chiang Kai-shek as to who should take up the leadership in the 1940's. Eventually, Chiang Kai-shek was literally chased out of mainland China and settled in Formosa, what is now known as Taiwan. So when the People's Republic of China was founded in 1947, you had a population of about 400 million Chinese, that the Chinese Government had to put up with in terms of providing for their basic needs.

What would have been your recommendation to Mao Ze-dong with 400 million people that you have to provide for? Regardless of whether the government was Communist or dictator or what, how would it have been possible for any government to provide for the needs of some 400 million Chinese? It took us over 200 years to get where we are. We have a population now of only 264 million people. It took us over 200 years even to talk about civil rights, basic human rights allotted to women in the Black-American community. I am sure you are very aware of that.

It was only in the last 3 or 4 years that the people of Taiwan elected its first President. So with the sense that you actually have a history of 50 years, whether it is a Communist regime or what, and we have experienced this for now 222 years, can you give us your perspective that perhaps in the evolution of the process that the People's Republic of China will evolve itself into more democratic institutions or do you suppose that we should go to war with China now and get rid of all the Communists that we have there?

Mr. WEI. Of course we don't want wars. We would always opt for peaceful means to settle any problems.

But there is one point which surprisingly sounds quite similar to the Communist version, which is that the government provided food for the people. I believe it is the people themselves through their labor, get income and feed themselves.

It is through their labor that the people, by submitting tax, feed the government. So it is the people feeding the government and not the other way around.

Since the early 1950's, after they came to power, their policy has been one to gain total control of all the economic assets inside the country and promising to feed the people on that basis.

But the facts show that for some 10 or 20 years, all their efforts have failed, and people remain to live in a state of poverty. That is why Deng Xiaoping came up with the reforms.

Those economic reforms simply mean opening a little crack in the door, allowing the people to go out on their own to find their livelihood. However, in the political field, everything has remained the same.

This is how I criticized Deng Xiaoping 19 years ago. I think after some 20 years now, most of the Chinese people have accepted my thesis.

I think the Chinese people all concede now that without a change in the political system, it will be impossible for the people to gain human rights or enjoy their economic rights. If there is a good turn in the Chinese economy, they will gain very little benefit. However, should there be any eruptions, then they will be the first victims.

Mr. FALEOMAVAEGA. Short of taking a force of arms, Mr. Wei Jingsheng, what do you suggest we ought to do? Isolate China, not be involved with its economic, social and political well being? What exactly are you projecting in terms of what the United States should do, as other nations as well? I mean, we should aggressively pursue human rights, we understand that. But there come limitations as what other nations can do against other nations short of using force of arms. So we don't take force of arms as an option, so what do you suggest? Should we isolate China completely from the rest of the world community? Because that is not a reality as well.

Mr. WEI. Of course you are quite right. The isolation of China would not be part of the realities. But since the very beginning, the Chinese Communist Party has isolated China from the rest of the world. That is reality.

The members of the Chinese Communist Party themselves do not like isolation. But on the other hand, they would prefer that the Chinese people have no contact with the outside world.

So I think one should avoid generalizing when we come to the topic of China, because there are really two Chinas; one belonging to the Chinese people, and the other is the Chinese Communist regime.

The Chinese Communist regime, through its suppression and exploitation of the Chinese people there, is in fact very isolated. Of course as a matter of course, it should also be isolated internationally.

It does seem that it would be hard to find a middle way on this question, because if you were to help this regime which engages in the butchering, in oppressing, in exploiting the Chinese people, then you would be opposed to the Chinese people.

For example, the UNFPA, that organization that we just talked about earlier, it extended extensive help to the Chinese Communist Government. By doing that, it has isolated itself from the Chinese Republic or set itself on the opposite side of the Chinese people.

It is like, let us say one of our neighbors did something bad. I think the entire neighborhood would get together and isolate the culprit.

If you were to show that we don't really care and remain very close to him, it would be tantamount to encouraging him to do more bad things in the future.

It is really quite simple.

Mr. FALEOMAVAEGA. I have one more portion of your statement and I think it really needs to be shared by my colleagues and as well with the American public. I quote again from you, Mr. Wei. You said, I only wish to tell you that many journalists, experts and scholars from the West have often been misguided in their assessments of China. Because the United States has in the past relied upon these mistaken assessments to formulate policy, the U.S. Government has made repeated mistakes that echo for decades.

Mr. Wei, can you submit for the record a list of books, anything that you think that we in the West should read up a little more to understand and appreciate the situation in China better? I know what you say here is quite, not prophetic but quite accurate in terms of our involvement with our failed policy in Vietnam. But I would appreciate your elaboration on that statement you made. Maybe you might offer some suggestions on the so-called experts that we have here in the West who know more about Chinese culture and what is happening there in China.

Thank you, Mr. Chairman, and Mr. Wei. Your response.

Mr. SMITH. Thank you, Mr. Faleomavaega. Let me just thank our very distinguished witness, Wei Jingsheng for his outstanding and very sobering testimony. I think your comments serve as a reality check to some of the conventional wisdom that is rampant on Capitol Hill and really throughout the world.

I would say to my good friend, Mr. Faleomavaega, one interesting book that I read some years back by Stephen Mosher was entitled "China Misperceived." He spoke of this continuing comedy of errors committed by U.S. and other Western diplomats, vis-a-vis the People's Republic of China and a diminution of human rights abuses to the point where we would look askance almost habitually, we would never face the reality somehow, we would judge the Chinese Government with a different yardstick than we would other countries like the Soviet Union.

Mr. FALEOMAVAEGA. I might also add, Mr. Chairman, I think in light of what Mr. Wei had shared with us earlier, I am reminded of what the poet-philosopher Santayana always advised us about those who do not remember the past are condemned to repeat it. I think this is something that maybe we could take as a lesson in history. I certainly thank you and Mr. Wei for his presence here and his testimony. Thank you, Mr. Chairman.

Mr. SMITH. I want to thank Mr. Wei for his testimony. I would like to announce and I have cleared this and spoken to our four distinguished witnesses who will follow and would ask that those who are interested, for the press, if they could return. I have a meeting with a high official in the Clinton Administration at 1:30. I can be back here, I believe, about 2, a little bit after 2. We will look to reconvene shortly thereafter. We will take a very brief break and then come back. I want to thank our distinguished witness. Again I am sorry to our witnesses for this delay. Thank you.

[Recess.]

Mr. SMITH. The Subcommittee will please come to order. Let me again apologize to our panelists. Our earlier session did run a little bit longer than anticipated. I am sure you agree because Wei is such a stellar witness for human rights in China, none of us wanted to in any way curb his statement. So I do thank you for your patience.

I would like first of all to introduce Stephen Rickard, the Washington Office Director of Amnesty International, USA. Previously he served as senior adviser for staff, Asian Affairs, in the Department of State. Mr. Rickard earned his law degree from Yale Law School and a Masters degree from Princeton University's Woodrow Wilson School.

Elisa Massimino is the Director of the Washington Office of the Lawyers Committee for Human Rights, where she has worked since the office opened in 1991. Ms. Massimino also teaches refugee law at the National Law Center of George Washington University. She is a graduate of the University of Michigan Law School and holds a Masters degree in philosophy from Johns Hopkins University.

Nina Shea is the Director of the Center for Religious Freedom at Freedom House, America's oldest human rights group. She is a member of the special advisory committee to the U.S. Secretary of State on religious freedom abroad. In addition to her frequent fact-finding trips and appearances before Congress, Ms. Shea is the author of "In the Lion's Den," a book on the persecution of Christians that was published last year.

Finally, Mr. Kenneth Roth has been the executive director of Human Rights Watch since 1993. Previously, Mr. Roth worked for the Independent Counsel for the Iran-Contra investigation and also served as Assistant U.S. Attorney for the Southern District of New York. He is a graduate of Yale Law School and Brown University.

STATEMENT OF STEPHEN RICKARD, DIRECTOR, WASHINGTON OFFICE, AMNESTY INTERNATIONAL

Mr. SMITH. Mr. Rickard, if you could begin.

Mr. RICKARD. Thank you very much, Mr. Chairman. Let me just say that I am very pleased to have the opportunity to testify before you again this year. Knowing your dedication to the issue, I always come for the full day and am prepared for that should that eventuality befall us.

I would like to ask that my full statement be placed in the record, and I will try and briefly summarize it so we can have plenty of time for questions.

Mr. SMITH. Without objection, it will all be made a part of the record.

Mr. RICKARD. I would like to join some of the other witnesses and, I am sure, some of my colleagues in emphasizing out of the gate that I think it is a welcome development in the annual human rights report process that the Department has put such a strong emphasis on the religious freedom issue and on the human rights of women. Those are two topics that have been growing in importance. We strongly support that.

I have testified before the Committee on the religious freedom issue separately, and last year we spent a lot of time talking about the women's rights issue, so I won't go into a lot of detail on that this year. Those are important parts of the report that we strongly support.

I would like to make one point that I made last year and that is that while some people see in the annual report a sign of pessimism and brutality, I always look at it as a testament to courage and optimism. If thousands of average people in every culture on every continent weren't willing to stand up and fight for their dignity, even at the risk of death, we wouldn't have a human rights report or, at best, a very slim one. It is a compendium of courage to me. Those people have earned our respect and deserve our support.

I would also like to add that we very much appreciate the efforts of Assistant Secretary John Shattuck and his fine team. We have been very appreciative of the strong words of support Secretary Albright has offered, particularly on subjects including Afghanistan and Bosnia. When Deputy Secretary Talbott opened up the press conference last Friday, in which he introduced this year's report, he took advantage of the occasion to plug the Administration's plea for financial support for bailing out the East Asian economies. I suppose that is admirable. He was on message for the Administration. But last year Secretary Albright made a somewhat similar point, but with an important twist. Instead of saying, as Secretary Talbott did, we should do something about these economies because economic failure will be bad for human rights, it will cause social conflict and it will erode progress, Secretary Albright a year ago said it is a mistake for people to see trade and human rights as conflicting objectives. The opposite is true. Human rights are good for trade. When we promote human rights in societies, we promote the rule of law, we make them better customers, better places to invest.

I am not an economist, and I don't take a position on the Administration's bailout issue, but I do think that Secretary Talbott missed the opportunity to make two important points. The first is that this might be the moment when the business community really begins to understand the point that Secretary Albright was trying to make a year ago when she introduced last year's report, namely, that you cannot sweep human rights under the rug in pursuit of trade without setting up a situation which is rife for instability, chaos and economic problems.

If it makes business people uncomfortable to talk about this in terms of human rights, we can use other terms. We can call it "crony capitalism" and "lack of transparent markets" and "corrup-

tion" and other terms which they are comfortable using. But those are really just other ways of saying "abuse of power," "absence of a free press to expose corruption," "absence of an independent judiciary."

And so I would have liked to have seen the Administration say, this is the moment where we can see that if we pursue economic goals to the exclusion of human rights, if we see economics and human rights in tension with each other, we are setting ourselves up for a problem, and it is a false dichotomy.

The other point I would have liked to have seen Secretary Talbott make is that as long as we are out there saying we need billions to promote human rights in East Asia, maybe the Department was willing to put a few million more into the Human Rights bureau in their own building. Maybe he could have made the point that the Department should promote people who are doing outstanding human rights work instead of letting them be passed over for promotion, as happens too often. Maybe his own building could take initiatives to strengthen the functional bureaus like the Human Rights bureau, instead of the regional bureaus, the already dominant regional bureaus, as I understand is happening right now. So there was a lot of stuff that he could have said that was a lot closer to home than saying we should spend billions in Asia to promote human rights. I would say, Mr. Chairman, that basically he could do a lot of the things that you have been suggesting that the Department should do in terms of investing in human rights within their own building.

Mr. Chairman, last year both you and I quoted my predecessor, Jim O'Dea, when he said, in testifying about the annual human rights report, "Human rights is an island off the mainland of U.S. foreign policy." That statement is still true for the most part.

But one very important development has occurred since the last time we met to discuss the Human Rights Reports. Like the Reports themselves and the Human Rights bureau, the new development was a congressional initiative. It was an initiative that links the human rights reporting to what the United States does with foreign aid, namely, the Leahy amendment. It says that when the United States has information that a security force unit is guilty of gross human rights violations, that unit becomes ineligible to receive U.S. foreign operations assistance unless the government takes effective steps to bring the perpetrators to justice. That really, from my point of view, is a step that ties this reporting together with what we do in the field. It requires the embassies to put in place monitoring arrangements. It requires them to link the human rights reporting with what the aid teams and the military advisors and attacks are doing in countries abroad.

I would like to take just a second to pay special tribute to the Chairman of this Committee, Mr. Gilman, who was very involved in the discussions over the Leahy amendment, and through his insistence, a provision was added to the Leahy amendment that requires for the first time that when such a provision is triggered, the U.S. Government provide information to the foreign government about what it knows about human rights abuses and actually assist on bringing the perpetrators to justice.

That provision, which Mr. Gilman brought into law, ties the reporting together with what the U.S. Government has to do in the field. He may already have received a copy of it, but one of his constituents and an Amnesty member sent us a note which I would like to just read for the record. It was just scribbled on an article about the Leahy amendment and aid to Colombia.

It says, "Dear Congressman Gilman, my husband and I sleep better at night knowing that your efforts have made it possible to assure that tax dollars are no longer being used to perpetrate horrible human rights abuses. We and the hundreds of AIUSA members in your district are grateful for the role you played in this."

I think that this Committee continues to play the role of trying to tie that island off the mainstream back to the foreign policy mainland, and the Leahy amendment was an important step in that direction.

Mr. Chairman, I would like to just very briefly mention a couple of things that have also happened since we met last year. First, I am very pleased to have the opportunity to congratulate the Administration for paying more high-level attention to Africa. Last year we talked about this and the fact that it had been largely overlooked, and since then there have been a number of high-level trips. We are very pleased that the President is thinking of going.

We also talked last year about the absence of effective action in Bosnia to bring indictees to the War Crimes Tribunal. Although far too many of the indictees are still at large, even though their locations are well known, at least initial steps have been made. We are very pleased that the Administration has moved on that issue.

I would also like to draw attention to a point that my colleague, Elisa Massimino, made last year; I thought it was a very important one. I have taken a close look at the new Reports this year, and it is still a problem in the Annual Reports. Too often the Department is not speaking in its own voice when it criticizes human rights abuses.

As Elisa pointed out last year, the instructions for preparing the Reports could not be clearer on this point. The Department is to speak in its own voice whenever possible. But this remains a problem that runs throughout all of the Reports. Although there may be cases where you simply can't make your own judgment or you don't want to reveal the source, the reality is that this is such a common practice that it is clear that this is a device to avoid direct criticism from the United States of foreign governments. I put in my written testimony a number of examples of where this occurs. You can find examples in virtually every report. I will not take your time to go through them in detail now, but they are in virtually every report.

I have included some comments about specific countries which I will not go through in detail, but there is one report which I think this year is getting justifiably close scrutiny, and that is the report on China. The report is long. It is very detailed; it is not possible to go into a line-by-line examination of the whole report. But attention has focused on the introduction to the report and rightly so. It is intended to provide the context, the overall tone for the report. It is for that reason the most frequently cited and read section of each report.

The 1996 introduction was very frank. Dissent was not tolerated in China. The 1997 China report is very different. It contains a great deal of positive, even glowing commentary regarding "positive steps," "greater independence," "progress," and "personal freedom" which reportedly blossomed in China during 1997. As a purported attempt to provide a context and an overview for the current human rights situation in China, this is deeply disappointing.

The first two paragraphs are largely unchanged, giving the two introductions a superficial similarity. If you look at the last nine paragraphs of the introduction, you see how dramatically, startlingly different they are. Four are almost completely new and almost entirely devoted to singing psalms of praise. Three contain major new language extolling positive new developments, and the remaining two have small changes, but all in a positive direction.

Here are the opening clauses of the five paragraphs following those first two introductory paragraphs: "There were positive steps in human rights"; "In 1997 the government took several positive actions to address international concerns"; "The government response to dissent was also somewhat more tolerant"; "China also released a few political prisoners"; "China made progress in legal reform efforts."

What had been "intolerance" in the 1996 report became "limited tolerance" in the 1997 Report. "Severe restrictions" became "tight restrictions." "Intensified repression" on religion became "varying degrees of official interference and repression." Churches "continued to grow at a rapid pace, and those who dare to speak out did not suffer unthinkable brutality." They simply "live in an environment of repression," whatever that means.

We agree that it is important to acknowledge positive developments. We also agree that there were some. Amnesty members quite literally danced in the streets when Wei Jingsheng was released. But what has gone out the window in 1997 is a sense of proportionality. In every single one of these areas, the remaining problems are much more severe than the positive steps that are highlighted. This results in a classic case of praising with faint damns.

The longest journey does begin with a single step, but that doesn't mean the first step is the journey. But much more than the overemphasis on positive developments, what bothers me about the 1997 introduction is the sleight of prose by which thousands of political prisoners who were held throughout 1997, and hundreds and possibly thousands of new protesters and suspected opponents of the government who became prisoners during 1997 simply fade away until they are all but invisible in the new introduction. I know, if you read carefully, they are still there, but they are draped in camouflage, while a thousand rhetorical flowers bloom around them, praising, "somewhat more tolerant authorities taking positive steps, making progress in legal reform, diminishing state control over people's daily lives, providing greater independence for entrepreneurs and more personal freedom than ever before" to the Chinese people—all new language in the 1997 Report.

The thousands of prisoners already in jail when 1997 began are now tucked in between six prisoners who were released early and two who were "allowed" to leave China. They should be simply

happy they got mentioned, because there is literally nothing in this introduction that conveys to the reader that hundreds and possibly thousands of new prisoners were arrested to take Wei Jingsheng's place.

The bottom line is this: If the Department had published last year's introduction again, it would have conveyed a more meaningful message about the current situation in China than the new report does.

I am going to stop there, except to say that a comment that has been made by others and I know is in the testimony of others of my colleagues, which is to say that I think we all see us heading for the same train wreck at the Human Rights Commission that happened last year, where people say, there has been all this progress; we have to look, we have to wait. Meanwhile, the Chinese are working diligently to defeat a resolution, and we will have the same result that we did last year.

I will simply end by noting that we were very pleased that there were changes in the Afghanistan report this year, which eliminated some of the troubling language from last year which seemed to imply that some of the abuses against women in Afghanistan were cultural or traditional. We thought that was inappropriate and objected about it last year, and I am very pleased that the Department acted on those concerns.

Thank you very much, Mr. Chairman.

Mr. SMITH. Thank you very much for your comments. There is a real parallel between what you are saying about the report and the use of those words and what Wei Jingsheng told us just previous to your remarks. I thank you for that information.

[The prepared statement of Mr. Rickard appears in the appendix.]

Mr. SMITH. Ms. Massimino.

**STATEMENT OF MS. ELISA MASSIMINO, ACTING DIRECTOR,
WASHINGTON OFFICE, LAWYERS COMMITTEE FOR HUMAN
RIGHTS**

Ms. MASSIMINO. Thank you. I just want to start by saying, it is a privilege for me to be at a hearing with one of the true heroes in the struggle for human rights. I thank you for bringing him here and for the privilege of hearing him speak about the Reports. His remarks were very pointed and very timely, as Steve just mentioned, as the Administration continues to waffle on the issue of whether to press for a resolution condemning human rights abuses in China at the upcoming session of the Human Rights Commission in Geneva.

Many of us in the human rights community believe that U.S. leadership on this effort, which is so critical to any chance of success, is even more important this year than it was last year. We conveyed these views in a joint letter, which many of us signed, that was delivered to the President today, and which I will be happy to share with you.

In a year that has been marked by increased engagement with the Chinese Government, we have to be very, very clear with them. When we say that significant progress is necessary, we really mean it. The Lawyers Committee has promoted an approach to advanc-

ing human rights in China that encompasses targeted support for internal change, particularly in the area of legal reform. But this approach will not succeed without strong, consistent external pressure.

One of the methods of exerting that pressure is a resolution at the Human Rights Commission. Belated U.S. action in support of a Commission resolution does far more damage than simply ensuring that the resolution itself will fail; it says to the Chinese that our interest in human rights is not genuine. And that is a big mistake.

It is now 20 years since the Department of State published the first of its annual "Country Reports on Human Rights Practices." For the last 18 of those 20 years, the Lawyers Committee has monitored the quality of that exercise, publishing its own critique of the Reports. This is our most recent one, and I brought copies for the Members of the Committee.

We look at a representative range of country chapters, 25 in this volume, and use these studies to draw general conclusions about the Country Reports and the way in which they are prepared. Over those 18 years, and particularly in the last 5, we have seen a steady improvement in the objectivity and comprehensiveness of the Country Reports, and our critique has acknowledged and welcomed these positive changes.

We view the Country Reports as a singularly important contribution to the worldwide movement to protect and promote human rights. We admire the professionalism and diligence of the many people involved in their production. At the same time we have continued to speak candidly about the failings of the Reports when we find this to be necessary.

Occasionally, we will still find a country chapter in which the reporting falls short of the general standard of excellence that the Department has set. In the 1997 report on Mexico, for example, we continue to see many of the same failings that we identified in the previous year, particularly in the treatment of attacks on human rights monitors. After a year that was marked by unprecedented levels of hostility toward nongovernmental human rights organizations, it is dismaying, to say the least, to read the report's conclusion that, "Government officials are generally cooperative and responsive to NGO views."

Other shortcomings are especially frustrating because they show evidence of the continued politicization of a process whose value is directly proportional to its objectivity and which should be characterized by the use of dispassionate reporting criteria based on clear and consistent standards. Important U.S. allies, we see time and again, such as Egypt, Israel, Turkey and the United Kingdom, have often been shielded from blunt criticism even when the record of their misdeeds is clear. This happens in a variety of subtle and not so subtle ways, ranging from selective reporting and tendentious language to a failure to hold governments and nongovernmental entities to a single, universal standard of conduct.

The 1997 report on China, as usual, raises important questions about the politicization of the reporting process. At this time last year we and others in the human rights community criticized the dissonance between the bleak and damning language of the China

report and a policy of increasing engagement. In the 1997 report, it is very clear that the Department of State has taken great care to bring its language and its policy into line with one another.

In a sense, this represents progress because, of course, the two should not conflict, if for no other reason than that any such conflict is likely to lead to public embarrassment and diplomatic confusion. At the same time, however, there is a risk that the need to generate soundbites will politicize the reporting process in a different way.

The main outcome of the introduction to this year's China report, whose wording has obviously been very carefully crafted, has been to generate press headlines, such as "United States Says China Getting Better on Rights." The Administration is very well aware that simple formulations such as these send powerful political signals, both to the Chinese Government and to the U.S. public. However, they do not accurately convey the message that a careful reader will draw from the report itself, which we believe on the whole is thorough, judicious and highly critical. While it correctly notes signs of progress in China's behavior, the report equally correctly warns that the real test of China's reforms, particularly in the legal reform area, is in the degree to which they are implemented, and the jury is still out.

The large point here, of course, is that the reason the Country Reports have become so politicized is because they are so influential. We believe that the time is now ripe for this influence to be used more assertively, not so much to send diplomatic signals to offending governments but more to help create the institutional structures and the international enforcement mechanisms that will protect human rights in a lasting way.

In this most recent critique, published last year, we recommend improvements in two areas in particular where the Country Reports could contribute powerfully to the development of an international system of enforcement and compliance with universally recognized human rights. Section 2(b) deals with the long neglected and poorly understood right of freedom of association for non-governmental associations, which are so critical to the emergence of a healthy civil society and to which we have devoted an entire chapter of our book. I have distributed that chapter to Members of the Committee, and I would ask that it be included in the record with my prepared testimony.

Mr. SMITH. Without objection, that will be made part of the record.

Ms. MASSIMINO. The other section that we cite for necessary improvement is section 4, which looks at how governments cooperate with those who seek to hold them accountable to their obligations under international law. In this section particularly we see enormous scope for the State Department to bolster the international system of laws, treaty compliance bodies and criminal enforcement mechanisms ranging from the treaty bodies of the U.N. system to the proposed international criminal court. Innovations of this sort would keep the Country Reports abreast of the far-reaching changes on the international human rights scene since they were first published and would contribute enormously to the leadership role of the United States in the international community. Twenty

years ago, the international system of human rights monitoring was rudimentary; simply documenting the facts and bringing violations to light was an uphill struggle. But that is no longer the case. Thanks to national governments, U.N. and regional bodies and the pioneering work of international organizations such as Amnesty International and Human Rights Watch and hundreds of national NGOs, the facts are largely known and the mechanisms to discover them, with some important exceptions, are in place.

We should never become complacent about this, and there should be no slackening of the effort to document and expose violations. But it is not where the main future challenge lies. The key emphasis now is not exposure, but enforcement.

In a speech in Oxford last November, Mary Robinson said that "Human freedom is that special place secured by standards, laws and procedures which defend, protect and enhance human rights. We are all custodians of those standards," she said.

The Country Reports have a vital, but in our view, as yet only partially realized role to play in creating this custodial role and, in themselves, acting as an enforcement mechanism for the international rule of law. The Reports are not an academic exercise; the enforcement of human rights standards has always been their explicit purpose. But as the introduction to this year's Country Reports correctly recognizes, effective enforcement of human rights standards is beyond the scope of bilateral action by governments, even those as powerful as the United States.

To protect human rights, it says we must, and I quote, "strengthen and expand international institutions of justice." That is what we are looking for as a change in the structure of the Human Rights Reports, an attempt to use the Reports as an enforcement mechanism in themselves by highlighting the treatment of non-governmental organizations, particularly human rights organizations which are at the forefront of protection of human rights and change in their societies, and holding governments to account for their actions before international enforcement mechanisms, the U.N. mechanisms, including the special rapporteurs.

I would just like to add, in closing, that there was a point raised last year at the hearing, I think by Congressman Houghton, about whether or not we ever "turned the mirror on ourselves," that frequently we get asked questions about our own human rights record, which on the whole is quite good and we all recognize that. We believe this suggestion of self criticism is a good one. There was a letter sent this week from human rights organizations asking if we ought not to use some of this critical expertise that has been developed in producing the Country Reports to take a good look at how we are doing on these issues in the United States. I think that would be an excellent way for us to start off the next 20 years of the Country Reports.

Thank you.

Mr. SMITH. Thank you very much.

[The prepared statement of Ms. Massimino appears in the appendix.]

Mr. SMITH. Ms. Shea.

STATEMENT OF NINA SHEA, DIRECTOR OF RELIGIOUS PROGRAMS, FREEDOM HOUSE

Ms. SHEA. I thank you, Mr. Chairman, for inviting me to give my critique of the religion sections of the "Country Reports" again this year. Like my colleague, I am also very honored to be sharing the platform today with one of the world's most heroic champions of democracy and human rights, Wei Jingsheng.

Freedom House is America's oldest human rights group, founded in 1941. It is a bipartisan organization dedicated to strengthening democratic institutions at home and abroad. Although we are politically diverse, our trustees are united in their commitment to the spread of freedom and strengthening of democracy.

In almost every new democracy, political change has been achieved primarily through the hard work and sacrifice of local democratic forces, including the religious communities. But these efforts have been sustained through the outside pressure exerted by the world's established democracies, the United States in particular. We therefore strongly urge the United States to make the promotion of democracy an integral part of the foreign policy-making process.

Mr. Chairman, I wish to address an area of human rights in which I have a special expertise, freedom of religion and belief. This is one of the topics in the 1998 State Department Country Reports where there has been a dramatic improvement in coverage.

Taken as a whole, the Reports this year, I am encouraged to conclude, represent a milestone in the effort to obtain recognition and concern for abuses of religious freedom on a par with the level of detail and nuance of other human rights treated in the State Department's reporting. In contrast to prior years, there is generally greater sensitivity to the experience of religious minorities and minority groups within a dominant religion who are besieged in many countries.

For the most part, in the 1998 Reports religious freedom has come a long way from being the lonely stepchild of human rights, isolated in a perfunctory sketch in the freedom-of-religion subsection, left out of the larger human rights profile.

Mr. Chairman, this year's Country Reports on Human Rights Practices reflects hard work and commitment at the embassy level to research and analyze a category of human rights victims—that is, religious believers—who are often living in underground and marginalized communities under severe persecution and about whom reporting is sometimes made more difficult by their own reluctance to seek help from the West or draw further attention to themselves.

This heightened sensitivity to the plight of minority religious groups on the part of U.S. embassy officials was recently brought home in a very personal way to our office. Just last week, as a Freedom House representative attending an international conference of Protestant leaders from northern Africa, including Egypt, I noted that one leader after another commented that U.S. embassy officials who were usually, "unavailable," or difficult to reach in recent years, were now suddenly and inexplicably solicitous of their views and concerns. "What is going on in Washington?" the Protestant leaders from Egypt wanted to know.

Mr. Chairman, the explanation can be found in the renewed resolve of Secretary of State Madeleine Albright to restore the salience of religious freedom in America's human rights concerns. As a member of her advisory committee on religious freedom abroad, I have been informed that Secretary Albright has transmitted a series of cables to U.S. embassies worldwide, asking for improved attention and reporting on issues bearing on religious freedom.

Assistant Secretary Shattuck and his dedicated staff at the bureau deserve special commendation as well. It is a testament to the suppleness of our own democracy.

Mr. Chairman, your own long-term and vigorous advocacy of the rights of religious believers around the world and your focus on the massive oppression of Christian minorities abroad, as well as other Members of Congress, have played a large role in obtaining the improved reporting on religious freedom in the Country Reports this year. I thank you for that.

The Reports have shown a quantum leap in improved reporting on religion from 1997 to 1998. Nevertheless, we do have suggestions on how they can be made more accurate and complete.

In some notable cases, the Reports give too much weight to self-serving government assertions that religious freedom is respected or otherwise find favor in the government when the facts point otherwise. Perhaps the most glaring example is found in Sudan report, which reports, without commentary, a Khartoum commission's finding that essentially denies government implication in slavery.

Another is the freedom of religion discussion in Tibet, which asserts that the continued operation of the monasteries, "makes possible the transmission of Tibetan Buddhist traditions to future generations," while it is well documented by the International Campaign for Tibet, as well as other human rights groups and even elsewhere in the Country Reports, that in fact these monasteries of Tibet are under the control of government, Communist Party and security police committees that oversee even the religious matters.

The China report presents the fact of the growth of the Christian church almost as a mitigating factor in their persecution, which is a common tactic of the Chinese Government itself. We also, Mr. Chairman, share the concern expressed by others here about the general positive thrust of the China profile.

In the Ethiopia report we are told that while Christian minorities believe they are not adequately protected by police, "unnamed observers are cited to assert that the police are impartial on religious disputes."

Concerning Saudi Arabia, the report uncritically reprints government propaganda that, "the government does not prevent private, non-Muslim religious worship in the home." At the same time, it fails to mention the well-documented case of Donato Lama, a Filipino Catholic who was flogged with 70 lashes last spring for praying as a Christian in his Saudi home and who alleged that two others of his cell mates, also Filipino Catholics, were beheaded by the sword last May for practicing their faith.

On Egypt, the report accepts the government's controversial estimate of the number of Coptic Christians which the Copts themselves say is deliberately lowered by as much as 50 percent by the

government in order to downplay the group's significance in Egyptian society. This report also devotes inadequate attention to the rampant anti-Semitism in the Egyptian press and the failure of government measures to address it.

The importance of this phenomenon goes beyond the tiny Jewish community in Egypt, with ramifications throughout the Middle East in fueling violence and hatred against Jews and the Jewish religion. In some instances, the Reports omit critical developments over the past year that bear on religious persecution.

Again, I wish to thank Wei Jingsheng for his expose of the role of the Communist Party in repressing human rights. The China report, while one of the most detailed of the Country Reports and greatly expanded over last year—that is, the religion section—nevertheless fails to take into account the discovery of five important official documents that were issued throughout 1997 and found their way—they were leaked to the West. These documents are crackdown orders directing a brutal crackdown on unregistered Christian churches.

These documents give valuable insights into the large role still played by the Communist Party in setting religious policy, in directing the, "investigation and indictment of unregistered clergy and church leaders, in summarily excluding certain congregations from registration and in manipulating and exploiting patriotic churches, in fact, using the patriotic churches as tools in their efforts to control religion."

I would like to ask that you include one of these documents, the Kiangsu document and my analysis of it, in the official hearing statement.

Mr. SMITH. Without objection, that document will be made a part of the record.

[The information referred to appears in the appendix.]

Ms. SHEA. Thank you.

The Sudan report is sketchy throughout, relying on dated information with respect to, for example, slavery when there are ample new examples to draw from. By listing most human rights abuses its sketchiness fails to convey the gravity of Sudan, one of the world's worst human rights violators. *The New York Times* magazine in December described the situation there against Christians as, "near genocide." This sense fails to come through from the State Department Reports.

The Iran report should mention that religious police infiltrate and spy on Christian congregations looking for converts in their midst whom they will then arrest on the fatal charge of apostasy.

The Vietnam report fails to note that a well-known Catholic priest and several Buddhist monks were transferred to strict regime labor camps this past fall, where they are kept in solitary confinement on starvation rations; and that Christian leaders at the local level are threatened and harassed in a variety of ways, thus undermining the ability of a large number of people to exercise religious freedom; and that a religious affairs board in Vietnam is directed by atheists who are actually hostile to religious believers.

Mr. Chairman, I have comments in my written testimony on Bangladesh, on Morocco, on Turkey, and on Tunisia, and how the

Reports have missed important points. For the sake of time, I am not going to state them here. In many cases, the omissions reflect the fact that an embassy lacks good contacts with minority religious communities. Certainly this is true in Iran and Sudan where the United States lacks a real diplomatic presence.

Where possible, the embassy should strive to develop links with a broad spectrum of the local religious communities, including the minority communities. Where this is not possible or desirable for security concerns, the State Department should use the resources of religious groups that can publish freely. These include *Compass Direct*, *Fides*, *Asia Focus*, *Kay May*, *Vietnamese Buddhist News*, *China News and Church Report*, and the newsletters of *Christian Solidarity International*, to name only a few.

In some instances, the deficiencies of the religious reporting seems to be an underestimation of the importance of religion to a culture with comparative overemphasis on economic and ethnic factors. This is particularly apparent in the reporting on Nigeria and Indonesia. These are both large, populous regional powers and both are facing important religious threats. Responsible religious leaders in Nigeria have raised the danger of a religious war.

The increased attacks and tensions in Indonesia, despite the best efforts of religious leaders of all major religious groups, threaten to undermine what has been one of the world's best examples of inter-religious toleration and cooperation.

While the reports on China and Vietnam briefly mention those countries' coercive family planning policies, they fail to note the dimension of these policies that impinge on religious freedom. Much more could be stated on the draconian one-child policy of China, particularly how it is being enforced within the workplaces of American and joint ventures.

In Vietnam, there are disturbing reports that a woman working on a U.S. Government project was fired because she violated Vietnam's two-child family planning policy. This case warrants close examination by the State Department.

In closing, the 1998 Country Reports on the whole are a significant contribution to the monitoring and understanding of respect for human rights, including religious freedom throughout the world. Now it is a matter of implementation on these findings. Because of traditional American concerns with separation of church and state, the U.S. Government in recent years has been reluctant to champion religious freedom as a cornerstone of its foreign policy.

If human rights can be compared to an island off the mainland of foreign policy, then I think that religious freedom in recent years has been the drowning man on the life raft off the island. But various actions over the past year in this report show religious freedom is a legitimate concern in shaping foreign policy. Freedom House believes that the interests of democracy and human rights will be advanced if the Administration and Congress continue to give significant emphasis to religious freedom.

In conclusion, Mr. Chairman, Freedom House reiterates its conclusion from last year's testimony. It hopes that this Committee, as well as your colleagues serving on committees and subcommittees responsible for foreign aid and international affairs spending, will be guided by their findings in the 1998 State Department report.

We urge the Congress to use the data in the Reports and additional data collected by nongovernmental human rights organizations and religious groups to ensure that the most blatant violators of human rights, including persecutors of religious believers, are not supported with U.S. taxpayer dollars as is envisioned in the Wolf-Specter bill.

Thank you very much.

Mr. SMITH. Thank you, Ms. Shea, very much for your testimony. [The prepared statement of Ms. Shea appears in the appendix.]

Mr. SMITH. Mr. Roth.

STATEMENT OF KENNETH ROTH, EXECUTIVE DIRECTOR, HUMAN RIGHTS WATCH

Mr. ROTH. Thank you very much, Mr. Chairman. Let me begin by just saying how much I appreciate the fact that you devote so much time and care to these hearings. I think it is precisely this kind of scrutiny that keeps the State Department on its toes and that makes these Reports so valuable for the promotion of human rights. So thank you.

May I request that the full comments, as well as the two brief attachments, be put into the record. My written comments I will simply summarize.

Mr. SMITH. Your full statement and the statement of each of our witnesses and any attachments that you deem necessary will be made a part of the record.

Mr. ROTH. Thank you very much.

Let me begin by congratulating Assistant Secretary Shattuck for generally living up to the principle that I know he deeply believes in, and that is that to achieve anything in the realm of human rights, it is essential to report accurately on basic conditions. I do think that for the most part, as has been the practice in recent years, this year's Country Reports do live up to that principle. I would like to focus my comments, though, on a few points.

First, noting that there have been areas where clearly this principle has been compromised, where pressures emanating from elsewhere in the State Department or elsewhere in the U.S. Government have led to a deceptively rosy picture of human rights practices in countries that, for whatever reason, our government wants to maintain better relations with.

Second, I would like to address the far broader failure to translate these generally accurate reports into consistent policy.

Finally, I would like to make a point about the universality of human rights and make a suggestion for how next year this report might do a better job of contributing to that important principle. I will begin by noting a few positive aspects of the report.

I note that despite obvious pressure to compromise, there were a few places where Mr. Shattuck's shop was able to hold the line. I will cite in particular its report on Colombia where, although I am sure that this wasn't terribly popular with various parts of the U.S. Government, it called it as it is with respect to the role of the paramilitary forces in severe violence in Colombia. They play a major part, along with the guerrillas.

He noted in particular the role of the Colombian military in acquiescing in and at times being complicit in those serious para-

military abuses. I am sure that that was a political battle that Mr. Shattuck had to fight, and I congratulate him for having won it and for having achieved such an objective assessment.

Similarly, I want to congratulate him for the emphasis that he put on the importance of arresting Bosnian war crime suspects. Again particularly segments in the Pentagon clearly have been urging a go-slow policy with respect to what I believe is an essential step for the building of an international system of justice and the securing of any possibility of lasting peace in Bosnia. The fact that he was able to give such prominent focus to that, despite resistance in the Pentagon, I think speaks well to the work that Mr. Shattuck put into this report.

I would also like to commend the authors for paying far greater attention to women's rights. These do seem now to be more centrally integrated into the general report. I note in particular its reporting on the Russian Government's neglect of problems of domestic violence, its strong words condemning the Mexican Government for permitting pregnancy testing in the maquiladoras along the U.S.-Mexican border, and its strong words on the forced trafficking of women.

Finally, I want to join in the commendation voiced by my colleagues with respect to this report's better treatment of the issue of religious freedom. I want to note in particular that I think it bears praise, the fact that the report looked at religious freedom in its full complexity, that is to say, it recognized that no single group has a monopoly among either victims or perpetrators.

I cite, as examples, the China section, which notes that not only Christians, but also Muslims and Buddhists face persecution. I note the chapter on Russia in which criticism is launched against the new law essentially trying to enforce a monopoly for the Russian Orthodox church against other churches that are seen as being upstarts and potentially threatening its dominance. I note the range of victims of religious persecution cited in the Iran chapter.

Similarly, I think it is very useful, the fact that this report looks at religious persecution in the context of the broader persecution in which it almost inevitably arises. For example, in China the report recognizes that one can't speak accurately about religious persecution without also noting the government's utter distaste for most, if not any, formation of independent association. In its analysis of Sudan, it looks not only at the religious dimension to the conflict there, but also the ethnic, racial and indeed territorial dimensions to the problem.

In the report on Indonesia, again, one can't understand the rising violence against Christians today without understanding the deep frustration that many Indonesians feel facing an economic crisis and severe impoverishment that, to a large degree, was exacerbated by an unaccountable government that does not permit basic political freedoms.

Again, I think those of us who seek to defend religious freedom appreciate the fact that religious persecution is portrayed in the broader context in which it occurs. For that reason, I was very happy to hear Secretary Shattuck this morning talking about his efforts to bolster his office's reporting by creating a new post of Deputy Assistant Secretary of State for Religious Affairs.

Again, I think that his or the Department's view that this should be within the Human Rights bureau rather than creating a religious ghetto outside of the bureau is exactly on point, because that ensures that he or she, the person occupying this post, will be able to marshal all the facts, all the evidence of persecution, in trying to build a case against a government that insists on not only violating the rights of its people to practice their religion, but also violating the range of other rights that inevitably accompany that form of religious persecution.

Where I would like to be a bit more critical of the report is in noting that it paints too rosy a picture in a series of situations. The spin doctors were clearly at work when it came to the report on China. I will not repeat the observations of my colleagues here other than to note that in the introduction, which of course is the part of the report that receives the greatest press attention, it merits comparing the treatment of China with the summary descriptions of human rights practices in governments where the United States is not trying to create better relations.

For example, Burma is charged with "cosmetic changes, but no changes in its restrictive practices." Nigeria is described as "having no meaningful progress." Cuba is described as having "a totalitarian structure that remained unchanged." Syria is described as making "scant progress on opening up the autocratic system in that country." I read these because each description would quite aptly be applied to China.

But what did we get as the leading description of China's human rights developments over the past year? We learn that its "response to dissent was somewhat more tolerant." Needless to say, that is not an accurate headline in describing what concededly were a handful of positive steps against a backdrop of unchanged, systematic repression.

I think that we have done a tremendous disservice to those who are trying to defend human rights in China, people like Mr. Wei, who appeared before us today, when we try to twist the facts so transparently, apparently in an effort to either justify going slow in pressing for a resolution before the U.N. Human Rights Commission in Geneva or possibly in justifying President Clinton's much anticipated visit to Beijing later this year.

I think Mr. Shattuck was absolutely right when he said that the basic principle behind the Country Reports should be accurate description of human rights practices. Unfortunately, the spin doctors at the State Department seem to have prevailed in this particular case. I do not think that the overall impression gained from the China chapter is one of accuracy, despite the fine print that everybody can point to that was more accurate.

This is not a problem, though, that was restricted to China. I note that the description of the Democratic Republic of Congo speaks about "allegations" of civilian massacres. I contrast this with, for example, the "credible" reports of massacres in Iraq. Those two struck me in juxtaposition because my organization, Human Rights Watch, took pictures of the massacre victims, spoke to eyewitnesses to the massacres in Congo. There is no doubt that massacres took place and that they were carried out largely by

Rwandan forces, but also those allied with Mr. Kabila, the current Congolese leader.

By contrast, because Iraq is so closed, we are operating with much less clear evidence about the terrible human rights situation there. So the fact that we have reduced the direct photographic evidence in Congo to mere "allegations" strikes me again as trying to cut the description to fit the policy.

I also note that in the case of Congo, the passive voice was used in saying that the United Nations "has sought unsuccessfully" to investigate the massacres, never making clear who it was who made this effort unsuccessful. Of course, the failure was due to the complete obstruction by Mr. Kabila's government—obstruction that, I might add, has been all too tolerated by the Clinton Administration.

The report also downplays the continuing severe restrictions on political freedoms in Congo by repeatedly contrasting today's circumstances with those under former President Mobutu without simply describing the severity of those restrictions as they exist today.

Another example that I might cite is the Mexican case where, although the report describes torture and extensive violence, it attributes this largely to a lack of institutional reform rather than the more accurate assessment, which would be a lack of political will on the part of the Mexican Government.

I could go on, but I don't have time here, so let me simply move to my next general point which is that there remains a severe problem of failure to translate these descriptions of human rights practices into U.S. policy in support of human rights around the globe. I welcome Mr. Shattuck's lengthy list of steps that the Clinton Administration has taken in support of human rights and certainly there are many such steps. But nonetheless, the principle at the heart of the human rights movement, which is that you only make progress if you apply pressure consistently, is one that for the most part has been broken by this government.

What we have for the most part is a once-a-year human rights policy. That is, a good, clear description of human rights practices at the end of January each year, followed by 364 days of relative silence. If we are going to have an effective human rights policy, we need a 365-days-a-year policy.

I might cite just a few quick examples where I think the disjunction between the Country Reports' descriptions and U.S. human rights policy has been particularly severe. In the case of Israel and Egypt which together account for 91 percent of U.S. foreign aid, or in the case of Saudi Arabia, which is today the largest consumer of U.S. weapons, these three governments are virtually insulated from criticism the other 364 days of the year. Even over the last year in the case of Israel when Secretary Albright has talked about things like settlements, she has talked about them as an obstacle to peace rather than a human rights problem.

In the case of China, this Administration has excelled in reducing the complex question of how to properly balance trade and security concerns against human rights by reducing that to simplistic formulas, such as "we can't isolate China; therefore, we must engage it," or "we can't hold the U.S.-China relationship hostage to

human rights." This kind of simplification is really inexcusable and inevitably leads us to a policy in which no effective pressure is being placed on the Chinese Government to improve its terrible human rights practices.

I would be remiss if I didn't highlight two urgent steps that the Administration should be taking now with respect to China's human rights practices. One is to announce, I would hope tomorrow during Prime Minister Tony Blair's visit, that the United States is committed to sponsoring a resolution in Geneva next month condemning China, and that it is going to actively embark on a diplomatic effort to convince its friends and foes around the world to similarly sponsor or at least vote for such a resolution.

The fact that Tony Blair's Government and in fact Foreign Minister Cook is speaking about the importance of European Union unity on this point is really another excuse for stalling, because that unity will never be achieved, and it is much more important for the British Government and those who are willing to stand up for human rights in China to announce now their support rather than waiting for an elusive European Union unity which will condemn us to failure once more in Geneva.

Similarly, the Clinton Administration should announce clear, systematic changes that must occur in China before President Clinton will return the visit to Beijing.

One of the great disappointments of the last year is that the summit took place here in Washington without any meaningful, systematic change. Yes, we are happy that Wei was released, but, as has been noted, many thousands of others remain in custody. We should be looking for systematic changes, not a hostage policy where we will trade one or two prisoners for such major rewards such as a state visit.

In the case of Rwanda, I note that one way of bringing a largely accurate description of human rights practices into line with U.S. policy would be to make clear that U.S. assistance in the military realm or for justice programs is going to be dependent on successful efforts by the Rwandan Government to hold accountable its troops that have been responsible for atrocities not only in Rwanda but also next door in the Democratic Republic of Congo.

In the case of Bosnia, it is essential that Mr. Shattuck's strong words about the importance of arresting war crimes suspects be translated into action. Fortunately, in January, for the first time, American troops were involved in the arrest of a war crimes suspect.

I hope that that signals, first of all, a change, a definitive change, in the U.S. policy with respect to not requiring a chance encounter with a suspect but, rather, permitting planned apprehension of suspects which, of course, is the only way to successfully apprehend these people without undue risk to American troops.

I also hope that the lack of retaliation for this arrest shows that it is possible to make these arrests while containing the risks and that this is a step that, indeed, must be taken if we have any hope of a lasting peace in Bosnia.

I hope in the case of the Democratic Republic of Congo that the United States will support the principle that abusive governments should not be able to pick their investigators and that we will take

steps to correct our violation of that principle this year, one that came back to haunt us when Saddam Hussein, learning from the precedents set by Mr. Kabila, insisted on choosing his own investigators and is now leading us to the brink of war.

Finally, I hope that the premium put on the importance of justice in Bosnia will also extend to the Administration's position on an international criminal court. Despite nominal endorsement of such a court, the United States is actively trying to restrict its independence and make its docket subject to U.S. veto on the Security Council, a stance that is utterly inconsistent with the universality that would be required of an effective court.

Finally, let me make a point about universality more broadly, and that is to say that perhaps the greatest gap in the Country Reports is the failure to speak about the United States.

While of course Congress's mandate to the State Department does not require reporting on the United States, I would recommend that this Committee and the Congress as a whole think seriously about changing that mandate. It would be a wonderful illustration of the fact that, indeed, human rights principles apply across the board, to everyone around the world, if we were to begin to report honestly on human rights practices here at home.

While we are fortunate here in America to enjoy great respect for our rights, it is important to recognize that there are some Americans whose rights are less respected than others. I would cite as certain categories at risk: prisoners in U.S. and State prisons, victims of police abuse, immigrants, and victims of various forms of discrimination.

I think the American people have a right to know what the state of human rights is in the United States and what our government is doing to secure the same kind of improvements that we should be seeking around the world.

I have attached to my testimony today a letter to President Clinton signed by Human Rights Watch and 12 other human rights and domestic civil rights organizations urging that next year the Country Reports be extended to eliminate this one gaping hole in the scope of their coverage.

Thank you very much.

[The prepared statement of Mr. Roth appears in the appendix.]

Mr. SMITH. Thank you very much, Mr. Roth.

On that last point, which I think has a great deal of merit, one of the aspects of our bilateral contacts with the former Soviet Union and multilateral with the East Bloc—and I have been on the Helsinki Commission for eight of my nine terms in Congress—was always to invite them to give us their list of complaints so we could have dialog. It proved to be very useful, and they had some valid observations, some that were hyperbole but many that were very valid. I think it is a very good idea. I thank you again for making it.

Let me just ask a couple of questions. Mr. Roth, I thank you for bringing up the issue of Congo. We have tried in this Committee repeatedly through letter, through hearings that we have held, to get the Administration to take more seriously those atrocities which we believe could be laid at the door of the Rwandan forces who are our friends, as well as the Kabila Government, and soft

peddling or not being as forthcoming in the report as to who we believe to be responsible, as you pointed out, using the word "alleged." If this were Iraq, our "enemy," we would be much more forthcoming about, that is I think hopefully the State Department will take that to heart and not politicize that language.

Again, I think you have all spoken very eloquently to the importance of, like the preamble language or the introductory language.

I saw this when the women's conference, the U.N. Women's Conference, was held in Beijing. I argued that, yes, let's have a women's conference, but don't give the dictatorship the ability to project to its own populace somehow that the whole world was coming to applaud the advances made in women's rights in China.

Sure enough, I spent the week there, I co-led the congressional delegation, and every day the *New People's Daily* and all the other papers—and I don't read Chinese, but I had people tell me what at least the headlines were saying, what some of the main articles would say, and the Chinese Government played it as, the whole world is coming here to kowtow to the gains made in women's rights for China. Nothing could be further from the truth. Whereas the other papers did carry, for instance, the picture of the Tibetan women when they staged their protest for being excluded and to the kinds of things that are being done against Tibetan women and Tibetan culture. None of that was carried.

What I am suggesting is that when they look at the language, there is something in there that any propagandist can use and run with for the rest of this year and maybe even longer because that language is so flowery. It cites specific statutes, for example, in China that look good, just like their constitution looks good, but there is no implementation.

I think Wei Jingsheng's comments were a wakeup call, hopefully, to the Washington establishment—you have always been there saying it—that we need honesty and transparency. But our policy works, who think they know China better than anyone else, so downplay it.

I am glad, Mr. Roth, that you mentioned this idea of not holding our policy hostage. I believe Madeleine Albright said that. When she first came on board as Secretary of State—I was leading the applause—thinking that human rights would be put center stage and, at worst, would be right there with trade and perhaps linked in some way. Now they are holding hostages?

I think you judge a nation by how well or poorly it treats its weakest and most vulnerable. That includes the unborn, that includes people of religious persuasions you may disagree with, and right on down the line. For a Secretary of State to say that, it was disappointing, at best, when she said "hostage." This is our opportunity to put this issue on a par with trade and any of these others.

Even the NGOs. I am glad, Ms. Massimino, you brought up the importance of the NGOs. We need to have solidarity with the true human rights NGOs that are pushing the envelope, not the government-sponsored shells that are out there taking our money, whether it be money from the USIA or any of the others.

Right now I am holding a grant to the National Committee on U.S.-China Relations to get more information with regard to whether or not they are indeed promoting democracy and human

rights. I think we need to demand that the executive branch live up to Public Law 104-319 more faithfully as it relates to the NGOs and the organizations that we fund.

I guess if I have no questions, it is because you have pretty much said it all in your very comprehensive statements. I do have a couple of questions. On the sham elections, in reading this language in the report and then hearing Wei Jingsheng saying that nothing could be further from the truth, how do you read that?

Right before Jiang Zemin came in, those of us living in the Washington area—and it may have been carried elsewhere, WTOP, the CBS affiliate, all-news radio, carried these China updates. One of those had come on over and over again on how they are holding all of these local elections. Maybe there is something to it, maybe there is not. Wei seemed to throw cold water on that notion.

How real are they? Is democratization taking root at the grass-roots and somehow we are missing it, or, again, is it a Potemkin village that we are looking at where a select few get picked and you have got a choice between bad and worse?

Would anybody want to tackle that, on the elections?

Ms. SHEA. I would just like to, I guess, draw a parallel with the religious structure as well, that it seems like social policy these days, religious policy, is being made at the Communist Party level, either the local level or the central level.

In that sense, I agree with Wei Jingsheng that it is going to be a sham election if those people don't actually even—who are elected, whether it is a free election or not, and he rightly pointed out that they don't have freedom of speech, so how can you have even a free election? But once they are in power, how can they possibly act democratically if the Communist Party is always in the background dictating policy?

I think that is what the fallacy of our so-called dialogs with the religious structure of China—we have a religious delegation going to China this weekend. They are going to be meeting with the Religious Affairs Bureau, the China Christian Council, and other governmental structures.

But the real policymakers are going to be the Communist Party officials. This is totally clear from these documents that have come out over the past year. I am just afraid that what Wei was so correct in pointing out, that the Chinese have been so adept in deceiving the West, is going to occur once again with that delegation.

Mr. SMITH. Mr. Burton has to leave for another appointment. I yield to Mr. Burton.

Mr. BURTON. Yes, and I apologize for not being here. I have got another committee I am chairing, and I can't spend the time here. I would like to, although my heart is with you.

I would just like to make one quick comment and ask one quick question. The quick comment is that as long as the almighty dollar is ruling our foreign policy, we are going to do business with China and close our eyes. There is just no question about it.

I can remember when Bob Hope was on television and a lot of other celebrities on TV opening their coat up saying, "Buy American," and Wal-Mart was advertising on TV, "We only sell American." You go in Wal-Mart today, any Wal-Mart store in the coun-

try, and you will find probably 60 percent of the products in there are made in China, made by slave labor.

As long as the businessmen can convince this Administration and the leaders of this country that we ought to close our eyes as long as it is economically to our advantage, then we are going to continue to see that kind of repression and China will never change its policies. That is why you and I—and I know it has been on television at Christmastime saying, don't buy products made in China, send them a message so that they will know they are going to have to change their human rights policies and help those people over there. Otherwise, it is just going to continue on and maybe even get worse. We are shoring up that government with American dollars in the process. I think that is unfortunate.

The question I want to ask—and I thank you, Mr. Chairman, for holding these hearings; I am sorry for not being here. I also want to thank you for your unerring diligence in trying to focus the world's attention on human rights. You are one of the crusaders that I love in this place.

In Colombia, the FARC troops—or terrorists, we call them—have been holding some religious hostages now for a long time. We don't know if they are alive or dead. We understand that they are alive, and we hope they are. We also understand that the FARC guerrillas have been executing CNP police whenever they can get them. In fact, I think at Meta, Colombia, there was an encounter and there were a lot of troops that were injured and were on the battlefield, if you will, fighting the FARC terrorist forces, the narcoguerrillas down there. They came up and shot them through the back of the head, which I presume you would consider a human rights violation.

I would just like to have your comments, if you have any knowledge on these religious leaders that are still down there as hostages, whether they are still alive, if you have any information on that, and also what you think about the Colombian terrorist organization and what we in the United States should be doing about it, especially in view of the fact that everybody in Colombia is not a bad apple. General Serrano. Colonel Gallego down there is one of the real fighters against the narcotraffickers and guerrillas. He has been doing a good job. Hundreds of his troops, probably thousands by now, have been killed in combat with them.

I would like to know what the situation is down there from your perspective.

I thank you, Mr. Chairman, very much.

Mr. ROTH. I would be happy to start with that.

I can't answer your question specifically about the religious figures. I don't have any more information than you do on that. But I think that to understand the severe problem of political violence in Colombia, it is important to recognize that it comes from more than one side. You have used the term "terrorist" to refer to the FARC, or to the guerrillas. I take it by that you mean that they systematically target civilians and commit violations of humanitarian law.

I would agree with that assessment. But I think that that assessment applies equally to the paramilitary forces that operate with

the acquiescence and, at times, the complicity of the Colombia military, as the Country Reports indicated today.

Mr. BURTON. You are not including the National Police, though, that are doing a good job according to all the sources, are you?

Mr. ROTH. No. The biggest problem from the military's perspective is the paramilitary forces, which have, shall we say, a complicated relationship with the Colombian military.

The other point you make in terms of referring to the narcoguerrillas. Again, that term has a degree of truth to it in that the guerrillas do support themselves with the trade of narcotics, but so do many of the paramilitary's organizations.

I think that it is useful to move beyond these labels and to recognize that there is a severe problem of humanitarian law abuse by both the guerrillas and the paramilitary in Colombia and at times by the military itself. I welcome the fact that this is described candidly by the State Department. I think that the task facing our government is how effectively to put pressure on all sides, because all sides are really responsible for atrocities in Colombia today.

Ms. SHEA. I would just like to add to that, responding to your question. There was some pessimism regarding those religious figures at the end of December when the leftist rebels denied any knowledge that the Mensanya bandits had taken them. The new tribe's mission, whom the missionaries were associated with, said that they didn't believe that and that it was probably a ploy by the rebels to wash their hands of the issue at a time when they were trying to build international support.

Also, a Colombian priest was found dead in Colombia in early December. It is believed that he was murdered by FARC.

Mr. RICKARD. If I could just add that I know that this is an issue that you and your office have worked hard on. It is a very tragic situation. Hostage-taking is a gross violation of anyone's human rights. This situation has been going on for a long time. I know that given the difficulty of making contact, raising the issue, getting through, that everyone, through every available channel, is appealing that there be a cessation of this. But I know that it is something your office has worked very hard on, and that has been appreciated, I am sure.

I think the point that you make about the situation in Colombia, and picking up on the point that Ken made in response, is a very good and important one, and, that is that the things are complicated, it is tangled up, not everybody there is evil or bad or corrupt, and I think one of the really constructive things about the work that this Committee has been encouraging and that the Administration has been willing to work hand in hand with the Congress on is trying to sort that out.

Let's not treat Colombia as just one big block. Let's be a little more specific. Let's get some detailed information—whom you can work with, whom we should not be working with. Let's get that detail and not paint everybody with the same broad brush.

Mr. BURTON. Mr. Chairman, let me just add for the record that the State Department has formally designated FARC and the ELN as foreign-based terrorist organizations, and I think that ought to be made clear and in the record.

With that, thank you, Mr. Chairman.

Thank you, folks, very much.

Mr. SMITH. Thank you very much, Mr. Burton.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I apologize for not being here earlier, but I do want to thank the members of the panel for their appearance and their testimonies they have provided for the Committee.

I wanted to ask Mr. Rickard, I notice that you specifically did cite some of the countries in Amnesty International's involvement. I was just curious if Indonesia is taken out of the map, or is Amnesty International involved in this country at all?

As you know, it is the fourth most populous nation in the world, and it is probably the most populated country that is a Muslim country, which raises some very interesting problems there in itself. I was curious of the fact that Indonesia was not mentioned in your statement. Maybe you could elaborate a little more.

Mr. RICKARD. Every time we do this hearing, every year, we face the crush of getting ready on a very short time basis. Some of it has to do with whether or not there is a particular thing that we think illustrates a particular point. Certainly it is not in any sense intended to be our list of the Reports or the countries that deserve the most attention. Far from it. Indonesia is a country with very, very serious human rights problems. Amnesty does a lot of work on it.

Obviously in Irian Jaya, East Timor, these are very, very serious and ongoing human rights abuses that have been going on a very long period of time. So please don't read into the statement we pulled together quickly for this hearing any sort of rank ordering, because clearly Indonesia is a very high priority country, one of the highest priority countries for us in Asia.

Mr. FALEOMAVAEGA. Earlier this afternoon in the hearing, I asked Mr. Wei some specific questions concerning the statement that he had made earlier in his address before the Council of Foreign Relations. He painted a very broad brush, literally, as far as castigating almost our whole system, our total effort concerning human rights. I was just wondering if you might have some comments on this.

In reading through some of the statements—and, again, I didn't read every specific word—it seems to be a lot more positive than what Mr. Wei had indicated in his opinion about the lack of a sense of aggressiveness on our part as a Nation to pursue human rights the way it should be. As you know, also, he didn't think very highly of our experts and policymakers concerning China.

Am I missing something here? Is he correct in his assessment of our Nation's wealth of knowledge about what is happening there in the Asia Pacific region, or am I on the wrong pole here?

Mr. RICKARD. I will lead off, but I am sure everyone will have a comment on that. I actually was very struck in listening to my colleagues about the highs and lows, the peaks and valleys. That is to say, we may look at one report and say, this is really a very good job and it is comprehensive, it is hard hitting. There is a lot of information here, and we happen to know in this particular case we have an activist ambassador—doing a lot of good things. They have got good people on the ground. They are working with the

human rights defenders in that country, and by associating with them, they give them a degree of protection.

I actually said last year that if sometimes we seem angry about the conduct of the State Department and some of the people in the State Department even though we know they are hardworking and talented people, it is because we have seen how important it can be and how useful and beneficial it can be when the United States takes human rights seriously, and really does its best and tries to make a difference in the human rights situation. And then we go to the next situation and the United States just isn't there. You see people getting hurt because of that. You see people dying because of that.

I think that is the best response I can give to that question. One of the reasons why I was so exercised about this year's China report is because we have actually gotten a little used to the Reports being pretty good. They are really not politicized for the most part. We have problems here, problems there, but it is disturbing when we hit a report, that really seems to us to have been tailored to fit a particular policy on an extremely important country where there are severe human rights abuses going on. That means there's been a failure of all the mechanisms—which, again, Congress put in place. Congress created the bureau, Congress mandated the report. It doesn't average out to mediocre. The State Department ends up either impressive and helpful—and in some cases decisive—on an issue or “absent without leave.”

My reaction with the Secretary's remark that the United States is not going to have one issue that dominates China policy—and I think I said this last year when I heard that—was hallelujah, great, because to me that meant human rights was going to get into the game and it wasn't going to just be trade anymore. It hasn't worked out that way.

Mr. FALCOMAVAEGA. Ms. Massimino.

Ms. MASSIMINO. The timing of Mr. Wei's remarks is particularly important because, as Chairman Smith said, it is a kind of wake-up call. The Lawyers Committee spent a lot of time poring over the language. As we look at the China report, we think it has obviously been worked over, shall we say. But there is a lot of detail, a lot of detail about the actual abuses. It is very helpful to hear Mr. Wei's impression of the report. And the particularly important timing of it now with the commission, the decision on the commission resolution coming up. I think it is very helpful for that kind of stark assessment of the report to come at this time.

I think also his focus was very much criticizing the shortsightedness of U.S. policy with regard to China and encouraging us to take a longer view. Part of the shortsightedness is the emphasis on the profit motive that tends to drive our policy with China. I think he is very right to point that out. We saw this—you know, last year the report was so stark and generated such a kind of an outstanding sound bite, “there is no more dissent, China has effectively shut down all dissent,” and created, in a year when there was a high-profile meeting between the two countries, a very stark divergence between language and policy.

Well, we see that the State Department has learned its lesson. This year, instead of changing the policy to fit the report, we saw

the report being changed to fit the policy. That is disturbing on China policy, but it is also disturbing for what it says about the Reports, because we know the Reports, to be effective, must be objective, they have to be the starting point for the policy.

Mr. FALCOMA. Yes, Ms. Shea.

Ms. SHEA. I think the China report is really a question of emphasis. There is a lot of detail, one of the longest Country Reports in the book, but it accentuates the positive.

Mr. FALCOMA. Let me add just a thought here. Suppose the roles were reversed and that the population of our country was 1.3 billion people in our democracy. If the roles were reversed, do you think we would have been able to provide for all the specific reports and the details and problems and issues affecting the entire environment, our social, economic, and political life styles?

Ms. SHEA. It is a very difficult task to get all the important points in. There is a lot of detail there. It is really the spin, the question of emphasis and accentuating the positive developments.

Chinese leaders have become very good at, so to speak, reading the tea leaves in these Reports, and it will have an impact on them and how they conduct themselves. They will be encouraged to go in the direction they have been going which is, in the human rights sphere, a negative and in the religion sphere a very negative direction.

I know there was an American religious leader who, with the help of the State Department, went over to China to dialog with the religious leaders, the Religious Bureau, in August, Ya Chou Yen, and he started talking about a case of a particular religious prisoner. This American nodded, started nodding and started coming around to the government's point of view, and I talked with him when he came back, and he said yes, this religious figure was a heretic and interfering with the modernization program and so forth and so on.

Two weeks later, that particular detainee was sentenced to the stiffest sentence in a labor camp in 15 years for a Christian leader, sentenced to a prison camp. I think they raised a trial balloon and when the American religious leader agreed and said, well, gee it seems he was a real problem, they thought it was OK for them to put him away and throw away the key.

I really worry about the impact that this report has in China, that they will see themselves as having made progress in the eyes of the United States and therefore they can continue to put people behind bars and in labor camps and so forth.

China really is the real test of our human rights policy, because there is so much money at stake, whether we have any resolve with the Chinese holding themselves out as a model, a third way of governing, a model, a combination of authoritarian or totalitarian social policy and a capitalist economic policy.

So I think it is a real test that will be watched around the world.

Mr. FALCOMA. Mr. Roth.

Mr. ROTH. Let me make two brief responses. One is, picking up on the comment Mr. Burton made a moment ago, I think it is unfortunate that trade and human rights have been so juxtaposed in recent years. I take some of the blame because my organization

helped to launch the whole MFN debate which did set the two communities at loggerheads.

One of the golden linings in the Asian economic crisis today is that many of the leaders with whom I have spoken now recognize that we can no longer build prosperity on repression, that it may have looked good in the short term, that in the short term it may have looked like the Asian Tigers or Asian economic miracle was proceeding. But that is a very shortsighted perspective. Indeed it is the unaccountable governments in such places as Indonesia which exacerbated the crisis, led to the misguided loans, the currency devaluations, and ultimately the crisis we face today. Because we have seen over the last 6 months with the global economy that our own prosperity is so linked to prosperity around the world, it is a mistake to bank on repression.

So given that new insight which is widely shared in the business community, it is time for leadership from this Administration to act on it and no longer proceed as if trade is the dominant interest of even the business community. Whose own prosperity ultimately will depend on a strong human rights policy worldwide.

One other point I wanted to make: even if the Administration might be reluctant to use trade as a tool to promote human rights, there are very significant things you can do to promote human rights that in no sense jeopardize trade. First and foremost, the Administration could announce as of tomorrow its sponsorship of the resolution in Geneva. It is inexcusable that we are stalling and delaying yet again until it is going to be too late and then we are going to throw up our hands and say, "What's the point? We are just going to lose."

What is needed now is an aggressive diplomatic effort to rally the votes the way we did a few years ago when we won the procedural vote and lost on the substantive vote by a single vote. That was because of the tough, aggressive, advance diplomacy that is so painfully lacking today. It is time to use these non-trade levers which don't have an economic cost but which we are simply squandering today.

Mr. FALEOMAVAEGA. President Clinton, in his State of the Union message, made what I thought was a positive direction toward child labor laws, at least a sense of enhancing the concerns that have been mine and I know also those of the Chairman. I know how international law is not taken well as far as using children literally almost like slaves.

I would like to invite our friends here to keep an eye on this policy if the Administration as well as the Congress is going to follow through this, because some of our own Western allies are very much part of the problem. A lot of the big conglomerates that come from European countries are caught into this problem of the child labor laws. They look the other way and they just don't wink an eye. So the profit motive is there, and, unfortunately, we try it for different reasons.

Mr. Chairman, thanks. I know you have some questions, but I want to thank the members of the panel.

Mr. ROTH. If I could just highlight a particular point on child labor and a particularly severe form of child labor: that is, using children as soldiers. I happen to be appalled at the fact that our

Pentagon stands alone in the world in objecting to a proposed ban on the use of children under the age of 18 in armed hostilities. This is in the context of efforts to create a so-called optional protocol on the rights of the child that increases the age for conscription or, at a minimum, for engaging in hostilities, from 15 to 18.

I can't believe we are not willing to back this. The reason we are not is that the Pentagon likes to recruit students when they are 17, upon graduation, rather than waiting until they are 18, even though they are almost 18 by the time they end basic training.

So it would be a simple thing for the Pentagon to endorse the ban on involving children in hostilities. It refuses to do so. It displays an arrogance and insensitivity that is deeply disturbing.

Mr. FALCOMA. It used to be 21 was considered an adult; now 18 is considered an adult. I wonder how much different there will range as far as the age limits we provide at least in our own society. How do you consider a person to be adult? A lot of these young people suddenly turn 18 and they don't even know what they should be doing as adults.

But anyway, that is said as an observation.

Thank you, Mr. Roth.

Thank you, Mr. Chairman.

Mr. SMITH. On that point, if we learned anything from the Vietnam War, it was that some of the younger recruits were most likely victims of posttraumatic stress syndrome; the maturity was not there. The ones that did the best, if there is a best, were the older, even the POWs, who seemed to have their minds more developed.

So I think your point is very well taken.

Mr. ROTH. There is a flip side to that, too, in the interests of the American soldier. Imagine even considering a conflict like Liberia, where American troops are more than likely to be deployed and you see a 12-year-old with an AK-47. Do you shoot this kid? Is that something you want to do? Or do you have to risk your life on the judgment of this immature soldier?

This is the choice the American soldiers don't want to have to face, so why do we object to this effort to increase the minimum age to 18? It is beyond comprehension.

Mr. RICKARD. I don't mean to pile on on this issue either, but Amnesty is an international organization, and I will very often be in meetings with other countries from around the world and other Amnesty sections.

This is an issue where the United States is blocking a consensus on the optional protocol to a convention that the United States is not even a party to. But the United States is injecting itself into the negotiations for the optional protocol to the treaty where the rest of the world is ready to do this. The other countries say, look, if you ever come along and want to join us in the Convention on the Rights of the Child, fine, but in the meantime one of the things we are really going to work on is the child soldier issue. It is a serious problem. The United States is very actively engaged in blocking this. It is one of the issues about which other countries with which we are otherwise working very closely are absolutely neutral. It is very damaging in lots of other issues.

Mr. SMITH. Thank you for bringing that to our attention.

You may find it of interest, I actually gave the speech on behalf of the Bush Administration at the United Nations on the Convention of the Rights of the Child. I was the presenter, if you will, in 1989.

Let me ask a couple of final questions and then thank you again for your expert work that you do 365 days a year and for lending us the insights that you have regarding these very important issues.

Ms. Shea, let me ask, in the Country Reports it speaks to the issue of Bishop Su. Do we have any further update as to his whereabouts, and could you speak briefly on how many people of faith are incarcerated at this particular time?

Ms. SHEA. I think at any given time there are hundreds of people of faith incarcerated. We have a list of at least 10 Catholic bishops who are in labor camps, under house arrest, or some form of detention. We list Bishop Su among those.

Cardinal Kung Foundation has had contacts inside China who have sighted him in a detention center in Hupeh Province, and I was astonished to see in the report that he was seen by someone on the streets of Shanghai or someplace, but it said, "in the company of government officials."

What does that mean? Was he being led to a hearing, or was he in the custody of the government? Again, it was that question of emphasis made it sound like he was a free man going to dinner with some friends of his in the government. He was obviously under custody. So as far as we know, he is in a detention center.

Mr. SMITH. With the delegation which some of us met earlier in the week, I brought up the story having met with Bishop Su. He asked for our delegation, and he was immediately questioned. And we run the risk, all of us, and I know your people in the field are always very concerned about perhaps walking the secret police right to an individual who suffers retaliation against him or her. Archbishop McCarrick indicated they ought to steer clear of meeting with dissident church officials of all faiths because of that precise concern. Yet Wei Jingsheng, in almost a contrary view, with respect to what the Hill, State Department, or White House might think, said when the pressure is on, that is when the people are less likely to be hurt or beaten, the dissidents in prison. And when the pressure is off, just the opposite: The thugs have a free rein to do whatever they want to make life miserable for incarcerated victims.

What is your advice to this group, publicly? And maybe you want to convey something privately, but I have a fear they will be back, having been given the red carpet treatment that they try to give all of us, and it is not until you break away from the tether that you are actually able to see things and talk to people, even with their being wary that you are watched and monitored. What would be your advice to that group?

Ms. SHEA. I would be very insistent that they meet or ask to meet with religious prisoners, because that might help protect or get better treatment for the prisoners themselves. I would not try to break off and meet with the underground church people, because they are going to be followed and monitored and those people will be punished after they leave.

They perhaps could try to meet with some of the Catholic youth leaders, Catholic bishops who have a reputation of meeting—Bishop Thong in Shanghai, perhaps they could go to his apartment and have a ceremonial meeting with him even though he is under surveillance. It would be a big mistake to think it is a fact-finding mission, it is not fact-finding; it is, at best, sharing American concerns about treatment of religion in China.

Mr. SMITH. Perhaps in your written testimony you commented on it—this is China-specific—but the MOU and use of Gulag labor or Laogai labor for exportation of prison-made goods. I and this Subcommittee have been very critical of the access, in that it looks good on paper, but what does it get you?

Mr. ROTH. There is a desperate need to renegotiate that. It is not working at all, and it is time to face up to that fact and come up with some procedure where there can be spot visits and some meaningful verification. At this stage, the MOU is just a piece of paper.

Mr. SMITH. Wei Jingsheng said earlier, and said it strongly, that the Population Control Program in China is in total disregard of human rights and then asked the question, is the United Nations on the side of the Chinese Government? In particular the UNFPA, which has had a hand-in-glove relationship and actually established it back in 1979 with the one-child-per-couple policy.

When I was in China on one of my fact-finding trips, I met with the U.S. Chamber of Commerce in Beijing. One of the government representatives from a major corporation told me how, when he saw their company in China had to implement the one-child-per-couple policy, he objected and successfully excised that out of their cooperation with the Chinese Government on that.

It seems to me, as one of you said a moment ago, that one of the silver linings of the Asian crisis is, you can't build prosperity on repression. It seems to me, when we are violative of women and of their babies and families, that more CEOs and others have to take the proactive stance and excise that out of the contract.

Do you have advice on what they can do on that issue, or on any other human rights issue? It seems to me they are more concerned about profits at this particular point, except for that one person who raised it.

Ms. SHEA. One of the problems with the American joint ventures is, they often delegate personnel matters to the Chinese partner, which are sometimes government or even Communist Party people. So they don't have control over their own workforce and don't even know what is being done to their workforce and how they are promoted, demoted, or given raises or how they are enforcing the one-child policy.

I think that is a very big problem in trying to export human rights along with capitalism. They must have better control and take responsibility for their workforce. That is where a lot of the abuses occur, including the one-child policy enforcement, where I think the U.S. Business Council at one point gave advice to its membership to don't get involved in the policy, delegate it to the Communist Federation, the women's group, have them deal with it. But it was the American workforce in China.

The *Washington Post* reported that the McDonnell Douglas plant in Shanghai, which is a 1,000-worker plant, had a Communist Party official at an office on the floor of the factory overseeing personnel. It turned to the Ministry of Aviation for its hiring policies.

Ms. MASSIMINO. This is a really important point you raised, and it is one we have been doing a lot of thinking about at the Lawyers Committee lately.

We have embarked on a dialog with leaders of the major businesses doing business in China. It is an area in which I think businesses are starting to feel a little bit of heat of public scrutiny and therefore are turning to human rights groups slightly more to ask questions.

There is a process that needs to go on that is part education. As Nina just said, some of them don't know what is going on, some of them don't want to know what is going on, but we need to educate businesses about human rights standards and we need some, I would say, stronger leadership from the White House in asking business to play a constructive role. Businesses are playing a large part in dictating U.S. foreign policy with China. Part of that deal has to be that businesses pay more attention to what they can do in the area of human rights.

When the White House called leaders of the apparel industry together with human rights organizations and labor unions and consumer groups and said, I want you to work as a task force, on a code of conduct, a voluntary code of conduct, and this is something I care about that is important to my Administration, it happened.

That is the kind of leadership that we would like to see from the White House on this issue, to call Boeing and the other big businesses doing business in China to the White House and say, this is what we want you to be part of, our human rights policy, or, at the very least, don't be part of the problem.

Mr. ROTH. If I could add to that, actually I think my colleague here may be giving the Clinton Administration too much credit. Yes, they said whoever wants to come to the White House can talk about adopting a voluntary code of conduct. So you have a dozen corporations, all good-guy corporations, sitting there talking about adopting something that would be voluntary in any case, and it leaves out everybody else.

I think this kind of voluntary approach isn't working. We don't have a White House code of conduct. They have stalemated on the question of how you monitor whether the companies comply with this code. Even the handful of groups that have come on, are they going to have the accounting firms do the monitoring, or are they going to have a truly independent monitor?

I think that this is a place where there could be congressional leadership in that I have become pessimistic about the concept of voluntary codes of conduct, and I think what is ultimately needed is a law governing the way American businesses conduct themselves overseas. Hopefully, we could convince allies around the world to adopt these or similar provisions.

Even though no one wants to turn businesses into human rights advocates, there are basic principles that should govern all corporate conduct overseas; at minimum, they should not become complicit in human rights violations; they themselves as well as

their suppliers or joint venture partners shouldn't violate rights involving free association, free expression, the use of arbitrary violence, discrimination, and the like.

Until that is a legal requirement, the same way as not bribing foreign officials is a legal requirement, I don't think we are going to get the progress we need in making sure that American corporations are part of the solution rather than of the problem.

Mr. SMITH. I thank you for that.

This also should apply to our own government. Joseph Rees, my staff director and chief counsel of the Subcommittee, was in Vietnam recently, and he discovered a very credible report of a Vietnamese national who was part of the Orderly Departure Program who was fired because he had an unauthorized child. It is part of the two-child-per-couple policy that they have in Vietnam.

It seems to me someone in the employ of the U.S. Government shouldn't be subject to this. And we are tracking this down, and we have alerted the proper authority to get the full accounting of this and hopefully reinstate. If indeed this is accurate—and we believe it is—it seems to me we shouldn't be enforcing a two-child-per-couple policy because that person happens to be a Vietnamese national. We should start with ourselves and our own State Department, and certainly we should be looking at what Mr. Roth is talking about, some kind of national code.

Voluntarism is fine, but when the profit motive rears its—I won't say ugly head because the world does run by incentives—all of a sudden, what is human rights? Who wants to know anything about it?

We have run into a similar buzz-saw with the Administration, even on child labor. The former Secretary of Labor, Robert Reich, was very, very much involved with that issue. We had two hearings in our Subcommittee. We prepared a very extensive bill—and my good friend, Eni, is one of the cosponsors—we have a good bipartisan group. We can't get the Administration to support the bill; there is one with sanctions, the other without sanctions.

We are trying to apply legislative leverage to make it easier for the Administration to promote that agenda. We said, show us where we can make it better. We are still waiting for feedback. That was the last Congress when they stopped it, because we needed bipartisan support. Now we have the bill pending again, and we are into the second year of this session.

So I agree, voluntarism only goes so far; there are good-guy companies, and a whole lot of others who just couldn't care less.

Mr. RICKARD. The underlying issue you put your finger on is getting past the false dichotomies that are always created to argue against promoting human rights. There seems to be a desire to create a situation where human rights is put in opposition to some other goal that we might want. Almost always when you examine this closely, it is a false dichotomy, whatever it is. Ken talked about it, repression and trade, and I talked about it. Maybe this year the businesses will actually begin to internalize this. People have been talking to them for a long time.

The same is true in counternarcotics, the idea that you will have officials in Colombia who don't think they will be held accountable if they kill someone, but the next day, if they take a bribe to look

the other way over a drug transaction, that is not OK, and somehow there is an independent judiciary for that and a free press for that but not for murdering people. It is a false dichotomy.

A pro-business policy is pro human rights. Counternarcotics strategy means free press, independent judiciary, professionalized police—it is a false dichotomy. You are saying here that you can't be a company going into these areas and think you can work with a regime that can treat individuals extremely roughly in the most personal matters with total impunity and then be OK if you run into the problems of the bankruptcy law or with the local authorities. It is all part of the same problem, which is unaccountable authority.

Mr. SMITH. I have one more question, and then we will conclude the hearing. It is on Burma and the impact of UNDP programs. In your opinion does SLORC have too much to say about those? What about our policy vis-a-vis Burma? Is it proper sanctions?

You can respond for the record.

Mr. RICKARD. I am hesitating because I actually have a long personal involvement on that, but it is somewhat different from my organization's policy, Amnesty doesn't take a position on economic sanctions or linkages to human rights.

I would be very happy to work with you to provide you with information. I know a lot of people that follow that issue closely. Absolutely, there is no question there have been allegations in the past that—I am a little dated on this—that UNDP was not nearly careful enough in distinguishing development programs from programs which just "coincidentally" were extremely helpful in terms of prosecuting warfare against ethnic minorities.

But the United States did get involved in monitoring those projects. There was a change in the UNDP programs in Burma. But, as I said, I am a little behind on that but would be happy to work with you in terms of getting information on that point from people who do follow it very closely and are very current on the issue.

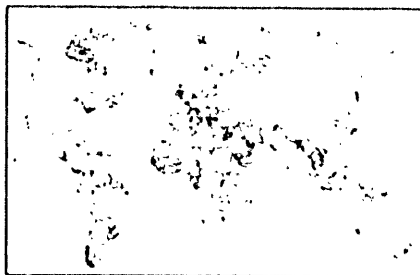
Mr. SMITH. Thank you very much for your expert testimony, and the hearing is adjourned.

[Whereupon, at 4:10 p.m., the Subcommittee was adjourned.]

APPENDIX

**NEWS FROM THE
House International
Relations Committee**

Benjamin A. Gilman, Chairman



DATE: February 3, 1998

FOR RELEASE: Immediate

Contact: Jerry Lipson, Communications Director (202)225-5021

**Statement of Chairman Benjamin A. Gilman
Hearing on State Department Human Rights Report
Subcommittee on International Operations and Human Rights
February 3, 1998**

I want to thank Chairman Smith and the Ranking Minority Member Mr. Lantos for holding this hearing today, and welcome Assistant Secretary of State John Shattuck and today's witnesses. The release of the annual Country Reports on Human Rights is a much anticipated event in the human rights community in both the United States and around the world.

Over the years our State Department has worked to make these reports a fairly accurate reflection of the human rights situation in every country throughout the world and they are carefully reviewed by the respective governments as a way of sensing the nature of our relations with them.

It is an honor to have with us today Wei Jinsheng. His courage and commitment to the future of his country through his faith in truth, democracy and human rights is a great testimony to the strength of the human spirit. Your presence among us encourages us to continue our work on behalf of all repressed people. To have you here safely in the U.S. will be a great benefit for China. We hope to work closely with you and seek your advice on how we can quickly bring democracy to China and Tibet.

In Asia, as the Report rightfully emphasizes, the government of China continues to commit widespread and well documented abuses of its citizens human rights. But how the Report can assert that things are somehow better is beyond me. We cannot allow our policy of engaging the Chinese authorities and promoting economic liberalism to overshadow our own country's most fundamental interest in seeing the blessings of democracy spread to every nation on the globe. This Report should give credit where credit is due but it is not helpful for it to stray into the world of politics. It should be a strictly factual and objective Report.

Last April, for the seventh year, Beijing successfully lobbied the U.N. Commission on Human Rights in Geneva to pass a no-action motion against the consideration of a resolution on China's human rights violations. Before the vote, some Members of our Committee contacted every swing vote on the Commission urging them to vote against the no-action motion and for the resolution condemning China.

In occupied Tibet, the repression of human and religious rights has reached new heights. Monks must sign a five point declaration renouncing some of the basic tenets of their faith such as renouncing His Holiness the Dalai Lama and pledging their allegiance to the Chinese appointed Panchen Lama. The deputy-head of the Communist Party in Tibet last year, called the Dalai Lama "...the scum of the people, the chief criminal of religion..." and directed greater control of Tibet's monasteries.

Repression of Christians in China has reached new heights as more and more clergy are sent to prison for the mere practice of their faith. In Burma, Cambodia, Indonesia, Laos, East Timor and Vietnam, human rights abuses continue to be pervasive. As we have made well known to the Administration, we believe that it was a mistake to accord the Vietnamese government full diplomatic recognition while the people of Vietnam continued to languish under its repressive dictatorial sway.

(over)

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In addition, I would like to note the troubling incidences of religious intolerance that we see around the world, including many countries with which we enjoy friendly relations. Freedom of conscience and of worship are a sacrosanct aspect of the human condition.

An area of concern for me and many other Members of the Congress is the continuing problem we face in Bosnia-Herzegovina. The United States and its allies are engaged in a major undertaking in Bosnia-Herzegovina to restore peace to that part of the Balkans which has been so tragically wracked by conflict during the opening years of this decade.

Regrettably some within the "Republic of Srbska" continue to refuse cooperation with the Tribunal and continue to harbor individuals that have been indicted including the former President Karadzic and the former Commander of the Bosnian Serb Army Mladic. The international community must not tolerate such blatant attempts to thwart the respect for human rights by protecting and rewarding those who have infringed upon the most basic standards of civilization.

In Turkey, although it is claimed that there has been some progress in ending the official criminalization of speech, I am concerned that political freedom remains less than perfect and former members of the Grand National Assembly still remain in legal jeopardy, essentially because of statements they may have made. If Turkey wishes to be incorporated into a united Europe, as I believe most of its leaders recognize as its best course, it must do more to demonstrate a true and unswerving commitment to upholding the human rights of all of its citizens.

Finally, I am still concerned about governments which ignore parental rights and in some cases actually support the crime of international parental child abduction. I am concerned that too many of our own citizens are victimized by these governments when a foreign spouse abducts or illegally retains children in other countries which do not afford adequate recognition or protection for custody rights granted under our courts. Enforcing the rights of parents is an essential aspect of enforcing the rights of the child. I would like to see adequate reporting on this subject contained in future Country Reports on Human Rights.

On Northern Ireland, the report is good and lays out the human rights abuses, especially against the Catholic minority. We hope the Administration will support H. Con. Res. 12 on Northern Ireland that is pending on the House calendar. Timing, we are told, is the essence. As it has been said, "it is always the right time to do the right thing."

In closing, I look forward to hearing from our witnesses today. We have a long way to go, but this Report helps all of us to set our sights on an appropriate goal.

STATEMENT OF REP. CHRISTOPHER H. SMITH
Chairman, Subcommittee on International Operations and Human Rights

1997 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

I am pleased to convene this hearing of the Subcommittee on International Operations and Human Rights. It is fitting that the subcommittee's first hearing in this session of the Congress is for the purpose of reviewing the Country Reports on Human Rights Practices for 1997. It is particularly appropriate that our distinguished witnesses this year include not only Assistant Secretary John Shattuck and the representatives of four leading human rights organizations, but also Wei Jingsheng, whose name is known around the world as a synonym for courage and perseverance in the cause of freedom.

This year's Country Reports, released by the State Department last Friday, serve to confirm and document what we knew already: that the last year has not been a good one for the state of human rights in the world. The totalitarian governments of China, Viet Nam, and Cuba all continued their persecution of political and religious dissidents, and women in China continued to be subjected to forced abortions and forced sterilizations. Military dictatorships in Indonesia, Burma, and other countries continued to harass, and in some cases to persecute, their peaceful and legitimate political opponents. The practices of child labor, female genital mutilation, trafficking in women and children for purposes of prostitution, and human chattel slavery continued unabated.

Perhaps even more alarming were the reports of serious human rights violations by governments with which the United States enjoys a close relationship: religious persecution in Saudi Arabia and Morocco, mass sterilizations of women without informed consent in Mexico and Peru, death threats against defense attorneys by members of the Royal Ulster Constabulary in Northern Ireland.

Unfortunately, on some important issues the Country Reports appear to be pulling their punches --- minimizing or even ignore serious and ongoing abuses, particularly by governments with whom our own government is trying to improve relations.

- Some of the worst evasions and euphemisms are in the report on Viet Nam. First, the report minimizes the extent of religious

persecution in that country by noting that people are allowed to attend religious services, and then discussing restrictions on religious institutions almost entirely in terms of administrative matters such as the appointment of clergy and permits to build churches. It says nothing at all about government-imposed restrictions on religious teaching, such as Catholic opposition to abortion. Similarly, the Viet Nam report grossly understates the extent and nature of discrimination, harassment, and persecution of asylum seekers who have been forcibly returned under the "Comprehensive Plan of Action." The report also inexplicably states that "the Government made no effort to limit access to international radio" --- even though it is well known within Viet Nam and here in the United States that the government systematically jams Radio Free Asia.

- As Wei Jingsheng so eloquently said in his speech to the Council on Foreign Relations yesterday, this year's China report attempts to "beautify the Chinese communists." As in previous years, the report continues to describe the Beijing regime as "authoritarian" rather than "totalitarian." Although the reporting appears to be generally accurate, the language is juxtaposed so as to emphasize isolated and microscopic improvements rather than the grim reality of continued systematic oppression.
- The report on Mauritania understates the gravity of the continuing problem of slavery in that country. By focusing inordinately on legal distinctions which are of little consequence to the slaves themselves, the report obscures the responsibility of the Mauritanian government for the forced servitude of many of its citizens. The report boldly states that "[a] system of officially sanctioned slavery...does not exist" --- even though it recognizes later that "forced and involuntary servitude persists" and "many persons still consider themselves to be slaves." By focusing on the statutory abolition of slavery and the difficulty of proving the existence of officially enforced slavery, the report tends to legitimate what it admits to be "the [Mauritanian] Government's weak record of enforcing the ban on slavery." The need to maintain moral pressure on that government to combat forced servitude has sadly been reinforced by that government's arrest earlier this month of prominent anti-slavery activists.
- In Peru, human rights groups have reported a systematic campaign, complete with numeric goals and timetables, to sterilize poor women. There are credible and detailed reports that this campaign has resulted in widespread abuses, including the absence of

informed consent and the provision of food and other incentives in exchange for sterilization, and even in deaths from operations performed in substandard facilities. Yet the State Department's report devotes less than a paragraph to these reports, noting with apparent optimism that the Ministry of Health --- the very organization accused of conducting the campaign --- is among those investigating the allegations.

In other cases, the Country Report makes human rights abuses look just as bad as they really are, but raises serious questions about why elimination of these abuses has not been a more central goal of United States foreign policy:

- For instance, the report on Indonesia contains chilling accounts of extrajudicial killings, disappearances, torture, and other grave human rights violations in East Timor, Irian Jaya, and elsewhere. Yet our Indonesia policy is overwhelmingly tilted toward trade promotion. It is particularly shameful that the recent U.S.-supported economic bailout of the Indonesian government imposed no conditions with respect to democracy or human rights.
- The report on Rwanda repeatedly highlights the fact that "[Rwandan] security forces committed numerous serious human rights abuses." It states that the Rwandan army "committed thousands of killings" of unarmed civilians in the past year, including "routine" and "systematic" killings of "suspected insurgent collaborators and their families, including women and children." Among other problems, the report also notes that Rwandan citizens "do not have the right to change their government by democratic means," and that the Rwandan government "harassed journalists whose reporting was contrary to official views." At the same time, the United States government has maintained a close relationship with the government of Rwanda, and State Department officials have stated that this Administration simply will not consider conditioning future aid to Rwanda on improvements in that government's human rights practices.
- The report on the United Kingdom is dominated by abuses specific to Northern Ireland. It correctly reiterates the widespread criticism of so-called "emergency laws" which permit arbitrary arrests and detentions, criminal trials without juries, infringements on the right to counsel and the right against self-incrimination, and reliance on false or coerced confessions. The report discusses the tragic cases of Robert Hamill, Pat Finucane, Patrick Kane, the many victims of plastic bullets, intimidation of defense attorneys in the Catholic

community, and the shockingly disproportionate rate of unemployment among Catholic men in Northern Ireland. The report notes the widespread criticism of these and other abuses by international and nongovernmental human rights institutions, and the promises of reform --- mostly unfulfilled --- by the government of the United Kingdom itself. It is therefore difficult to understand why the Administration has been conspicuously absent from this Subcommittee's hearings on H.Con.Res. 152 --- which condemns these very human rights abuses and identifies specific ways in which internationally recognized human rights standards can be integrated into the Northern Ireland peace process --- and why the Administration has been so vague in its support for the resolution itself. To acknowledge abuses but then hold back on public support for reforms sends the signal that human rights protection may be at best a secondary goal of the peace process. This is exactly the wrong message in Northern Ireland, just as it was in Bosnia. Human rights protection should be the central goal of any peace process, not a footnote or an afterthought.

In conclusion, the biggest problem with the Country Reports is not the reporting itself, but the uses to which this human rights reporting may or may not be put. As James O'Dea, then of Amnesty International, said at this subcommittee's hearing on the 1994 Country Reports, "human rights is an island off the mainland of United States foreign policy" --- pretty to look at, but too seldom connected to the policy itself.

All in all, and with the reservations I have noted above, the State Department's Bureau of Democracy, Labor, and Human Rights has done a good job on this year's reports. This is one of the most important services the Department performs. The cornerstone of United States foreign policy should be the promotion of American values --- that is, the protection and advancement of fundamental human rights of people around the world. For this reason, it is troubling that in this year's State Department budget, as in previous years, the Human Rights Bureau is grossly undervalued compared to bureaus charged with advancing other concerns. The Bureau is smaller than the State Department's Public Affairs office, smaller than the Protocol office, and far smaller than the six regional bureaus, which have an average of about 1500 employees each. These are the bureaus the Human Rights bureau sometimes has to contend with in ensuring that human rights is accorded its rightful priority against competing concerns, and they have a combined budget of about a billion dollars, or about 160 times the budget of the Human Rights bureau. If the Department would correct this gross disparity in resource allocation, we would have better human rights reporting and a better foreign policy.

Statement of Congressman Tom Lantos
Subcommittee on International Operations and Human Rights
Hearing on Country Reports on Human Rights Practices, 1997
February 3, 1998

Mr. Chairman, this hearing to examine and review of the State Department Country Reports on Human Rights Practices for 1997 is one of the important annual hearings this Subcommittee holds. I commend you for holding this hearing, and I commend you for your commitment to human rights. You, Mr. Chairman, are one of the truly outstanding leaders in the Congress in support of human rights of children, women, and men throughout the world, and I appreciate working together with you on this Subcommittee to encourage respect for human rights and to encourage the United States government to take strong action in support of these fundamental rights.

The respect and support for international human rights by the American people and the United States government is critical in defining who we are as Americans. Our support for human rights is one of the most important contributions that our nation has made to international relations in this century, and human rights is a cornerstone of our nation's foreign policy. As Deputy Secretary of State Strobe Talbot so aptly said in introducing this year's Country Reports on Human Rights Practices: "It is a basic premise of our foreign policy that governments that respect the dignity and freedom of their own citizens are much more likely to be responsible members of the international community. The converse is also true. Regimes that rule by repression and violence at home are more likely to threaten their neighbors and world peace as a whole."

*Statement of Congressman Tom Lantos
Subcommittee Hearing – February 3, 1998
Annual State Department Country Reports on Human Rights Practices
Page 2*

Mr. Chairman, I would like to commend a number of the leaders of this Administration who have given great emphasis to human rights as part of our nation's foreign policy. First, I want to commend our Secretary of State Madeleine Albright for her leadership and her commitment to human rights. I also want to mention the Deputy Secretary Strobe Talbot, whom I just quoted. His leadership has been important in making human rights a meaningful part of our day-to-day diplomacy, particularly in his focus on relations with Russia and the other countries of the Newly Independent States.

I also want to pay tribute, Mr. Chairman, to John Shattuck, our Assistant Secretary of State for Democracy, Human Rights, and Labor. John has given thoughtful leadership, strong focus and careful attention to the implementation of human rights as part of our overall foreign policy. John has served as a conscience in the Department of State, making sure that our commitment to fostering democracy and respect for human rights is always a top priority in our policy.

I also want to commend, Mr. Chairman, the United States Foreign Service Officers in embassies around the world as well as those assigned to work on this report here in Washington. They have devoted considerable time, attention, and resources to the reporting that goes into this document. The quality and attention given to this report is a tribute to their dedication and the quality of their work.

The annual report that we are considering in today's hearing – "Country

*Statement of Congressman Tom Lantos
Subcommittee Hearing – February 3, 1998
Annual State Department Country Reports on Human Rights Practices
Page 3*

Reports on Human Rights Practices for 1997” – is the 21st report in this series that goes back to 1978 when Congress first required the Administration to prepare this annual report to the Congress. In some of the early volumes, Cold War considerations or other foreign policy priorities led previous administrations to minimize human rights violations of some countries. I think, Mr. Chairman, that the careful examination of the annual “Country Reports” by the Congress in past decades has resulted in the establishment of a pattern of accurate and reliable reports. The attention which the “Country Reports” receives from the news media, from those countries who are discussed in the document, and from our colleagues here in the Congress is a reflection of the importance of this document.

While this year’s Report is factual and the reporting by our embassy personnel is good within the understandable limits of their access to information, there are some questions that I have with regard to the implications of the Report’s description of human rights abuses in the People’s Republic of China. The Report states: “There were positive steps in human rights” but then notes as an afterthought : “although serious problems remained.” The “positive steps” are infinitely tiny, while the “serious problems” are outrageously large.

We continue to coddle the Chinese government, and give great attention to the tiniest of actions. The release of Wei Jingsheng in November was heralded as a great step – it was welcome, and I am delighted that Mr. Wei has been released. He is truly a giant in the struggle for human rights in China, and all of us rejoice that he

*Statement of Congressman Tom Lantos
Subcommittee Hearing – February 3, 1998
Annual State Department Country Reports on Human Rights Practices
Page 4*

has finally been released from prison. I welcome that he is here today to testify at this hearing.

At the same time, however, Mr. Wei consistently said that he wanted to remain in China in order to work for democracy in his homeland following his release from prison. He was expelled from China in order to separate him from his supporters inside China. Only the gravest concerns for his health and the seriousness of his medical condition made it impossible for him to resist the cynical and calculated extradition of this brave and outstanding human rights leader by the brutal Beijing bullies.

But how many tens of thousands of Chinese citizens remain incarcerated for their efforts to assert their human and civil rights? The supporters of trade and economic relations with China give great attention to few positive steps, but ignore the continuing egregious and outrageous human rights violations.

One additional item that I wish to mention, and item which is not discussed in the Country Reports on Human Rights is the failure of the United States to take a constructive leadership role in the United Nations-sponsored working group on the Optional Protocol on the Rights of the Child regarding the 18-year minimum age requirement for participation in armed conflict. I have initiated a letter to the President that was sent just a few days ago urging the President to take a positive role in these negotiations and in urging a positive U.S. position on this issue.

*Statement of Congressman Tom Lantos
Subcommittee Hearing – February 3, 1998
Annual State Department Country Reports on Human Rights Practices
Page 5*

There is a serious problem regarding the increasing global use of children soldiers, many of them forcibly conscripted, who serve in armed conflicts around the world. Experts estimate that as many as 250,000 children, some as young as eight years old, serve in the military forces of over 30 countries. This has resulted in the deaths of some two million minors in the last decade alone. In addition to those children killed, an estimated six million more have been seriously injured or permanently disabled.

We in the United States do not use minors under the age of 18 in armed conflict. Even though we do not have statutes which prohibit young people under the age of 18 to serve in combat, our military forces follow policies and practices that *de facto* do not place young people in situations of conflict until they are 18 years of age. We do permit 17-year-old volunteers in our armed forces, but our military training requirements are such that these volunteers are over the age of 18 when they are considered ready to serve in combat situations.

I am therefore disturbed and dismayed to learn that the U.S. delegation to the working group on the Optional Protocol to the Convention on the Rights of the Child has obstructed any progress in reaching an agreement regarding the 18-year-of-age minimum requirement for participation in armed conflict. The working group operates on the basis of unanimous consent, and thus our unwillingness to agree to this simple provision has prevented further action. It is my hope, Mr. Chairman, that our President and Secretary Albright will give this issue appropriate favorable

*Statement of Congressman Tom Lantos
Subcommittee Hearing – February 3, 1998
Annual State Department Country Reports on Human Rights Practices
Page 6*

attention direct that the U.S. delegation take a more rational position on this important issue.

Thank you, Mr. Chairman.

COUNTRY REPORTS AND U.S. POLICIES ON HUMAN RIGHTS PRACTICES

FOR 1997

TESTIMONY OF

THE HONORABLE JOHN SHATTUCK

ASSISTANT SECRETARY OF STATE
FOR DEMOCRACY, HUMAN RIGHTS AND LABOR

BEFORE THE
COMMITTEE ON INTERNATIONAL RELATIONS
U.S. HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1998

Mr. Chairman, I would like to thank you for the opportunity to appear before you today to discuss the work being done by the State Department, and specifically the Bureau of Democracy, Human Rights and Labor around the world. Perhaps more than in any other element of our nation's foreign policy, the democracy and human rights agenda reflects American principles and beliefs, and makes an important contributions to fulfilling our vision for a safe and peaceful world.

Overview - The Human Rights Reports and U.S. Diplomacy

I am especially pleased to be here because human rights diplomacy has proven to be one of the most creative and fruitful instances of collaboration between the Legislative and Executive branches. A Congressional mandate created my bureau, and the annual Country Reports, whose release this week brings us here today, is but one of the many tools of human rights diplomacy to have emerged from Congressional engagement with this issue.

Indeed, Mr. Chairman, the Country Reports' role in human rights advocacy and diplomacy is far reaching. To begin with, the thousands of personnel hours devoted to preparing the Reports, at our embassies all around the world and here in Washington, serve to concentrate the minds of U.S. diplomats and their foreign counterparts on our commitment to the promotion of human rights, and bring our personnel into ongoing contact with the extraordinary human rights activists in every country whose independent reporting is indispensable to our own. The annual presentation of the Country Reports to host governments extends and deepens the dialogue on human rights in those countries, affords a regular benchmark for progress and a steady reminder of this government's commitment. The attention on abuses focused by these Reports, backed by the credibility of the United States, is itself a major boost to the work of human rights activists.

Mr. Chairman, in my Introduction published with the Country Reports, I have summarized the themes and highlights, the crises and improvements, that marked the state of human rights throughout the world in 1997. I am submitting for the record a copy of the text of this introduction.

The Country Reports set a factual basis for the formation of our human rights policy. Highlighting abuses

is an important first step in our approach. We believe strongly that truth is the most important weapon against oppression and injustice. It is ironic how the reaction of some regimes testifies to the universality of human rights; repressive regimes cringe when factual reports of their actions are published. Responsible governments are far more inclined to recognize their shortcomings and seek remedies. And human rights advocates around the world are heartened that the United States has spoken out on their behalf. Through the Internet, the Country Reports we are discussing today have already made their way around the world, and in doing so, have advanced U.S. interests and the cause of human rights.

Major Developments of 1997

Looking back at 1997, let me review some of the major developments outlined in the Country Reports.

I'd like to start with Bosnia because it belongs at the top. I believe when the dust settles history will mark 1997 as the turning point toward peace and justice in Bosnia. The number of war criminals taken into custody tripled last year from eight to 24, and multiple trials began in the Hague. Through a series of elections, pluralism began to take hold in some Serb areas and the Pale war criminals and hardliners were increasingly isolated. More refugees began to return to their homes. Joint institutions of justice, such as the International Police Task Force, were strengthened to provide protection for human rights. And the NATO Stabilization Force was extended to provide the international backbone for stepping up implementation of the Dayton Accords. Major human rights abuses continued, as recorded in our Bosnia country report, and clearly much more needs to be done. This is why our continued engagement is essential. Bosnia marks the most significant, and the most difficult, human rights progress of 1997.

Let's look then at the record of three different groups of countries: authoritarian regimes, countries in conflict and countries in transition.

First, authoritarian regimes.

In China, there were some positive steps, although the Government continued to commit widespread and well documented human rights abuses in all areas covered by our 1996 Report. Positive developments included the release of a few political prisoners, continued legal reform, and a somewhat greater tolerance of dissent. The abuses stem

from the government's continued aversion to dissent, fear of unrest, and inadequate legal protection of basic freedoms. Large numbers of people remain detained for the peaceful expression of their political and religious views.

In Burma, the military government changed its name, but not its policies. It continued to repress the democratic opposition led by Aung San Suu Kyi and security forces committed serious human rights abuses, including extrajudicial killings and rape.

In Nigeria, there has been little meaningful progress on the promised transition to democratic rule and major human rights abuses continued.

In Syria, there was little movement toward opening up an autocratic system.

In Cuba, despite the welcome visit by the Pope, extensive repression continues.

In Iraq, the government forced the displacement of tens of thousands of Kurds, Shia, and other minorities and there were credible reports of mass extrajudicial killings.

In Libya, an entrenched dictatorship denied the basic rights of the people.

In Iran, serious human rights abuses persisted, although its new president has pledged support for the rule of law and increased personal freedoms.

In Saudi Arabia, restrictions on freedoms, including the denial of basic rights to women and the denial of freedom of religion continued.

After authoritarian regimes, let's look at countries in conflict.

Ethnic and religious conflict remain among the most intractable and dangerous problems in the world today. Cynical leaders can fan the flames of religious or ethnic differences to create a cycle of repression, retribution and abuse. Even where military or paramilitary forces are the chief protagonists in violent conflicts, it is innocent civilians who pay the heaviest price.

In Algeria, alarming brutality, including massacres, systematic rape and other sexual violence against women, continues. In light of the differing accounts about the

origin of these abuses, the need for a credible international fact finding mission is clear.

In the Great Lakes countries of Central Africa - the Democratic Republic of Congo, Rwanda and Burundi - ethnic killings and other fundamental abuses of human rights continued with impunity, and on a wide scale.

In Sudan, severe problems of religious persecution and slavery persist.

In Afghanistan, the repressive Taliban control the majority of the territory, while the country remains in a state of near anarchy. The Taliban continues its policy of blatant abuse and discrimination against women, a record that Secretary Albright has described as "despicable."

In Colombia, security forces, paramilitaries and guerrillas committed extrajudicial killings, almost always with impunity. Paramilitaries, at times with the collaboration or acquiescence of the military, were responsible for massacres of unarmed civilians.

Finally, let me review the record of countries in transition.

Many of these countries present a mixed picture, with competing trends toward progress and tendencies to backsliding.

In Albania, the international community, led by the OSCE, coordinated an effective response to the threat of chaos, and helped to put the country back on a democratic track.

In Romania and Bulgaria, despite significant remaining obstacles, we have seen the consolidation of democratic reforms.

Liberia held free and transparent presidential and parliamentary elections, ending more than seven years of civil war.

In Guatemala, the Peace Accords signed in December 1996 have formed the basis of efforts at national reconciliation and have led to a decline in abuses by the security forces.

In South Africa, the Truth and Reconciliation Commission, which held hearings throughout the year, seemed to be having a healing effect on that nation's troubled past. The

Government plans to set up a fund to compensate victims of apartheid-era violence.

In Haiti, despite the serious setbacks of the past year, the government continues to seek resolution of political conflicts within a non-violent, constitutional framework, and human rights abuses have been sharply curtailed since 1994.

In Bangladesh, there has been significant progress towards eliminating child labor in the garment exporting industry.

In Egypt, there were numerous human rights abuses, although the record improved somewhat compared to recent years.

In Indonesia, restrictions continued on freedom of association and workers rights, and on allowing the people a real voice in the choice of their leaders. There was little progress on international efforts to find a solution to the problem of East Timor. Security forces continued extrajudicial killings, disappearances and torture.

In Vietnam, despite modest improvements, the human rights record continued to be poor, with significant restrictions on freedom of speech, association and religion.

In Serbia, repression continues unabated, particularly in the Kosovo region, where the 90 percent ethnic Albanian population is denied basic human rights, and Serbian police have used excessive force against peaceful demonstrations.

In Turkey, widespread human rights abuses continued, although the new Yilmaz government publicly committed itself to significant reforms to expand freedom of expression and address the problem torture.

In Russia, the Government adopted a restrictive and potentially discriminatory law on religion, which has raised questions about Russia's commitment to international agreements honoring freedom of religion.

In Cambodia, the democratic process begun under UN auspices through the 1993 elections was derailed by violent conflict last July; no one has been held accountable for the extrajudicial killings, and limitations on a free press and the right to a fair trial continue.

In Belarus, there was a continued drift toward presidential dictatorship and suppression of personal freedoms of speech and assembly.

In Croatia, although we welcome increased cooperation with the War Crimes Tribunal, the government used domination of the media and control of the judiciary and electoral process to harass and sideline the democratic opposition.

In Mexico, there were positive political developments, including free and fair elections in July. However, continuing violence in Chiapas, notably the December massacre of 45 indigenous people, cast a shadow over the human rights situation.

In Pakistan, Christians and Ahmadis continue to be persecuted by Islamic extremists, though we are encouraged that the Prime Minister Nawaz Sharif has spoken out on behalf of religious minorities.

The Ten Components of Our Policy

Casting the spotlight on abuses can only be the first step in our policy. Our goal has been, and will continue to be, to use all the tools at our disposal to advance the cause of human rights, democracy, and justice in our foreign policy.

Mr. Chairman, three of the primary objectives of U.S. foreign policy in pursuit of U.S. national security interests in the post-Cold War world are:

- first, reducing regional conflicts among ethnic, religious, and national groups;
- second, promoting adherence to international human rights, including the rights of women, and worker rights standards, and
- third, facilitating the peaceful expansion of new democracies

Over the past five years we have worked steadily to integrate these human rights objectives into the mainstream of our foreign policy. Our experience has taught us that much can be accomplished when the U.S. exercises leadership, but at the same time, we can be most successful when we pursue these human rights objectives in close coordination with our allies and with those organizations outside government which share our goals.

Our arsenal for promoting these human rights objectives is a broad one, and we employ it actively. It includes both

traditional diplomacy and a range of new approaches that we continue to expand and develop. I would like to review for you ten different instruments we have used in the past year to advance human rights and democracy.

-- First, is getting out the information, as we have done in the Country Reports delivered to you this week and conveying it to foreign governments.

-- Second, we have expressed U.S. government positions on human rights vigorously and publicly. Hardly a day goes by that the Department of State does not offer its public view on a human rights violation or development in some country. In recent days, for example, we have voiced our concerns about the savage massacres of civilians, including the brutal and systematic rape of women, in Algeria and the killings in the Chiapas state of Mexico. We have discussed the dangers of the absence of human rights progress in Kosovo. We have made clear that continuing human rights abuses in Cambodia undercut the possibility of free and fair elections this year. We have condemned killings of civilians by both government forces and rebel troops in Burundi. We have called for greater respect for fundamental freedoms and human rights in Cuba. Speaking out is not a small step - public diplomacy is an important instrument of our human rights policy. Secretary Albright expressed our opposition to the Taleban's treatment of women in Afghanistan, calling it "despicable". First Lady Hillary Rodham Clinton called attention to many abuses of women around the world in her recent speech at the UN on Human Rights Day.

-- Third, we have conducted major diplomatic initiatives in support of human rights. I will mention just a few examples:

- Throughout 1997, the President, the First Lady, the Vice President, and the Secretary of State have raised human rights concerns in their meetings with foreign leaders, including from China, Russia, Bosnia, Croatia, Mexico, Costa Rica, Barbados, Brazil, Venezuela, Argentina, Rwanda, Ethiopia, Democratic Republic of the Congo, Uganda, South Africa, India, and Pakistan, at the United Nations, and in regional forums such as ASEAN.
- Secretary Albright's deep personal commitment to human rights makes her a particularly forceful and effective advocate. She spoke out about Burma's human rights situation at last year's ASEAN meeting. She was the first Secretary of State to meet with Mexican NGOs in

Mexico. She pressed leaders on human rights in Vietnam, Guatemala, Croatia, and South Africa in her visits to those countries, and made clear our concerns on the Russian religion law to senior Russian officials. Her outspoken advocacy on Bosnia and on women's rights is well known.

- I myself have logged hundreds of thousands of miles to over forty countries to raise human rights issues with foreign leaders. Among other recent initiatives, I've helped implement the successful U.S. strategy to press Croatia to assist in bringing 10 indicted war criminals into custody in the Hague. I traveled to Cambodia, Indonesia, and the Democratic Republic of the Congo to address major human rights abuses in those countries. In June I led the official U.S. delegation to the successful Albanian elections, which pulled that country back from the brink of chaos. In December I conducted a comprehensive review of democracy and human rights in Hong Kong after the turnover of sovereignty from Britain to China. This month I will be traveling to Turkey, Serbia and Croatia to raise our human rights concerns. We have been active in international fora to eliminate exploitative child labor, and have interceded on behalf of harassed independent trade union leaders.
- Over the past year members of my staff have visited Turkey, China, Bosnia, Haiti, Panama, Croatia, Serbia, Mexico, and Sudan to press for the evolution of democracy and protection of human rights. They have participated in monitoring elections in Bosnia and Albania. Plans are underway for a visit to Armenia, Azerbaijan, and Georgia.
- In 1997 we continued newly established formal human rights dialogues with Albania, Colombia, Mexico, Russia, and Vietnam to highlight our human rights policies and to support progressive steps.
- Secretary Albright has instructed all of our Ambassadors around the world to raise human rights issues and concerns with their host governments. In particular in 1997 the Secretary instructed them to pay special attention, and raise with host governments, issues of religious persecution and the integration of women's issues into foreign policy.
- Finally our diplomatic initiatives last year included working with our partners in the European Union, the OAS, COE, ASEAN, and the OSCE, at the UN's many forums, and in

a host of multilateral organizations, such as the OECD, to develop common approaches and coordinated strategies on issues of human rights, democracy, and the rule of law. We joined with the EU to sponsor a joint initiative to prevent trafficking in women from and through Eastern Europe and the NIS.

-- The fourth major area of our work has been the building and strengthening of new international and national institutions of justice that will advance human rights and democracy.

- Most notable are the War Crimes Tribunals for the Former Yugoslavia and Rwanda. Both tribunals recognize the rape of women and girls as a war crime. The United States is the largest single resource supporter of both Tribunals. The Rwanda Tribunal last year achieved major success in gaining custody of indicted war criminals and began addressing administrative, staffing, and morale problems. The Rwanda Tribunal made history in 1997 when it filed its first indictment for rape and sexual abuse. It now has two indictments charging rape or sexual assault against two individuals in custody. These Tribunals are unique in trying to bring justice to ongoing conflicts as a way of seeking to end them, something that no other international institution of justice has ever attempted.
- In 1997, the Yugoslav Tribunal moved into center stage in the Bosnian peace process as a way of isolating the opponents of peace, helping to create breathing room for moderates to emerge and beginning to answer the demand for justice by victims who would otherwise seek retribution. Last year 18 indicted Bosnian war criminals were brought to justice in the Hague, tripling the number now in custody. In July SFOR made its first arrest of indicted war criminals, and additional arrests occurred in December and January involving Dutch and U.S. troops. Now 26 indicted war criminals are in a Hague jail awaiting trial. However, 52 persons publicly indicted by the Tribunal remain at large, including Ratko Mladic and Radovan Karadzic. International pressure is growing; the smartest move by Karadzic and Mladic would be to voluntarily surrender to Tribunal officials. The number of indictees charged with rape or sexual assault is now 26. Work is underway to amend some indictments to include sexual assault charges. 40 of the commanders who have been indicted have been charged with rape or sexual assault. Unfortunately, most of those charged with crimes of sexual assault are not yet in custody. We are working with our allies and the key players in the region

to enhance the ability of the Tribunal to bring all war criminals to justice.

- At the national level through USAID missions and regional democracy efforts we are deeply involved in programs promoting the rule of law, including administration of justice, training police, prosecutors and judges in human rights, and in the building of democratic, independent trade unions. We facilitate human rights training for police through the International Criminal Investigation Training Assistance Program (ICITAP) in Guatemala, Haiti, El Salvador, and in Bosnia, where the IPTF deployed hundreds of police monitors last year. We administer rule of law programs in many countries, including those of the former Soviet Union, Bosnia, Croatia, Guatemala and Haiti.
- While at the international level the most significant and promising of the institutions being created today are the War Crimes Tribunals, the U.S. has also led the creation of new quasi-international human rights institutions. In the Former Yugoslavia, 1997 saw the advancement of the Commission on Human Rights for Bosnia-Herzegovina. Former Senator Bob Dole succeeded former Secretary Cyrus Vance as chairman of the International Commission on Missing Persons in the Former Yugoslavia. He recently traveled to the region and secured the cooperation of all the region's leaders in this important process.
- In addition, we have contributed to and actively supported new institutions of accountability in countries around the world, such as the National Truth Commissions of El Salvador, Haiti, Guatemala and South Africa, and National Human Rights Commissions in India, Indonesia, and Mexico.
- In the United Nations context we have supported the creation and strengthening of the Office of the High Commissioner for Human Rights. We were pleased in the past year to see UN Secretary General Kofi Annan appoint Mary Robinson, former President of Ireland, to that office following the resignation of Jose Ayala Lasso of Ecuador. Secretary General Annan has also acted to raise the profile of the High Commissioner within the UN system. The United States is working with the international community to strengthen the High Commissioner's office through more efficient management and additional resources.

We are also working to ensure that human rights considerations are integrated into our relations with other countries in the area of military and security assistance. Restrictions on sales of certain kinds of weapons to some countries are a long standing part of that effort. This year, due to the requirements of Section 570 of the Foreign Operations Act, we have an even greater responsibility. This law supports our efforts to encourage countries which are responsibly acting to hold their military and security forces accountable for their actions. We recognize our responsibility to monitor allegations of abuses by forces that receive US assistance, as well as the need to examine reports of abuses objectively and completely. My Bureau will head up the Department's working group on this issue. As a first step, we are asking our diplomatic posts to provide an action plan for implementing this legislation.

- Another major initiative that has resulted from U.S. leadership and support has been the creation of UN human rights field missions and field offices in countries from Rwanda to Colombia to Cambodia. These missions help spotlight abuses, coordinate responses on the ground, and provide valuable early warning of impending human rights crises.

-- The fifth major area of our human rights work last year was the building of multilateral coalitions. At the UN Human Rights Commission we led the effort to adopt a resolution on China's human rights practices and we are now consulting with the Commission members about a China resolution in 1998, which we will again support if the human rights situation remains the same. Last year we encouraged frequent consultations among Friends of Cambodia, a group of donors and other interested parties, to coordinate a united international response to the violent events there in July. Last summer we developed a comprehensive human rights and democratization strategy for Bosnia that was agreed to by the European Union and led to a tightening of economic assistance conditionality. In Albania we worked with the EU, OSCE, and others to maintain stability and hold elections in Albania. Though not out of the woods yet, our work with the international community helped put Albania back on the democratic track. We continued to work closely with friends and allies in Europe and Latin America to promote a peaceful democratic transition and respect for human rights in Cuba.

-- Sixth, my bureau has moved ahead with developing and implementing various assistance programs in support of human rights and democracy. With Congress' support, we are now taking steps to implement our new Human Rights and Democracy

Fund. This Fund provides the Secretary with the flexibility to respond to human rights crises around the world, for instance through the office of the UN High Commissioner for Human Rights, and to implement internationally-mandated institutions such as the War Crimes Tribunals and the Bosnia Human Rights Commission. We look forward to building and expanding on this \$10 million fund in the coming years.

- For several years my bureau has directly managed a variety of Economic Support Funds that we have allocated for democracy and human rights programs. These include the implementation of the Congressionally-mandated earmark for Burma, the Cambodian genocide project, and support for the International Commission on Missing Persons in Bosnia chaired by former Senator Dole.
- In conjunction with the Department's regional bureaus, my bureau now also co-manages regional democracy and human rights funds for Africa, the Middle East, South Asia and East Asia and the Pacific. With the implementation of these funds we provide a mechanism to support programs promoting democratic transitions, the rule of law, the rights of women and minorities, as well as a broad range of civil society institutions.
- Finally, we've begun the process of implementing the agreement that President Clinton and President Jiang reached at their Summit to cooperate in developing China's legal institutions and the rule of law, which can lead to more predictability and protections for the rights and interests of Chinese citizens.

-- The seventh instrument at our disposal is exchange programs. We are increasingly collaborating with USIA on such programs, including bringing human rights and labor activists to the U.S. to observe our democratic processes at work, arranging exchanges that send American jurists overseas where they can advise new democracies on legal reform, and bringing women to the U.S. to exchange information on how to increase women's political participation and decrease violence against women.

-- Our eighth area of human rights work is with the U.S. private sector. We work actively with U.S. multinational corporations and with business organizations to promote the Model Business Principles, a voluntary code of conduct for businesses operating abroad. We encourage U.S. companies to adopt labor codes of conduct based on the Model Business Principles or on similar instruments of the International Labor Organization and the Organization for Economic

Cooperation and Development. We are engaged in extensive outreach to the business community to develop new ways of linking human rights and worker rights and concerns of child and slave labor. We have created awards for corporate responsibility abroad. We have also worked actively to forge an international consensus on strengthening the commitment to core labor standards in the ILO through the adoption of a declaration and follow-up mechanism. In November 1997 the ILO's Governing Body agreed to place consideration of a declaration on fundamental principles and an appropriate mechanism on the agenda of the June 1998 International Labor Conference. The United States will work actively in 1998 toward the adoption of a meaningful and credible declaration and mechanism.

-- Ninth, our labor specialists and reporting officers around the world are key elements in US Government efforts to track child labor and do something about it. Information they provide enables us to work closely with the ILO on its program to eliminate child labor and also feeds into the Congressionally-mandated reports on child labor produced by the U.S. Department of Labor.

-- Tenth, we have identified a number of key thematic issues to which we are giving special attention:

- We have formed a State Department working group on women's issues, ranging from women's participation in political life to female genital mutilation to trafficking in women and girls. We are pursuing ratification of UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The office of the Senior Coordinator for International Women's Issues works to promote the advancement of women and to encourage follow-up to the 1995 UN Fourth World Conference on Women in Beijing. As Director of the President's Interagency Council on Women, Theresa Loar leads interagency working groups on trafficking in women and female genital mutilation. The full participation of women in the political lives of their countries builds a foundation for sustainable democracy.
- We are also giving greater attention to religious freedom around the world. In the words of Secretary Albright: "America is a leader in promoting religious freedom because it serves our interests and because it is right." Last year, in response to a congressional request, we presented a report that focused exclusively on U.S. policies to promote religious freedom. Just ten days ago, the Secretary of State's Advisory Committee on Religious

Freedom Abroad, which I chair, presented its Interim Report to the Secretary and the President. In receiving the report, the Secretary announced that she would act immediately on the Advisory Committee's first recommendation to the State Department by designating a new senior-level coordinator for religious freedom issues. The senior coordinator will report to me and be responsible for ensuring that our efforts to advance religious freedom are fully integrated into our broader foreign policy.

- In my tenure, we have tried to foster greater communication between the human rights community and our country's armed forces, especially through our ongoing consultations with the Human Rights Office of the U.S. Southern Command, recently relocated from Panama to Miami. The only CINC that has a human rights office so far, SouthCom has an active program of human rights training and seminars that bring together government officials, military officers, and NGOs from almost all the countries of the Western Hemisphere. In honor of the 50th Anniversary of the Universal Declaration, I plan to work with the Office of the Secretary of Defense and other DOD offices to establish human rights offices in other CINCs. We are already working with DOD's offices to integrate women's concerns into our peacekeeping efforts overseas.
- We have also increased our efforts to advance the rights of indigenous peoples.

These ten areas of focus of our human rights work are all aimed at encouraging and assisting people and countries to improve their human rights records.

In our bilateral human rights diplomacy we also employ a wide range of measures to induce countries to make these improvements. Let me illustrate a few examples of the negative measures we use:

- Economic sanctions: In Nigeria we maintain a range of sanctions on the Abacha regime, including a ban on the sale and repair of military goods and suspension of consideration for OPIC financing. (EXIM financing is also prohibited pursuant to the International Narcotics Control Provisions of the FAA.) For Serbia we condition removal of the Outer Wall sanctions on cooperation with the War Crimes Tribunal, improvement in human rights in Kosovo, and progress on democratization. Other countries under a variety of sanctions regimes because of their

human rights records include Burma, Cambodia, China, Cuba, Iraq, Iran, Libya and Sudan.

- Trade sanctions: Congressionally-mandated worker rights conditions in U.S. trade legislation (primarily GSP and OPIC) have also been a useful policy tool over the past year. In the last decade we have conducted worker rights reviews of more than 50 countries, and in the large majority of cases have been able to achieve improvements in worker rights practices. In those instances where improvements have not occurred -- Burma, Saudi Arabia, Sudan, Syria, China, Qatar, Nigeria, for example -- we have suspended the country's eligibility. Last year, we concluded a long-standing review of worker rights practices in Guatemala, with a determination that the government had taken significant steps to improve protection of worker rights. We have ongoing dialogues with other countries, including Belarus, Indonesia, Pakistan, Swaziland and Thailand. In the case of Cuba, we continue to enforce the embargo and implement the Libertad Act to pressure the Cuban government to undertake fundamental, systemic change.
- We have imposed visa restrictions on leaders of repressive or illegitimate regimes - such as Burma, Cuba, Iran, Iraq, Libya, and Nigeria - and are denied visas or severely restricted in their movements within the U.S.
- We apply special scrutiny to arms exports proposed for countries with poor human rights records. As you know, State Department policy is to review prospective sales and license applications for their human rights ramifications. During the past two years, we have not approved for export licenses a wide range of munitions or crime control commodities for Afghanistan, Algeria, Angola, Burma, Burundi, Cameroon, Chad, China, Equatorial Guinea, Gabon, Guatemala, Haiti, Indonesia, Iran, Lebanon, Liberia, Mauritania, Peru, Rwanda, Serbia, Sierra Leone, Sri Lanka, Somalia, Sudan, Syria, Togo, Tunisia, Turkey, Vietnam, and the Democratic Republic of the Congo.
- We do not support development bank loans to Mauritania, and conversely worked to direct multilateral assistance in support of human rights progress, as in Guatemala, where we pledged large amounts of assistance for peace accord implementation.

Conclusion

Mr. Chairman, these remarks have offered just a brief overview of some of the human rights policies and activities we have pursued over the past year. We are pleased to work in close partnership with the Congress to advance human rights as a critical component of our foreign policy.

In closing, I would like to offer my thanks to the Congress for its strong support for our efforts to promote and protect human rights around the world. This support has been bipartisan and has come from both houses of Congress. The enormity of the challenge of advancing human rights in a chaotic and fragmented world is well known to both the Congress and the Executive Branch. Our commitment to do so together should be doubted by no one, and our willingness to stay the course, however difficult the challenge, is one of the great sources of our strength as a nation.

Thank you, Mr. Chairman.

Testimony of Wei Jingsheng
Visiting Scholar, Columbia University Center for the Study of Human Rights

Before the United States House of Representatives
Subcommittee on International Operations and Human Rights

Country Reports on Human Rights Practices for 1997

February 3, 1998

The United States foreign policy strategy has always had a short-coming, perhaps one inherent in parliamentarian, democratic systems: thinking for the short-term. People are not too concerned with what may happen beyond their term of office. They're usually not too concerned with affairs beyond their vested interests. The government is like this. The Congress is like this. So much so that a lot of people and research organizations also think in these terms when they come to consider or make proposals in foreign affairs. The result is best described by an old Chinese saying, "If you don't look far ahead, then you will have immediate difficulties." As the most developed, the richest and the strongest country in the world, the United States is often ridiculed, its efforts blocked and plagued by undue setbacks. I believe this short-term thinking is precisely the reason.

After World War Two, the United States unwisely ceded all the Eastern European countries to Stalin. This resulted in a bitter struggle for the people of the Soviet Union and Eastern Europe that lasted for decades before they broke from the shackles of communism. This also resulted in a heavy Cold War burden for the peoples of the United States and its western allies. There were many serious, but avoidable, setbacks. Soon thereafter, in order to save a few pennies, to settle certain personal scores, and on the basis of lies spoken by friends of the communists wearing the cloak of so-called "China experts", the United States helped a supposedly more "democratic" communist regime pass through a critical period, which then quickly seized political power in China. Thereby, the United States casually turned its back on a most important long-term ally in Asia. This resulted in the deep suffering and hardships of one quarter of humanity which lasts until this very day. Allies and friends of the United States did not dare to fully trust this big, vacillating American friend. And shortly thereafter, tens of thousands of American sons paid the price in blood on the Korean peninsula.

However, the American people have become carried away by their own greatness. They refuse to draw lessons from their failures. Within the span of a single generation, they forgot the lesson paid in blood. Duped by the lies of a dishonest politician, the American people hailed their President on his visit to Beijing to see Mao Zedong, the greatest butcher of this century, and rescued the Chinese communist regime from the jaws of death. The Chinese communist regime, which was facing imminent breakdown and total demoralization, was thereby able to prolong their tyranny to this day. On top of that, this regime was presented with veto power at the United Nations. And every year, the United States is compelled to yield to the Chinese communists because of this veto. It is not for me to say if the acts of that politician or his president should be considered as patriotic or treasonous. No matter how great a country may be, if it fails to learn from its past, and unite and expand the scope of its allies, but persists in committing the same strategic mistakes, then it will not be able to maintain its power and prosperity for long, and quickly go into decline.

Most of you present here are experts in foreign policy strategy, so I don't need to elaborate on the importance of China potentially serving as your greatest ally or your greatest enemy. Because of the policies of censoring information, deception, bribery, and intimidation carried out by the Chinese dictatorship, I only wish to tell you that many journalists, experts and scholars from the west have often been misguided in their assessments of China. Because the United States has in the past relied upon these mistaken assessments to formulate policy, the United States government has made repeated mistakes that echo for decades.

Today, China is once again at a critical juncture. And the United States is faced with a momentous choice. Is it to help the enemy of the United States pass through its difficulties and gain more strength? Or is it to help its friends pass through their difficulties and work together for the maintenance of world peace and stability? This is the most important choice to be considered in the foreign policy of the United States. However, what I can sense, is a most dangerous, mistaken choice; or at least the tendency towards making such a choice. For example, as a result of the long-term squeeze of the international community, the Chinese regime was compelled to release me and a few other political prisoners in order to relieve some economic, political and public opinion pressure. But the Chinese communists want to save face; so they let the United States claim the credit and expects very little in return. But to their surprise, the United States not only agreed to their many secret conditions, but also agreed to make deals on human rights and democracy through entering into "dialogue" or "closed door schemes." This way, the people will not be able to see how shameless the politicians are as they bargain away. The people in the democratic countries now have reason to suspect that their governments are selling out their friends and their interests. As for the Chinese government, they can more easily go back on their own promises. The Chinese people are accustomed to hearing lies from the Chinese communists, so they don't believe them. But the American people are not familiar with the nature of the Chinese communists. In addition they only have the duty to oversee the American government and not the Chinese communist government. This way, the United States government cannot help but explain away the lies of its closed door partner, otherwise it cannot explain away its own actions to the American people.

We have already seen that the traps set by the Chinese communists are working. In order to ease the domestic pressure resulting from the suppression of human rights and the democracy movement by the Chinese government, the United States government has gone so far as to disregard the facts and beautify the Chinese communists in this year's State Department human rights report. My expulsion from China, against my will, is now described as "allowing me to leave the country for medical treatment." Some of my friends inside the communist party who have joined us in our fight for democracy and human rights have been the target of persecution, but this has been explained as exhibiting "some limited tolerance." And so on. More importantly, the United States government seems to say in this report that the results achieved through the pressure of many years are not important. Moreover, it seems to say that all the credit should go to the secret negotiations of the present administration. Of course, politicians in democratic countries like to claim all the credit. And this is a domestic political necessity. But the danger lies in the fact that it shows that the Chinese communists have learned how to make use of the political weaknesses of the United States in order to control American politics, and have learned how to draw the American government into their traps. The manipulative skills of the Chinese communists are not far off from those of the American businessman. They have not only forced the American government to deceive the American people, but they have also succeeded in breaking up the coalition of the western countries on the questions of human rights and democracy. Also they have forced the United States to soften its positions step by step. Last year's Human Rights Commission at Geneva is the primary symbol of the Chinese communist victory. The Chinese communists were joyful beyond themselves

over this unexpected victory. But has the United States government explained this defeat to the American people?

No. In order to cover up this defeat, they tell the American people they have established a so-called "strategic cooperative partnership" with their enemies, those hoodlums and scoundrels who butcher their own people and deceive world opinion. They have not only said so, they have done so. By tolerating this unreasonable trade system, it subsidizes this communist regime tens of millions of dollars a year enabling the Chinese government to prop up the decaying structure that would have collapsed long ago. And every year, the direct assistance to the communists for the so-called "cooperative items" reach hundreds of million of dollars, but the money spent by the west in helping China's democratic causes is next to nothing, so little that the American taxpayers find it hard to believe. Even that small pittance must be balanced between helping the victims of persecution in China and assisting for the democratic movement. Friends, ninety-nine percent of the American tax dollar spent in China has gone to the Chinese communists, the remaining one percent must pass through the hands of the Chinese Communist Party. Is this balanced? Or is this obviously biased? It is easy to answer this question.

It is not for me to tell Americans what to do, but I want to tell my friends that the Chinese communists have never considered the United States or other western countries as friends or potential friends. They have told their members, and the Chinese people, in no uncertain terms that American imperialism will always be their greatest enemy; all the dealings with the United States are to deceive the enemies and to make use of the contradictions among them. For decades the Chinese communists have not changed this position one bit. Should the United States fail to see who in China can be the friends of the United States, should the United States government continue to support the enemy of the Chinese and American people, then it will not only bring certain difficulties for foreign policy over the next half century it will also result in great disaster for world peace and stability. I stand ready to work with all of you to prevent this avoidable disaster for the Chinese people and for world peace. There is still time.

Thank you.

Amnesty International Testimony

on the Department of State Country Reports on Human
Rights Practices for 1997

Before the House Committee on International Relations
International Operations and Human Rights Subcommittee



Presented by

Stephen Rickard,
Director, Washington Office
Amnesty International USA

February 3, 1998

Introduction

Mr. Chairman, thank you for inviting Amnesty International USA to testify before your subcommittee on the important topic of the annual *Country Reports on Human Rights Practices for 1997*. I'm Stephen Rickard, the Washington Office Director for Amnesty International USA. I commend you for conducting this important oversight hearing. I would like to request that the full text of my written statement be made a part of the record of this hearing. I will summarize it in my oral presentation.

Human Rights Heroes

Last year I made the point, and I want to make it again, that while some see the message of the annual *Country Reports* as one of brutality and pessimism, I see it as a testament to courage and hope. If thousands of people from every culture and every continent were not willing to struggle even unto death for their human dignity there would be no annual report, or at best a very slender one. Every year I pick up this heavy volume and feel in its weight the extraordinary stories of ordinary people fighting for freedom. And I'm reminded of the question that a character in a John LeCarre novel asks of another when he is appealing for help: "If I find it in myself to be a hero, will you find it in yourself to be a merely decent person?" In China, in Burma, in Nigeria, in Mexico — people have risked their lives to provide the information contained in these reports. They have earned our respect and they deserve our support.

We would certainly like to add, as we did a year ago, that we appreciate the work of Assistant Secretary Shattuck and his dedicated team, and of the strong words of support that Secretary Albright has offered on human rights issues, including Afghanistan and Bosnia.

The Asian Economic Crisis

When Deputy Secretary Talbott opened up the press conference at which these reports were released last Friday, he took advantage of the occasion to plug the Administration's plea for financial support for the ailing East Asian economies. Last year, Secretary Albright made the point that encouraging human rights is good for trade. I thought that's what Secretary Talbott was going to say, but instead he said that the US should bail out these economies because economic hardship would cause social conflict and be very bad for human rights.

I'm not an economist, and there may be very, very good reasons for the Administration's bailout proposals. Amnesty International takes absolutely no position on them. But I thought he missed two very important points. First, is the possibility that this is the moment when the business community can finally understand and truly come to believe what Secretary Albright was trying to explain to them *last year*: human rights are good for business. Now, if it makes the business community nervous to talk about "human rights," we can use language with which it is more comfortable. In fact, we can use the language that is being used a lot these days to talk about the Asian economic

crisis. We can talk about "crony capitalism," the "lack of market transparency," "corruption," the "absence of the rule of law," instability caused by "succession crises" in countries with long ruling autocrats, et cetera.

We don't have to tell anyone that those are just different ways of talking about the abuse of power, the absence of a free press and an independent judiciary to expose and punish corruption, unaccountable bureaucracies, et cetera. But someday I really am hopeful that you are going to be able to hold a hearing in which human rights, religious, environment, labor and business groups will line up and tell you that *they all* want human rights to *really* be a cornerstone of US foreign policy. We're almost there already.

The second reaction I had was that perhaps while they were asking for billions for the IFIs, they could ask for a few million to support some of the human rights defenders risking their lives in these countries.

Perhaps the Department could also promote more of its officers who do superb human rights work and stop doing what it does too often now; namely, sending the message that this is not exactly the way to get ahead at State. And perhaps they could take other steps to invigorate rather than undermine the role of the so-called "functional" bureaus like DRL (Democracy, Human Rights and Labor) and not launch initiatives to reinforce the already dominant role of the regional bureaus as I understand is happening these days. In short, Mr. Chairman, maybe they could do some of the things that you have been urging them to do for years in order to help improve the human rights records of US trading partners instead of looking the other way, so that we don't end up in this kind of crisis.

Human Rights — Still An Island?

Last year both you and I quoted my predecessor, James O'Dea, who said in testifying about the annual human rights reports:

[H]uman rights is an island off the mainland of US foreign policy.

That statement is still true for the most part, but one very important development has occurred since the last reports were issued, and, like the reports themselves and the Human Rights Bureau, it was a congressional initiative. Congress has mandated in the "Leahy Amendment" that the Administration cannot provide foreign operations funds to any security force unit if the Administration has credible evidence that members of that unit have committed gross human rights violations. Only if the government in question takes effective steps to bring the responsible individuals to justice can the unit begin receiving aid. This important new provision requires that the Administration establish vetting and monitoring procedures that will link the embassies' human rights reporting to action as a matter of law.

I would offer particular thanks to Chairman Gilman for his contributions to this discussion. Due to his insistence, this provision was modified to require the Administration to provide information to foreign governments regarding human rights violations and to assist them in helping to bring gross human rights violators to justice in any case in which the Leahy Amendment is invoked. This provision also links the annual human rights reporting to policy in an extremely important way and we are very grateful to Chairman Gilman for bringing it about. In our early review of this year's reports we

have already located several passages, which appear to trigger the Leahy and Gilman provisions, thus creating a solid link between the human rights island and the policy mainland.

Since Last Year

Three other things have happened in the last year that I thought were worth touching upon briefly. First, a year ago I criticized the Clinton Administration for not paying enough high level attention to Africa. I'm very pleased to note that the First Lady and Secretary Albright both traveled to Africa in 1997 and that President Clinton will be going shortly as well. Amnesty has not necessarily agreed with every statement or even every stop made along the way, but we do very much appreciate the level of attention being devoted to the continent and hope that it will be sustained and supported.

Second, one year ago there was deep concern over whether SFOR troops in Bosnia would ever actually move to arrest anyone indicted by the War Crimes Tribunal. For a time in 1997 Secretary Albright and Secretary Cohen appeared to be having dueling press conferences regarding whether the US would seek to apprehend indictees. We are very pleased that 10 Croatian indictees surrendered to the Tribunal, in part due to strong efforts by US officials, and that SFOR troops, including, most recently, US troops, have brought three other indictees before the Tribunal. We applaud SFOR for these efforts. At the same time, there are many indictees still at large whose location is well-known to SFOR troops.

Finally, we are now in the midst of the yearlong campaign to celebrate the 50th anniversary of the Universal Declaration of Human Rights. We very much appreciated President Clinton's pledge last December 9th, along with other world leaders, to work to uphold and defend the UDHR.

Speaking in the Department's Own Voice

Last year, my colleague Elisa Massimino from the Lawyers Committee for Human Rights made what I thought was an extremely valuable point about the annual reports. It was made in greater detail in the Lawyers Committee's very good *Critique* of the annual reports. While the human rights community agrees in general that the quality of the reports has become much more uniform and impressive over the years, she pointed out one serious problem which remained -- the consistent failure of the Department to follow its own guidelines by not offering its own judgments about the human rights conditions in each country. All too often, when it is obvious that a particular event took place, the Department still says only that "it has been reported that" it happened. Frequently, the Department will not even offer the comment that the report is "credible."

There may be cases where the Department simply does not feel it can offer its own judgment. It may feel that it cannot even evaluate the credibility of the allegation or the source. But this tendency is so pronounced that it seems clear that in too many cases this has become a way to avoid the diplomatic tension which would be caused by doing what the Department's own guidelines plainly require: publishing a direct US government criticism of a foreign government.

The examples in the new reports are just as numerous as ever. Take the Algeria report. While I appreciate the Department's frequent citations of Amnesty's work, on the issue of the failure of Algerian security forces to prevent atrocities, surely it would have

been a simple matter for the embassy to confirm AI's "report" (or at least comment on its credibility) that troops did not intervene to stop certain massacres. After all, US officials are in Algeria — but, thanks to the Algerian government, Amnesty is not! The Department begins the section on torture by noting that "according to human rights groups and lawyers, the police regularly resort to torture when interrogating persons suspected of being involved with armed Islamists." Surely the Department could have expressed its own view on whether this is occurring, or at a minimum comment on whether this seemed credible. In discussing prison conditions, the report states in its own voice that, "Prison conditions are poor, and prisons are very overcrowded." But then the Department immediately shifts back to relying on "human rights activists" for information, despite clearly having its own ability to make judgments on prison conditions.

Similar problems exist in and weaken many otherwise excellent reports. It is a problem in the reports on Turkey ("human rights monitors remain concerned" — but not the Department?), Indonesia, China, Mexico and even Bosnia, where there is obviously an extremely strong US contingent available to verify facts.

Some Specific Countries

I would like to make just a few, rather scattered comments about a few specific country reports. With the exception of China, my comments will be very brief. I would be happy to answer questions about other countries.

China. The new report on China is long and detailed and will take time to examine and cross-check. The main text of the report appears in many respects the same as other reports — a useful and impressive compilation of a vast amount of information. It is difficult to comment in detail about the full text at this time.

But media reactions to the report since its release last Friday have understandably focused on something that can be examined fairly quickly; namely, the introduction to the report. According to the Department, each introduction is intended, among other things, to provide "the context" for the report and "an overview of human rights developments in the year under review." Not surprisingly, the introductions are among the most quoted and widely read sections of the reports.

The 1996 introduction was very frank — dissent was not tolerated in China and there were thousands of political prisoners with more being arrested all the time. The 1997 China introduction is quite different. It contains a great deal of positive — even glowing — commentary regarding the "positive steps," "greater independence," "progress" and "personal freedom" which reportedly blossomed in China during 1997. As a purported attempt to provide a "context" and an "overview" for the current human rights situation in China this is deeply disappointing. The first two paragraphs are largely unchanged (although someone spotted and fixed a split infinitive in the opening paragraph), giving the two introductions a superficial similarity. But of the remaining nine paragraphs, four are almost completely new and almost entirely devoted to singing psalms of praise, three contain major new language extolling positive developments and the remaining two have very small changes, but all in a positive direction. Here are the opening clauses of paragraphs 3-7:

"There were positive steps in human rights...."

"In 1997 the Government took several positive actions to address international concerns...."

"The Government's response to dissent was also somewhat more tolerant...."
 "China also released a few political prisoners...."
 "China made progress in legal reform efforts...."

What had been "intolerance" in 1996 became "limited tolerance" in 1997, "severe" restrictions became "tight," "intensified repression" on religion became "varying degrees of official interference and repression." churches "continued to grow at a rapid pace" and those who dare to speak out do not suffer unthinkable brutality and cruelty — they simply "live in an environment" of repression.

We agree that it is important to acknowledge positive developments. We also agree that there were some. Amnesty members quite literally danced in the streets when Wei Jingsheng was released. I was in Boston at our Northeast Regional Conference when we got the news and we had just heard from Tong Yi, his former assistant, the night before. We also share the Administration's hope that the increasing rhetoric concerning legal norms will translate into concrete improvements. We think virtually all of these new points should be mentioned — to an appropriate degree — at various points in the report.

But what has gone out the window in the 1997 introduction is a sense of proportionality. In every single one of these areas, the remaining problems are much more severe and important than the steps cited, but the new developments are highlighted. The result is a classic case of "praising with faint damns." The longest journey begins with a single step. But that doesn't mean that the first step *is* the journey.

Of course mention Wei Jingsheng. But if you want to provide an accurate context you had better find room somewhere in those eleven paragraphs to note that he was forced into exile against his will to seek medical attention because of the brutal conditions under which he was being held by the Chinese authorities. After all, were the beatings he received from fellow inmates with the encouragement of prison authorities part of the "somewhat more tolerant" attitude of the government toward dissent?

But much more than the over-emphasis on positive developments, what bothers me about the 1997 introduction is, the sleight of prose by which *thousands* of political prisoners held *throughout 1997* and the hundreds, possibly thousands, of *new* protesters and suspected opponents of the government who *became* prisoners during 1997 simply fade away until they are all but invisible. Last year's report contained a free-standing paragraph, with the following simple declaratory sentences:

Although the Government denies that it holds political prisoners, the number of persons detained or serving sentences for "counterrevolutionary crimes" or "crimes against the state," or for peaceful political activities are believed to number in the thousands. Persons detained during 1996 included activists arrested for issuing petitions or open letters calling for reforms and greater democracy.

Oh yes, I know. If you read carefully they are still there draped with camouflage, while a thousand rhetorical flowers bloom around them, describing "somewhat more tolerant" authorities taking "positive steps," making "progress in legal reform," "diminishing state control over ... people's daily lives," providing "greater independence for entrepreneurs" and "more personal freedom than ever before" to the Chinese people (all newly added

language). The *thousands* of prisoners already in jail when 1997 began are now tucked between six prisoners released early and two who were "allowed" to leave China. They should be happy they got mentioned. There is literally nothing at all in the introduction that conveys to the reader that hundreds and possibly *thousands* of new prisoners took Wei Jingsheng's place.

The bottom line is this: If the Department had published *last year's* introduction again this year it would have conveyed a more meaningful message about the current human rights situation in China. It would be wrong and incomplete in some respects, but it probably still conveys more truth about the reality of China today.

China and the Human Rights Commission

The notion that 1997 was a year of great improvement in the human rights situation in China is particularly troubling because it may be setting the stage for another indecisive performance by the United States regarding a resolution on China at the Human Rights Commission this year. I believe that there is a pretty clear consensus that the US strategy last year — offering to hold off on a resolution if China took adequate human rights steps before the Commission meeting — was a formula for disaster by preventing the US and other states from developing a strong campaign for a resolution until it was too late. Wei Jingsheng has strongly encouraged the Administration to proceed immediately with a vigorous campaign for a resolution. While I may have misunderstood him, I believe that in response to question at his press conference last Friday, Secretary Shattuck said that, again this year, whether or not the US pushes a resolution on China "will depend" on what China does before the commission.

Afghanistan. Last year we were concerned about the way in which this report repeatedly seemed to invite the reader to place the abuses of the Taliban movement — especially against women — in the context of "Afghan tradition," "conservative" traditions," and "normal" restrictions on Afghan women that were "particularly" strong in Taliban areas. Almost every reference of this type has been deleted this year — a very welcome improvement. The report makes clear in many sections that the Taliban's edicts and conduct are not simply extensions of Afghan tradition. It also reports that "most of the opportunities for girls' education" have been "eliminated" — a much more accurate appraisal than "limited" (the term used last year).

Clearly it is difficult to gather information in Afghanistan and the US has no diplomatic mission in the country itself. Perhaps as a result, this report frequently provides information without so much as a hint at its credibility, much less providing an assessment in the Department's own voice. There are numerous accounts simply attributed to "unconfirmed reports," "reported instances," "a report," et cetera. It is somewhat surprising, then, that while the report states that violence against women generally goes "unreported" and that information on this subject is mostly "anecdotal," it proceeds to assert definitively no fewer than three times in the Department's own voice that "the imposition of Taliban control in rural areas resulted in reduced incidents of rape, kidnapping, and forced marriage."

Algeria. One point of special interest to Amnesty is the failure of this report to fully convey the deep hostility of the Algerian government to external criticism and its efforts to build a virtual wall of silence around the brutal massacres that have occurred there. Not only has Algeria refused to grant access to Amnesty, it is actively seeking to have Amnesty's observer status at the United Nations revoked because of its criticisms of

Algeria. The government of Algeria vigorously attacked officials, including Mary Robinson, for raising international concerns about the massacres in Algeria. Indeed, when the United States at long last publicly supported an international investigation of the situation there, the Algerian reaction with the US ambassador was apparently so sharp that the US publicly disavowed any plans to actively encourage Algeria to accept an international mission. The Administration can and should do more to lead the efforts to bring about a meaningful, independent international investigation of these atrocities.

Congo (DRC): This report is another example of the repeated failure to speak in the Department's own voice. This problem appears to be compounded in this case by a repeated tendency to attribute charges against the current government to sources in ways that seem to imply doubts about their validity. Such charges are also often accompanied by a discussion of abuses committed by the Mobutu regime, perhaps implying that whatever abuses are taking place now have to be compared with what came before. In a number of instances, victims were characterized as criminals or persons with links to Mobutu, likewise seeming to suggest a line of defense for the new government's conduct.

Kenya: This mostly excellent report errs in overstating the degree to which the 1997 elections were free and fair. It understates how badly the "playing field" was skewed in favor of President Moi and does not adequately convey the fact that the minimal political reforms were enacted too late to create a fair environment for the voting. We also believe that the report places too much confidence in the degree to which these reforms provide genuine new protections of fundamental human rights.

Mexico: This report also contains numerous examples of avoiding direct criticism of Mexico by attributing allegations to human rights groups, rather than speaking directly. This includes a number of areas in which it is clearly within the capability of the Department to express its own opinion (e.g., some NGO's note that the CNDH lacks autonomy and enforcement authority). The report states that there were "credible" reports of disappearances during military sweeps, states that there were "persistent" reports of widespread torture, and in yet another spot it says that several human rights groups "contend" that something is happening. This seems to imply some sort of credibility ranking that is neither explained nor defended.

The report mentions the problem of impunity in several different places, but never really joins these comments in the kind of overall assessment that would truly convey the severity of the problem. For instance, there is no reference at all to the 1986 federal law to prevent and punish torture, or the fact that not one official has ever been sentenced under it.

Conclusion

Thank you again, Mr. Chairman, for the opportunity to testify. I look forward to answering your questions along with your other witnesses.

TESTIMONY OF ELISA C. MASSIMINO

**DIRECTOR, WASHINGTON OFFICE
LAWYERS COMMITTEE FOR HUMAN RIGHTS**

**HEARING ON
COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1997**

**BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON INTERNATIONAL RELATIONS**

February 3, 1998

I. Introduction

Chairman Gilman and members of the Committee, thank you for convening this hearing and for inviting us to share our perspective on the State Department's Country Reports this year. We are deeply appreciative to you for your steadfast attention to human rights issues and for your continued efforts to highlight these concerns in the Congress.

My name is Elisa Massimino, and I direct the Washington office of the Lawyers Committee for Human Rights. For two decades, the Lawyers Committee has worked to protect and promote human rights. Our work is impartial, holding every government — including our own — accountable to the standards affirmed in the International Bill of Rights.

It is now 20 years since the Department of State published the first of its annual Country Reports on Human Rights Practices. For 18 years the Lawyers Committee for Human Rights has monitored the quality of this exercise, publishing its own annual Critique of the reports. Our Critique looks at a representative range of country chapters — 25 in our most recent volume — and uses these studies to draw general conclusions about the Country Reports and the way in which they are prepared.

II. Recent Trends in the Country Reports

Over those 18 years, and particularly in the last five, we have seen a steady improvement in the objectivity and comprehensiveness of the Country Reports, and our Critique has acknowledged and welcomed these positive changes. We see the Country Reports as a singularly important contribution to the worldwide movement to protect and promote human rights, and we admire the professionalism and diligence of the many people involved in their production. At the same time we have continued to speak candidly about the failings of the reports where we find this to be necessary. Occasionally, we will still find a country chapter in which the reporting falls short of the general standard of excellence that the Department has set. In the 1997 report on Mexico, for example, we continue to see many of the same failings that we identified in the previous year, particularly in the treatment of attacks on human rights monitors. After a year that was marked by unprecedented levels of hostility toward non-governmental human rights organizations, it is dismaying to read the report's conclusion that "Government officials are generally cooperative and responsive to NGO views."

Other shortcomings are especially frustrating because they show evidence of the continued politicization of a process whose value is directly proportional to its objectivity, and which should be characterized by the use of dispassionate reporting criteria, based on clear and consistent legal standards. Thus, important U.S. allies such as Egypt, Israel, Turkey and the United Kingdom have often been shielded in the past from blunt criticism, even when the record of their misdeeds is clear. This happens in a variety of subtle and not-so-subtle ways, ranging from selective

reporting and tendentious language to a failure to hold governments and non-governmental entities to a single, universal standard of conduct.

The 1997 report on China, as usual, raises important questions about the politicization of the reporting process. At this time last year, we and others in the human rights community criticized the dissonance between the bleak and damning language of the China report and a policy of increasing engagement. In the 1997 report, it is clear that the Department of State has taken great care to bring its language and its policy into line with one another. In one sense this represents progress. Of course, the two should not conflict, if for no other reason than that any such conflict is likely to lead to public embarrassment and diplomatic confusion.

At the same time, however, there is a risk that the need to generate "sound-bites" will politicize the reporting process in a different way. The main outcome of the introduction to this year's China report, whose wording has obviously been very carefully crafted, has been to generate press headlines such as "US: China Getting Better on Rights." The Administration is well aware that simple formulations such as these send powerful political signals — both to the Chinese government and to the U.S. public. However, they do not accurately convey the message that a careful reader will draw from the report itself, which is thorough, judicious and highly critical. While it correctly notes signs of progress in China's behavior, the report equally correctly warns that the real test of China's reforms, particularly in the legal area, is in the degree to which they are implemented.

The larger point here, of course, is that the reason the Country Reports have become so politicized is because they are so influential. We believe that the time is now ripe for this influence to be used more assertively — not so much to send diplomatic signals to offending governments, but more to help create the institutional structures and the international enforcement mechanisms that will protect human rights in a lasting way.

Beyond our concern for the factual accuracy of the individual country chapters, our Critique has always emphasized three other priorities:

- 1) The reporting requirements, which are detailed each year in instructions from the Department of State to those drafting the reports in our embassies around the world, must constantly evolve to keep pace with key emerging issues in the human rights field. They must take account of new legal developments, new enforcement structures, the evolving jurisprudence of international human rights law, the emergence of new social actors, and the changing political and institutional dynamic of each country under consideration.
- 2) The Department of State should seek to maximize the impact of the Country Reports as an instrument of bilateral policy. Some U.S. embassies continue to view the reports as a formalistic exercise engaged in merely to comply with congressional requirements: many do not use the reports as aggressively as they

should in their dealings with governments.

- 3) The structure and methodology of the reports must be continually reviewed and revised to make sure that their potential usefulness is fully exploited. We believe that the Country Reports must not merely state the facts, but conclude clearly what those facts mean. Certain sections of the reports are notably underdeveloped, and this impedes their ability to make a proper contribution to the main challenges now facing the international community in the field of human rights.

III. Moving from Exposure to Enforcement

In our most recent Critique, published last year, we recommend improvements in two areas in particular where the Country Reports could contribute powerfully to the development of an international system of enforcement and compliance with universally recognized human rights standards. These are Section 2b, which deals with the long-neglected and poorly-understood right of freedom of association for non-governmental organizations, who are so critical to the emergence of a healthy civil society; and Section 4, which examines how governments cooperate with those who seek to hold them to their obligations under international law. In the latter section particularly, we see enormous scope for the State Department to bolster the international system of laws, treaty compliance bodies and criminal enforcement mechanisms — ranging from the treaty bodies of the UN system to the proposed International Criminal Court.

Innovations of this sort would keep the Country Reports abreast of the far-reaching changes on the international human rights scene since they were first published, and would contribute enormously to the leadership role of the United States in the international community. Twenty years ago, the international system of human rights monitoring was rudimentary. Simply documenting the facts and bringing violations to light was an uphill struggle. But that is no longer the case. Thanks to national governments, UN and regional bodies, the pioneering work of international monitoring organizations such as Amnesty International and Human Rights Watch, and hundreds of national NGOs, the facts are largely known, and the mechanisms to discover them, with some important exceptions, are in place. We should never become complacent about this, and there should be no slackening of the effort to document and expose violations. But it is not where the main future challenge lies. The key emphasis now is not exposure but enforcement.

In a speech in Oxford last November, Mary Robinson, the newly appointed UN High Commissioner for Human Rights, said that "Human freedom is that precious space secured by standards, laws and procedures which defend, protect and enhance human rights. We are all custodians of those standards."

The Country Reports have a vital, but as yet only partially realized role to play in creating this collective custodial role, and in themselves acting as an enforcement mechanism for the international rule of law. The reports are not an academic exercise; the enforcement of human rights standards has always been their explicit purpose. They are mandated by Congress to inform

and shape bilateral policies in the areas of foreign assistance and trade. But as the introduction to this year's Country Reports correctly recognizes, effective enforcement of human rights standards is beyond the scope of bilateral action by governments, even those as powerful as the United States. To protect human rights, it says, we must "strengthen and expand international institutions of justice." It goes on to enumerate some of these institutions: the range of UN human rights mechanisms, including the working groups, special rapporteurs and independent experts appointed by the UN Commission on Human Rights, as well as the Centre for Human Rights in Geneva and the Office of the High Commissioner, the Organization for Security and Cooperation in Europe and the various regional human rights bodies, the ad hoc criminal tribunals for the former Yugoslavia and Rwanda, and the permanent International Criminal Court, which likely will be established by treaty in Rome this June.

The Lawyers Committee has many specific disagreements with the Administration on the terms of its support for such institutions as the International Criminal Court and the ad hoc tribunals. But we do acknowledge that no country has done more than the United States to advance, both politically and materially, these "international institutions of justice." For that reason, we believe that the United States has the obligation, the moral authority and the practical ability to advance the international system of compliance with — and enforcement of — international human rights and humanitarian law. The Country Reports, having reached a plateau of excellence, could now play a vital role in this generational shift that is now underway.

In proposing structural changes to the reporting in Sections 2b and 4 of the Country Reports, we take it for granted that the true depiction of a country's human rights record depends on much more than a simple enumeration of violations. This catalogue must be supplemented by a full scrutiny of the overall legal and political framework within which rights are protected. Such an approach would examine a number of distinct elements:

- 1) the existence of a domestic legal regime that enshrines and enforces international human rights standards at the local level, this may be supplemented by national bodies — governmental, quasi-governmental or parliamentary — set up with a specific mandate to protect and promote human rights;
- 2) level of adherence to the international human rights treaty regime and its regional equivalents,
- 3) cooperation with the bodies which have been established to monitor compliance with that legal regime;
- 4) cooperation with international criminal enforcement bodies seeking to punish serious violations of international human rights and humanitarian law; and
- 5) cooperation with third parties seeking to hold governments accountable for their failure to comply with international standards and to promote international human

rights norms generally

As currently structured, Section 2b and Section 4 of the Country Reports fall far short of a full discussion of this range of issues.

IV. Freedom of Association: The Neglected Right

Both of these sections touch on one of the most neglected, ill-defined and poorly understood of all human rights, but one of the most vital. This is the right of freedom of association, which is guaranteed by Article 22 of the International Covenant on Civil and Political Rights (ICCPR).

The struggle for human rights, as Eleanor Roosevelt once remarked, begins close to home. Over the last 20 years, the center of gravity of the human rights movement has shifted, away from the big international NGOs and towards the burgeoning universe of local groups, who are now the primary source of factual information about country conditions. Of course, documenting violations is only a small part of what these groups do. They also conduct a wide range of lobbying, advocacy and public education activities related to human rights. They stand at the front line of the human rights struggle today, and for that reason they are uniquely vulnerable to abusive governments.

The Department of State has gone some way toward coming to terms with this new reality. The content and tone of the Country Reports reflect a growing sensitivity to the vital role played by local NGOs. It is clear that embassy staff in most countries meet regularly with local NGOs, and their findings are often cited as an authoritative source for the discussion of specific violations. The Country Reports, by and large, have become more attentive to specific abuses suffered by human rights NGOs and their members, and sometimes even list these in considerable detail. But much more remains to be done. Physical attacks on NGOs are merely the tip of the iceberg, and more subtle forms of harassment, including legal or administrative restrictions, may be equally damaging and equally important to understand.

The worldwide growth of the NGO sector has been accompanied by multifaceted efforts on the part of many governments to restrict NGO activities. The ability of NGOs, and especially human rights NGOs, to function freely is now an important topic of international debate — for example, in the UN Working Group on Human Rights Defenders, established to draft a declaration on "the rights and responsibilities of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms." The working group will meet again in Geneva later this month. The international effort to strengthen guarantees for human rights defenders could be accelerated and sharpened if the subject were dealt with more coherently by the State Department's Country Reports.

The authors of Section 2b of the Country Reports, which deals with freedom of association and assembly, need to concentrate much more on the legal environment within which

NGOs function. At present, the treatment of freedom of association is often limited to the problems faced by political parties. Any discussion of the legal framework governing freedom of association is usually restricted to a statement of constitutional guarantees. But in most situations in which freedom of association is at risk, such guarantees are meaningless. Despite detailed and explicit State Department instructions on this point, Section 2b generally pays little attention to laws that may require the registration of associations or other burdensome restrictions. Embassies should be strongly urged to provide a detailed discussion of any legislation or proposed legislation governing the formation and operation of NGOs, as well to assess the extent to which it complies with relevant international human rights standards.

V. Strengthening the International Human Rights Enforcement Regime

Section 4 of the reports encourages the drafters to discuss "Governmental Attitude Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights." When publication of the reports began, and for many years thereafter, the primary goal of international monitors was to document and publicize violations, and to establish the threshold principle that governments should be held up to international public scrutiny. In those days, the effort to document the basic facts about human rights violations posed enormous challenges. The main obstacle was the hostility of governments to those who sought to shed light on their wrongdoing. Human rights monitoring activities were often hostage to superpower conflicts and international monitors were regularly denied access to the country when they tried to conduct on-site investigations.

The current framework for Section 4 requires a complete rethinking. The problem begins with terminology. While other sections demand a discussion of rights and violations, "attitude" is harder to define and quantify, and invites subjective interpretation. "Investigation," meanwhile, has become an archaic and limiting frame of reference for the discussion of how governments deal with those who seek to hold them accountable to their obligations under international law.

In some cases, of course, obstacles to investigation are still a relevant concern. This is the case in Iraq, Cuba, Burma/Myanmar or (until recently) Sudan, for example, where UN special rapporteurs have been denied access to the country. It is also a burning issue in other countries such as Nigeria or the Democratic Republic of Congo, where investigative missions of the UN have become embroiled in controversies over their terms of reference. But generally, "investigation" does not do full justice to the scale of the problem. The issue here is not a government's attitude to investigations. It is a government's willingness to comply with its obligations under law.

The Country Reports' discussion of governmental cooperation with UN treaty bodies and other international human rights mechanisms is quite inconsistent. This is not surprising, given that the drafting instructions are almost silent on the subject, except as it relates to allowing UN missions to enter the country. Section 4 should be retitled and restructured to provide for a more coherent examination of governmental compliance with the international human rights treaty

regime and cooperation with those seeking to monitor such compliance

The instructions for preparing section 4 should be extensively revised to provide for:

- 1) A summary of the government's accession to international and regional human rights treaties and any significant developments (positive or negative) during the course of the year. These might include treaty signature, ratification or withdrawal, any reservations entered, or derogations from specific obligations. Reference should also be made to any significant government statements signaling an intention to limit or modify the international human rights treaty regime or to undermine its enforcement powers.
- 2) Discussion of cooperation with relevant UN treaty bodies (including the timely submission of regular reports, the adoption of follow-up measures after a state review, and the implementation of decisions on individual complaints); procedures of the Commission on Human Rights such as Special Rapporteurs and Working Groups; UN missions of inquiry appointed by the Secretary General; field operations of the Office of the High Commissioner for Human Rights; delegations of the UN High Commissioner for Refugees (UNHCR), or other specialized UN bodies. Wherever a country-specific mission, rapporteur or field office exists, government cooperation should be discussed in detail.
- 3) Discussion, in relevant cases, of cooperation with international criminal tribunals.
- 4) Discussion of cooperation with regional treaty bodies and other regional human rights mechanisms.
- 5) Discussion of cooperation with other relevant international bodies, such as the International Labour Organisation, the International Committee of the Red Cross, etc. as well as with international and domestic human rights NGOs.
- 6) Analysis of any measures taken by the government to set up commissions, ombudsman's offices or other governmental and quasi-governmental organizations charged with human rights protection and promotion. Such analysis should evaluate the mandate of such entities and assess their effectiveness.

VI. Conclusion

Changes such as these call for boldness and imagination on the part of the Department of State. But in essence our proposals only suggest the same kind of expansion that has taken place over the years in other areas of the Country Reports as they have sought to comply fully with their mandate and to reflect changing external circumstances. In the early days of the reports, it was considered sufficient to provide the simple facts about violations such as torture or

extrajudicial killings. Over the years, the Department of State came to realize that these facts alone were not enough. To assess a country's performance properly meant analyzing its laws, assessing efforts to investigate and prosecuting past crimes, evaluating the capacity of the justice system to try cases independently, and describing affirmative institutional measures to limit future impunity.

The whole evolution of the Country Reports over the last 20 years demonstrates an understanding of the importance of enforcement — at the national level. We strongly urge the Department of State now to move on a parallel track at the international level, and thereby to signal the depth of the United States' commitment to the enforcement of international human rights law as a national priority in the 21st Century.

CRITIQUE

Review of the
U.S. Department of State's
Country Reports on
Human Rights Practices
for 1996

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AN AREA OF NEGLECT

THE TREATMENT OF FREEDOM OF ASSOCIATION AND INDEPENDENT HUMAN RIGHTS MONITORING IN THE COUNTRY REPORTS

I. INTRODUCTION

The true depiction of a country's human rights record depends on much more than a simple enumeration of violations. For the full picture to emerge, this must be supplemented by a full scrutiny of the overall legal, diplomatic and political framework within which rights are protected. This in turn has a number of elements. First and foremost is the existence of a domestic legal regime that enshrines and enforces international human rights standards at the local level; this may be supplemented by national bodies — governmental, quasi-governmental or parliamentary — set up with a specific mandate to protect and promote human rights. Second is a country's adherence to the international human rights treaty regime and its regional equivalents. Third is its cooperation with the bodies which have been established to monitor compliance with that legal regime. Fourth is cooperation with international criminal enforcement bodies seeking to punish serious violations of international human rights and humanitarian law. Fifth is an openness to third parties seeking to hold governments accountable for their failure to comply with international standards and to promote international human rights norms generally.

For many years, the main third parties conducting human rights investigations were international non-governmental organizations (NGOs). Over the last 20 years, however, the center of gravity has shifted steadily toward domestic NGOs. These groups exist not only to investigate violations but to conduct a wide range of lobbying, advocacy and public education activities related to human rights. These groups are at the center of the human rights struggle today; for that reason they are also uniquely vulnerable to abusive governments.

Critique 1996

To their great credit, the *Country Reports* have begun to acknowledge this changing reality. They have also long recognized that the simple enumeration of violations was not enough. Ever since 1977 (the second year in which the *Country Reports* appeared) section 4 has encouraged the drafters to discuss "Governmental Attitude Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights." When publication of the reports began, and for many years thereafter, the primary goal of international monitors was to document and publicize violations, and to establish the threshold principle that governments should be held up to international public scrutiny. In those days, the effort to document the basic facts about human rights violations posed enormous challenges. The main obstacle was the hostility of governments to those who sought to shed light on their wrongdoing. Human rights monitoring activities were often hostage to superpower conflicts and international monitors were regularly denied access to the country when they tried to conduct on-site investigations. NGOs such as Amnesty International were routinely vilified as agents of hostile foreign conspiracies.

Since then, much has changed. Rights, as Eleanor Roosevelt once remarked, begin close to home. Accordingly, the principal struggle has shifted to the national front. Local groups, rather than the international NGOs, have become the main source of factual information about country conditions. There is now scarcely a country that has not been the subject of one or more thorough human rights reports, and in many cases dozens. Obstacles to primary fact-finding remain, and they are often serious, but by and large the basic facts are known. The question, rather, is how they are contested.

The focal point of that contest today may be the day-to-day operations of a country's non-governmental human rights community. Again, the Department of State has done much to come to terms with this new reality. For many years, section 2a of the *Country Reports* was a catch-all category that dealt in summary fashion with Freedom of Speech, Press, Religion and Assembly. There was no separate treatment of freedom of association, the right guaranteed by Article 22 of the International Covenant on Civil and Political Rights (ICCPR). This began to change

AN AREA OF NEGLECT

in 1981, when a new section 2b was added, covering Freedom of Assembly and Association. Throughout the 1980s, however, the main emphasis was on the right of workers to freedom of association, rather than the right of non-governmental organizations generally. A further change came in 1989, when worker rights were given their own section of the *Country Reports*. Section 6a now deals with freedom of association strictly in the labor context, leaving section 2b free to deal with abuses directed against political parties, NGOs and other kinds of associations.

Freedom of association remains one of the most ill-defined and poorly understood of the rights enumerated in the ICCPR. At the same time, the worldwide growth of the NGO sector and the multifaceted efforts of many governments to restrict NGO activities have made freedom of association an increasingly urgent concern. Beyond its general importance, this historical dynamic has a special relevance from the point of view of the *Country Reports*. This is whether the right to freedom of association is fully enjoyed by those NGOs which seek to monitor, investigate, protect and promote human rights. The free functioning of human rights NGOs is already a matter of considerable international debate — for example, in the UN Working Group on Human Rights Defenders, established to draft a declaration on "the rights and responsibilities of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms." This process could be accelerated and sharpened if the subject were dealt with more coherently by the State Department's *Country Reports*.

To be fair, the content and tone of the *Country Reports* reflect a growing sensitivity to the vital role played by local NGOs. It is clear that embassy staff in most countries meet regularly with local NGOs, and NGO findings are often cited as an authoritative source for the discussion of specific violations. The *Country Reports*, by and large, have become more attentive to specific abuses suffered by human rights NGOs and their members, and sometimes even list these in considerable detail. But much more remains to be done.

Critique 1996

II. GENERAL COMMENTS ON THE COUNTRY REPORTS

The question of freedom of association for human rights NGOs straddles sections 2b and 4 of the *Country Reports* as they are currently structured. From an analysis of these sections of some 30 of the reports for 1996, it is apparent that these sections still do not receive the same care and attention as many others. They are sometimes perfunctory, and often haphazard in what they include and what they omit. A number of general patterns emerge from our study of the 1996 reports.

- Section 2b, on "Freedom of Assembly and Association," deals predominantly with violations of the right to freedom of assembly and much less with freedom of association. Violations of freedom of assembly in turn are often narrowly construed as restrictions on political demonstrations, often reducing the discussion to one of police practices and crowd control. The report on Indonesia illustrates a more inclusive and imaginative approach, dealing as it does with restrictions on other kinds of meetings organized by NGOs.
- The discussion of freedom of association in section 2b is often limited to the problems faced by political parties. The reports on Armenia, Bosnia and Haiti all exemplify this tendency. Furthermore, section 2b generally pays little attention to laws that may require the registration of associations or other burdensome restrictions, despite detailed and explicit State Department instructions on this point. Some egregious examples of this, including Croatia, El Salvador and Mexico, are discussed below.
- Section 4, entitled "Governmental Attitude Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights," is much more problematic. The question here is largely one of terminology. While other sections

AN AREA OF NEGLECT

demand a discussion of rights and violations. "attitude" is harder to define and quantify, and invites subjective interpretation. As discussed above, "investigation" (or "investigation and charges," as the instructions put it), has become an archaic and limiting frame of reference for this discussion. In some cases, investigation may still be a relevant concern. This is the case in Iraq, Cuba, Myanmar or (until recently) Sudan, for example, where UN special rapporteurs have been denied access to the country. It is also a burning concern in other countries such as Nigeria or the Democratic Republic of Congo, where investigative missions of the UN have become embroiled in controversies over their terms of reference. But generally, "investigation" does not do full justice to the scale of the problem. Almost all governments now accept at least the principal elements of the international human rights regime and are actively engaged in contesting the facts about their human rights record with a variety of independent observers and adversaries, and in a variety of settings. Rather than "attitude" and "investigation," more satisfactory keywords for this section might include "obligations," "compliance" and "cooperation."

- Legal and de facto restrictions on freedom of association for NGOs are dealt with in section 4 much more frequently than in section 2b. While some overlap or cross-referencing is probably inevitable, section 2b is where the topic properly belongs. At the same time, the focus of section 4 remains disproportionately on international NGOs such as Amnesty International or the International Committee of the Red Cross (ICRC). Too much of the discussion of local NGOs is taken up with general characterizations of the NGO community rather than analysis of the limitations they face. Where the reports do describe limitations or abuses, they generally concentrate on actual physical attacks. But these are usually no more than the tip of the iceberg, and more subtle forms of harassment, including legal

Critique 1996

or administrative restrictions, may be equally damaging. This deficiency in the *Country Reports* may not be surprising, since the content of the right to freedom of association is so poorly developed and understood. By the same token, there is little appreciation of the wide range of tactics available to governments to suppress NGO activities — short of violating the classically defined roster of civil and political rights of their members.

- Where governmentally established human rights entities exist — for example, in India, Indonesia, Kenya, Russia, Mexico or, most notoriously, Colombia — these are usually given undue weight. This is ironic, since there is not a word in the Department of State Instructions about discussing government-established bodies. Aggravating the problem, they are invariably discussed in the most flattering terms. While the creation of such bodies in recent years is in many ways an encouraging phenomenon, it is grossly misleading to treat this particular glass as always half-full.
- The discussion of cooperation with treaty bodies and other UN human rights mechanisms is quite inconsistent. This is not surprising, given that the instructions are almost silent on the subject, except as it relates to allowing UN missions to enter the country.
- In both sections 2b and 4, discussion of the legal framework governing freedom of association is usually restricted to a statement of constitutional guarantees. In most situations in which freedom of association is at risk, such guarantees are meaningless. The boilerplate language suggested by the Department of State (“The Constitution [law] provides for these rights, and the Government respects them in practice”) is rarely adequate for the countries discussed in this edition of the *Critique*.

AN AREA OF NEGLECT

III. THE 1996 COUNTRY REPORTS

A. Some Positive Models

A number of the *Country Reports* provide encouraging examples of how embassies can provide a detailed, accurate and expansive treatment of freedom of association for local human rights NGOs. The reports on Indonesia, Egypt and Turkey all deal in some depth with the legal and regulatory fetters on NGO activity. This is especially encouraging in view of the countries involved, where the candor of the *Country Reports* has often appeared to be muted by other political considerations. At least in sections 2b and 4, the 1996 reports do not appear to have pulled any punches. For example:

- The report on Indonesia describes in detail the provisions of the 1985 Social Organizations Law (ORMAS), including governmental powers to disband any organization it deems to be acting against the official ideology of Pancasila, and the requirement for government approval before an Indonesian organization can accept foreign funding. It also includes comment on government monitoring of NGO activities, combined with the threat of legal action, and clearly understands that such tactics are effective means of intimidating NGOs and thus warrant inclusion.
- Similarly, the report on Turkey describes a wide range of legal actions directed against human rights NGOs, including the aggressive prosecution of individual monitors and lawyers, the closure by provincial authorities of several branches of the Human Rights Association (HRA), and the charges of operating an "unlawful health center" brought against members of the Human Rights Foundation of Turkey (HRFT) involved in the rehabilitation of torture victims.
- The most complete description of legal restrictions on NGOs appears in the report on Egypt. Section 2b describes in detail the provisions

Critique 1996

of Law 32 of 1964 and the sweeping powers granted to the Minister of Social Affairs. These include the right to license and dissolve associations, confiscate their properties, appoint members to their boards, or "merge two or more associations to achieve a similar function" — which the report properly characterizes as "a provision that may be used to merge an undesirable organization out of existence." Section 4 goes on to discuss how Law 32 has been used to refuse licenses to the Egyptian Organization for Human Rights (EOHR) on the grounds that it is a "political organization," and goes on to describe the status of the EOHR's appeal before the courts. It also usefully notes how other NGOs, such as the Center for Human Rights Legal Aid (CHRLA) have registered as corporations under commercial and civil law in order and thus have avoided the restrictive provisions of Law 32.

The treatment of freedom of association in Indonesia, Turkey and Egypt deserves to be widely emulated by other embassies. In addition, the State Department can aid this process of improvement by re-examining the structure of the *Country Reports* and its annual instructions to drafters to take account of how much has changed since the last structural revisions were made. A number of specific recommendations are included below.

B. Characteristic Omissions

Unfortunately, sections 2b and 4 of many of the other *Country Reports* are seriously flawed. The fault lies both with the drafters in the embassies and with the limitations imposed by the structure of the *Country Reports* and the accompanying instructions issued by the Department of State. On both counts, significant changes are now needed if the reports are to provide an accurate depiction of the structural impediments that encourage human rights violations to flourish.

Even though individual abuses against human rights activists (such as beatings, threats or arbitrary detention) are often dutifully catalogued, the picture may be far from complete. In the case of Cambodia, for

AN AREA OF NEGLECT

example, human rights NGOs have not generally been the targets of direct government intimidation, as the report recognizes. Section 4 begins by saying that a "large international and domestic human rights community . . . remained active and engaged in diverse activities." It goes on: "According to NGO leaders, communication between human rights NGOs and the executive branch of the government continued to improve." This is seriously misleading and does not fairly reflect a climate of official indifference which renders much NGO activity ineffective. While human rights organizations are generally free to investigate and report their findings to the appropriate authorities, such as the Ministries of Justice, Interior and Defense, official action is rarely taken in response. While retaliation against NGOs investigating abuses is admittedly rare, their work does little to remedy the human rights situation in Cambodia.

Local NGOs give many instances of how this official indifference neutralizes their efforts. In February 1996, for example, the bodies of 22 people who had been bound and blindfolded and who had suffered stab and gunshot wounds, were discovered in a cave in Koh Kong province. Despite repeated requests for an investigation by a local human rights NGO, ADHOC, the criminal section of the Ministry of the Interior did nothing to investigate the incident for two months after the bodies were discovered. In October, one prisoner died at the Kompong Speu prison and others were hospitalized for malnutrition, tuberculosis and other diseases. Another human rights NGO, LICADO, had brought the deteriorating conditions at the prison to the government's attention starting in August, but the authorities had ignored its complaints.

More serious shortcomings mar the reports on El Salvador and Croatia. In both countries, NGOs faced new legislation in 1996 that would restrict constitutionally guaranteed rights to freedom of association. Section 2b of the report on El Salvador notes that: "In November the [Legislative] Assembly passed a law giving the Ministry of Interior the authority to regulate, supervise and financially oversee both domestic and international non-governmental organizations." Passing no judgment of its own, the report goes on to say that: "Smaller and domestic NGOs and the FMLN [Farabundo Martí Front for National

Critique 1996

Liberation] opposed the law, arguing that it abridges freedom of association." The Lawyers Committee has repeatedly criticized the State Department for concealing its own opinions behind the cited views of third parties. In this instance the failure is particularly serious. Aside from the unwarranted — and less than subtle — innuendo conveyed by the way in which critics of the law are characterized, the State Department had a clear obligation here to give its own opinion as to whether El Salvador's new law on associations violated constitutional guarantees as well as applicable international standards.

The State Department's instructions on drafting the *Country Reports* explicitly bars comment on legislation which is still in draft form. As a general principle, this is quite reasonable. However, there are likely to be particular circumstances in which a draft law — particularly in countries where a single political party enjoys unchallenged dominance — has a significant impact on the human rights situation. An important case in point is Croatia, where the government introduced a new draft law on associations in October 1996. A coalition of a dozen Croatian human rights NGOs described the proposed law as "an unprecedented and unwarranted control by the state over the formation, work and dissolution of associations," pointed to the discriminatory nature of many of its provisions, and noted that it would require some 4,000 associations to suspend their operations pending re-registration. The mere existence of this draft law, which came into force in July 1997, was sufficient to intimidate NGOs. (A similar circumstances arose in Indonesia in 1994, with the publication of a draft decree on the "Guidance and Development of Community Organizations." In that case, interestingly enough, the *Country Reports* did pass comment, despite instructions to the contrary.) For the State Department to omit all reference to the Croatian law in its 1996 report, while stating that the country's "Constitution provides that all citizens have the right to peaceful assembly and association . . . and the government respects these provisions in practice" seems disingenuous.

AN AREA OF NEGLECT

C. Case Study: Mexico

The report on Mexico, unfortunately, illustrates most of the weaknesses that characterize the State Department's treatment of freedom of association. Admittedly, the report does list by name the victims of several of the more egregious direct attacks on human rights advocates. But it does not pass judgment on official responsibility for these attacks, even where the evidence is undeniable. Nor does it make any connection between the alarming increase in hostility to human rights NGOs and other human rights violations and issues discussed elsewhere in the report. Nor does it offer any critical analysis of the manifold legal and practical obstacles with which NGOs must contend in their day-to-day operations.

• The Legal and Regulatory Framework

With some local exceptions, and until the recent introduction of ominous new legislation, restrictions on freedom of association in Mexico have mainly taken the form of harassment and intimidation of NGOs and their members by government agents and others who may act with some degree of official complicity. Those involved in such attacks have enjoyed complete impunity. Otherwise, the legal and regulatory framework in Mexico has not traditionally been the source of unreasonable burdens on freedom of association. However, new legislation may change this. If passed, proposed federal legislation to regulate civil associations may unduly limit or restrict human rights NGO activities; a November 1996 amendment to federal electoral law has already been used to restrict NGO activities, and the newly promulgated Federal Law Against Organized Crime poses a potentially serious threat to freedom of association.

As the report notes, Article 9 of the Mexican Constitution guarantees the right to peaceful assembly or association, so long as the purpose is lawful. In practice, although such formality is not required by the Constitution, many NGOs are constituted as civil associations, which requires registration with the government and payment of taxes. Federal

Critique 1996

electoral and labor laws both regulate freedom of association in certain respects. Indeed, the current modifications of federal electoral law are reminiscent of the government's long-standing use of federal labor law to stifle independent unions.

In November 1996, the Federal Code of Electoral Institutions and Procedures (*Código Federal de Instituciones y Procedimientos Electorales*) was amended to include a new category of institutions, known as "National Political Associations" (*Agrupaciones Políticas Nacionales: APN*). These were defined as "forms of citizen associations that promote the development of democratic life and political culture as well as more informed public opinion." Initially, a number of NGOs — including the Civic Alliance (*Alianza Cívica*), Mexico's largest civic affairs/citizen participation NGO — viewed the legislation as progressive in that it acknowledged political groups that were not political parties. Status as an APN conferred, among other things, the right to organize fundraising events, sell publications and receive public financing for educational, investigative and dissemination activities. On the other hand, as the report points out in section 2b: "Private associations do not have legal status until they receive their official designation from the Federal Electoral Institute."

On January 15, 1997, the General Counsel of the Federal Electoral Institute (*Instituto Federal Electoral: IFE*) recognized Civic Alliance as an APN. However, a majority of the IFE panel simultaneously voted to make recognition conditional on Civic Alliance changing its by-laws to eliminate election monitoring activities, which they asserted were incompatible with APN status. Civic Alliance appealed this ruling to the Electoral Tribunal (*Tribunal Electoral*), which not only ratified the decision but went further, finding that Civic Alliance's by-laws were illegal for an APN because the organization did not present any candidates on the ballot. Civic Alliance refused to change its by-laws and questioned the authority of the IFE to require these changes. On March 25, 1997, the IFE stripped it of its APN status. Civic Alliance plans to continue its election monitoring and other activities without being a registered APN — and did in fact monitor the 1997 elections — but its legal status is now unclear. These events should be carefully examined in the 1997 State Department report.

AN AREA OF NEGLECT

A bill is currently before Mexico's Chamber of Deputies for a Law for the Promotion of Welfare and Social Development Activities (*Ley de Fomento de las Actividades de Bienestar y Desarrollo Social*). Like the amendment to the electoral code, this purports not to restrict NGOs but to promote them by granting their activities public recognition. This proposal has also been backed by a number of high-profile NGOs, such as the Association for Philanthropy of the IberoAmerican University, principally because it would reduce or, in some cases, even eliminate taxes paid by civil associations and other citizens' groups. (One legal means of regulating NGOs in Mexico, at least since 1989, has been through the federal Income Tax Law (*Ley de Impuestos sobre la Renta*)). However, NGOs interviewed by the Lawyers Committee are concerned that regulation of NGOs would shade easily into government control. This has already occurred with trade unions, and may now arguably be happening to civic affairs/election monitoring NGOs, with groups that are not recognized by a governmental agency being denied the ability to operate freely.

Mexico's 31 states, as well as the federal district, also provide for the regulation of civil associations through their laws and criminal codes. With two important exceptions (Chiapas and Oaxaca), these laws generally mirror the provisions in federal law. In Chiapas, certain provisions of the state criminal code relating to penalties for carrying out civil protests and marches are far broader than federal law, and have been erratically enforced against political dissidents and human rights activists to stifle dissent. The State Department report makes no mention of this.

In November 1995, the Oaxaca state legislature passed the Law of Private Institutions of Assistance, Human Promotion and Social Development of the State of Oaxaca (*Ley de Instituciones de Asistencia, Promoción Humana y Desarrollo Social Privadas del Estado de Oaxaca*), which imposed serious restrictions on NGO activities. The law contemplates a nine-member panel, with a government-appointed president, to oversee the operations of NGOs. This panel may "authorize the creation, modification or extinction" of NGOs. It is entitled to carry out at will inspections of all organizational "sites, books and papers," and can require from NGO staff and representatives "any information necessary" to

Critique 1996

conduct such investigations. The law also conditions certain grants on panel approval and regulates the constitution of NGO boards of directors.

The law has provoked both protest and legal challenge (*amparo*) by 25 NGOs, led by the Center for Assistance to the Oaxacan Popular Movement (*Centro de Asistencia al Movimiento Popular Oaxaqueño*). In December 1995, a federal court rejected the *amparo*. The NGOs appealed this decision to the Mexican Supreme Court in February 1996; by the end of the year the court had yet to hand down its appellate decision. In 1996, Oaxacan NGOs also filed a petition before the Inter-American Commission on Human Rights (IACHR), asserting that the law violates Oaxaca's state constitution, the Mexican Constitution and international human rights standards. As of late 1996, the Oaxaca state legislature was considering amending the law, largely in response to NGO criticisms. Incredibly, the State Department mentions neither the law nor the legal challenges to it.

Finally, the newly-promulgated Federal Law against Organized Crime (*Ley Federal Contra el Crimen Organizado*) may in practice significantly restrict freedom of association. This law, which is referred to in passing in section 1f of the report, permits the use of electronic surveillance with a prior judicial order. Proposed and justified as necessary to combat drug-trafficking organizations, the law excludes civil, electoral, commercial, labor and administrative activities from surveillance. However, human rights groups fear that its broadly worded provisions may give government agents legal license to interfere in their activities. A meeting of more than 500 NGOs in March 1997 called for the IACHR to review this legislation and determine its compatibility with Mexico's international human rights obligations.

- "Actual Implementation of Relevant Laws" and the Harassment and Intimidation of Human Rights Advocates

Although these legal restrictions are significant, the primary threat to freedom of association in Mexico has involved the government-sponsored or officially tolerated harassment and intimidation of human rights activists and the total failure of the authorities to investigate or prosecute

AN AREA OF NEGLECT

such incidents. In a 1996 report, Amnesty International noted that since President Zedillo took office in December of 1994, it has documented more threats against human rights advocates in Mexico than in any other country. Yet it is virtually unknown for the perpetrators ever to be brought before a court. In failing to discuss this, the report ignores detailed new State Department instructions obliging embassies to indicate whether governments have "allowed a climate of impunity" — whether by "secretly instigat[ing] . . ." "tacitly condon[ing] . . ." or being "unable to control those responsible" for abuses.

The instructions recognize that threats to freedom of association may come in different forms. In discussing section 2b, they note: "Posts should briefly summarize here the various means that the government (whether national or local) uses to suppress criticism of its human rights policies (even if already described in detail elsewhere in the report), whether by avowed human rights groups or other organizations or individuals." The instructions go on to state explicitly: "Posts should also examine briefly the practical effects (e.g., intimidation of current or prospective members, difficulty in raising funds) of any laws or regulations (e.g., refusal to permit legal registration, restrictions on meeting permits) used to hamper the activities of human rights monitors (as broadly defined above)."

Despite these instructions, the report on Mexico construes freedom of association in the narrowest — not to mention the most favorable — of terms. Section 2b incorrectly asserts that "the government respects [the right of freedom of association] in practice . . . Opposition and independent associations functioned generally without government interference or restriction." Similarly, section 4 opts for the boilerplate language suggested for situations in which there are no known abuses, stating: "A wide variety of human rights groups operate largely without government restriction on investigating and publishing their findings on human rights cases." These statements are unconscionable in light of the unprecedented climate of official hostility toward human rights NGOs in 1996.

Critique 1996

Even when it does mention attacks on individual activists, the report omits several important incidents, declines to explore the connections between them, and refrains from attributing responsibility to the government. For example, Section 4 cites reports by Amnesty International of death threats against a dozen prominent members of human rights NGOs. However, it conveys no sense of how these threats were related to each other, or of the context in which they occurred. For example, the threats against two members of the Miguel Agustín Pro Juárez Human Rights Center (PRODH) in Mexico City, as well as three other lawyers associated with the PRODH, were closely connected to each other. The common thread was not merely the lawyers' representation of "alleged members of the EZLN," as the report says, but a high-profile torture case. More significantly, the report fails to mention the substantial evidence that government agents were involved in many, if not all, of these threats. It also fails to mention the lack of any investigation or prosecution of those responsible for the death threats. Such reporting, in addition to disregarding the State Department's clear instructions, is also highly disingenuous, since the US Embassy in Mexico City is well aware of the threats and has raised the issue at senior levels of the Mexican government.

Equally disingenuous is the statement that, "[i]n July the Inter-American Commission on Human Rights visited Mexico at the invitation of President Zedillo and met with over a hundred human rights groups." First, as a matter of law, the IACHR requires the permission or "invitation" of the government in order to conduct a site visit. Second, as a matter of fact, the commission's visit was prompted by the unprecedented number of threats and attacks against many of those human rights groups with which it met.

Finally, the report discusses restrictions on freedom of association in isolation from other human rights abuses and, in particular, from the growing militarization of law enforcement in Mexico. The report fails to say that the targeting and detention of members of legitimate organizations in an attempt to coerce confessions of membership in the Popular Revolutionary Army (*Ejército Popular Revolucionario*: EPR) or other alleged terrorist groups drastically impairs whatever freedom of

AN AREA OF NEGLECT

association may theoretically exist under law. Furthermore, military personnel are not in practice subject to civilian courts for violations of human rights. In light of mounting evidence of the military's disregard for freedom of association and other human rights, coupled with its total impunity from prosecution, human rights NGOs have made demilitarization of law enforcement a priority demand.

- *Government Responsiveness to NGO Activities and Demands*

On this point, the State Department instructions could not be more emphatic, stating that "[a] government's willingness to permit scrutiny of its human rights record (and hence its treatment of non-governmental human rights monitors) is an important indicator of its respect for human rights." Section 4 of the Mexico report, unfortunately, falls far short of what the instructions demand. It states that "Government officials are generally cooperative and responsive to NGO views," an assertion that is flatly contradicted by the experience of many NGOs. In addition to presenting governmental assurances of cooperation at face value, the report fails to note distinctions in the treatment accorded to local, national and international NGOs.

Section 4 makes the facile assertion that: "To address human rights abuses, the government established the CNDH [National Human Rights Commission] in 1990. Since that time the CNDH has received a total of 45 110 complaints of which it has concluded its investigations in 43,784 cases; it is still processing the remainder. Of those cases in which it made recommendations that appropriate action be taken against the offenders, its recommendations have been totally or partially followed 95 percent of the time."

The problem with this statement is threefold. First, it accepts the numbers and assertions of the governmental commission at face value (a number of NGOs have shown that "partial completion" in fact amounts to non-compliance). Second, it obscures the proportion of cases in which the CNDH has actually made recommendations — only a little over one

Critique 1996

thousand Third, it suggests that the CNDH is an adequate response by the government to "address human rights abuses."

The CNDH — and for that matter the Mexico City and other local commissions — proved totally incapable of preventing or investigating the harassment and threats directed at many human rights activists in 1996. Moreover, as past editions of the *Critique* have pointed out, it flies in the face of established principles of international law to suggest that the creation of a quasi-independent "human rights institution," with limited jurisdiction and no enforcement authority, could in any way supplant the responsibility of the Ministry of Government, the Attorney General's office and the judiciary to ensure compliance with constitutional and other legal guarantees. Moreover, the report's ill-conceived language could potentially be used by the Mexican government to bolster the outrageous argument it recently made to the IACHR, to the effect that resolution of a case by the CNDH constitutes a domestic remedy that must be exhausted before a petition can be filed under international human rights law.

The government's responsiveness to NGO activities and demands varies greatly according to the stature of the NGO involved. The Mexican government usually responds quickly to reports issued by international groups such as Amnesty International, Human Rights Watch or the Lawyers Committee, or to recommendations issued by the IACHR or UN committees — even though the promises it makes in response to such criticisms are often not implemented in practice. In contrast, the government often gives national and local NGOs no response whatsoever. A number of recent examples illustrate this pattern and should be dealt with seriously in the 1997 report. For instance, in February a coalition of NGOs requested a meeting with the Ministry of Government to discuss the treatment of NGOs and restrictions on their freedom to operate (Article 27 of the Organic Law of Federal Public Administration (*Ley Orgánica de la Administración Pública Federal*) charges this ministry with overseeing compliance with constitutional provisions for individual rights). After NGO representatives presented their agenda and listed their complaints, the Secretary General of the ministry agreed to meet with them in a week with a response, but then canceled the appointment. By

AN AREA OF NEGLECT

May, no response had been received and the meeting had not been rescheduled. Similarly, the government has taken no steps toward implementing or responding to the recommendations issued by 500 NGOs after the National Meeting for Peace in March, 1997.

IV. RECOMMENDATIONS TO THE BUREAU OF HUMAN RIGHTS, DEMOCRACY AND LABOR

- The drafting instructions for both sections 2b and 4 should be extensively revised. In particular, embassies should be encouraged to provide a specific discussion of the restrictions on freedom of association experienced by human rights NGOs. Section 2b should include a characterization of any legislation governing the formation (including registration) and operation of NGOs, and should always discuss and evaluate — in the State Department's own voice — the degree to which any new legislation governing NGOs complies with relevant international human rights standards.
- Legal and de facto infringements of the right of freedom of association should be dealt with in section 2b of the *Country Reports*. Section 4, meanwhile, should discuss governmental responses to NGO findings and recommendations, as well as cooperation at an institutional level.
- The State Department's instructions on drafting the *Country Reports* should be amended to allow for the inclusion of comment on draft legislation, for example affecting the right to freedom of association, in cases where such legislation is likely to have a significant impact on the ability of human rights NGOs to operate freely, and where the issuing of draft legislation, in itself, serves to intimidate NGOs.
- Section 4 should be retitled and restructured to provide for a more coherent examination of governmental compliance with the

Critique 1996

international human rights treaty regime and cooperation with those seeking to monitor such compliance.

- The instructions for preparing section 4 should be extensively revised to provide for the following elements:
 - (i) A summary of the government's accession to international and regional human rights treaties and any significant developments (positive or negative) during the course of the year. These might include treaty signature, ratification or withdrawal; any reservations entered; or derogations from specific obligations.
 - (ii) Reference to any noteworthy statements or actions indicating a government's intention to limit or modify the international human rights treaty regime. These might include positions taken in the General Assembly, in the UN Commission on Human Rights and Subcommittee on the Prevention of Discrimination and the Protection of Minorities, or in specially constituted UN bodies such as the Working Group on Human Rights Defenders; general declarations on topics such as universality, cultural relativism or "Asian values"; or initiatives to revise the Universal Declaration on Human Rights or to restrict the role of NGOs within the UN system.
- Discussion of cooperation with relevant UN treaty bodies (including the timely submission of regular reports, the adoption of follow-up measures after a state review, and the implementation of decisions on individual complaints); procedures of the Commission on Human Rights such as Special Rapporteurs and Working Groups; UN missions of inquiry appointed by the Secretary-General; field operations of the Office of the High Commissioner for Human Rights; delegations of the UN High Commissioner for Refugees (UNHCR); or other specialized UN bodies. Wherever a country-specific mission,

AN AREA OF NEGLECT

rapporteur or field office exists, government cooperation should be discussed in detail.

- Discussion of cooperation with international criminal tribunals.
- Discussion of cooperation with regional treaty bodies and other regional human rights mechanisms.
- Discussion of cooperation with other relevant international bodies, such as the International Labour Organization, ICRC, etc.
- Discussion of cooperation with international NGOs.
- Discussion of cooperation with domestic NGOs. (Restrictions on their freedom of association should be treated separately in section 2b.)
- Analysis of measures taken by the government to set up commissions, ombudsman's offices or other governmental and quasi-governmental organizations charged with human rights protection and promotion. Such analysis should evaluate the mandate of such entities and assess their effectiveness.

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TESTIMONY OF FREEDOM HOUSE ON THE 1997 STATE DEPARTMENT COUNTRY REPORTS

PRESENTED BY NINA SHEA
DIRECTOR, CENTER FOR RELIGIOUS FREEDOM
OF FREEDOM HOUSE

BEFORE THE
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS

February 3, 1998

Mr. Chairman and members of the Committee, Freedom House thanks you for providing the opportunity to comment on the State Department Country Reports on Human Rights Practices for 1997.

Freedom House is a bipartisan organization dedicated to strengthening democratic institutions at home and abroad. Our Board of Trustees include prominent Democrats and Republicans, liberals and conservatives, respected leaders of business and labor, and some of America's most prominent foreign policy intellectuals. Although politically diverse, our trustees are united in their commitment to the spread of freedom and the strengthening of democracy.

Freedom House believes that human rights and basic freedoms are most effectively protected through the private sector and through the institutions of a strong and vibrant civil society. Furthermore, we believe that human rights and the rule of law are best advanced through the forging of strong and durable democratic institutions.

In late December, Freedom House released its 1997 Survey of *Freedom in the World*. The Survey assesses the state of political rights and civil liberties in each of the world's 191 countries. Its findings for 1997 were, on the whole, positive. Today, 61 percent of the world's countries, 117 in all, are electoral democracies. In population terms, 55 percent of the world's people lives in societies whose leaders are selected in free and fair elections.

1

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To be sure, many countries have embraced democracy and free institutions only recently. In some countries, the transition from autocracy to freedom is far from complete. Democratic institutions are fragile in a number of societies. At this time, I would point out that there has been no trend towards a reversal of democratic gains in the past few years. The tidal wave of democracy which began in the 1980s and gathered force after the collapse of Communism has not been set back. Indeed, the most notable trend over the past several years is the consolidation of the new democratic states in many parts of the world.

Before giving an assessment of this year's State Department report, I want to say something about the role of the United States and other democratic governments in promoting freedom and protecting democratic gains. In almost every new democracy, political change has been achieved primarily through the hard work and sacrifice of local democratic forces, including religious communities. But these efforts have been sustained through the outside pressure exerted by the world's established democracies, the United States in particular.

This may seem obvious by now. But apparently it is not accepted universally among our foreign policy thinkers, some of whom have raised questions about democracy's viability and even desirability in the poorer countries of the world. The record, however, clearly shows that democracy is the best guarantee of fundamental freedoms, the humane treatment of citizens, and even economic reform. We therefore strongly urge the United States to make the promotion of democracy an integral part of the foreign policy making process.

Mr. Chairman, I wish to address one particular area of human rights in which I have a special expertise -- freedom of religion and belief. This is one of the topics in the 1998 State Department Country Reports where there has been a dramatic improvement in coverage. Taken as a whole, the Reports this year, I am encouraged to conclude, represent a milestone in the effort to obtain recognition and concern for abuses of religious freedom on a par with the level of detail and nuance of other human rights treated in the State Department's reporting.

In contrast to prior years, there is generally greater sensitivity to the experience of religious minorities and besieged minority groups within a dominant religion. For example, in the 1998 Reports, the trials and terrors experienced by the Pentecostals and Jehovah's Witnesses in Ethiopia are mentioned for the first time; last year the degree of religious freedom for Christians in Ethiopia was assessed solely by the experience of the dominant Orthodox Church. There is now also greater integration of the various aspects of religious persecution into other human rights sections of the report so that those imprisoned for reasons of faith and conscience are now more likely than in prior years to be listed along with political prisoners and dissident intellectuals in those sections dealing with "Arbitrary Arrest, Detention, or Exile" and "Denial of Fair Public Trial." This is demonstrated in the Report on China. Also the restrictions placed on believers' human rights are noted and cross-referenced in the sections on freedoms of speech, assembly and minorities, as can be seen in this year's Report on Pakistan. For the most part in the 1998 Reports, religious freedom has come a long way from being the lonely step-child of human rights, isolated in a perfunctory sketch in the "Freedom of Religion" subsection, left out of the larger human

rights profile.

Mr. Chairman, this year's Human Rights Country Reports reflect hard work and commitment at the embassy level to research and analyze a the situation of a category of human rights victims who are often living in underground and marginalized communities under severe persecution and about whom reporting is sometimes made more difficult by their own reluctance to seek help from the West or draw further attention to themselves. This heightened sensitivity to the plight of minority religious groups by U.S. embassy officials was recently brought home to our office. Just last week a Freedom House representative attended an international conference of Protestant leaders from Northern Africa, including Egypt, at which one leader after another noted that U.S. embassy officials, who were usually "unavailable" or difficult to reach in recent years, were now suddenly and inexplicably solicitous of their views and concerns. "What's going on?" the Protestant leaders from Egypt wanted to know.

The explanation can be found in the renewed resolve of Secretary of State Madeleine Albright to restore the salience of religious freedom in America's human rights concerns. As a member of her Advisory Committee on Religious Freedom Abroad, I have been informed that Secretary Albright has transmitted a series of cables to U.S. embassies world-wide asking for improved attention and reporting on issues bearing on religious freedom. Assistant Secretary John Shattuck and his dedicated staff at the Bureau of Democracy, Human Rights and Labor deserve special commendation, as well. This leadership and guidance on the part of these officials are bringing results. And, it is a testament to the suppleness of our own democracy. Mr. Chairman, your long-term and vigorous advocacy of the rights of religious believers around the world and your focus on the massive repression of Christian minorities abroad, along with the efforts of other Members of Congress, have played a large role in obtaining improved reporting on religious freedom in the Country Reports this year.

The Reports have shown a quantum leap in improved reporting on religion from 1997 to 1998, nevertheless we do have suggestions for how they can be made even more accurate and complete.

In some notable cases, the Reports give too much weight to self-serving government assertions that religious freedom is respected or otherwise find in favor of the government when the facts point otherwise. Perhaps the most glaring example is found in the Sudan Report which reports without commentary a Khartoum Commission's finding that essentially denies government implication in slavery. Overall, the China Report is seriously distorted by an over-emphasis on small positive developments and conclusions that are belied by the facts. An example is found in the "Freedom of Religion" discussion on Tibet which asserts that the continued operation of the monasteries makes "possible the transmission of Tibetan Buddhist traditions to future generations", it is well documented by the International Campaign for Tibet, as well as other human rights groups, and even elsewhere in the Country Reports, that in fact the monasteries of Tibet are under the control of government, Communist Party and Security police committees that oversee even religious matters. The China Report presents the fact of the growth

of the Christian churches almost as a mitigating factor in the persecution, a common tactic of the Chinese government itself

In the Ethiopia Report, we are told that while Christian minorities believe they are not adequately protected by police, unnamed "observers" are cited to assert that the police are "impartial" in religious disputes. Concerning Saudi Arabia, the Report uncritically reprints government propaganda that the "Government does not prevent private non-Muslim religious worship in the home," while failing to mention the well-documented case of Donato Lama, a Filipino Catholic, who was flogged with 70 lashes last spring for praying as a Christian in his Saudi home, and who alleged that two other Filipinos incarcerated with him were beheaded by the sword last May for practicing their Christian faith.

On Egypt, the Report accepts the government's controversial estimate of the numbers of Coptic Christians, which the Copts themselves say is deliberately lowered by as much as 50 percent by the government in order to downplay the group's significance in Egyptian society. This Report also devotes inadequate attention to the rampant anti-Semitism in the Egyptian press and the failure of government measures to address it; the importance of this phenomenon goes far beyond the tiny Jewish community in Egypt with ramifications throughout the Middle East in fueling violence and hatred against Jews and the Jewish religion.

In some instances, the Reports omit critical developments over the past year that bear on religious persecution. The China Report, while one of the most detailed of the Country Reports and greatly expanded over last year, nevertheless fails to take into account the discovery of five important official documents from throughout 1997 that direct a brutal crackdown on the unregistered churches -- documents which give valuable insights into the large role still played by the Communist Party in setting religious policy, in directing the "investigation and indictment" of unregistered clergy and church leaders, in summarily excluding certain congregations from registration and in manipulating and exploiting "patriotic" churches.

The Sudan Report is sketchy throughout, relying on dated information with respect to, for example, slavery when there are ample new examples to draw from. While listing most human rights abuses, its sketchiness fails to convey the gravity of the Sudan, one of the world's worst human rights violators. The *New York Times Magazine* in December described the situation there against Christians as "near-genocide." This sense fails to come through from the State Department. The Iran Report should mention that religious police infiltrate and spy on Christian congregations looking for converts in their midst, whom they will then arrest on the fatal charge of "apostasy." The Vietnam Report fails to note that a well-known Catholic priest and several Buddhist monks were transferred to strict regime labor camps this past fall where they are kept in solitary confinement on starvation rations and that Christian leaders at the local level are threatened and harassed in a variety of ways, thus undermining their ability to exercise religious freedom.

In Bangladesh, though the report acknowledges that religious minorities face problems it

does not deal with problems faced by Christians or Buddhists. In Morocco, the religion discussion is scant and the focus is on foreign and not national Christians. While the coverage on Turkey is generally good, some developments are missed or understated. For example, the Report states that "the younger Syriac generation leaves for Europe and America ..." The situation is far more dire. The number of Syriac Christians has dropped from 70,000 to 2,000 in recent decades, prompted by discrimination and also attacks by extremist groups. The Report also states that "extremist groups target minority communities from time to time" but gives little detail. In fact, one elderly Syriac couple was killed by extremists on September 24, 1997 in Mzizah, some of dozens who have been killed in recent years. Similarly, the Report does not mention that Muslim converts face harassment and beatings by the police. In Tunisia, the Report, apparently referring to the expatriate Christian community asserts "it freely holds church services and operates a small number of schools," failing to address the real repression faced by Tunisian Christians who are denied the right to establish churches and face detention, harassment and beatings by local authorities.

In many cases, the omissions reflect the fact that an embassy lacks good contacts with minority religious communities. Certainly this is true in Iran and Sudan where the U.S. lacks a permanent diplomatic presence. Where possible, the State Department should strive to develop links with a broad spectrum of the local religious communities, including the minorities. Where this is not possible or desirable for security concerns, the State Department should use the resources of religious organizations that can publish freely. These include *Compass Direct*, *Fides*, *Asia Focus*, the Vietnamese Buddhist press *Que Me*, *China News and Church Report* and *Christian Solidarity International* newsletters, to name only a few.

In some instances, the deficiencies of the religious reporting seems to be an underestimation of the importance of religion to a culture with comparative overemphasis on economic and ethnic factors. This is particularly apparent in the reporting on Nigeria and Indonesia.

Concerning Nigeria, the section on Religion is quite sketchy. It mentions that Christians and Muslims suffer from "isolated incidents of religious tensions", but gives very little attention to the situation of Christians compared to Muslims. In fact there are repeated incidents of attacks on Christians by radical Muslim groups, sometimes abetted by the security forces. The Christian Association of Nigeria has complained about systematic discrimination against Christians in recruitment to the armed forces, even expressing concern that there could be a religious war. The religious situation Nigeria is currently volatile and extremely dangerous.

The report gives good coverage of the recent outbreaks of rioting and attacks on churches in Indonesia. However, while it attributes the riots to complex factors, including religion, it has a tendency to stress economic and racial (specially anti-Chinese) factors. These latter are certainly very real elements and, in the wake of Indonesia's economic crisis, can be expected to grow. However, the religious factor is very real and is underplayed in the report. There is an epidemic of attacks specifically on churches, the majority of which are not ethnic Chinese churches. The

report suggests no reason for this.

The situations in Nigeria and Indonesia are especially troubling. They are both large, populous regional powers and both are facing important religious threats. Responsible religious leaders in Nigeria have raised the danger of religious war. The increased attacks and tension in Indonesia, despite the best efforts of religious leaders of all major religious groups, threaten to undermine what has been one of the world's best examples of inter-religious toleration and cooperation.

In both of these situations there is a possibility of instability and violence that could spread far beyond the religious communities themselves. It would be tragic if neglect of the importance of religion itself (as well as economic and other factors) hinders us from understanding these dangers.

Throughout the religion sections, there is much discussion of "proselytism." This term carries negative connotations of a manipulative or fraudulent form of conversion. Webster's second definition of the term, which is now the prevailing definition in common usage, is "to recruit members especially by offer of special inducements." We suggest using instead the less tendentious terms "evangelism" or "witnessing" in future editions of the Country Reports.

While the Reports on China and Vietnam briefly mention those countries coercive family planning policies under the "Privacy" sections, they fail to note the dimension of these policies that impinge on religious freedom. Much more could be stated on the draconian one-child policy of China, particularly how it is being enforced within the workplaces of American joint ventures. In Vietnam, there are disturbing reports that a woman working on a U.S. government project was fired because she violated Vietnam's two-child family planning policy, this case warrants close examination by the State Department.

In closing, the 1998 Country Reports on the whole are a significant contribution to the monitoring and understanding of respect for human rights, including religious freedom, throughout the world.

Because of traditional American concerns with separation of church and state, the U.S. government in recent years has been reluctant to champion religious freedom as a cornerstone of its foreign policy. But various actions over the past year, and this Report, show religious freedom is a legitimate concern in shaping foreign policy. Freedom House believes that the interests of democracy and human rights will be advanced if the administration and Congress continue to give significant emphasis to religious freedom.

Mr. Chairman, Freedom House reiterates its conclusion from last year's testimony. It hopes that this Committee as well as your colleagues serving on committees and subcommittees responsible for foreign aid and international affairs spending--will be guided by the findings in the 1998 State Department Report. We urge the Congress to use the data in the Reports and

additional data collected by non-governmental human rights organizations and religious groups to ensure that the most blatant violators of human rights including persecution of religious believers are not supported with the U.S. taxpayer dollars -- as in envisioned in the Wolf-Spector bill -- and that U.S. government funds are instead directed at promoting new emerging democracies and encouraging democratic transitions through such worthy instruments as the National Endowment for Democracy, Radio Marti, Radio Free Asia, Radio Free Europe/Radio Liberty, and the Voice of America.

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ANALYSIS OF THE "SECRET" TONG XIANG CRACKDOWN ORDER:

"OPINIONS CONCERNING THE IMPLEMENTATION OF THE SPECIAL-CLASS STRUGGLE INVOLVING THE SUPPRESSION OF CATHOLIC AND PROTESTANT ILLEGAL ACTIVITIES ACCORDING TO LAW"

China's government is currently engaged in an aggressive public relations campaign to convince the West that there is no religious persecution in China, that this in fact is a "golden period" for religion and that whatever incidents of repression occur are either the unauthorized acts of "overzealous cadres" or else necessary measures against dangerous criminals and charlatans. The attached document proves otherwise.

The attached document is a policy directive issued by the local Communist Party (United Front Work Department) and the local Public Security Bureau against the unregistered Catholic and Protestant churches in Tong Xiang, an area in Zhejiang Province, near Shanghai. According to the original Chinese language document, 240 copies of this order were printed and disseminated on February 27, 1997 by the local government of Tong Xiang City as a "secret" or "classified" document. The directive surfaced in the West in spring 1997. The Chinese-language version bears a copy of the official government seal on its cover.

The Tong Xiang directive has been assessed as authentic by such noted China experts as Liu Binyan, who reviewed the document for Freedom House's Center for Religious Freedom. Mr. Liu had occasion to review many government and Chinese Communist Party documents during his long career as a top journalist with China's Peoples Daily, before becoming a dissident and being imprisoned and eventually barred from returning to his homeland by Beijing. Mr. Liu, a former Neiman Scholar at Harvard University, is currently a Fellow at Princeton University.

This directive is of utmost significance because it demonstrates that:

- there exists at the current time an official policy to systematically eradicate, using a range of strategies, the unregistered Christian churches;

- this policy emanates from the Chinese Communist Party to the governmental organs and to the churches;

- the government-sanctioned "Patriotic" churches are under party orders to participate in the campaign to "destroy" the unregistered churches. and;

- some churches are barred by the Chinese Communist Party from registering for unspecified political reasons without recourse to due process procedures.

The Tong Xiang document is consistent with a pattern of renewed repression, manipulation and persecution against the Chinese Christian community observed over the past two years by the U.S. State Department, the Vatican missions press agency, Fides, this organization, as well as various other human rights groups. Such religious persecution has occurred even as both government-sanctioned and underground churches experience rapid growth in membership.

When confronted by the West with evidence of brutality and violence against Christian leaders and their churches, Chinese government representatives have argued that such acts are unsanctioned and the result of individual abuses by local officials. In fact, the Tong Xiang document indicates that just the opposite is true. There is an official policy to crackdown on underground churches which gives local functionaries the license to wage a "special class-struggle" against unregistered Christian congregations. "Class struggle" is a Maoist term that came to mean severe repression and persecution of the capitalist class. Dropped from the official lexicon during the Deng period, it has been taken up over the past year, notably by Public Security Minister Pao Si Ju, and reapplied to "criminal elements," which in the view of Beijing, include unregistered Christians. The fact that this "special class-struggle" is not systematically or comprehensively enforced must be due to resistance at the local level.

The Tong Xiang document also proves that the Communist Party continues to play a major role in establishing and carrying out religious policy in China. By law the Chinese Communist Party is atheistic and excludes from its ranks religious believers. Since 1995, the State structure overseeing religion, the Religious Affairs Bureau, has been directed by Communist hardliner and atheist, Ye Xiaowen. This directive clearly reveals that the Party, through its organ, the United Front Work Department, directly interferes with the "Patriotic" church associations and the China Christian Council in order to control religion. Western visitors to China often overlook the significant role still played by the Communist Party -- as opposed to government offices -- in setting social policy.

The Tong Xiang order directs the Public Security police and other organs of state to collaborate -- through measures that include propagandizing, mass indoctrination, surveillance, and indictment and punishment of Christian leaders -- to destroy the unregistered Christian churches in the area within the first six months of 1997. The directive also reveals a policy of using the

government-sanctioned "patriotic" churches to divide and control religious believers. The directive pinpoints for elimination 16 Protestant meeting places that are "illegal" and 8 Catholic ones.

Among its stated purposes, the crackdown directive is to prevent "the changes that occurred in the former Soviet Union and Eastern Europe." That is, to prevent democratic changes.

Over the first six months of 1997, the order directs that the suppression of the underground churches is to be carried out in three stages, "according to the overall plan for [Zhejiang] province." The first stage, to have lasted through February, is for preparation and entails intelligence gathering about the Protestant and Catholic churches "which did not register, or refused to register in the year 1996."

The second stage, to have taken place between March and May 1997, is the implementation phase in which authorities are commanded to "divide and destroy" "illegal meeting points." With Maoist overtones, the directive demands the destruction of the underground, that is "unregistered," churches: "Eliminate, according to law, the illegal religious meeting points. With great determination, suppress illegal religious activities ... determinedly suppress and eliminate the large-scale illegal meetings, both Catholic and Protestant."

Authorities are instructed to: "List the underground Catholic bishops, priests and Protestant self-ordained ministers ... and implement measures of investigation and indictment." It directs, "Punish according to law." The underground congregations ("believing masses") are to be dealt with through propaganda campaigns carried out by the Religious Affairs Bureau, the municipal Propaganda Department and other government offices: "With great effort, proceed to educate and spread propaganda among this segment of the believing masses "

The order advises that one specific Protestant church, Wu Tong Ba-zi-qiao, will not be allowed to register and "will not be protected by law " With respect to this church, the order directs, "Rebuke it to stop activities." This is further confirmation that, to obtain and hold registration as a government-sanctioned church and church leader, certain, unspecified political criteria must be met. Registration is not simply a bureaucratic requirement or one that is regulated by due process procedures. It further demonstrates how the Communist Party plays a direct role in determining which churches may be officially sanctioned.

The order reveals that Communist Party policy is to use the officially-sanctioned Three Self Patriotic Protestant churches and the Chinese Christian Council as tools to implement the Communist Party policy on religion: "First, work to mobilize and win over the believers through the patriotic religious organizations. The united front, religion and propaganda departments should call on and mobilize the 'three-self patriotic movement committees' and Christian associations to use the forum of their open churches to propagate the Party's policy toward religion"

The third stage, to have been achieved by June 1997, is to inspect and report back on the success of the crackdown. The "standards for inspection" are specified as follows.

"1) That the Catholic and Protestant underground forces have been divided, and the absolute majority of believing masses have been won over by education and unification, to go the way of 'love of country and love of church':

"2) Illegal activities basically are suppressed, and illegal criminal elements have been punished according to law.

"3) Illegal structures in religion are destroyed. The illegal meeting points which have subversive foreign background, and conduct illegal and criminal activities will be suppressed and supplanted:

"4) List the underground Catholic bishops, priests and Protestant self-ordained ministers who have not sufficiently been dealt with legally, into 'primary-point management' and implement measures of investigation and indictment."

Additionally, it directs the local Communist Party to have religion specialists who are to regulate religious activity in the area

The document concludes with directives on how to maximize the effectiveness of the "special class struggle." As in the implementation stage, it makes particular reference to the role to be played by the government-sanctioned Patriotic church: "Educate and encourage patriotic clergy to positively work with this special class struggle . . ."

This policy is not unique to Tong Xiang City but is also a policy of the Communist Party of Zhejiang Province. The document references another similarly named policy document at the Provincial level, stating that this directive is "according to the requirements of the Provincial Party Committee Office [and] Provincial Government's Office's 'Memorandum on the Opinions on Implementation of the Launching of the Special-Class Struggle against the Catholic and Protestant Illegal Activities According to Law.'"

The Tong Xiang directive resembles another document that surfaced in the West in early 1997. Issued on November 20, 1996, this other document bears the title, "Document of the Donglai Township Committee of the Chinese Communist Party for the County Committee of Chongren Xian in the Fuzhou District Referencing the Dispatch of the Procedures Legally to Implement the Eradication of Illegal Activities/Operations of the Underground Catholic Church." The Donglai document also discusses the "struggle" to "eradicate" the underground Church and details similar implementing procedures for bringing this about. Donglai is in Jiangxi Province. This would point to a religion policy being established by the Central Committee of the Chinese Communist Party.

Nina Shea
January 29, 1998

Secret Document

**Tong Xiang City Municipal Public Security Bureau
Chinese Communist Party Tong Xiang City Committee United Front Works
Department**

**Opinions concerning the Implementation of the Special-Class Struggle
(zhuan xiang dou zeng) Involving the Suppression of Catholic and
Protestant Illegal Activities According to Law**

Municipal CCP Committee, Municipal Government:

In the last few years, under the correct leadership of the municipal Chinese Communist Party committee and the municipal government, the religious policy of the Party has been implemented to a further degree. The regulation of religious affairs in our city have moved toward a more legal and institutionalized process. In general, the situation concerning religion is stable. But there also exists some problems which cannot be ignored. In terms of the overall situation, there has been a steady increase, and no decrease, on the part of hostile forces outside our country, which uses religion to undergo subversive and destructive activities such as "westernization" and "division" (fen hua), to aggressively cultivate anti-government forces, to realize the "evangelization" (fu yin hua) of China, and to vainly seek to bring about the changes which occurred in the former Soviet Union and Eastern Europe.

Inside our country the underground forces of Catholicism and Protestantism have responded to these, and worked together with these, to resist against the government and the government's patriotic religious organizations. The illegal and criminal activities of the Protestants in our city are more prominent. Some of the illegal, self-ordained preachers have stirred up the believers and masses to attack the "Three Self" patriotic organizations, to oppose the leadership of the government; they prevent the government from implementing its regulations, and control and influence almost 1,000 Protestant believers. They go everywhere and say "Don't go with the Three Self," and write all kinds of essays concerning the spiritual and the worldly. They spread the ideas that "To believe in Three Self is worldly, not spiritual," "Once you believe in Three Self you will not be saved, and will definitely go to hell." Mainly this concerns the "three-struggle, three-churches, and sixteen points" problem.

The Three Struggles are: struggle against materialism ... , using illegal means, to go to homes and hospitals etc. to draw (la long) believers; struggle against "Three Self" patriotic organizations, establishing illegal meeting points near open churches. The struggle between factions (jiao pai). Protestant Christians and ... Church of Christ in China (zhong hua ji du jiao) and True Jesus Church; they fight against one another to grab power.

The Three Churches are: ... to be against "Three Self" patriotic organizations; to be against the Tong Xiang and Shi Men Christian Churches led by the government; to ask for Three Self, but not submitting to the Wu Tong Christian Church which it (Three Self) regulates.

The Sixteen Points are: Lu Tou, ..., Qian Lin, Qie Tang, Shi Qiao, Min Xing, ... etc. sixteen places, where there are Christian meeting points illegally established. These illegal activities have affected the orderliness of the proper religious activities of our city, and the socialist spirit, and the construction of civilization and social stability in some of the regions.

The Catholic Churches in our city are dispersed at Wu Tong Cheng Nan, Niao Zhen, ..., Shi Men, Tu Dian, Hu Xiao, Yong Xiu, Lu Tou etc., these eight fishing villages. There are 448 believers. Since there is a Catholic activity point only at Pu Yuan, most are dispersed in their homes ... Chang An, Catholic Churches. Those under age and Party members ... individual Catholic believers ... oppose religious ... organizations

(2 lines illegible)

According to the requirements of the Provincial Party Committee Office, Provincial Government Office's "Memorandum on the Opinions on Implementation of the Launching of the Special-Class Struggle against the Catholic and Protestant Illegal Activities According to Law", (we are to) integrate with the realities of our city, in the first half of this year, to begin the special-class struggle involving the suppression of Catholic and Protestant illegal activities according to law. We now report the opinions on the concrete implementation:

1. Basic Mission.

Insist on eliminating the illegal meeting points (i.e. churches) which have background of foreign subversion, conduct illegal activities, and are controlled by underground clergy. Divide and dissolve the Protestant underground forces; strike (da ji) against the illegal and criminal activities which are conducted in the name of religion, according to law. According to law, suppress the illegal activities of the three churches in Tong Xiang, Shi Men and Wu Tong. Divide and isolate the minority of self-ordained (zi feng) preachers who oppose "Three Self." Absorb these three churches into the "Three Self" structure. Strengthen the regulation of religious activities. Promote the work of registration of religious activity meeting points. Launch out an in-depth propaganda campaign concerning the Party's religious policy and the Government's regulations (concerning religion). Correct and turn around the opinion orientation of some of the believer masses who have been misled by the minority anti-Three Self forces. Unite believers and the masses around the Party and the Government. Use healthy, civilized, progress thought and moral mores to educate the great masses, to promote the stability of society.

2. Implementation Procedures.

In order to strengthen the leadership of the special-class struggle involving the suppression of Catholic and Protestant illegal and criminal activities, (we) suggest the establishment of a Leadership Team (ling dao xiao zhu) including a chairman and leaders from Public Security, United Front, Religion, Propaganda, Inspectorate, Courts, Executive (shi fa), People's Rule (min zheng), educational committee member (jiao wei), municipal construction (cheng jian), ..., women's league (fu lian) etc. This will be responsible to lead, coordinate, supervise, inspect the concrete situation of all the measures. Also establish a zheng-zhi-ban to eliminate illegal meeting points, and a zheng-zhi-ban to deal with (?) the work of the three churches: Wu Tong, Shi Men, Niao Zhen, Lu Tou, Shi Qiao, Min Xing, Qie Tang, Pu Yuan, etc. In these locations, establish "Suppress the Illegals Work Committee" (zhi fei gong zuo zhu), and concretely implement the various measures of "suppressing the illegals" work.

According to the overall plan for our province, this "suppress the illegals" special class struggle will be carried out in three stages.

Stage 1: Preparation Stage. From now to the end of February, do a good job in fully preparing for this special class struggle. The public security organizations and religion departments in all localities should consolidate all your energies and concentration to do an in-depth investigation of the Catholic and Protestant illegal religious activities in your locality. Clarify the present conditions of Catholicism and Protestantism; the situation concerning foreign subversion; illegal and criminal activities; and the illegal activity locations controlled by underground bishops, priests and Protestant self-ordained clergy, and those meeting points which did not register, or refuse to register in the year 1996. Collect and sort out evidences and data which has legal efficacy. Upon this foundation, and according to local concrete situations, design workable work plans, and convene "suppress the illegals" leadership team meetings, to make clear the functions, responsibilities, measures and requirements for each department.

Stage 2: Zheng zhi (taking measures) stage. From march to May, have a centralized arrangement, and concentrate all energy to proceed with this special-class measure. The work should be grasped well in terms of three focal points:

(1) Through patriotic religious organizations, start working on winning people over. Religion should be "united front-ed," (tong zhan), propaganda ... (illegible) Convene and mobilize the Three Self Patriotic Movement committee and the China Christian Council, publicize the Party's religious policy and the related Government laws and regulations, through the pulpits of open churches and meeting points. Educate the believing masses concerning the regulations on the use of religious activity points. Lead those believers in illegal religious activity

points to come to ... churches and meeting points. ... Clarify the boundary between proper, legal religion and illegal religious activities. Divide and destroy illegal meeting points.

(2) Eliminate, according to law, the illegal religious meeting points. With great determination, suppress illegal religious activities. Strike (da ji) illegal and criminal conduct (April). Determinedly suppress and eliminate the large scale illegal meetings, both Catholic and Protestant illegal training classes; illegally published and printed propaganda (evangelistic?) materials; and activities and meeting points with foreign subversion... according to the "Assembly, Demonstration and Parade Law", "Regulations concerning the Management of Religious Activity Points"... Conduct "education classes" for the self-ordained clergy and moderators of illegal religious activity points; such classes shall be conducted by the People's Municipal Government. Concentrate on transformation through education (jiao yu zhuan hua). Rebuke them to stop illegal activities. Deal with illegal and self-erected religious meeting points according to law. Implement long-term control measures through the local police offices ... Collect evidence of all kinds of illegal and criminal activities under the banner of religion. Punish according to law.

(3) Penetrate and fan out in a multi-faceted measure. Deal with the Protestant churches in Tong Xiang, Shi Men and Wu Tong who, after many efforts of education, still refused to register, and refused to obey regulations. First, the Religious Affairs Bureau will take the lead to organize "Three Self" patriotic organization members to temporarily take over the approval of restoring the churches in Wu Tong and Shi Men. Announce that Wu Tong Ba-zi-qiao church would not be given registration, it will not be protected by law. Rebuke it to stop activities. Concerning the church buildings which were built illegally on their own initiative, close up and deal with them according to regulations. Proceed to educate and control those minority clergy and moderators of churches which do not obey, who are obstacles to the implementation of regulations, and who oppose "Three Self." Strictly prevent them to stir up trouble. When legally suppressing the illegal religious activities, educate, unite and win over the believing masses who worship at Tong Xiang, Shi Men and Wu Tong – make this the focus of your work. Religion, propaganda and other departments should do their work with different formats. With great effort, proceed to educate and spread propaganda among this segment of the believing masses. Help them be clear on the distinction between proper religious activities and illegal religious activities. Strengthen the self-initiative (zi jue xing) of believing masses to boycott illegal religious activities, that they may be good citizens and good believers who love their country, love their religion and abide by the law. Dispatch work teams, and fully depend on the basic party and government structures, and upgrade the scope of work. Approach this with leading and helping masses to develop economic ... small business. Unite this with the construction of spiritual civilization. Broadly, and deeply spread the propaganda

concerning the Party's religious policy and related laws and regulations. Shake out and sharply reduce the influence of illegal religious activities.

Stage 3: In June, summarize, and receive the takeover by the city and local authorities. The standards for inspection: (1) That the Catholic and Protestant underground forces have been divided, and the absolute majority of believing masses have been won over by education and unification, to go the way of "love of country and love of church" (ai guo ai jiao). (2) Illegal activities basically are suppressed, and illegal criminal elements have been punished according to law. (3) Illegal structures in religion are destroyed. The illegal meeting points which have subversive foreign background, and conduct illegal and criminal activities will be suppressed and supplanted. (4) List the underground Catholic bishops, priests, and Protestant self-ordained ministers who have not sufficiently been dealt with legally, into "primary-point management" (zhong dian guan li), and implement measures of investigation and indictment (zeng kong cao si). (5) At the most local/basic level of the Party, strengthen regulating of religious activities according to law; concretely have personnel to be responsible for it. Those responsible for religion work understand the basic religious situation at the local level, have some basic knowledge of religion, have a basic grasp of the Party's religious policy and related legal knowledge. They should dare to really regulate religious activities; know how to regulate; and regulate well (gan guan, hui guan, shan guan).

3. The Requirements of Work

In all localities, the special-class struggle of legal suppression of Catholic and Protestant illegal activities should be a concrete measure to thoroughly implement the spirit of the 14th six-way combined Congress, and the 9th provincial party congress. Combine with the basic strategy of peasant education which our party in our province is launching out... We must fully understand the significance, the complexity of this special-class struggle; and strictly take hold of the Party's religious policy and the related laws and regulations. Correctly distinguish and handle the two categorically different kinds of contradictions. Guarantee the successful operation of the special-class struggle. As this struggle is implemented in various localities, the following points must be heeded and grasped:

(1) Work hard to do a good job in investigation (diao cha) and issuance of certificates (qu zheng). Fully make use of laws and regulations. The work of striking and suppressing should proceed legally, so that it may be accurate and powerful.

(2) The legal suppression of illegal religious activities should not affect the proper points of religious activities and meeting points. Those who are within the realm of this regulation, but are slow in registering, should not be considered

within the target of elimination. Concerning the three churches (Tong Xiang, Shi Men, and Wu Tong) where the underground self-ordained pastors are in control, when legal measures are taken, ... conditions should be created, and patriotic clergy should be selected and sent to organize committees of church affairs to take charge of religious life, and to take over religious strongholds.

(3) Strengthen the work of intelligence and information. In fact, those who control Tong Xiang, Shi Men to conduct illegal religious activities are the same bunch of self-ordained clergy as those who struggle for power with "Three Self" and who establish ... meeting points. Have a firm grasp of the activities and movement of this bunch of core elements who conduct illegal activities. Strictly prevent them to stir up trouble. Once there are traces of stirring up trouble (gao shi), deal with it decisively under the united leadership of the party committee and the government. Suppress it while it is still in the budding stage.

(4) Encourage the patriotic religious organizations to become more effective. Educate and encourage patriotic clergy to positively work with this special class struggle, and take initiative to help the government do a good job in educating, uniting the believers and masses through religious sentiment and religious consciousness.

(5) As the special class struggle proceeds, all villages, cities and departments should coordinate with each other closely, strengthen communication, exchange information, and help each other in war.

(6) The situation of the work of this special class struggle will not be reported by the news media.

If there are no improper measures in the above opinions, please issue this to the various localities and departments for implementation.

Tong Xiang City Public Security Bureau
 Chinese Communist Party Tong Xiang City United Front Works Department
 February 27, 1997

The State Department Country Reports on Human Rights
and the Clinton Administration's Human Rights Policy

Testimony of Kenneth Roth, Executive Director, Human Rights Watch
before the House Committee on International Relations
Subcommittee on International Operations and Human Rights

Tuesday, February 3, 1998

Thank you, Chairman Smith, for inviting Human Rights Watch to testify at today's hearing on the State Department's Country Reports on Human Rights. I would like to use this opportunity to stress the importance of linking these generally accurate assessments of human rights conditions around the world to U.S. policies on trade, aid, and military sales, in ways that will address the need to push for more vigorous protection of human rights the other 364 days of the year.

At the outset, though, I want to commend the State Department's Democracy, Labor and Human Rights Bureau and the women and men in our embassies who have contributed to this important and impressive document. Under the leadership of Assistant Secretary John Shattuck, the Country Reports have come much closer to meeting the original intent of the Congress, by placing on the record, in a generally accurate and comprehensive manner, the practices of allied and adversary governments alike. The best chapters stand as extremely useful documents of human rights advocacy in themselves. The process of compiling and assessing the information, moreover, brings the responsible embassy personnel into close contact with those courageous persons who are on the front lines of different human rights struggles across the globe.

During this presentation I will look more at those chapters and issues whose treatment we found to be problematic in one way or another--chapters in which we see that the human rights bureau has had to compromise its premium on accuracy in the face of apparent pressure from other interests in the State Department and elsewhere in the government. But I want to be sure to place this critique and our recommendations in the context of our appreciation for the achievement that these reports now represent.

We are especially pleased that the reports this year appear to embody more fully the commitment to prioritize women's rights, and to integrate concerns about women's rights into the country chapters and thematic discussions. Assistant Secretary Shattuck's introduction correctly emphasizes that governments' laws and practices reinforce women's secondary status and block their enjoyment of basic human rights. The report also points to violence against women as a human rights concern around the world. It does not, though, make the critical point that, in most countries, government refusal to take such violence seriously allows women's attackers to act with impunity. In a similar way, Secretary Shattuck properly calls attention to the mounting problem of forced trafficking of women, but neglects to note the responsibility of states to which women are trafficked to intervene to protect the women and punish the traffickers.

We also welcome the continued efforts of the DRL bureau to improve coverage of

persecution and discrimination against persons based on their religious beliefs. The country chapters--including those on China, Saudi Arabia, and Sudan--illustrate a fundamental point about serious and recurrent violations of religious freedom and freedom of belief: they invariably occur as part of a pattern of government repression and restrictions affecting a wide range of rights and basic freedoms. In China, for instance, repression against Christians and Muslims is part and parcel of a crackdown on virtually all forms of independent association. Russia's new legislation restricting so-called "new" religions has to be linked to the central government's general failure to discipline abusive local officials who have been behind repressive efforts across a spectrum of issues. Attacks against the Catholic Church in Chiapas, Mexico, and the government's tolerance of such attacks, stems far more from the perceived political role of the church as an advocate of "liberation theology" than from any antipathy toward a particular religion.

The current effort on behalf of the Freedom from Religious Persecution Act is motivated in part by a concern that U.S. foreign policy towards China and other countries does not adequately reflect the need to combat abusive practices that target religious groups. We completely agree that the absence of policy consequences for abusive governments is the most serious failing in the U.S. approach to human rights, but it is a failing that needs to be addressed across the range of serious violations committed by these governments. To address China's religious persecution in isolation from other forms of repression is present a deceptively simplistic picture of that repression and hence to handicap efforts to improve respect for freedom of religion as well as other freedoms. The Congress should insist that the executive branch comply with existing human rights law, and use the existing human right machinery--including sanctions laws--as they were intended, with more vigor and greater consistency. This, rather than singling out one category of violations and creating a new bureaucracy to address that category, is the approach that we recommend. As we stated in a September 9 letter that Human Rights Watch and other organizations sent to Chairman Gilman on this question, and which I offer as an appendix to my testimony, it makes more sense to add staff and resources to the DRL bureau, and instruct it to devote greater attention to religious persecution issues, to integrate those issues into multilateral and bilateral relations, and to press more effectively within the U.S. government and among allies for sanctions where they are warranted.

The one country chapter where repression based on religion is badly understated is Uzbekistan. There is no mention of the mass arbitrary detentions of independent--i.e., non-government-affiliated--Muslims in the Namangan region in December. This is the latest but perhaps most severe episode in that government's five-year-old crackdown on independent Muslims.

If the good news is the generally high quality of the Country Reports as a document of record, the bad news is that, for all too many countries, it is the only occasion on which human rights concerns are highlighted by the U.S. government. Mr. Chairman, the greatest threat to improved human rights protections in country after country across the globe is the growing sense of impunity with which governments respond to the demands of their citizens for human rights accountability and protection, and to outside critiques such as these annual reports. This impunity has many sources, but it certainly does not help when major powers, including the United States, repeatedly and consistently defer the promotion of human rights in the name of purported long-

term strategies. What is packaged as "constructive engagement" is all too often a facade of human rights policy rather than a serious commitment to promote human rights, penalize abusive parties, and provide greater protections to the victims.

This is particularly the case with regard to countries where, usually for reasons of commercial opportunities or military cooperation, this administration, like its predecessors, remains virtually silent with regard to recurrent gross abuses. In these cases such abuses have had no restraining impact on levels of U.S. aid or military sales and assistance. This phenomenon is most acute in the Middle East, where Israel and Egypt--which account for 91 percent of U.S. military and economic aid globally--and Saudi Arabia--the largest customer for U.S. weapons sales--appear to be insulated from any criticism, outside of these chapters, for their violations, which are severe and routine. There have been no other instances over the past year in which the U.S. government or U.S. officials publicly noted the gross violations of these governments, or pressed for reforms. Assistant Secretary of State Indyk, asked at his confirmation hearings in September about what policies he supported when "quiet diplomatic efforts" fail to modify abusive practices, replied that "the approach we take depends on the nature of our relationship with the country involved." Based on the record to date, this is a recipe for the continuation of a shameful policy of silence and inaction.

This approach of protecting abusive governments from criticism rather than protecting persons from abuses extends even to the presentation of the Country Reports. Why, for instance, are persistently abusive countries like Egypt and Turkmenistan presented along with South Africa as "countries in transition," with the implication that those governments have taken steps to address their terrible records and to cease abusive practices. In both of these cases, if there has been any transition it has been towards greater authoritarianism and disregard for human rights.

Acting Secretary of State Talbott, in the press conference releasing the Country Reports last Friday, chose to frame the question of human rights and U.S. foreign policy in the context of current U.S. efforts with regard to Iraq. This is a very dubious proposition. There is no question that the present Iraqi government has one of the most atrocious human rights records in the world. And we certainly favor international efforts to counter proliferation of weapons of mass destruction. Mr. Talbott's remarks, however, exhibit the exceedingly selective way that human rights are invoked outside of the human rights bureau--usually only when it coincides with a broader U.S. effort to stigmatize and delegitimize an adversary government. Subsequently, Secretary Shattuck ducked a question regarding human rights implications of the economic sanctions policies targeting Iraq and supported by the U.S. It is this all too selective approach to integrating human rights into U.S. policy that undermines the credibility of that policy.

China illustrates this problem of "disconnect" at a different level. The question of striking the right balance--in this case between trade, legitimate security concerns, and human rights--is a real one. This fall President Clinton took the important step of candidly and publicly engaging President Jiang about human rights at their summit in Washington. Several weeks later, China released Wei Jingsheng from prison (the chapter, though, neglects to note that Wei was freed only on condition that he leave China). Welcome as this was, such isolated releases have little consequence for the overall state of severe repression in China. In our judgement, the packaging of this year's China chapter overstates the significance of the very limited steps that China has taken. The summary characterizes the government's response to dissent as "somewhat more

tolerant," though elsewhere it states that the authorities continued "to control tightly dissenting views and punish those who voiced such views." The chapter refers to "positive steps" by China, such as "significantly expanding its dialogue" on human rights with foreign interlocutors, but other than noting the U.N. Working Group's visit to China last October, it provides no specific information to indicate how -- if at all -- these dialogues have led to concrete human rights progress.

It is all well and good to highlight positive developments in a manner so as to encourage further improvements. But Secretary Shattuck, in his press conference Friday, coupled this highlighting with a clear indication that the U.S. has not yet decided to push for a critical resolution on China at the UN Human Rights Commission in Geneva next month. This sets the stage, at best, for a repeat of last year's performance, when the U.S. did sponsor a resolution but in such a tardy and desultory fashion as to suggest it was more a gesture to domestic public opinion than a genuine effort to censure China and maintain pressure to correct systematic abuses.

The administration's repeated portrayal of its China policy dilemma as a choice between "isolation" and "engagement," and its repeated insistence that it cannot hold the entirety of the US-China relationship "hostage" to human rights, are misleading and false. Such phrasing deliberately avoids the question of how pressure for improved human rights practices might be exerted within the larger relationship. No one suggested that pressure regarding market access, copyright policy or missile sales was equivalent to holding the relationship "hostage" to a single issue. It is time to stop settling for tokenism. Washington can and should develop a sustained and multilateral human rights policy that persuades Beijing to undertake structural reforms that will make a difference for significant numbers of Chinese and Tibetans.

The Great Lakes countries of Central Africa illustrate this problem at still another level. This year's chapter on Rwanda, in contrast to previous efforts, gives a frank, relatively complete assessment of human rights abuses by the Rwandan government, particularly the killing of civilians by Rwandan Patriotic Army (RPA) troops both in Rwanda and in the neighboring Democratic Republic of the Congo. It also underscores the continuing slaughter of civilians by insurgents, especially Tutsi survivors of the 1994 genocide. In addition, it notes the continuing paralysis of a judicial system overwhelmed by the consequences of that genocide, with some 130,000 persons now in jail and only a few hundred brought to trial. However, Secretary of State Albright, in her recent visit to Rwanda, failed to speak publicly with similar candor.

The administration recently announced a \$30 million initiative on justice in the Great Lakes region. The U.S. must, in return for this assistance and potential military assistance, insist that the government take specific and measurable steps to end the routine killing of civilians and put on trial officers accused of such massacres. In a judgment announced last Friday, a Rwandan military court condemned an officer to life in prison for having massacred civilians in 1994. This case shows that some Rwandan authorities understand the importance of obliging soldiers to abide by international humanitarian law. The U.S. should design and implement policies that support those authorities and influence others to adopt practices in accord with international humanitarian standards.

The chapter on Democratic Republic of Congo (DRC) is generally accurate, though it downplays violations of freedom of expression, freedom of association and the right to due

process, and it ignores the crucial issue of the right to security. Violations of political rights and the extent of repression against those who have spoken out have been exacerbated by the absence of a functioning legal system. The chapter repeatedly portrays the human rights situation as improved in comparison with the Mobutu era, but these comparisons are not always accurate. Along with a variety of omissions in the reportage, such comparisons overstate the freedom of non-governmental actors to operate, and underestimate the threats against them. One cannot avoid the sense that this chapter has been crafted in some measure to justify U.S. support for Laurent Kabila's government.

Such tailoring of material to suit current policy is perhaps most on display in the chapter on Bosnia-Herzegovina, despite (or because of) the fact that U.S. policy towards that country has been invested, perhaps more than in any other case, with human rights concerns in mind. We are aware that a good deal of Secretary Shattuck's efforts over the past five years have been directed here. Yet the chapter, and Mr. Shattuck's introductory remarks, give what we consider to be an unduly optimistic picture both of the human rights situation in Bosnia and of the appropriateness of specific American policies. Mr. Shattuck correctly observes that "perhaps the major factor underlying the slow pace of Bosnia's healing is that the majority of indicted war criminals are still at large and some, like [Radovan] Karadzic are influencing policies in the Republica Srpska." But the U.S. has displayed extraordinary reluctance to order its troops to arrest indictees, and has supported Biljana Plavsic as president of Republica Srpska despite her failure to cooperate with the International Criminal Tribunal and her statement, in a letter to U.N. Secretary-General Kofi Annan, that her administration would not hand over Karadzic and Ratko Mladic to the tribunal.

Contrary to the wording in this chapter, it is not at all clear that the violent attacks that occurred against representatives of international organizations after the SFOR arrests in Prijedor in July were related to those arrests, since similar attacks had occurred several times prior to the Prijedor arrests and could be attributed to general tensions in the region. With regard to U.S. policy on this question, we certainly hope that the recent arrest of indicted war crimes suspect Goran Jelusic marks the beginning of a new assertiveness on the part of U.S. troops in enforcing the war crimes aspects of the Dayton agreement. We are not encouraged by the recent U.S. waiver of restrictions on reconstruction assistance to municipalities in Republica Srpska that still harbor persons indicted by the tribunal.

The Bosnia-Herzegovina chapter overstates the extent to which the police and the courts have met the fundamental right to security. Suspects of ethnically motivated violence are seldom arrested, for instance, and to our knowledge no convictions have taken place so far. In Bugojno, for instance, suspects of violent attacks against ethnic Croats were released by the court due to lack of evidence, despite the fact that both the local police and international organizations considered the evidence against the suspects to be extremely convincing.

Finally, in discussing the "successful" municipal elections in September, the chapter understates the difficulties connected to implementation of the election results. Despite a December 31 deadline, to date results have been certified and implemented in only 45 out of 136 municipalities. It remains to be seen whether the OSCE will in fact be able to complete implementation of the election results. The chapter also fails to mention that the former OSCE head of mission, Ambassador Robert Frowick, influenced by U.S. Ambassador Robert Gelbard,

decided to reinstate several candidates and even a party that been previously stricken from the ballot by the OSCE Election Appeals Subcommittee--a decision that led two members of the subcommittee to resign in protest.

Those countries which are important strategic U.S. allies but whose serious human rights violations have attracted public attention from policy makers tend to be those, like Turkey, where there is a vibrant local network of human rights activists and organizations. The Turkey chapter is candid and thorough, reflecting the fact that the embassy in Ankara has actively monitored the human rights situation there, including trials, although it fails to draw the appropriate implications for the rule of law and democratic rights of the military-enforced July resignation of the Islamist-led Welfare Party. Last February, Secretary Albright publicly stated that the U.S. did not approve of Turkey's human rights practices. But this has not had visible consequences in terms of U.S. military and economic aid. It is worth noting that it has been the Congress which has had the most effective role in making human rights a piece of U.S. policy towards Turkey, with its specific amendments to Economic Security Funds appropriations and with the Congressionally mandated July report from the departments of State and Defense on the use of U.S. weapons in the conflict with the PKK.

The Mexico chapter also exhibits the extensive contact between the U.S. embassy and human rights activists in the country, and may send a message to the Mexican government regarding the importance of human rights. Any such message, though, is much too subtle, and is rather drastically undermined in the absence of any other public expression of U.S. concern. The chapter provides an accurate overview of the major human rights problems. Unfortunately, it fails to draw the appropriate conclusion: that the Mexican government has systematically failed to address in any serious way issues such as torture and arbitrary detention. The problem of impunity for such extensive abuses in Mexico stems not, as the chapter suggests, from incomplete institutional reforms but from the Mexican government's lack of seriousness regarding human rights. U.S. policy has done little to challenge that.

Before moving on to my concluding remarks, let me comment on the way the Country Reports have dealt with Algeria, which has been an utter disaster zone for human rights. The chapter is a solid one, stronger than last year's and replete with unqualified assertions of serious abuses by both the government and the armed opposition. Details are more scant with regard to physical abuses by the government than with regard to restrictions on political rights and freedoms. This probably reflects both the kinds of information that are available to the embassy, given security-related constraints on the staff's ability to get into the field, and the U.S. policy emphasis on democratization issues over physical integrity issues, in part because the victims of physical abuse tend to be Islamists and the people around them. Secretary Shattuck, in Friday's press conference, spoke of the clear need for a credible international fact-finding mission to investigate the massacres and systematic sexual violence against women that has characterized the Algerian situation. The Algerian authorities, as you know, have persistently rejected this call--from U.N. and European leaders as well as the U.S. The Congress should add its voice to those pressing the Algerian government on this matter, and should be pressing the Clinton administration to take a more assertive role with the Algerian authorities. Congressional hearings on Algeria should also invite as witnesses officials from the many U.S. oil companies, banks, and other commercial firms with interests and influence in Algeria.

Recommendations

Human Rights Watch makes the following recommendations to the Clinton administration regarding its human rights policy, and we welcome Congressional support for these recommendations in the form of supporting resolutions, critical hearings, and appropriate legislation.

- The U.S. should take the lead in preparing and advocating a strong, critical resolution regarding the human rights situations in China at next month's meeting of the U.N. Human Rights Commission in Geneva, and a similar resolution establishing the office of a Special Rapporteur concerning the human rights situation in Algeria. The United Kingdom currently holds the presidency of the European Union, and the meetings later this week between President Clinton and Prime Minister Blair should include the development of a joint approach for the Geneva meetings, even if there is an absence complete E.U. consensus on these two matters.
- There is no better opportunity to use the material in the Country Reports than at annual meetings where donor countries develop aid plans for particular recipient countries. The U.S. should be sure that the agendas of such meetings include a public evaluation of a recipient government's human rights record, with special attention to political imprisonment, judicial independence, protection of free speech and free association, and cooperation with local and international human rights organizations, particularly because abusive governments are poor prospects for economic development. Aid should be reduced, or held in escrow, for governments that fail to make progress in such areas and continue to demonstrate impunity.
- In countries where the U.S. has a diplomatic mission, the ambassador or the acting chief of mission should be designated to present the chapter of her or his country to the appropriate high officials--namely, the minister of foreign affairs, minister of interior, or head of state. The material in the Country Reports, updated as appropriate, should be used frequently throughout the year in high level meetings. Offending governments, particularly allies, will pay more attention to these human rights findings and concerns if they are discussed at trade talks, security gatherings, and summits, and not only relegated to compartmentalized human rights dialogue sessions.
- The material in the country reports should be linked closely to the approval of all weapons transfers, whether or not these involve aid or credits or are strictly commercial sales. Governments guilty of persistent gross abuses should not be eligible for such transfers, in accordance with existing law.
- The administration should seriously consider adding a section to each chapter specifying what steps the U.S. government has taken over the period covered to address the abuses cited.

In closing, let me make one additional point. The increasingly high quality of the State Department Country Reports highlights the absence of anything comparable about U.S. human rights practices. Last week Human Rights Watch and twelve other U.S.-based international human rights and domestic civil rights organizations wrote to President Clinton urging the administration to authorize the appropriate departments to compile and publish annually,

beginning next year, a report on the human rights situation in the United States. I attach a copy of this letter to my testimony. Such a step would be an important demonstration of our government's commitment to the universality of international human rights norms, and would enable U.S. citizens and residents to gauge the government's compliance with the international human rights treaties it has ratified. An honest appraisal of how rights are protected in this country could assist policy makers in identifying trends in violations, provide the public with an accounting of efforts to correct violations, and generally provide the same scrutiny to the U.S. that it applies to other countries. We would welcome the support of this committee and other members of Congress for this proposal.

Attachments:

- 1) September 9, 1997 letter of Human Rights Watch and other organizations to Rep. Benjamin Gilman concerning the Freedom from Religious Persecution Act.
- 2) January 28, 1998 letter of human Rights Watch and other organizations to President Clinton proposing an annual report on the state of human rights in the United States.

Congress of the United States
Washington, DC 20515

January 28, 1998

Mikhail V. Komissar
Deputy Chief of Administration
Office of the President of the Russian Federation
The Kremlin
Russian Federation

Dear Mr. Komissar:

Thank you for meeting with our delegation in Moscow on January 14 regarding our concerns with the 1997 Law on Freedom of Conscience and Religious Organizations. We look forward to our continuing dialogue on this law and its implementation. We have not yet received the materials you indicated you would send us, but we are writing as you suggested to itemize the concerns we shared with you.

We believe that the 1997 law is considerably flawed and we hope that the Federation Assembly will work earnestly to bring the law into conformity with international standards. The 1990 Law on Freedom of Religion was more in line with international standards of religious liberty and the 1997 law represents a step back in Russia's international commitments as well as a violation of Russia's own constitutional principles on religious liberty. Article 28 of the Constitution of the Russian Federation clearly guarantees to all individuals regardless of religion, belief, or even citizenship the right "to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion, or to profess no religion, to freely choose, possess and disseminate religious or other beliefs, and to act in conformity with them."

The 1997 law appears to violate the Constitutional principles of equality of all religions or beliefs and the guarantee of these rights to all individuals in the Russian Federation. The fundamental principle of equality of all religions or belief is enumerated in Article 9 of the European Convention on Human Rights and in the Helsinki documents, particularly Section 16 of the Vienna Concluding Document. Particularly troubling provisions of the 1997 law which violate this principle include Articles 12, 14, and 27, which give registering authorities overly broad power to limit religious freedom. Clearly, Article 27 violates the most basic principles of religious freedom and will need to be repealed or significantly redefined through regulations in order to mitigate its onerous provisions. Finally, the limits imposed by Articles 6-9 and 13 on the religious freedom of individuals based on their citizenship is a clear violation of Constitutional guarantees of equality of all without regard to citizenship.

Mr. Mikhail Komissar
 January 29, 1998
 Page 2

Until such time as repeal of the 1997 law is feasible, we encourage you to consider regulatory steps that would minimize the negative impact of this law. In response to your request at our meeting, we forward the following proposals that we believe would help bring the legislation and its implementing regulations into closer conformity with international standards of religious liberty. *The articles cited in the parentheses are articles found in the draft regulations.*

- Chapter 3 of the regulations runs counter to the principle that governments should remain neutral toward religion or belief. Instead, the regulations should avoid efforts to judge the legitimacy of religious practices, unless there is a final decision by a court that the group is engaged in criminal activities. In accordance with the Helsinki documents, particularly the Vienna Concluding Document, and in Article 9 of the European Convention on Human Rights (ECHR), governments are to remain neutral toward religion or belief. The use of the phrase "religion or belief" means that government should not and can not determine what should be treated as a religion. Furthermore, the European standard, clearly delineated by the European Court in the 1996 Manoussakis case, is that governments have no discretion in determining the legitimacy of a particular religious belief.
- A basic flaw of the 1997 law is the vast discretion afforded local bureaucrats in granting full rights to religious associations. An improvement to the law would involve regulations interpreting the law in a manner that eliminates this arbitrary decision-making power. Standardized procedures for submitting, considering and denying applications should be written into the regulations so that uneven enforcement of the law can be minimized. Procedures should be clearly stated, with a time limit during which officials must specify whether an application is incomplete (Article 10). Religious groups need the assurance that they will remain as registered entities in the event of a dispute, until a final appeal and decision is given by the highest court. Regulations interpreting the 15-year rule (Article 3) should be liberal, exempting from this requirement religious groups already registered under the 1990 law, clearly delineating what proof would be acceptable and indicating whether the 15-year existence must be continuous or can include interruptions. If denial is made on the basis of the 15-year rule, clear reasons should be given by the decision maker as to why this conclusion was reached.
- The regulations should state that all decisions relating to the registration of religious associations would be subject to independent judicial review that is appealable to a court of law. Judicial review could act as a check on arbitrary decisions by officials and as a protection against the abuse of religious freedom.
- Centralized monitoring will be key to insuring just and equal treatment under the law. In this regard, an Office of Ombudsman should be appointed by the President and instituted in the Administration to oversee problems relating to the administration of the law and the arbitration of disputes between government officials and religious associations. In other

Mr. Mikhail Komissar
 January 29, 1998
 Page 3

countries, an office of ombudsman has been used with success, helping to mitigate serious human rights violations.

- The regulations should include a provision for an association failing to meet the requirements of the 1997 law to freely register under the civil law and enjoy full freedom of religious belief and practice. Religious groups that choose not to register under the religion law should enjoy maximal religious freedom in accordance with law and practice in many European states
- Finally, in furtherance of the principles of equality found in the Russian Constitution, the ECHR, and the Helsinki Accords, religious practice and the ability to form or belong to groups and organizations should not be contingent on the citizenship of the individual. Chapter 3 of the regulations should be changed to reflect Russia's Constitutional guarantees and international commitments so that non-citizens, foreign religious organizations, and foreign missionaries may enjoy substantial religious freedoms

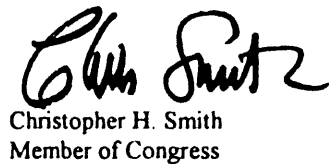
We sincerely hope that these suggestions are helpful to you as you determine the optimal course for the future of Russia and the protection of one of the most basic human rights, the right to freedom of thought, conscience, religion or belief. Please do not hesitate to contact us if additional information would be helpful to your responsibilities

We wish you well in your difficult task

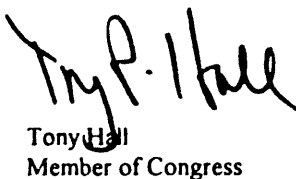
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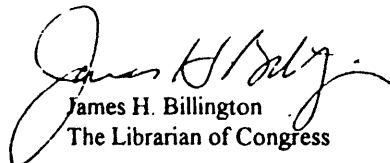
Frank R. Wolf
 Member of Congress



Christopher H. Smith
 Member of Congress



Tony Hall
 Member of Congress



James H. Billington
 The Librarian of Congress

January 29, 1998

President William J. Clinton
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear President Clinton:

As the international community observes the 50th anniversary of the Universal Declaration of Human Rights and we recall the leading role of the United States in helping to draft this important document, we note that the United States remains disappointingly reluctant to assess its own conduct under international human rights standards. As a coalition of U.S.-based international human rights and domestic civil rights groups, we are writing to request that your administration compile and publish an annual report on the state of human rights in the United States to demonstrate the government's commitment in practice to international human rights norms. Such a report would enable the American public to gauge compliance with international human rights treaties ratified by the United States. To date, no such report exists.

As you know, the State Department's Bureau on Democracy, Human Rights and Labor will issue its annual Country Reports on Human Rights Practices this week. Those reports have improved over the past several years, and their high quality points up the absence of a similar report dedicated to human rights practices in the United States.

In making this request, we do not seek a report that merely cites legal protections in these areas, as was provided in the July 1994 report on compliance with the International Covenant on Civil and Political Rights. Instead, like the State Department's country reports on human rights, we seek an honest appraisal of how, in practice, rights are protected.

President Clinton
January 29, 1998
Page 2

We believe that such a report would assist policymakers in identifying trends in violations, provide the public with information about efforts to hold abusers accountable, and submit our government to the same scrutiny that the U.S. applies to other governments in its annual country reports on human rights. We urge you to instruct the relevant departments to compile and publish this report annually, beginning next year.

We look forward to a chance to discuss this proposal in more detail, at your convenience.

Sincerely,

American-Arab Anti-Discrimination Committee
American Civil Liberties Union
Amnesty International USA
Human Rights Watch
International Human Rights Law Group
Lambda Legal Defense and Education Fund
NAACP Legal Defense and Educational Fund
National Coalition to Abolish the Death Penalty
National Organization for Women
Physicians for Human Rights
RFK Memorial Center for Human Rights
Southern Center for Human Rights
Women's Commission for Refugee Women and Children

cc: Secretary of State Madeleine Albright
Attorney General Janet Reno
Assistant Secretary of State John Shattuck Acting Assistant Attorney General Bill Lann Lee

September 9, 1997

The Honorable Ben Gilman
 Chairman
 International Relations Committee

Dear Chairman Gilman:

We in the human rights community strongly support the goals of the "Freedom From Religious Persecution Act" of bringing the spotlight of attention on governments that persecute persons for their religious beliefs, putting pressure on the authorities to end religious repression, and assisting victims of religious repression who seek to come to the U.S. as asylum applicants or refugees. We have worked for many years on ending religious intolerance and persecution, as well as improving U.S. immigration and refugee policy. We believe that the proposed "Freedom From Religious Persecution Act" could better achieve these shared goals if the following changes were made.

Findings: The Findings section is largely limited to persecuted Christians and religious minorities in communist countries. We believe that the section should be enlarged to include other vulnerable religious communities so that the bill will have more universal resonance and be more effective in combating religious persecution. We understand that the sponsors of the bill have indicated a strong desire to insure that the bill is applicable to all persons facing religious persecution and we welcome that commitment. Naming certain Muslim groups could help insure that the bill is not perceived as having an anti-Muslim tone.

Application and Scope: The bill includes two separate standards for triggering an investigation of persecuted groups. One standard is that those named in the bill will automatically be investigated by the Office of Religious Persecution Monitoring. All other groups may be taken up at the discretion of the director of the Office. This dual standard might be taken to mean that the bill creates a preference for certain religious groups. Because the automatic imposition of sanctions and the creation of new refugee and asylum protocols are so central to the bill's structure, we believe that having a single standard that is applicable to all those vulnerable to religious persecution is more appropriate. Such an approach will actually be better for beleaguered Christians than a more specific standard. Frequently Christians (as well as Baha'is, Jews, and others) are wrongly accused of being foreigners or in league with Western powers. In these circumstances, singling them out for special treatment above all other religious minorities might actually embolden those who desire to harm them.

Sanctions: Our organizations* favor the imposition of certain sanctions against governments found to be engaged in gross abuses of human rights, including the persecution of

* As a matter of Amnesty International policy applicable to all types of human rights violations, Amnesty International does not take a position for or against economic sanctions.

of religious believers. We strongly support existing human rights law that prohibits bilateral aid (Section 502B of the Foreign Assistance Act) and U.S. support for multilateral aid (Section 701 of the International Financial Institutions Act) to countries engaged in a consistent pattern of gross violations of human rights. The "Freedom From Religious Persecution Act" provides less rather than more protection than existing human rights law. While the list of abuses it targets (such acts as rape, crucifixion, slavery and imprisonment) would be embraced by the "gross violations" standard of existing law, the "Freedom From Religious Persecution Act" would impose sanctions only if such acts were "widespread and ongoing." That standard is tougher to demonstrate than the finding of a "consistent pattern" required under current law. We urge that the bill's standard be eased. In addition, we believe that the definition of persecution should be broadened to include forms of discrimination and intolerance that do not reach the extreme measures outlined in the bill but are forms of persecution faced regularly by religious communities around the world, including government restrictions on worship, proselytizing, religious education, freedom of the press and expression, and freedom of movement.

We are also concerned that the trade sanctions against abusers have been so narrowly drawn that even if a government meets the bill's current narrow standard and is found to have engaged in religious persecution, there is little likelihood that exports of persecution-related products will be limited. In particular, the bill requires that the identification of persons involved in religious persecution be drawn as narrowly as possible. If implemented in this way, the Office of Persecution Monitoring will have difficulty in stopping sales of police and military equipment to governments, heads of state, institutions like the police, military, intelligence services, or even officers who may have ordered but not directly participated in abuse.

The sanctions section, in summary, is not strong enough to insure that it will have a serious impact on abusive governments. We urge that it be strengthened so that it is applicable to the widest possible number of regimes, institutions, and individuals that abuse in any way the right of religious freedom.

Creation of a New Bureaucracy: The bill sets up a separate structure in the White House to engage in investigation and reporting and conduct U.S. policy towards those found to be engaged in religious persecution. The desire to have an office which focuses exclusively on religious persecution and which is, at least on the organizational chart, closer to senior level decision makers, is understandable. On the entire range of human rights issues, the Bureau of Democracy, Labor and Human Rights (DRL) must contend with the traditionally powerful regional bureaus, the growing influence of agencies promoting trade, combating narcotics trafficking, and pursuing other priorities. A White House office could come to bolster and add diplomatic weight to the Human Rights Bureau and other quarters in the executive branch engaged in promotion of human rights if its work is integrated into that of others.

On the other hand, the record of such separate "coordinators," (such as the Ambassador at Large for Refugee Affairs) has not necessarily been positive. In some past instances, such offices have largely stood outside the policy apparatus and far from elevating, actually served,

unwittingly, to downgrade attention to an issue. A separate White House office of Religious Persecution Monitoring would be apart from the information-gathering capacity of the State Department and its formal diplomatic apparatus. Moreover, many proponents of the bill rightly argue that religious persecution rarely operates in isolation from the repression of other basic rights and freedoms. Yet the bill might handicap the defense of religious freedom by isolating it from information about other forms of repression undertaken by abusive regimes. We believe an office of religious persecution monitoring might be more effectively placed within existing human rights machinery in the State Department Bureau of Democracy, Human Rights and Labor and the National Security Council. Existing human rights machinery, if bolstered by staff specially tasked to work on religious persecution, would be able to draw on extensive information about a government's human rights record and build a stronger case for sanctions against those who violate religious freedom than would a stand-alone office of religious persecution operating in isolation. Additional staff and resources for DRL would permit the office to conduct field missions, press U.S. embassy officials to be more attentive to religious persecution, issue reports, and integrate the religious persecution issue into all multilateral and bilateral relations.

Asylum provisions: Human rights groups have strongly opposed the changes enacted by Congress in asylum law last year, namely the adoption of summary exclusion procedures which we believe make it much more difficult for those fleeing persecution of any type to make their case and receive asylum. We question whether the beneficial treatment for asylum seekers fleeing religious persecution, as intended by this bill, will actually be realized under the current, flawed summary exclusion procedures, which rely upon low-level, secondary inspectors to decide the fate of asylum seekers. This crucial deliberation by inspectors will apply to even those fleeing religious persecution, who will be required to prove that they are members of the named groups. This process will be conducted without any public scrutiny and without any counsel of any kind allowed for the asylum-seeker. Moreover, it is not clear what will happen to individuals who are permitted to bypass the credible fear determination process. For example, will such individuals be detained pending an asylum hearing, as is currently the case with most asylum seekers, or will they be released into the community?

The bill's exemption of persons whose religions are named by the Office of Persecution Monitoring is a clear and very welcome indication that Congress knows that the summary exclusion provision is a problem for those fleeing persecution. We appeal to the Congress to act on that assumption, which we share, and eliminate this unjust requirement for all who flee persecution of any type.

Falling that, however, the Congress should at a minimum enlarge the definition of religious persecution so that the broadest number of victims might take advantage of the asylum protections in the bill, and the maximum number of vulnerable religious believers might be spared the summary exclusion process and the possibility of forced return to persecution. A definition of religious persecution that is restricted to the most severe forms of persecution or to adherents of faiths that happen to be named in the bill risks sending many persecuted believers back to their persecutors.

Refugee Preference: We strongly support the granting of refugee status to members of persecuted religious groups, who should certainly fall within existing refugee law. However, we fear that granting special preference for the religiously persecuted over other victims of persecution and reserving slots for them out of existing numbers may result in one persecuted group being pitted against another. A preferable approach to the proposed legislation would be simply to expand the number of slots available for refugees so that no one currently eligible will be denied entry because of preferences created by this act.

We would welcome your attention to these concerns, and respectfully urge that you offer these changes to the bill during your expected legislative markup this week.

Sincerely,

Kenneth Roth
Executive Director
Human Rights Watch

Leonard S. Rubenstein
Executive Director
Physicians for Human Rights

Jack Rendler
Executive Director
Minnesota Advocates for Human Rights

William Schulz
Executive Director
Amnesty International/USA

James Silk
Executive Director
Robert F. Kennedy Center

Felice Gaer
Director
Jacob Blaustein Institute for the Advancement of Human Rights

Question Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Iran

Q: I am concerned that in Iran the single largest religious minority, the Baha'is, are still targets of systematic persecution by the government--things like denial of their legal rights, exclusion from jobs and schools, and they are prohibited from providing religious instruction to their children. It seems that the intent of Iranian policy is, over time, to deprive the means of the Baha'i community to sustain itself in Iran. Recently the President of Iran, Mr. Khatami, professed a desire for better relations between the people of the U.S. and Iran. Has our government expressed to the Iranian government a reciprocal willingness to improve relations, and if so, have we raised the persecution of the Baha'i and other religious minorities in Iran as an obstacle to improving relations between our two countries?

A: IMPROVED BILATERAL RELATIONS DEPEND ON CHANGES IN IRAN'S POLICIES OF CONCERN, INCLUDING IRAN'S WEAPONS OF MASS DESTRUCTION PROGRAMS, SUPPORT FOR TERRORISM, AND HUMAN RIGHTS ABUSES OF THE IRANIAN PEOPLE. THE PLIGHT OF THE BAHA'IS HAS ALWAYS BEEN PROMINENT IN OUR PUBLIC STATEMENTS, INCLUDING PRESS STATEMENTS, VOICE OF AMERICA EDITORIALS, AND, MOST RECENTLY, IN THE DRAFT RESOLUTION ON IRAN ADOPTED BY THE UN HUMAN RIGHTS COMMISSION MEETING EARLIER THIS YEAR IN GENEVA. WE HAVE PROVIDED A DETAILED ASSESSMENT IN OUR ANNUAL HUMAN RIGHTS REPORT TO CONGRESS, AND MAINTAIN CONTINUING CONTACTS WITH THE BAHA'I ORGANIZATION IN THE

UNITED STATES. WE WOULD MAKE OUR CONCERNS KNOWN DIRECTLY
TO THE GOVERNMENT OF IRAN IF IT WERE TO AGREE TO HOLD
OFFICIAL TALKS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Iran

Q: In the Department's view, how severe is the persecution of religious minorities in Iran? Has Iran's treatment of religious minorities changed in the past year? Has the ability of the international community to monitor the human rights situation in Iran improved during the past year? Has Iran expressed its openness to additional human rights inspectors?

A: BAHAI'S, JEWS, SUNNI MUSLIMS, ZOROASTRIANS, AND EVANGELICAL CHRISTIANS CONTINUE TO SUFFER VARYING DEGREES OF OFFICIALLY SANCTIONED DISCRIMINATION. THERE HAS BEEN NO DISCERNABLE CHANGE IN THE IRANIAN GOVERNMENT'S TREATMENT OF RELIGIOUS MINORITIES. BAHAI'S LACK THE LEGAL PROTECTIONS ACCORDED TO RECOGNIZED RELIGIOUS MINORITIES. THE ABILITY OF THE INTERNATIONAL COMMUNITY TO MONITOR THE HUMAN RIGHTS SITUATION IN IRAN HAS NOT IMPROVED IN THE PAST YEAR AND IRAN HAS NOT EXPRESSED OPENNESS TO ADDITIONAL HUMAN RIGHTS INSPECTORS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Child Labor

Q: The overview to this year's Reports again highlights an issue that members of this Committee have given a lot of attention: the international child labor problem. As I've said before, its most abusive forms--such as commercial sexual exploitation and debt bondage--are evils that must be fought as enemies. How pervasive do you believe this problem to be, and what actions (both by the State Department and by Congress) do you think could help to address it? Do you think that something like restrictions on non-humanitarian US foreign aid would help to get the attention of countries where children are exploited the most?

A: THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IS A LONG-STANDING AND GROWING PROBLEM. THE USG IS FUNDING IN NEPAL, THROUGH THE ILO'S INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR (IPEC), A PROGRAM TO ELIMINATE TRAFFICKING OF GIRLS FOR THE PURPOSE OF PROSTITUTION. MUCH REMAINS TO BE DONE AND WE WILL CONTINUE TO SUPPORT THE USE OF SUCH FUNDS TO ADDRESS THIS ISSUE.

WE BELIEVE THAT CHILD DEBT BONDAGE, ALTHOUGH IN MANY INSTANCES ILLEGAL, CONTINUES AS A TRADITIONAL AND WIDELY PRACTICED ARRANGEMENT. IT APPEARS THAT MOST CHILD DEBT BONDAGE IS PRACTICED IN NON-EXPORT SECTORS. IT IS THEREFORE MORE DIFFICULT FOR THE USG TO ADDRESS THAN IN COMMERCIAL EXPORT SECTORS. HOWEVER, USG INFORMATION IS

INCOMPLETE, AND RECENT AUTHORITATIVE STUDIES ARE LACKING. SUCH INFORMATION COULD BETTER DEFINE THE SCOPE OF THE PROBLEM AND HELP TO FOCUS ON WAYS TO BEST TACKLE IT. THE ADMINISTRATION'S INITIATIVE ON CHILD LABOR CONTAINS A \$27 MILLION INCREASE IN USG FUNDING TO IPEC THAT COULD FURTHER EFFORTS TO DECREASE AND EVENTUALLY ELIMINATE CHILD DEBT BONDAGE. CONGRESSIONAL SUPPORT FOR THAT FUNDING IS ESSENTIAL.

THE U.S. CUSTOMS SERVICE HAS LAUNCHED AN ENHANCED LAW ENFORCEMENT EFFORT TO COMBAT THE IMPORTATION OF GOODS MADE WITH FORCED OR INDENTURED CHILD LABOR. THE STATE DEPARTMENT HAS ASSISTED CUSTOMS IN ITS FIRST FACT-FINDING MISSION TO SOUTH ASIA, HAS PROVIDED BRIEFINGS AND BACKGROUND AND CONTACT INFORMATION AND WILL CONTINUE TO ASSIST CUSTOMS IN ITS EFFORTS TO ESTABLISH AN EFFECTIVE PROGRAM.

THE STATE DEPARTMENT, THROUGH OUR MISSIONS WORLDWIDE, APPROACHED HUNDREDS OF GOVERNMENT, EMPLOYER AND EMPLOYEE DELEGATIONS TO THE RECENT ILO CONFERENCE TO GAIN SUPPORT FOR THE RECENTLY-ADOPTED DECLARATION AND MECHANISM ON CORE LABOR STANDARDS. THE ADOPTION OF THE DECLARATION AND MECHANISM ESTABLISHES A FIRM BASIS FOR THE OBSERVANCE AND MONITORING OF CORE LABOR RIGHTS, INCLUDING FREEDOM FROM FORCED LABOR - INCLUDING FOR CHILDREN. IN COOPERATION WITH

THE DEPARTMENT OF LABOR, WE HAVE ALSO PARTICIPATED IN THE CONCEPTUALIZATION AND DRAFTING OF A NEW CONVENTION ON THE WORST FORMS OF CHILD LABOR. WE EXPECT THE CONVENTION, WHEN ADOPTED, WILL INCLUDE PROHIBITIONS ON SEXUAL EXPLOITATION OF CHILDREN AND SLAVE-LIKE PRACTICES SUCH AS INDENTURED LABOR. THE SUPPORT OF THE U.S. CONGRESS FOR RATIFICATION OF THIS CONVENTION FOLLOWING SUCH A RECOMMENDATION BY THE ADMINISTRATION, WILL BE OF THE UTMOST IMPORTANCE TO INDICATING U.S. DETERMINATION TO ELIMINATE SUCH PRACTICES WORLDWIDE.

REGARDING RESTRICTIONS ON NON-HUMANITARIAN ASSISTANCE, WE BELIEVE THAT BROAD, AUTOMATIC SANCTIONS CAN BE COUNTERPRODUCTIVE AND COULD DAMAGE MANY OF OUR NATIONAL INTERESTS. THEY COULD RESULT IN HARM TO THE VERY CHILDREN THEY SEEK TO PROTECT BY ELIMINATING ECONOMIC ASSISTANCE TO COUNTRIES WHOSE CHILDREN ARE MOST AT RISK AS WELL AS LIMIT OUR ABILITY TO TAILOR OUR POLICIES FOR GREATEST EFFECTIVENESS. THEY COULD UNDERMINE OUR LONG-STANDING HUMAN RIGHTS POLICY OF INSISTING ON RESPECT FOR ALL BASIC CIVIL AND POLITICAL RIGHTS BY ESTABLISHING IN U.S. LAW A HIERARCHY OF RIGHTS BASED ON CHILD LABOR. IN ADDITION, SUCH SANCTIONS COULD RAISE QUESTIONS REGARDING OUR INTERNATIONAL LEGAL OBLIGATIONS AND INFRINGE ON THE PRESIDENT'S PREROGATIVE TO CONDUCT FOREIGN AFFAIRS.

Question Submitted for the record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Religion

Q: In the area of religious liberty, the issue that creates the most contention is proselytism, to which many Christians refer to as evangelism. Proselytism is merely speech with a religious content that is intended to be persuasive. Many countries prohibit free religious speech, either by law or in practice. In reviewing the country reports, countries such as Turkey, Armenia, Uzbekistan, Romania, Pakistan, China, Egypt, Saudi Arabia, and Morocco prohibit religious believers the freedom to exercise their free speech right. Often, those who are accused of exercising their rights are imprisoned, tortured, and harassed by authorities and by non-governmental groups that act with impunity. What action has the department taken to protect these important freedoms of speech and religion?

A: THE U.S. GOVERNMENT HAS PROVIDED UNPRECEDENTED LEADERSHIP IN PROMOTING RELIGIOUS FREEDOM ABROAD. OUR AMBASSADORS, WORKING CLOSELY WITH THE SECRETARY, ARE TREATING RELIGIOUS FREEDOM AS A FOREIGN POLICY PRIORITY. WE ARE RAISING THE ISSUE WITH FOREIGN LEADERS, SHINING A SPOTLIGHT ON IT AT INTERNATIONAL FORA, AND INTEGRATING IT FULLY INTO OUR FOREIGN POLICY.

THE ISSUE OF PROSELYTIZING IS AMONG THE MOST SENSITIVE AND DIFFICULT ISSUES TO ADDRESS WITH FOREIGN GOVERNMENTS. IN MANY COUNTRIES, TRADITIONALLY DOMINANT RELIGIONS SUPPORT AND PRESS FOR GOVERNMENT RESTRICTIONS OR PROHIBITIONS ON PROSELYTIZING. IN SOME CASES, THE LOCAL POPULATION ALSO SUPPORTS SUCH RESTRICTIONS. DESPITE SUCH CONDITIONS, THE U.S. GOVERNMENT HAS

INTERVENED ON BEHALF OF INDIVIDUALS DETAINED IN VARIOUS COUNTRIES AND CONVEYED TO GOVERNMENTS THE IMPORTANCE THAT AMERICANS GIVE TO THE UNIVERSAL RIGHT TO FREEDOM OF RELIGION, WHICH INCLUDES THE RIGHT TO MANIFEST ONE'S RELIGION.

FOR EXAMPLE, THE UNITED STATES CONVEYED ITS CONCERN OVER A NEW LAW ADOPTED IN RUSSIA THAT RESTRICTS THE ACTIVITIES OF MANY RELIGIONS, INCLUDING SEVERAL CHRISTIAN EVANGELICAL DENOMINATIONS. IN SAUDI ARABIA, THE U.S. AMBASSADOR MET WITH SENIOR SAUDI OFFICIALS ON THE ISSUE OF RELIGIOUS FREEDOM AND THE TREATMENT OF CHRISTIAN, INCLUDING EVANGELICALS. THE U.S. AMBASSADOR TO LAOS HAS INTERVENED ON BEHALF OF SEVERAL, IMPRISONED CHRISTIANS, URGING THEIR RELEASE AND CALLING FOR RESPECT FOR FREEDOM OF RELIGION.

U.S. OFFICIALS HAVE INTERVENED IN OTHER SIMILAR CASES. MANY HAVE RESULTED IN THE RELEASE OF THOSE DETAINED OR INCARCERATED FOR THEIR RELIGIOUS ACTIVITIES, INCLUDING PROSELYTIZING. THE U.S. REMAINS COMMITTED TO RAISING RELIGIOUS FREEDOM ISSUES AND PRESSING FOR FULL ADHERENCE TO THIS UNIVERSAL HUMAN RIGHT.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Human Rights Abuses Against Women:

Q: In the introduction to this year's Country Reports, a prominent place is appropriately given to an extensive discussion of human rights violations against women. Nowhere in this discussion, however, is there any mention of forced abortions and forced sterilizations in China. Nor is there any mention of the similarly coercive "two-child-per-couple" policy of the government of Vietnam, or of Mexican women who complain that they have been forcibly sterilized, or of mass sterilizations of poor women without informed consent in Peru.

A: REGARDING MEXICO, COERCED STERILIZATION IS A CRIMINAL ACT UNDER THE MEXICAN GENERAL HEALTH LAW OF 1984. ACCESS TO FAMILY PLANNING SERVICES IS GUARANTEED UNDER THE MEXICAN CONSTITUTION AND APPROXIMATELY 10 MILLION WOMEN AVAIL THEMSELVES OF THESE SERVICES ANNUALLY. ALL MEXICAN PUBLIC HEALTH INITIATIVES ENGAGED IN PROVIDING FAMILY PLANNING SERVICES HAVE STRENGTHENED THEIR INFORMED CONSENT PROCEDURES SINCE 1996. SINCE JANUARY 1997, TWELVE CASES OF MALPRACTICE RELATED TO FAMILY PLANNING HAVE BEEN REPORTED TO THE NATIONAL COMMISSION FOR HUMAN RIGHTS (CNDH) AND THE NATIONAL MEDICAL ARBITRATION COMMISSION (CONAMED). THESE COMMISSIONS MAKE AN INITIAL INVESTIGATION AND ARE EMPOWERED TO RECOMMEND FORMAL JUDICIAL PROCEEDINGS.

NO U.S. FUNDED PROGRAM IS IMPLICATED IN THE OPEN MALPRACTICE CASES. USAID-FUNDED FAMILY PLANNING ACTIVITIES REFLECT AN UNWAVERING POLICY OF VOLUNTARY FAMILY PLANNING, INFORMED CHOICE, AND INFORMED CONSENT.

WITH REGARD TO PERU, USAID IN PERU HAS FOR SOME TIME FUNDED SAFE AND VOLUNTARY FEMALE STERILIZATION PROGRAMS. NO U.S. FAMILY PLANNING FUNDS OR THOSE OF U.S. CONTRACTORS HAVE BEEN USED TO SUPPORT INVOLUNTARY STERILIZATIONS. THE UNDERLYING PRINCIPLES OF OUR FAMILY PLANNING PROGRAMS ARE VOLUNTARISM AND INFORMED CHOICE.

AFTER THE GOVERNMENT OF PERU ADOPTED QUANTITATIVE TARGETS FOR STERILIZATIONS IN MID 1996, U.S. OFFICIALS REPEATEDLY COMMUNICATED STRONG CONCERNS ABOUT THE POTENTIAL FOR ABUSE AND SEGREGATED U.S. FAMILY PLANNING SUPPORT FROM THIS STRATEGY. WE DID NOT RECEIVE REPORTS OF STERILIZATIONS WITHOUT CONSENT UNTIL LATE 1997. WHEN ALLEGATIONS SURFACED IN THE PERUVIAN PRESS, THE GOVERNMENT OF PERU LAUNCHED ITS OWN INVESTIGATION.

ON FEBRUARY 23, 1998 THE MINISTER OF HEALTH OUTLINED SWEEPING CHANGES WHICH THE GOP WOULD TAKE TO ENSURE THAT ALL DECISIONS ARE VOLUNTARY, THAT WOMEN ARE FULLY INFORMED ABOUT ALL FAMILY PLANNING METHODS, AND THAT THERE IS A 72 HOUR WAITING PERIOD BETWEEN ANY WOMAN'S DECISION FOR STERILIZATION AND WHEN THE PROCEDURE IS PERFORMED. THE GOP

IS ALSO MOUNTING EFFORTS TO ENSURE THAT PERUVIAN HEALTH WORKERS ARE AWARE THAT QUOTAS OR TARGETS FOR STERILIZING WOMEN NO LONGER EXIST. ACCUSATIONS OF PAST ABUSES ARE BEING INVESTIGATED BY THE PERUVIAN OMBUDSPERSON; THE DEPARTMENT OF STATE AND USAID ARE FOLLOWING THE PROGRESS OF THESE CASES CLOSELY AND ARE AWAITING THEIR OUTCOME.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Forced Labor and Slavery

Q: The Use of Prison or Forced Labor and Slavery: Forced labor, prison labor for export, and slave labor appear to be on the rise in many developing nations. Is this an accurate statement? Has the U.S. enforced its existing laws that prohibit the trade in items produced by slave labor, particularly in the case of China? Are other nations acting to cut off trade and items produced by slave labor? In many places, environmental activists and indigenous peoples have been persecuted by large landowners and the local police. Is this sort of persecution on the rise?

A: IT IS RISKY TO MAKE GENERALIZATIONS WITH REGARD TO MATTERS SUCH AS THE USE OF FORCED LABOR, PRISON LABOR FOR EXPORT, AND SLAVE LABOR IN DEVELOPING NATIONS. CONDITIONS VARY FROM COUNTRY TO COUNTRY AND, EVEN IN SPECIFIC COUNTRIES, CONDITIONS CAN CHANGE WITHIN RELATIVELY SHORT SPACES OF TIME. IN SUDAN, FOR EXAMPLE, REPORTS ON CASES OF SLAVERY AND SERVITUDE, AND CREDIBLE ALLEGATIONS OF ACTIVE SLAVE MARKETS, HAVE INCREASED ALARMINGLY IN THE PAST YEAR. THESE ABUSES, INCLUDING THE SALE OF WOMEN AND CHILDREN, ARE AGGRAVATED BY SUDAN'S ONGOING CIVIL WAR. THE NATIONAL GOVERNMENT TAKES NO ACTION TO HALT SUCH PRACTICES, AND RELIABLE REPORTS INDICATE THE DIRECT INVOLVEMENT OF GOVERNMENT SECURITY FORCES IN ABDUCTION AND DEPORTION OF CIVILIANS FROM WAR ZONES TO THE NORTH. BOTH THE GOVERNMENT

AND REBEL FACTIONS CONTINUE TO FORCIBLY CONSCRIPT MEN OF MILITARY AGE INTO THEIR RESPECTIVE FIGHTING FORCES.

IN A DIFFERENT EXAMPLE, THE EXISTENCE OF INSTITUTIONALIZED SLAVERY IN MAURITANIA IS AT AN END. OFFICIALLY SANCTIONED FORCED LABOR, IN WHICH GOVERNMENT AND SOCIETY JOIN TO FORCE INDIVIDUALS TO SERVE MASTERS, NO LONGER EXISTS. WHILE INDEPENDENT OBSERVERS, AND INDEED THE GOVERNMENT ITSELF, RECOGNIZE THAT CASES OF SLAVERY IN REMOTE AREAS DO EXIST, THE REAL CHALLENGE FOR MAURITANIAN SOCIETY LIES IN DEALING WITH SLAVERY'S CONSEQUENCES. ABJECT POVERTY, LACK OF EDUCATION, AND LIMITED OPPORTUNITIES MEAN LARGE NUMBERS OF FORMER SLAVES AND DESCENDANTS OF SLAVES LIVE IN CONDITIONS OF VOLUNTARY SERVITUDE.

AS FOR TRADE IN ITEMS PRODUCED BY SLAVE LABOR, THE U.S. CUSTOMS SERVICE CONTINUES TO EXERCISE ITS AUTHORITY TO BAR SUCH PRODUCTS FROM ENTERING THE U.S. MARKET. THESE EFFORTS HAVE BEEN PARTICULARLY NOTEWORTHY IN THE CASE OF CHINA, WHERE WE ARE WORKING HARD WITH THE CHINESE TO IMPROVE COOPERATION ON PRISON LABOR. DESPITE SOME DIFFICULTIES, CHINA IS THE ONLY COUNTRY WHICH HAS CONCLUDED A PRISON LABOR MEMORANDUM OF UNDERSTANDING WITH THE U.S. SIGNED IN 1992, THE MOU GIVES US A FORMAL PROCESS TO DEAL WITH PRISON LABOR CASES AND ENCOURAGE CHINESE COOPERATION

WHICH IS CRUCIAL TO AN EFFECTIVE SOLUTION TO THIS PROBLEM. U.S. CUSTOMS CURRENTLY HAS PENDING 8 REQUESTS TO VISIT CHINESE FACILITIES SUSPECTED OF USING PRISON LABOR TO PRODUCE PRODUCTS FOR EXPORT. AFTER PRESIDENT JIANG ZEMIN'S VISIT TO THE UNITED STATES LAST YEAR, PURSUANT TO THE TERMS OF THE MOU, OUR CUSTOMS ATTACHÉ IN BEIJING WAS ALLOWED TO VISIT THREE FACILITIES SUSPECTED OF USING PRISON LABOR TO PRODUCE GOODS FOR EXPORT, ONE WITHOUT PRIOR ARRANGEMENTS. HE FOUND NO EVIDENCE THESE FACILITIES WERE USING PRISON LABOR ILLEGALLY.

THROUGH THE INTERNATIONAL LABOR ORGANIZATION (ILO), THE INTERNATIONAL COMMUNITY HAS ADOPTED TWO CONVENTIONS TO DEAL WITH THE PROBLEM OF FORCED LABOR. AS OF THE END OF 1997, SOME 145 COUNTRIES HAD RATIFIED CONVENTION 29 (THE "FORCED LABOR CONVENTION" OF 1930), WHILE 130 COUNTRIES HAD RATIFIED CONVENTION 105 (THE "ABOLITION OF FORCED LABOR CONVENTION" OF 1957). THE UNITED STATES IS AMONG THE 130 COUNTRIES THAT HAVE RATIFIED THIS LATTER CONVENTION.

AS WITH FORCED LABOR, PRISON LABOR FOR EXPORT, AND SLAVE LABOR IN DEVELOPING NATIONS, IT IS RISKY TO MAKE GENERALIZATIONS ABOUT PERSECUTION OF ENVIRONMENTAL ACTIVISTS AND INDIGENOUS PEOPLES. CONFLICTS INVOLVING LARGE LANDOWNERS, ILLEGAL LOGGERS, GOLD MINERS, THE POLICE, INDIGENOUS PEOPLES, AND ENVIRONMENTAL ACTIVISTS ARE COMMON

THROUGHOUT THE DEVELOPING WORLD, PARTICULARLY IN AREAS OF COLONIZATION AND FRONTIER LANDS. WE ARE UNABLE TO CONFIRM WHETHER OR NOT IN GENERAL PERSECUTION OF INDIGENOUS PEOPLES IS ON THE RISE. THE TYPES OF CONFLICTS FOUND IN INDONESIA, FOR EXAMPLE, ARE VERY DIFFERENT FROM THOSE FOUND IN THE AMERICAN TROPICS. SIMILARLY, THE ACTORS, CONDITIONS, AND TRENDS OF THESE CONFLICTS ARE DRASTICALLY DIFFERENT FOR DIFFERENT REGIONS. SOME COUNTRIES HAVE HAD GREATER SUCCESS IN IMPLEMENTING NATIONAL AND INTERNATIONAL POLICIES THAT ATTEMPT TO RECONCILE DIFFERENT VIEWS AND PHILOSOPHIES ABOUT DEVELOPMENT AND CONSERVATION WHILE MINIMIZING VIOLENCE.

WE ENCOURAGE ALL GOVERNMENTS TO PROTECT THE RIGHTS OF THEIR INDIGENOUS POPULATIONS BY DEMARCATING INDIGENOUS LANDS, AS BRAZIL IS DOING, AND BY ENFORCING EXISTING LAWS TO STOP ENCROACHMENT BY NON-INDIGENOUS GROUPS. WE ALSO URGE THE FULL ENFRANCHISEMENT OF INDIGENOUS POPULATIONS INTO THE POLITICAL AND ECONOMIC SYSTEMS OF THEIR COUNTRIES.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

China

Q: Do you believe that the continued detention of the Panchen Lama—who was six years old when he was abducted by the Communist authorities--and who I understand is second in importance only to the Dalai Lama in Tibetan Buddhist tradition is consistent with the report's conclusion that Tibetan Buddhist values are still being transmitted to the younger generation? How can this be true when Buddhist monks and nuns are required to denounce the Dalai Lama's so-called interference in the Panchen Lama's recognition and to accept Beijing's designation of a different Panchen Lama?

A: WE HAVE EXPRESSED OUR CONCERN ABOUT THE DISPUTE OVER THE REINCARNATION OF THE PANCHEN LAMA TO CHINA ON MANY OCCASIONS. IN MAY 1996, THE DALAI LAMA ANNOUNCED THAT A SEARCH COMMITTEE HAD IDENTIFIED THE REINCARNATION OF THE PANCHEN LAMA. THE GOVERNMENT REGARDED THE ANNOUNCEMENT AS A DIRECT CHALLENGE TO ITS RULE OVER TIBET AND ITS ROLE IN THE SELECTION PROCESS AND AUTHORITIES DETAINED THE ABBOT, CHANDREL RINPOCHE, WHO LED THE SEARCH COMMITTEE, AS WELL AS OTHER MONKS ENGAGED IN THE SELECTION PROCESS. CHANDREL RINPOCHE IS CURRENTLY SERVING A SIX-YEAR PRISON SENTENCE FOR "CONSPIRING TO SPLIT THE COUNTRY." IN NOVEMBER 1996, CHINESE OFFICIALS PUBLICLY REJECTED THE BOY IDENTIFIED BY THE DALAI LAMA AND SUBSEQUENTLY SELECTED A SECOND BOY AS THE PANCHEN LAMA. THE CHINESE AUTHORITIES HAVE NOT REVEALED

THE WHEREABOUTS OF THE PANCHEN LAMA IDENTIFIED BY THE DALAI LAMA. NOTHING IS KNOWN ABOUT HIS STATUS OR HEALTH, ALTHOUGH THE CHINESE HAVE REPEATEDLY STATED THAT HE IS HEALTHY AND LIVING AS A "NORMAL CHILD." WE HAVE REPEATEDLY EXPRESSED CONCERN ABOUT THE BOY'S HEALTH AND WELFARE AND HIS APPARENT DETENTION AND URGED THE CHINESE TO PROVIDE ACCESS--PERHAPS BY A RESPECTED INTERNATIONAL FIGURE--TO THE BOY IN ORDER TO REMOVE DOUBT ABOUT HIS CONDITION. TO DATE, THE CHINESE HAVE REFUSED TO ALLOW ANYONE TO MEET WITH THE BOY OR HIS FAMILY.

THE CONTROVERSY OVER WHICH OF THE TWO BOYS IS THE LEGITIMATE PANCHEN LAMA IS A RELIGIOUS ONE, AND, AS SUCH, WE HAVE NOT TAKEN A POSITION ON IT. WE HAVE, HOWEVER, MADE OUR POSITION ABOUT THE HUMAN RIGHTS SITUATION IN TIBET VERY CLEAR AT THE HIGHEST LEVEL, INCLUDING BY PRESIDENT CLINTON IN THE JUNE SUMMIT IN BEIJING.

CONTROLS ON RELIGION ARE TIGHT AND IN SOME CASES INTENSIFYING. RELIGIOUS ACTIVITIES VIEWED AS VEHICLES FOR POLITICAL DISSENT ARE FORCIBLY SUPPRESSED. DURING THE PAST YEAR, THE REEDUCATION CAMPAIGN THAT REQUIRES MONKS AND NUNS TO RENOUNCE THE DALAI LAMA AND THE PANCHEN LAMA CHOSEN BY HIM HAS LED TO THE ABUSE OF MONKS AND NUNS ACCUSED OF POLITICAL ACTIVISM AS WELL AS THE CLOSURE OF SEVERAL MONASTERIES. EVEN IN THIS ATMOSPHERE, HOWEVER, THE

AUTHORITIES CONTINUE TO PERMIT MANY TRADITIONAL RELIGIOUS PRACTICES AND MONASTERIES CONTINUE TO OPERATE, TRAINING YOUNG MONKS IN TRADITIONAL BUDDHIST BELIEFS. RECENT REPORTS CONFIRM THAT YOUNG BOYS ARE LIVING IN MONASTERIES AND BEING TRAINED AS MONKS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

China

Q: I am pleased to see the report takes notice of the repression against Muslim Uyghurs in the Xinjiang region—formerly the independent nation of East Turkestan—including the February killings of Uyghur demonstrators by government forces. The report states that serious human rights abuses “intensified” in minority areas such as Xinjiang and Tibet. How has repression intensified?

A: THE UIGHURS, THE MUSLIM MINORITY OF XINJIANG PROVINCE, HAVE LONG RESENTED CHINESE RULE AND POLITICAL ACTIVISTS ARE INCREASINGLY CALLING FOR INDEPENDENCE FOR THE AREA, WHICH THEY CALL EAST TURKESTAN. THE NUMBER OF VIOLENT CLASHES BETWEEN CHINESE AUTHORITIES AND UIGHUR SEPARATISTS HAS INCREASED SIGNIFICANTLY.

ALTHOUGH CHINA'S POLICY FOR MINORITY AREAS CALLS FOR PREFERENTIAL TREATMENT IN AREAS SUCH AS IN MARRIAGE AND FAMILY PLANNING AS WELL AS ECONOMIC INVESTMENT, TENSIONS BETWEEN UIGHURS AND ETHNIC HAN CHINESE HAVE GROWN IN RECENT YEARS. UIGHURS MAINTAIN THAT EMPLOYMENT DISCRIMINATION IS WIDESPREAD AND THEY DEEPLY RESENT CHINESE CONTROL OF THE REGION'S KEY ECONOMIC AND POLITICAL INSTITUTIONS. THE MIGRATION OF HAN CHINESE INTO XINJIANG, WHICH HAS CAUSED THE HAN-UIGHUR RATIO IN THE CAPITAL OF URUMQI TO SHIFT FROM

20:80 TO 80:20, AND PAST NUCLEAR TESTING, WHICH RESULTED IN HEALTH CONCERNS AND ENVIRONMENTAL DEGRADATION, HAVE ALSO BEEN A SOURCE OF TENSION.

CHINESE AUTHORITIES HAVE RESPONDED QUICKLY AND FORCEFULLY TO THE GROWING DISCONTENT IN XINJIANG AND INCIDENTS OF VIOLENCE AND TERRORISM, MAKING IT CLEAR THAT OPPOSITION TO COMMUNIST PARTY RULE WILL NOT BE TOLERATED. A CAMPAIGN TO STRESS ETHNIC UNITY AND CONDEMN "SPLITTISM" AND RELIGIOUS "EXTREMISM" BEGAN IN APRIL 1997. POSSESSION OF SEPARATIST PUBLICATIONS IS NOT PERMITTED, AND, ACCORDING TO REPORTS, THE POSSESSION OF SUCH MATERIALS HAS RESULTED IN LENGTHY PRISON SENTENCES.

OVERALL, IN 1997, AUTHORITIES MAINTAINED TIGHT CONTROL OVER SEPARATIST ACTIVITIES, ANNOUNCED TIGHTENED SECURITY AND ANTITERRORIST MEASURES, AND SEVERAL CAMPAIGNS TO CRACK DOWN OPPOSITION GROUPS. TIGHT CONTROLS CONTINUED IN EARLY 1998.

Question Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

China

Q: What steps does the US take to ensure that our human rights concerns are not undercut by our participation in multilateral lending institutions?

A: SECTION 701 OF THE INTERNATIONAL FINANCIAL INSTITUTIONS ACT REQUIRES THE U.S. TO OPPOSE LENDING IN THE MULTILATERAL DEVELOPMENT BANKS TO COUNTRIES THAT ENGAGE IN "A PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS." SINCE 1977 THE US HAS ADOPTED A POLICY OF OPPOSING ASSISTANCE FROM INTERNATIONAL FINANCIAL INSTITUTIONS FOR VARYING PERIODS OF YEARS IN THE CASE OF 25 COUNTRIES, INCLUDING CHINA.

IT SHOULD BE BORNE IN MIND, HOWEVER, THAT US VOTING POWER IN MULTILATERAL LENDING BANKS (WITH THE EXCEPTION OF THE CONCESSIONAL WINDOW OF THE INTER-AMERICAN DEVELOPMENT BANK) IS INSUFFICIENT TO BLOCK PROJECT APPROVALS. THE U.S. STANDS ALONE IN ITS OBJECTIONS TO PROJECTS ON HUMAN RIGHTS GROUNDS. HOWEVER, AS THE LARGEST DONOR TO ALL THE LENDING AGENCIES, THE US EXERCISES CONSIDERABLE INFLUENCE TO MOVE THEM IN DIRECTIONS WE THINK IMPORTANT.

Question Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

China

Q: Is our opposition to World Bank loans to the PRC consistent with our policy of loans for projects in China by the Export-Import Bank, an institution that we DO control?

A: THE AUTHORIZING LEGISLATION OF THE US EXPORT-IMPORT BANK PROHIBITS THE BANK FROM DENYING ASSISTANCE ON NON-FINANCIAL OR NON-COMMERCIAL GROUNDS UNLESS THE PRESIDENT DETERMINES THAT A DENIAL WOULD "CLEARLY AND IMPORTANTLY ADVANCE US POLICY IN SUCH AREAS AS...HUMAN RIGHTS." SUCH A DETERMINATION HAS NOT BEEN MADE REGARDING CHINA. IT SHOULD BE POINTED OUT THAT EX-IM BANK PROJECTS DO NOT NECESSARILY ENTAIL HOST GOVERNMENT PARTICIPATION AND THE BASIC INTENT OF THE BANK'S LEGISLATION IS TO ENCOURAGE AND ASSIST U.S. COMPANIES TO DO BUSINESS OVERSEAS, AND SUPPORT THE CREATION OF HIGHER PAYING EXPORT-BASED JOBS IN THE U.S.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

China

Q: How many Chinese religious leaders or religious workers are known to be currently imprisoned or detained by the government, under house arrest, restricted in their movement or association, and/or under police surveillance for their religious beliefs?

A: BECAUSE OF THE LACK OF TRANSPARENCY IN THE CHINESE CRIMINAL JUSTICE SYSTEM, IT IS IMPOSSIBLE TO DETERMINE HOW MANY CHINESE HAVE BEEN IMPRISONED, DETAINED, OR PUT UNDER SURVEILLANCE FOR THEIR RELIGIOUS BELIEFS. IN THE DEPARTMENT OF STATE'S MOST RECENT HUMAN RIGHTS REPORT ON CHINA, WE STATED THAT "GOVERNMENT OFFICIALS DENY THAT CHINA HOLDS ANY POLITICAL PRISONERS, ASSERTING THAT AUTHORITIES DETAIN PERSONS NOT FOR THE POLITICAL OR RELIGIOUS VIEWS THAT THEY HOLD, BUT BECAUSE THEY VIOLATE THE CRIMINAL LAW. HOWEVER, THE AUTHORITIES CONTINUE TO CONFINE CITIZENS FOR POLITICAL AND RELIGIOUS REASONS." WHAT PERCENTAGE OF POLITICAL PRISONERS ARE HELD PURELY ON THE BASIS OF THEIR RELIGIOUS BELIEFS OR ACTIVITIES RATHER THAN THEIR POLITICAL VIEWS IS IMPOSSIBLE TO ESTIMATE.

THE UNITED STATES REGULARLY AND AT HIGH LEVELS PRESSES FOR THE RELEASE OF POLITICAL AND RELIGIOUS PRISONERS, RAISING INDIVIDUAL CASES AS WELL AS CATEGORIES OF

PRISONERS. AT THE REQUEST OF THE WHITE HOUSE, I HELD A SEPARATE MEETING DURING THE SUMMIT WITH THE DIRECTOR OF THE RELIGIOUS AFFAIRS BUREAU TO FOLLOW-UP, IN A DETAILED WAY, ON INDIVIDUAL CASES AND TO URGE THE CHINESE TO UPHOLD INTERNATIONAL HUMAN RIGHTS NORMS AND STANDARDS AND RELEASE ALL THOSE INCARCERATED FOR THE PEACEFUL EXPRESSION OF THEIR BELIEFS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

North Korea

Q. Could you evaluate the human rights record of the government of North Korea? What effect, if any, has the decision of the United States and other nations to provide billions of dollars in aid to North Korea had on human rights abuses?

A: THE GOVERNMENT OF NORTH KOREA HAS AN EXTREMELY POOR HUMAN RIGHTS RECORD. AS THE HUMAN RIGHTS REPORT FOR 1997 NOTES, THE GOVERNMENT CONTINUES TO DENY ITS CITIZENS HUMAN RIGHTS. CITIZENS DO NOT HAVE THE RIGHT PEACEFULLY TO CHANGE THEIR GOVERNMENT. THERE CONTINUED TO BE REPORTS OF EXTRAJUDICIAL KILLINGS AND DISAPPEARANCES. CITIZENS ARE DETAINED ARBITRARILY, AND MANY ARE HELD AS POLITICAL PRISONERS; PRISON CONDITIONS ARE HARSH. THE CONSTITUTIONAL PROVISIONS FOR AN INDEPENDENT JUDICIARY AND FAIR TRIALS ARE NOT IMPLEMENTED IN PRACTICE.

IN ADDITION, THE REGIME SUBJECTS ITS CITIZENS TO RIGID CONTROLS. THE STATE LEADERSHIP PERCEIVES MOST INTERNATIONAL NORMS OF HUMAN RIGHTS, ESPECIALLY INDIVIDUAL RIGHTS, AS ILLEGITIMATE, ALIEN SOCIAL ARTIFACTS SUBVERSIVE TO THE GOALS OF THE STATE AND PARTY. THE PENAL CODE IS DRACONIAN, STIPULATING CAPITAL PUNISHMENT AND CONFISCATION OF ALL ASSETS FOR A WIDE VARIETY OF "CRIMES AGAINST THE REVOLUTION," INCLUDING DEFECTION, ATTEMPTED DEFECTION,

SLANDER OF THE POLICIES OF THE PARTY OR STATE, LISTENING TO FOREIGN BROADCASTS, WRITING "REACTIONARY" LETTERS, AND POSSESSING "REACTIONARY" PRINTED MATTER. THE GOVERNMENT PROHIBITS FREEDOM OF SPEECH, THE PRESS, ASSEMBLY, AND ASSOCIATION, AND ALL FORMS OF CULTURAL AND MEDIA ACTIVITIES ARE UNDER THE TIGHT CONTROL OF THE PARTY. THE GOVERNMENT RESTRICTS FREEDOM OF RELIGION, CITIZENS' MOVEMENTS, AND WORKER RIGHTS.

WHILE WE HOPE FOR CHANGE IN NORTH KOREA, WE HAVE NOT SEEN ANY PROGRESS. INTERNATIONAL AID TO NORTH KOREA CONSISTS OF HUMANITARIAN FOOD ASSISTANCE. SHIPMENTS OF FOOD HAVE BEEN NECESSARY TO MITIGATE THE EFFECTS OF SEVERE FOOD SHORTAGES AMONG THE NORTH KOREA POPULATION. WE BELIEVE THAT FOOD AID IS AN APPROPRIATE RESPONSE TO HUMANITARIAN CONCERNS IN NORTH KOREA.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Vietnam

Q: Hearings before the Human Rights Subcommittee in the previous Congress have indicated that religious repression--involving both Roman Catholics and Buddhists--has been a serious and persistent problem in the past. This repression continued in 1998. The leader of the Unified Buddhist Church remains under house arrest, and six other senior Buddhist clerics were tried, convicted, and sentenced to long prison terms for participating in a flood relief program under the name of the Unified Buddhist Church instead of under the auspices of the official government church. Should the government of Vietnam's record of religious intolerance affect the character of US diplomatic and trade relations with Vietnam?

A: WE HAVE RAISED THESE ISSUES, AMONG MANY OTHER HUMAN RIGHTS ISSUES, WITH THE GOVERNMENT OF VIETNAM. I DISCUSSED THIS ISSUE EXTENSIVELY DURING THE LAST ROUND OF THE VIETNAM HUMAN RIGHTS DIALOGUE, IN MAY, AND I KNOW THAT OUR EMBASSY RAISES CONCERNS ABOUT FREEDOM OF RELIGION REGULARLY.

WE HAVE MADE CLEAR TO THE GOV THAT THE WARMTH OF OUR BILATERAL RELATIONS WILL DEPEND ON PROGRESS IN SEVERAL AREAS, INCLUDING HUMAN RIGHTS.

AT THE SAME TIME, WE DO NOT BELIEVE THAT POLITICAL OR ECONOMIC ISOLATION WILL BRING ABOUT IMPROVEMENTS IN THE HUMAN RIGHTS SITUATION IN VIETNAM. WE BELIEVE THAT GREATER ENGAGEMENT IS A BETTER POLICY THAT IS MORE LIKELY TO BRING ABOUT THE KINDS OF CHANGES WE BOTH SEEK.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Vietnam

Q: Why does the 1998 report devote so little attention to Vietnam's repressive population control policy? What do we know about this policy?

A: AS WE NOTED IN THE HUMAN RIGHTS REPORT, THE GOV
CONTINUES TO IMPLEMENT A FAMILY PLANNING POLICY THAT URGES
ALL FAMILIES TO HAVE NO MORE THAN TWO CHILDREN. PENALTIES
CAN BE LEVIED AGAINST THOSE WHO HAVE MORE THAN TWO CHILDREN
BUT, AS IS OFTEN THE CASE IN VIETNAM, THESE PENALTIES ARE
NOT UNIFORMLY OR CONSISTENTLY APPLIED.

WE TRY TO COVER ALL ISSUES THOROUGHLY IN OUR REPORT,
AND WILL CONTINUE TO GATHER MORE INFORMATION ON THIS ISSUE.
WHERE ADMINISTRATIVE OR LEGAL PENALTIES VARY WIDELY IN
THEIR IMPLEMENTATION, IT IS PARTICULARLY DIFFICULT TO
PROVIDE AN ASSESSMENT IN THE LIMITED SPACE AVAILABLE IN THE
REPORTS.

IN RECENT MEETINGS WITH VIETNAMESE OFFICIALS, WE HAVE
EMPHASIZED THE IMPORTANCE OF VOLUNTARY AND NON-COERCIVE
FAMILY PLANNING.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Vietnam

Q: The report says that "there is no credible evidence" that anyone who has been returned under the Comprehensive Plan of Action appear to have been mistreated "because of his status as a returnee." This language appears to have been carefully chosen. Why is there no detailed discussion of people who have been returned and then mistreated for other reasons--for example, for religious exercise, or for anti-government actions before, during, or after their escape from Viet Nam, or for previous or subsequent escape attempts?

A: OUR REPORT DEALS EXTENSIVELY WITH THE PROBLEM OF RESTRICTIONS ON RELIGIOUS AND POLITICAL ACTIVITY, AS WELL AS THE PENALTIES THE GOVERNMENT INFLECTS ON THOSE WHO PARTICIPATE IN ACTIVITIES THE GOVERNMENT OPPOSES.

VIETNAM'S RECORD ON HUMAN RIGHTS IS POOR. RETURNEES, LIKE EVERYONE ELSE IN THE COUNTRY, MAY BE THE VICTIMS OF HUMAN RIGHTS VIOLATIONS.

UNDER THE TERMS OF OUR PROGRAM, RETURNEES WILL NOT BE PROSECUTED FOR THEIR FLIGHT FROM VIETNAM. WE ARE AWARE THAT SOME RETURNEES MAY BE SUBJECT TO PENALTIES FOR OTHER ACTIONS, LIKE ALL OTHER VIETNAMESE. WE CONTINUE TO MONITOR THEIR WELFARE, BUT WE CANNOT GIVE THEM ANY ASSURANCE THAT THEY WILL BE TREATED DIFFERENTLY THAN OTHER VIETNAMESE CITIZENS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Vietnam

Q: The report states that "the UNHCR, which monitors a high proportion of repatriates under all categories, reports that they do not face retribution or discrimination," yet it is well known that a substantial percentage of returnees--especially those with a record of political or religious activity--have been denied household registration upon their return to Viet Nam. According to the UNHCR's Handbook for refugee status determination, serious violations of the basic human rights spelled out in the UN Universal Declaration of Human Rights certainly constitute persecution. Without household registration, a Vietnamese citizen would be persona non grata in his own country. He would not be able to get legally married, to send his children to school, to seek admission to hospital for his loved ones, to get legal employment of a business license, etc. Aren't these serious violations of human rights? If so, aren't such returnees suffering from persecution as defined in UNHCR's own handbook?

A: WE DO NOT BELIEVE THAT "A SUBSTANTIAL PERCENTAGE OF RETURNEES" HAVE BEEN DENIED HOUSEHOLD REGISTRATION.

WE HAVE ASKED UNHCR FOR ITS ASSESSMENT ON THE PROBLEM OF HOUSEHOLD REGISTRATION DURING OUR REGULAR CONSULTATIONS. THERE HAVE BEEN DIFFICULTIES FOR SOME RETURNEES WITH THEIR REGISTRATION. THE PROCEDURES FOR REGISTRATION ARE CUMBERSOME AND BUREAUCRATIC, AND SOME RETURNEES HAVE HAD DIFFICULTY IN COMPLETING THEM. SOME RETURNEES HAVE NOT UNDERSTOOD THAT THEY WERE REQUIRED TO GO THROUGH THESE PROCEDURES.

THE UNHCR LOOKS INTO EACH CASE OF REGISTRATION DIFFICULTY THAT COMES TO ITS ATTENTION. IT ENCOURAGES EACH RETURNEE TO COMPLETE THE PROCESS HIMSELF IF POSSIBLE; IF HE CANNOT, THEN UNHCR WILL PROVIDE ASSISTANCE.

WE WILL BE GLAD TO RECEIVE INFORMATION REGARDING INDIVIDUAL CASES AND TO SEEK TO CLARIFY THE SITUATION OF ANY PARTICULAR RETURNEES WHO HAVE HAD THIS PROBLEM. WE URGE RETURNEES WHO HAVE ENCOUNTERED DIFFICULTIES TO CONTACT UNHCR AND, IF THERE SITUATION IS STILL UNRESOLVED, TO CONTACT OUR EMBASSY.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Vietnam

Q: The report states that "the Government does not use exile as a means of political control," yet the report also mentions the case of Nguyen Duc Kham, released on September 4 and allowed to emigrate for family reunion. Was "emigration" a condition for his release? Can he return to live in Vietnam now? Is it likely that the same requirement would be imposed on other political and religious prisoners as a condition of release? Would such be considered as "exile"?

A: WE ARE CONCERNED THAT INDIVIDUALS WHO ARE RELEASED FROM PRISON NOT BE FORCED TO LEAVE THE COUNTRY. AT THE SAME TIME, WE BELIEVE THAT IT IS IMPORTANT TO ENSURE THE HEALTH AND WELL-BEING OF PRISONERS, ESPECIALLY THE ELDERLY, WHO HAVE SUFFERED LONG IMPRISONMENT.

WE CANNOT SAY WHETHER PHAM DUC KHAM WOULD BE PERMITTED TO RETURN TO VIETNAM TO LIVE. WE CAN SAY THAT, IF HE WISHED TO RETURN, WE WOULD URGE THE GOV TO PERMIT HIM TO DO SO.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Vietnam

Q: Has the Department investigated a charge that an employee of the United States "Orderly Departure Program" - -who, like many other ODP employees, was hired and to some extent supervised by the Vietnamese government--lost her job because she had an unauthorized child? What will we do if we find this charge to be true?

A: WE WOULD APPRECIATE RECEIVING MORE INFORMATION ABOUT THIS REPORTED INCIDENT SO THAT WE CAN LOOK INTO IT.

WE HAVE NO INFORMATION ABOUT A CASE LIKE THIS OCCURRING RECENTLY.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Burma

Q: The ruling State Law and Order Restoration Council (SLORC) renamed itself the State Peace and Development Council (SPDC) but continues to be one of the most serious human rights abusers in the world, and continues to deny virtually all rights to its citizens. What additional leverage can the international community apply to influence the behavior of the Burmese leadership who remain cut off from most of the world? Is it time to end not only new investment in Burma by U.S. entities, but also ongoing projects such as the UNOCAL pipeline investment?

A. THE U.S. CONTINUES TO WORK WITH ALLIES, SUCH AS THE EU, JAPAN AND KOREA, AND REGIONAL GROUPS, SUCH AS ASEAN, TO ENCOURAGE THEM TO ENGAGE THE BURMESE AUTHORITIES ON HUMAN RIGHTS. WE PARTICULARLY LOOK TO ASEAN TO TAKE A LEAD ON THIS ISSUE NOW THAT BURMA HAS BECOME A MEMBER. IN ADDITION, THE DEPARTMENT HAS PROVIDED A GRANT TO THE ASIA FOUNDATION TO SUPPORT AN ASEAN HUMAN RIGHTS MECHANISM WHICH, BY WORKING THROUGH ASEAN-MEMBER-BASED HUMAN RIGHTS GROUPS, SEEKS TO HAVE ASEAN GOVERNMENTS FORMALLY ADOPT HUMAN RIGHTS AS AN ACTION ITEM ON ASEAN'S AGENDA.

WHETHER SUCH DIPLOMATIC PRESSURE WILL HAVE AN IMPACT ON A COUNTRY THAT UP TO NOW HAS BEEN WILLING TO FORGO NORMAL INTERNATIONAL RELATIONS IS STILL UNCERTAIN.

ONE THING THAT THE ADMINISTRATION DOES DO, AND CONTINUES TO URGE OTHER NATIONS TO DO, IS TO REMAIN IN FREQUENT CONTACT WITH DEMOCRATIC OPPOSITION LEADER AUNG SAN SUU KYI SO THAT THE REGIME CANNOT EFFECTIVELY ISOLATE HER AND THUS ROB THE BURMESE PEOPLE OF THE MOST IMPORTANT VOICE THEY HAVE URGING THE REGIME TO BRING DEMOCRACY TO BURMA. RECENT SUCCESSES IN THIS REGARD ARE PHILIPPINE FOREIGN SECRETARY SIAZON'S CALL ON ASSK LAST OCTOBER AND MALAYSIAN FOREIGN MINISTER BADAWI'S VISIT WITH HER EARLIER THIS SPRING.

BECAUSE OF THIS MODEST PROGRESS PRODUCED BY OUR, CURRENT POLICY, THE ADMINISTRATION DOES NOT BELIEVE THAT ADDITIONAL MEASURES - SUCH AS THE WITHDRAWAL OF EXISTING U.S. INVESTMENT - IS APPROPRIATE AT THIS TIME. IN THE CASE OF UNOCAL, THE COMPANY DOES NOT HAVE AN OFFICE IN BURMA, AND CONSTRUCTION OF THE NATURAL GAS PIPELINE IN WHICH UNOCAL IS A MINORITY INVESTOR HAS BEEN COMPLETED.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Burma

Q: Are the United Nations Development Program (UNDP) projects in Burma being substantially directed by SLORC? Has the Department consulted with representatives of the National League for Democracy (NLD) or the National Coalition Government of the Union of Burma (NCGUB) to determine whether the U.S. should continue its support for UNDP projects in Burma?

A. THE UNITED STATES BELIEVES UNDP'S HUMAN DEVELOPMENT INITIATIVE HAS SUCCESSFULLY DELIVERED IMPORTANT HUMANITARIAN ASSISTANCE TO NEEDY PEOPLE IN BURMA. THE EFFORT IS CONSISTENT WITH THE GUIDANCE LAID DOWN BY A 1993 UNDP GOVERNING COUNCIL DECISION, AS WELL AS SUBSEQUENT DECISIONS BY THE EXECUTIVE BOARD, THAT ITS BURMA PROGRAM FOCUS STRICTLY ON POVERTY ERADICATION AND HUMANITARIAN ACTIVITIES AT THE GRASS-ROOTS LEVEL IN RURAL COMMUNITIES. ONE OF THE REASONS BEHIND THIS APPROACH IS THAT, TRADITIONALLY, GOVERNMENT INFLUENCE IS WEAKEST AT THIS LEVEL IN BURMA.

THIS GUIDANCE IS CONSONANT WITH OUR POLICY THAT ANY SUCH ASSISTANCE BE TARGETTED TO REACH THE POOREST CITIZENS OF BURMA, AVOID GOVERNMENT INVOLVEMENT IN PROJECT DELIVERY, AND EVOLVE IN CONSULTATION WITH CIVIL SOCIETY - SUCH AS THE LEADERSHIP OF THE NATIONAL LEAGUE FOR DEMOCRACY - ON

PROGRAM FORMULATION AND IMPLEMENTATION. THE UNITED STATES DELEGATION HEAVILY EMPHASIZED THIS POINT DURING THE MOST RECENT UNDP BOARD MEETING IN JUNE. THE UNITED STATES DOES NOT, HOWEVER, CONSULT WITH THE NCGUB ON UNDP PROGRAMS BECAUSE OUR CONSULTATIONS WITH THE NLD AND AUNG SAN SUU KYI PROVIDE AN ACCURATE PICTURE OF THE VIEWS OF THE POLITICAL LEADERS ELECTED IN 1990 IN A LANDSLIDE VICTORY.

THE U.S. EMBASSY IN RANGOON IS WELL ACQUAINTED WITH THE UNDP OFFICE THERE, AS WELL AS WITH THE LEADERSHIP OF THE NLD. ADDITIONALLY, A MEMBER OF MY STAFF CALLED UPON THE UNDP RESIDENT REPRESENTATIVE DURING A TRIP TO THE COUNTRY IN MARCH TO DISCUSS THIS ISSUE, AND THE RESIDENT REPRESENTATIVE REPORTED IN PERSON TO THE UNDP EXECUTIVE BOARD AT ITS ANNUAL MEETING IN JUNE. HE DESCRIBED THE EXCEPTIONAL MEASURES BEING TAKEN TO ENSURE THAT AID TO BURMA, IN ACCORDANCE WITH THE GOVERNING COUNCIL'S 1993 DECISION, REMAIN DIRECTED TO MEETING BASIC HUMAN NEEDS AND NOT BENEFIT THE BURMESE AUTHORITIES IN ANY WAY.

PERIODIC REVIEWS BY INDEPENDENT AGENCIES REPORTED IN UNDP'S EXECUTIVE BOARD PUBLICATIONS ON COUNTRY PROGRAMS HAVE INDICATED THAT THE SUBSTANCE AND CONTENT OF UNDP PROJECTS ARE IN FULL CONFORMITY WITH THE GOVERNING COUNCIL'S 1993 DECISION. THUS TO DATE, WE HAVE NO EVIDENCE THAT UNDP'S BURMA PROJECTS HAVE DEVIATED FROM THAT POLICY.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Iraq

Q: What is the status of Saddam's systematic effort to eradicate the "Marsh Arabs," who are the Shi'a Arabs inhabiting the south? What is known about the number and fate of Iraqis who have disappeared?

A: ALTHOUGH SHI'A MUSLIM ARABS COMPRISE FROM 60 TO 65 PERCENT OF THE POPULATION OF IRAQ, SUNNI ARABS (ONLY ABOUT 12 TO 15 PERCENT) TRADITIONALLY HAVE DOMINATED ECONOMIC AND POLITICAL LIFE. DESPITE LEGAL PROTECTIONS OF EQUALITY, THE REGIME HAS IN RECENT YEARS REPRESSED FOLLOWERS OF THE SHI'A FAITH.

THE IRAQI MILITARY CONTINUES TO TARGET SHI'A ARABS IN THE SOUTHERN MARSHES. AS IN PREVIOUS YEARS, THE ARMED FORCES CONDUCTED LARGE-SCALE BURNING OPERATIONS IN THE MARSHES AND CARRIED OUT DELIBERATE ARTILLERY ATTACKS AGAINST SHI'A CIVILIANS THERE. THE ARMY CONSTRUCTED CANALS, CAUSEWAYS, AND EARTHEN BERMS TO DIVERT WATER FROM THE WETLANDS, ACCELERATING LARGE-SCALE ENVIRONMENTAL DEVASTATION. BAGHDAD CLAIMS THAT THE DRAINAGE IS PART OF A LAND RECLAMATION PLAN, BUT THE EVIDENCE OF HUMAN AND ECOLOGICAL DESTRUCTION BELIES THIS CLAIM. IRAQI OPPOSITION GROUPS CLAIM TO HAVE OBTAINED GOVERNMENT DOCUMENTS

DESCRIBING LONG-RANGE PLANS TO DRAIN THE MARSHES COMPLETELY.

THE REGIME CONTINUES TO DIVERT HUMANITARIAN SUPPLIES FROM THE SOUTH, LIMITING THE SHI'A POPULATION'S ACCESS TO FOOD, MEDICINE, DRINKING WATER, AND TRANSPORTATION. ACCORDING TO THE U.N. SPECIAL RAPPOREUR AND OPPOSITION SOURCES, THOUSANDS OF PERSONS IN NASSERIYAH AND BASRAH PROVINCES HAVE BEEN DENIED RATIONS. IN THESE PROVINCES AND IN AMARAH PROVINCE, ACCESS TO FOOD ALLEGEDLY IS USED TO REWARD REGIME SUPPORTERS AND SILENCE OPPONENTS. OPPOSITION GROUPS REPORT THAT, DUE TO CONTINUED FIGHTING, THE CONDITION OF THE SHI'A IN THE SOUTH HAS DETERIORATED EVEN AS THE "OIL FOR FOOD" PROGRAM IMPROVED CONDITIONS ELSEWHERE.

ACCORDING TO THE SPECIAL RAPPOREUR, SECURITY FORCES CONTINUE TO RELOCATE SHI'A INHABITANTS OF THE SOUTHERN MARSHES TO MAJOR SOUTHERN CITIES, TO DETENTION CENTERS AND PRISONS IN CENTRAL IRAQ (PRIMARILY BAGHDAD), AND TO NORTHERN CITIES (SUCH AS KIRKUK) AS PART OF AN ATTEMPT TO "ARABIZE" TRADITIONALLY KURDISH AREAS.

MASS ARRESTS OF SHI'A CIVILIANS ARE ALSO REPORTEDLY COMMONPLACE. IN AN OCTOBER 1997 REPORT, AMNESTY INTERNATIONAL DOCUMENTED THE REPEATED FAILURE OF THE GOVERNMENT TO RESPOND TO REQUESTS FOR INFORMATION ABOUT

PERSONS WHO HAD DISAPPEARED. THE REPORT DETAILS UNRESOLVED CASES DATING FROM THE EARLY 1980'S THROUGH THE MID-1990'S. IT CONCLUDES THAT FEW OF THE VICTIMS BECAME TARGETS OF THE REGIME FOR ANYTHING THEY HAD ALLEGEDLY DONE. RATHER, THEY WERE ARRESTED AS "HOSTAGES" IN ORDER TO FORCE A RELATIVE WHO MAY HAVE ESCAPED ABROAD TO SURRENDER, BECAUSE OF THEIR FAMILY LINK TO A POLITICAL OPPONENT, OR SIMPLY FOR THEIR ETHNIC ORIGIN.

ALL TOLD, THE UNITED NATIONS HAS DOCUMENTED OVER 16,000 CASES OF PERSONS WHO HAVE DISAPPEARED IN IRAQ. HUMAN RIGHTS WATCH ESTIMATES THE TOTAL AT BETWEEN 70,000 TO 150,000, WHILE AMNESTY INTERNATIONAL PLACES IT AT OVER 100,000. THE IRAQI GOVERNMENT CONTINUES TO IGNORE THE MORE THAN 15,000 CASES CONVEYED TO IT IN 1994 AND 1995 BY THE UN WORKING GROUP ON ENFORCEMENT ON INVOLUNTARY DISAPPEARANCES, AS WELL AS REQUESTS FROM THE GOVERNMENTS OF KUWAIT AND SAUDI ARABIA ON THE WHEREABOUTS OF THOSE MISSING FROM THE 1990-91 OCCUPATION OF KUWAIT.

THE RECENT ASSASSINATIONS OF TWO DISTINGUISHED SHI'A CLERICS--AYATOLLAH BORUJERDI ON APRIL 22 AND GRAND AYATOLLAH MIRZA ALI GHARAVI ON JUNE 18--WERE WIDELY ATTRIBUTED TO THE BAGHDAD REGIME AND WERE FOLLOWED BY AN INCREASED SECURITY PRESENCE IN PREDOMINANTLY SHI'A CITIES, SUCH AS NAJAF AND KARBALA. THESE EVENTS FOLLOWED A

NOVEMBER 1997, ATTACK--ALSO ALLEGEDLY BY GOVERNMENT AGENTS--
-ON MOHAMMED RIDA SISTANI, THE SON OF AYATOLLAH SYED ALI
SISTANI, ONE OF THE MOST SENIOR SHI'A LEADERS IN IRAQ. THE
GOVERNMENT CONTINUES TO INSIST THAT ITS OWN APPOINTEE
REPLACE THE LATE GRAND AYATOLLAH ABUL QASIM AL-KHOEI,
FORMERLY THE HIGHEST RANKING IRAQI SHI'A CLERGYMAN, WHO
DIED IN GOVERNMENT CUSTODY IN 1992. THE SHI'A RELIGIOUS
ESTABLISHMENT REFUSES TO ACCEPT THE GOVERNMENT'S CHOICE.

THE GOVERNMENT RESTRICTS THE FOLLOWING RELIGIOUS
RIGHTS: A BAN ON THE MUSLIM CALL TO PRAYER IN CERTAIN
CITIES; A BAN ON THE BROADCAST OF SHI'A PROGRAMS ON
GOVERNMENT RADIO OR TELEVISION; A BAN ON THE PUBLICATION OF
SHI'A BOOKS, INCLUDING PRAYER BOOKS; A BAN ON SHI'A FUNERAL
PROCESSIONS; AND THE PROHIBITION OF CERTAIN PROCESSIONS AND
PUBLIC MEETINGS COMMEMORATING SHI'A HOLY DAYS.

Question Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Occupied Territories

Q: The Report on the Occupied Territories emphasizes and includes a great amount of detail regarding abuses by Israeli security forces in the Occupied Territories. In contrast, it appears to soft-pedal the serious abuses perpetrated on Palestinians by the Palestinian Authority, and forces under control of Chairman Arafat. The Subcommittee on International Operations and Human Rights held a hearing in July 1996, at which we received extensive testimony about the Palestinian Authority's use of torture, arbitrary detention, and murder to quash dissent in that region. How bad do you perceive that problem as being during 1997, and why didn't it receive greater attention in the 1997 reports?

A: THERE WERE SOME IMPROVEMENTS IN THE HUMAN RIGHTS SITUATION IN THE AREAS ADMINISTERED BY THE PALESTINIAN AUTHORITY IN 1997. HOWEVER, SERIOUS HUMAN RIGHTS ABUSES CONTINUED TO OCCUR AND HAVE BEEN DOCUMENTED IN THE 1997 COUNTRY REPORT FOR ISRAEL AND THE OCCUPIED TERRITORIES, OCCUPIED TERRITORIES ANNEX. WE DO NOT BELIEVE THAT THE REPORT ON THE OCCUPIED TERRITORIES SOFT PEDALS THE SERIOUS ABUSES PERPETRATED ON PALESTINIANS BY THE PALESTINIAN AUTHORITY. RATHER, WE BELIEVE THE REPORT PROVIDES A FRANK AND CLEAR DESCRIPTION OF SUCH ABUSES. THE REPORT DETAILS PALESTINIAN PRACTICES, INCLUDING TORTURE AND OTHER SERIOUS HUMAN RIGHTS ABUSES BY PA SECURITY FORCES AND THE ARBITRARY DETENTION OF JOURNALISTS AND ACADEMICS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Africa

Q: The report on Rwanda bluntly notes that the Rwandan army "committed thousands of killings" of unarmed civilians in the past year, including "routine" and "systematic" killings of "families, including women and children." At the same time, the United States government has maintained a close relationship with the government of Rwanda, and State Department officials have stated that the administration simply will not consider conditioning future aid to Rwanda on improvements in that government's human rights practices. What good is accurate human rights reporting if such a linkage is disclaimed at the outset? Do you believe that we should be maintaining such close political ties without basic humanitarian preconditions? Should the awful atrocities committed by Hutu insurgents affect the human rights standards that we require of our allies, the Rwandan government? The report notes "many credible reports" that Rwandan troops were responsible for "the killing of hutu refugees in ...the Democratic Republic of the Congo in early to mid-year [1977]." I would like to know when we first began receiving such reports, given how long it took the Administration even to admit that RPA troops were located inside Congo. The report states that "[Rwandan] government officials are generally cooperative and responsive to [the] "views" of local and international human rights groups. Do international human rights groups share the view?

A: WE CANNOT SPEAK FOR INTERNATIONAL HUMAN RIGHTS GROUPS. IT IS CLEAR, HOWEVER, THAT THE RPA HAS OFTEN COUNTERED THE GENOCIDAL INSURGENCY AGAINST TUTSIS AND HUTUS WHO DO NOT SUPPORT THE INSURGENTS WITH BRUTAL TACTICS. DEATH TOLLS SPIKED IN THE SUMMER AND FALL OF 1997, IN A SITUATION WHERE

THE GOVERNMENT CLAIMED DIFFICULTY IN DISTINGUISHING BETWEEN INSURGENTS AND CIVILIANS, AND HRFOR MONITORS THEMSELVES SPOKE OF THOUSANDS OF "PERSONS" KILLED, RATHER THAN CIVILIANS, BECAUSE OF THE DIFFICULTY OF DIFFERENTIATING CIVILIAN FROM INSURGENT CASUALTIES. NEVERTHELESS, THE FACT REMAINS THAT MANY UNARMED CIVILIANS WERE KILLED BY THE RPA IN SECURITY SWEEPS AND REPRISAL ATTACKS.

THE RPA HAS DISCIPLINED ITS TROOPS FOR ABUSES. FOR EXAMPLE, IN AN INCIDENT IN RUHENGERI IN MARCH OF 1997, WHERE RPA TROOPS ARE DESCRIBED IN OUR HUMAN RIGHTS REPORT AS "SYSTEMATICALLY" EXECUTING BETWEEN 100 AND 400 SUSPECTED COLLABORATORS, RWANDAN MILITARY AUTHORITIES PROSECUTED FIVE OFFICERS AND ONE SERGEANT FOR THIS INCIDENT, AND ALL RECEIVED PRISON TERMS.

DEATH TOLLS HAVE DECLINED SIGNIFICANTLY IN 1998 FROM THE DISTURBING LEVELS OF SUMMER AND FALL OF 1997. HOWEVER THE INSURGENCY CONTINUES ITS TERROR ATTACKS ON SOFT TARGETS, KILLING TUTSIS AND UNSYMPATHETIC HUTUS ALIKE.

IN DECIDING WHAT SORT OF ASSISTANCE WE OFFER TO THE RWANDAN GOVERNMENT, WE ASSESS THE HUMAN RIGHTS PERFORMANCE OF THE GOVERNMENT, THE HUMANITARIAN NEEDS OF THE RWANDAN PEOPLE THEMSELVES, AND THE ROLE A STABLE AND PEACEFUL RWANDA CAN PLAY IN WHAT HAS BEEN A VERY CHAOTIC REGION. RWANDAN SOCIETY WAS TERRIBLY TRAUMATIZED BY THE 1994

GENOCIDE, AND MUST REBUILD ITSELF LITERALLY FROM THE GROUND UP. OUR GOVERNMENT HAS COMMITTED ITSELF TO ASSIST THE RWANDAN GOVERNMENT AND THE RWANDAN PEOPLE SURMOUNT THE MANY DIFFICULT PROBLEMS THEY FACE, AND WE WILL CONTINUE TO DO SO, COMMENSURATE WITH OUR OWN VALUES, AND WITH THE ASSISTANCE AND PARTNERSHIP OF THE INTERNATIONAL COMMUNITY.

OUR EVALUATION OF THE HUMAN RIGHTS PERFORMANCE OF THE GOVERNMENT OF RWANDA AND ITS SECURITY FORCES IS NO DIFFERENT FROM THAT OF ANY OTHER COUNTRY. INDEED THE GOR HAS COMPLAINED TO THE USG MORE THAN ONCE THAT THE CONTEXT OF ITS STRUGGLE AGAINST A GENOCIDAL INSURGENCY IS NOT FULLY TREATED IN OUR HUMAN RIGHTS REPORT. WE DO NOT BELIEVE THERE SHOULD BE ANY DIFFERENT HUMAN RIGHTS STANDARD APPLIED TO THE SITUATION IN RWANDA; RATHER THE EMPHASIS SHOULD BE ON ENCOURAGING A BETTER HUMAN RIGHTS PERFORMANCE BY THE GOR, WHILE CONTINUING TO ASSIST THE GOR IN ITS STRUGGLE TO OVERCOME THE INSURGENCY.

THE USG, AS OTHER GOVERNMENTS, SUFFERED FROM A SEVERE INFORMATION GAP IN THE CHAOTIC ENVIRONMENT OF THE THEN EASTERN ZAIRE, DURING THE MONTHS OF THE REBELLION, THE ADVANCE OF THE ADFL TO THE WEST, AND ITS TOPPLING OF MOBUTU. WE HAD NO OBSERVERS ON THE GROUND IN THE EAST FOR MANY MONTHS, AND REPORTS RECEIVED FROM NGOS AND INTERNATIONAL ORGANIZATIONS WERE OFTEN SECOND AND THIRD

HAND. FEW IF ANY DEFINITIVE REPORTS OF THE PRESENCE OF ORGANIZED FORMATIONS OF RWANDAN GOVERNMENT TROOPS WERE EVER RECEIVED. RATHER REPORTS OFTEN SPOKE OF ATTACKS BY "RWANDANS", IN A SITUATION WHERE INDIGENOUS TUTSI REBELS (THE BANYAMASISI AND THE BANYAMULENGE, LONG RESIDENT IN ZAIRE), WHO TOOK A LEADING ROLE IN THE REBELLION, WERE COMMONLY REFERRED TO AS "RWANDANS" BY OTHER ETHNIC GROUPS. THE RECENTLY RELEASED REPORT BY THE UN SECRETARY GENERAL'S INVESTIGATIVE TEAM ITSELF NOTES IN SEVERAL PLACES THAT THE EXTENT OF RPA INVOLVEMENT WAS OFTEN UNCLEAR.

THE GOR ALLOWS A NUMBER OF LOCAL AND INTERNATIONAL HUMAN RIGHTS GROUPS TO OPERATE INSIDE THE COUNTRY. GOR OFFICIALS COMMONLY ARE OPEN TO THEIR VIEWS AND SUGGESTIONS. WE REGRET THE RECENT INABILITY OF THE OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS (UNHCHR) AND THE GOR TO AGREE ON THE ESTABLISHMENT OF A NEW UNITED NATIONS HUMAN RIGHTS PRESENCE IN RWANDA. THE UNHCHR PUBLICLY NOTED THE FRIENDLY CHARACTER OF THE DISCUSSIONS HELD IN KIGALI, AND EXPRESSED ITS SINCERE DESIRE FOR A NEW COOPERATION AGREEMENT IN THE FUTURE. WE NOTE THE GOR IS IN THE OPENING STAGES OF ESTABLISHING A NATIONAL HUMAN RIGHTS COMMISSION, AND WE ARE ENCOURGING THE RWANDAN GOVERNMENT TO EQUIP THIS COMMISSION WITH AN INDEPENDENT MONITORING AUTHORITY.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Cuba

Q: This year's report contains even less discussion than previous years' reports of the treatment of escapees returned to Cuba by the US under the 1995 Clinton-Castro agreement. How many people did the US return to Cuba during 1997 under the 1996 Clinton-Castro agreement? How many of the total number of returnees since 1995 are now in prison?

A: A TOTAL OF 287 CUBAN MIGRANTS WERE RETURNED TO CUBA IN 1997 UNDER THE TERMS OF THE MAY 2, 1995 U.S.-CUBA JOINT STATEMENT ON MIGRATION.

THE U.S. INTERESTS SECTION IN HAVANA (USINT), WHICH MONITORS THE RETURNED MIGRANTS, IS AWARE OF LESS THAN TWENTY RETURNED MIGRANTS CURRENTLY IN JAIL IN CUBA. WITH THE EXCEPTION OF ONE RECENT CASE THAT USINT IS CURRENTLY INVESTIGATING, WE HAVE CONFIRMED THAT NONE OF THOSE ARE BECAUSE OF THE ILLEGAL EXIT ATTEMPT. SOME JAILED RETURNEES WERE SENTENCED BECAUSE THEY HIJACKED BOATS USING THE THREAT OF LETHAL FORCE, AND SOME BECAUSE OF SUBSEQUENT OR EARLIER CRIMINAL ACTS TOTALLY UNRELATED TO MIGRATION OFFENSES, SUCH AS HORSE THEFT.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Cuba

Q: How do you go about monitoring Cuba's treatment of returnees? (e.g., how many monitors do we have? How many visits do they make to each returnee during the year? Are those interviews conducted in circumstances where the returnees would be comfortable speaking with our representatives?)

A: ALL OFFICERS IN THE CONSULAR SECTION AT USINT PARTICIPATE IN MONITORING VISITS TO RETURNED MIGRANTS. IN ADDITION, CONSULAR OFFICERS FROM OTHER POSTS ARE FREQUENTLY DETAILED TO HAVANA FOR 2-4 WEEK PERIODS TO AUGMENT USINT'S ABILITY TO EFFECTIVELY MONITOR RETURNED MIGRANTS.

THE NUMBER OF VISITS MADE TO EACH RETURNEE DEPENDS ON THE INDIVIDUAL CASE. VISITS CAN BE MADE AS FREQUENTLY AS EVERY MONTH, OR AS SELDOM AS TWICE A YEAR, DEPENDING ON THE CIRCUMSTANCES OF THE INDIVIDUAL CASE. VISITS ARE MADE LESS FREQUENTLY OVER TIME, IF THE RETURNEE CONSISTENTLY REPORTS NO PROBLEMS. ALL RETURNEES HAVE PASSES TO ENABLE THEM TO VISIT USINT AT ANY TIME.

THE VISITS ARE MADE TO THE HOMES OF THE RETURNED MIGRANTS BY A PAIR OF MONITORS. MOST RETURNEES APPEAR COMFORTABLE DISCUSSING THEIR SITUATIONS WITH OUR MONITORS

IN THAT ENVIRONMENT. ALL RETURNEES HAVE PASSES TO ENABLE THEM TO VISIT USINT AT ANY TIME, SO IF THEY DO NOT FEEL COMFORTABLE DISCUSSING THEIR SITUATIONS IN THEIR OWN HOMES, THEY MAY VISIT U.S. INTEREST SECTION HAVANA TO DO SO, AND MANY RETURNEES DO VISIT U.S. INTEREST SECTION HAVANA FOR THAT PURPOSE.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Cuba

Q: How do we confirm that the imprisonment of returnees is genuinely "unrelated to their attempts to leave Cuba" and that the Cuban government is honoring its commitment not to retaliate against returned escapees?

A: THE U.S. INTEREST SECTION HAVANA RELIES PRIMARILY ON INTERVIEWS WITH THE RELATIVES OF THE IMPRISONED RETURNEES TO DETERMINE WHETHER THEIR INCARCERATION IS RELATED TO THE "ILLEGAL" EXIT THAT LED TO THEIR INTERDICTION AT SEA OR THEIR INTRUSION INTO THE GUANTANAMO NAVAL BASE.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Cuba

Q: In the light of the report's detailed accounts of beatings and other serious abuse of prisoners in Cuba, how can the US return people to Cuba who may be subjected to imprisonment, even for sensibly non-political crimes such as previous escape attempts or non-lethal hijacking incidents to escape from Cuba? Does this make the US complicit in the ensuing human rights violations by the Cuban government?

A: IN CASES WHERE A MIGRANT WOULD BE SUBJECT TO IMPRISONMENT FOR A PREVIOUS ILLEGAL DEPARTURE ATTEMPT, AND WHERE THE LENGTH OF THAT PROSPECTIVE IMPRISONMENT WOULD BE CONSIDERED EXCESSIVE UNDER UN HIGH COMMISSIONER FOR REFUGEES (UNHCR) STANDARDS, THE MIGRANT IS NOT RETURNED TO CUBA, BUT IS GIVEN PROTECTION AT THE U.S. NAVAL BASE AT GUANTANAMO BAY AND RESETTLED IN A THIRD COUNTRY.

IN TWO CASES WHERE THE THREAT OF LETHAL FORCE WAS USED IN CONNECTION WITH HIJACKING INCIDENTS ABOARD BOATS, THE ADMITTED HIJACKERS WERE RETURNED TO CUBA. THE U.S. DOES NOT CONDONE HIJACKING UNDER ANY CIRCUMSTANCES AND DOES NOT CONSIDER THE PROSECUTION OF HIJACKERS TO BE A VIOLATION OF THEIR HUMAN RIGHTS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Cuba

Q: Although the new report details more instances of "deaths due to excessive force by the police," it does not mention any killings of Cubans who were trying to escape the country. Do you still hear allegations that the Border Guard shoots people who are attempting to escape? Doesn't the Cuban government's refusal to respond to the inter-American Commission on Human Rights report on the "13th of March" tugboat sinking, as well as its drowning of two unarmed civilian planes early last year, tell us something about the way it patrols its borders? What measures have we undertaken to monitor Cuban government performance under the agreement?

A: IN OVER 800 VISITS TO RETURNED MIGRANTS AND THEIR FAMILIES SINCE JANUARY 1997, NO ALLEGATIONS WERE MADE OF THE CUBAN BORDER GUARD SHOOTING AT PEOPLE TRYING TO ESCAPE. THERE HAVE BEEN TWO OR THREE ALLEGATIONS DURING THAT TIME OF THE CUBAN MILITARY SHOOTING AT PEOPLE TRYING TO CROSS THE CUBAN MINEFIELD TO ENTER THE U.S. NAVAL BASE AT GUANTANAMO BAY.

THE "13TH OF MARCH" TUGBOAT SINKING IN JULY 1994 AND THE DOWNING OF THE TWO UNARMED CIVILIAN PLANES IN FEBRUARY 1996 TELL US THAT THE CUBAN GOVERNMENT HAS ON OCCASION RESORTED TO DEADLY FORCE IN REACTING TO REAL OR PERCEIVED INSTANCES OF HIJACKING OR VIOLATION OF ITS AIRSPACE. THE

U.S. GOVERNMENT HAS DENOUNCED THE EXCESSIVE USE OF FORCE IN BOTH INSTANCES IN THE STRONGEST TERMS.

IN ADDITION TO OUR MONITORING PROGRAM, U.S. INTEREST SECTION HAVANA OFFICERS DEVOTE SIGNIFICANT TIME AND RESOURCES TO HUMAN RIGHTS ISSUES IN CUBA IN GENERAL. THEY MAINTAIN EXTENSIVE CONTACTS WITH CUBAN HUMAN RIGHTS ACTIVISTS, RELIGIOUS ORGANIZATIONS, AND REPRESENTATIVES OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN ORGANIZATIONS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Cuba

Q: Do you have any information about the processing of refugees and legal immigrants from Cuba since the 1994 agreement? Have any of those who applied been persecuted or harassed in any way? What steps is the US taking to monitor and/or prevent such persecution or harassment?

A: THE MOST COMMON AND SIGNIFICANT "HARASSMENT" OF THOSE APPLYING AT U.S. INTEREST SECTION HAVANA TO LEGALLY IMMIGRATE TO THE U.S. HAS BEEN THE DELAY IN THE ISSUANCE OF EXIT PERMITS FOR A SMALL NUMBER OF APPLICANTS. U.S., INTEREST SECTION HAVANA IS CURRENTLY AWARE OF 64 SUCH CASES, MOST INVOLVING MILITARY-AGE YOUNG MEN, WHO ARE REQUIRED TO COMPLETE THEIR MILITARY SERVICE COMMITMENT BEFORE THEY CAN DEPART THE COUNTRY. A FEW CASES ARE DELAYED IN RETALIATION FOR THE PRIOR "DEFECTION" OF A CLOSE RELATIVE.

U.S. INTEREST SECTION HAVANA MONITORS ALL REPORTED CASES OF EXIT PERMIT DELAYS AND PROTESTS THE DELAYS IN DIPLOMATIC NOTES TO THE CUBAN GOVERNMENT. WE ALSO RAISE THE ISSUE AT OUR REGULAR MIGRATION REVIEW TALKS. OF THE 301 CASES WE HAVE PROTESTED SINCE MARCH 1996, 237 WERE SUBSEQUENTLY ISSUED.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Cuba

Q: In your view, does the Castro regime's treatment of those who attempt to leave--including loss of employment, "acts of repudiation," and other forms of harassment as well as the frequent denial of exit visas--constitute a violation of the internationally recognized human rights to leave countries, including one's own? In light of these practices, does the Clinton-Castro agreement amount to US complicity in any such violations?

A: THE RIGHT TO LEAVE ONE'S COUNTRY IS, INDEED, SPELLED OUT AS A BASIC RIGHT IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. NO COMPLEMENTARY RIGHT IS RECOGNIZED TO ENJOY UNREGULATED ACCESS TO ANY OTHER COUNTRY. THE U.S.-CUBA MIGRATION ACCORDS OF SEPTEMBER 1994 AND MAY 1995 HAVE PROVIDED MARKEDLY GREATER OPPORTUNITIES FOR CUBAN CITIZENS, INCLUDING THOSE WITHOUT CLOSE RELATIVES IN THE UNITED STATES, TO MIGRATE LEGALLY TO OUR COUNTRY. THE U.S. IS COMMITTED TO PROVIDE MIGRATION DOCUMENTATION FOR 20,000 CUBANS IN CUBA ANNUALLY. THE ACCORDS ALSO UNDERSCORE OUR FIRM BELIEF THAT CUBANS SHOULD NOT SEEK TO MIGRATE BY RISKING THEIR LIVES AT SEA OR BY WALKING THROUGH MINEFIELDS AND THAT MIGRATION FROM CUBA TO THE UNITED STATES SHOULD BE DIRECTED INTO SAFE, LEGAL AND ORDERLY CHANNELS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Colombia

Q: This year's Foreign Operations Appropriations Act contains a prohibition on US assistance to units of foreign security forces that violate human rights. The country report on Colombia, as well as recent stories in the press, give detailed accounts of abuses by government security forces. Does the Clinton Administration take the view that this restriction does not apply to counter narcotics assistance? If so, will it nevertheless apply such a prohibition as a matter of policy?

A: AS A MATTER OF POLICY, THE CLINTON ADMINISTRATION APPLIES THIS RESTRICTION TO ALL ASSISTANCE, PARTICULARLY COUNTERNARCOTICS ASSISTANCE, WHICH FALLS UNDER THE FOREIGN OPERATIONS APPROPRIATION ACT (FOAA). OUR COUNTERNARCOTICS ASSISTANCE TO COLOMBIA IS ALSO CONDITIONED BY A MEMORANDUM OF UNDERSTANDING (MOU), WHICH WE SIGNED WITH THE GOVERNMENT OF COLOMBIA ON AUGUST 1, 1997. TOGETHER, THE FOAA AND THE MOU ARE POWERFUL TOOLS TO ENSURE THAT NONE OF OUR ASSISTANCE GOES TO UNITS OF THE COLOMBIAN SECURITY FORCES WHOSE MEMBERS HAVE BEEN CREDIBLY IMPLICATED IN GROSS HUMAN RIGHTS VIOLATIONS. THE VAST MAJORITY OF U.S. ASSISTANCE IS GIVEN TO THE ANTI-NARCOTICS UNIT OF THE COLOMBIAN NATIONAL POLICE, WHICH HAS AN EXCELLENT HUMAN RIGHTS RECORD. WE ARE PROVIDING ASSISTANCE TO TWO UNITS OF THE COLOMBIAN ARMY

WHICH HAVE NO KNOWN HUMAN RIGHTS VIOLATORS. WE ARE HOLDING
UP ASSISTANCE TO FOUR OTHER UNITS PENDING FURTHER
INFORMATION AND REVIEW.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Haiti

Q: The report on Haiti states that the Haitian National Police (HNP) committed "serious human rights abuses," and notes that torture and severe mistreatment of detainees by the HNP increased during 1997. It also states that "the judiciary is weak and corrupt," and that "authorities maintained in illegal detention...members of the political opposition." In your opinion, how do these facts reflect on the strength and competence of President Preval's administration?

A: THESE REPORTS REFLECT THAT, LIKE MANY OTHER GOVERNMENTS IN THE REGION, THE GOVERNMENT OF HAITI HAS SERIOUS HUMAN RIGHTS PROBLEMS WHICH NEED TO BE ADDRESSED. THAT BEING SAID, IT IS IMPORTANT TO PUT THESE PROBLEMS INTO A BROADER CONTEXT. THE HUMAN RIGHTS CLIMATE IN HAITI IS FAR BETTER TODAY THAN AT ANY TIME IN MODERN HAITIAN HISTORY. THE HAITIAN NATIONAL POLICE (HNP) IS YOUNG, HAVING BEEN CREATED IN 1995. THE OVERWHELMING MAJORITY OF HNP OFFICERS CONDUCT THEMSELVES IN A MANNER CONSISTENT WITH HAITIAN LAW AND INTERNATIONAL STANDARDS OF PROPER POLICE CONDUCT. THE HNP INSPECTOR GENERAL HAS DISPLAYED A WILLINGNESS TO DISCIPLINE AND DISMISS ABUSIVE HNP OFFICERS. THROUGH THE INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING ASSISTANCE PROGRAM (ICITAP), THE U.S. GOVERNMENT IS

PROVIDING POLICE TRAINING TO THE HNP. ALSO, THE UNITED NATIONS CIVPOL MISSION IS MAKING SIGNIFICANT CONTRIBUTION TO THE PROFESSIONAL DEVELOPMENT OF THE HNP. THESE EFFORTS, AND THE SLOW MATURATION OF DEMOCRATIC INSTITUTIONS IN HAITI, SHOULD RESULT IN AN IMPROVED HUMAN RIGHTS RECORD BY THE GOVERNMENT IN COMING YEARS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Haiti

Q: How do you expect the human rights situation to change now that the UN Transition Mission in Haiti has been replaced by the smaller UN Police Mission in Haiti? From the human rights perspective, was the Transition Mission a success or a failure?

A: THE HUMAN RIGHTS CLIMATE IN HAITI IS FAR BETTER TODAY THAN AT ANY TIME IN MODERN HAITIAN HISTORY. AS POLITICAL STABILITY RETURNS TO HAITI, AND DEMOCRATIC INSTITUTIONS ARE STRENGTHENED, WE EXPECT THE HUMAN RIGHTS SITUATION TO IMPROVE.

FOR INSTANCE, THE HAITIAN NATIONAL POLICE (HNP) IS YOUNG, HAVING BEEN CREATED IN 1995. ALTHOUGH WE HAVE NOTED PROBLEMS WITH THE HNP, THE OVERWHELMING MAJORITY OF HNP OFFICERS CONDUCT THEMSELVES IN A MANNER CONSISTENT WITH HAITIAN LAW AND INTERNATIONAL STANDARDS OF PROPER POLICE CONDUCT. THE HNP INSPECTOR GENERAL HAS DISPLAYED A WILLINGNESS TO DISCIPLINE AND DISMISS ABUSIVE HNP OFFICERS. THROUGH THE INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING ASSISTANCE PROGRAM (ICITAP), THE U.S. GOVERNMENT IS PROVIDING POLICE TRAINING TO THE HNP. ALSO, THE UNITED

NATIONS CIVPOL MISSION IS MAKING SIGNIFICANT CONTRIBUTION
TO THE PROFESSIONAL DEVELOPMENT OF THE HNP.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Mexico:

Q: The December 22 massacre of 45 indigenous people in the Mexican state of Chiapas is deeply troubling. The 1997 report makes clear that Chiapas continues to experience a great deal of violence. Do you believe the Mexican federal authorities are fully investigating the events surrounding the recent massacre? What can the US do to encourage a full and honest investigation?

A: WE TOO ARE HIGHLY CONCERNED ABOUT THE KILLINGS IN THE VILLAGE OF ACTEAL, CHIAPAS AND THE CONTINUING LACK OF A RESOLUTION OF THE SITUATION IN CHIAPAS. FROM THE INFORMATION DEVELOPED SO FAR, IT APPEARS THAT THIS APPALLING MASSACRE OF 45 UNARMED PEASANTS WAS CARRIED OUT BY A PARAMILITARY GROUP THAT MAY HAVE BEEN LINKED TO LOCAL GOVERNING AND PUBLIC SECURITY AUTHORITIES. THE INVESTIGATION WAS IMMEDIATELY TAKEN OUT OF THE HANDS OF STATE AUTHORITIES AT THE DIRECTION OF PRESIDENT ZEDILLO AND TURNED OVER TO THE MEXICAN ATTORNEY GENERAL. MORE THAN 120 ARREST WARRANTS HAVE BEEN ISSUED AND 96 PERSONS HAVE BEEN DETAINED SO FAR IN CONNECTION WITH THE INVESTIGATION. INCLUDED IN THOSE DETAINED ARE THE MAYOR OF THE MUNICIPALITY IN WHICH THE MASSACRE TOOK PLACE, A LOCAL

STATE POLICE COMMANDER, AND SEVERAL OTHER PUBLIC SECURITY OFFICIALS.

THE INVESTIGATION BY MEXICAN FEDERAL AUTHORITIES CONTINUES. THE LATEST REPORT BY THE MEXICAN ATTORNEY GENERAL DESCRIBES HOW "SELF DEFENSE" (PARAMILITARY) GROUPS ACQUIRED WEAPONS, SOMETIMES AIDED BY LOCAL PUBLIC SECURITY FORCES, AND PREPARED THE ATTACK OVER A PERIOD OF WEEKS. WE ARE CONTINUING TO FOLLOW THIS INVESTIGATION CLOSELY AND HAVE TOLD THE MEXICAN GOVERNMENT THAT WE LOOK FORWARD TO THE PROSECUTION AND PUNISHMENT OF THOSE FOUND RESPONSIBLE FOR THE MASSACRE. WE HAVE ALSO TOLD THE GOVERNMENT OF MEXICO THAT WE SUPPORT A COMPREHENSIVE PEACE AND CONCILIATION SETTLEMENT THAT IS ACCEPTABLE TO ALL PARTIES TO THE CONFLICTS IN CHIAPAS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Mexico

Q: The violence in Chiapas raises questions about US support for the Mexican military and police forces operating in the area. Under language included in last year's foreign operations appropriations act, the US may not assist security forces engaged in human rights violations. It appears, however, that this language may not apply to counter narcotics operations. What is the Administration's view on this question? If it does not apply, will the Administration nevertheless apply this language to counter narcotics assistance as a matter of policy? What mechanisms exist to ensure that the Mexican counter narcotics units the US has trained are not engaged in human rights violations such as those which have occurred in Chiapas, Oaxaca, and Guerrero?

A: WE HAVE NO CREDIBLE EVIDENCE THAT MEXICAN COUNTERNARCOTICS UNITS WHICH HAVE RECEIVED U.S. TRAINING OR ARE RECEIVING U.S. MATERIAL ASSISTANCE HAVE COMMITTED GROSS HUMAN RIGHTS VIOLATIONS. WE HAVE AGREED WITH THE GOVERNMENT OF MEXICO ON DETAILED PROCEDURES TO MONITOR HOW U.S. ASSISTANCE TO THE MEXICAN MILITARY IS USED. THESE PROCEDURES ARE WORKING WELL.

PURSUANT TO SECTION 570 OF PUBLIC LAW 105-118, IN MARCH 1998 THE DEPARTMENT OF STATE ISSUED DETAILED INSTRUCTIONS TO ALL EMBASSIES AND CONSULATES ABROAD TO CORRELATE AND REPORT ON INCIDENTS OF ALLEGED HUMAN RIGHTS VIOLATIONS BY MEMBERS OF SECURITY FORCE UNITS THAT RECEIVE OR ARE

PROJECTED TO RECEIVE ASSISTANCE UNDER THE FOREIGN OPERATIONS APPROPRIATIONS ACT.

MEMBERS OF OUR EMBASSY IN MEXICO CITY ARE AWARE OF THE NEED TO COLLECT INFORMATION ON ALLEGED HUMAN RIGHTS VIOLATIONS AND TO PASS THAT INFORMATION TO THE DEPARTMENT OF STATE IMMEDIATELY UPON RECEIVING IT.

U.S. EMBASSIES ARE ALSO INSTITUTING NEW SCREENING PROCEDURES TO ENSURE THAT FOREIGN MILITARY OR POLICE PERSONNEL PUT FORWARD FOR U.S. TRAINING HAVE NOT BEEN INVOLVED IN HUMAN RIGHTS ABUSES. THE U.S. EMBASSY IN MEXICO CITY HAS ESTABLISHED SCREENING PROCEDURES IN PLACE TO MEET THESE REQUIREMENTS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1988

Mexico

Q: The report notes that the largest single number of complaints received by the government's official Human Rights Commission concerned forced sterilization and other forms of medical malpractice related to pregnancy and childbirth. Does the US share the assessment that a serious problem exists? To what extent do we intend to continue our support for Mexican government family planning and population programs, or for non-governmental organizations that work closely with the government in such programs?

A: COERCED STERILIZATION IS A CRIMINAL ACT UNDER THE MEXICAN GENERAL HEALTH LAW OF 1984. ACCESS TO FAMILY PLANNING SERVICES IS GUARANTEED UNDER THE MEXICAN CONSTITUTION AND APPROXIMATELY 10 MILLION WOMEN AVAIL THEMSELVES OF THESE SERVICES ANNUALLY. ALL MEXICAN PUBLIC HEALTH INITIATIVES ENGAGED IN PROVIDING FAMILY PLANNING SERVICES HAVE STRENGTHENED THEIR INFORMED CONSENT PROCEDURES SINCE 1996. SINCE JANUARY 1997, TWELVE CASES OF MALPRACTICE RELATED TO FAMILY PLANNING HAVE BEEN REPORTED OT THE NATIONAL COMMISSION FOR HUMAN RIGHTS (CNDH) AND THE NATIONAL MEDICAL ARBITRATION COMMISSION (CONAMED). THESE COMMISSIONS MAKE AN INITIAL INVESTIGATION AND ARE EMPOWERED TO RECOMMEND FORMAL JUDICIAL PROCEEDINGS.

NO U.S.-FUNDED PROGRAM IS IMPLICATED IN THE OPEN
MALPRACTICE CASES. USAID-FUNDED FAMILY PLANNING ACTIVITIES
REFLECT AN UNWAVERING POLICY OF VOLUNTARY FAMILY PLANNING,
INFORMED CHOICE, AND INFORMED CONSENT.

Questions Submitted for the Record
To Assistant John Shattuck
House International Relations Committee
February 3, 1998

Romania

Q: This latest Country Reports describes the difficulties encountered by the Greek Catholic Church in obtaining restitution of its properties, since it was restored as an official religion by a 1990 government decree. Though little progress has been made on the restitution of these properties, the issue has not been mentioned since the 1994 report. Of course, restitution of communal properties also affects other non-Romanian Orthodox groups such as the Hungarian churches and the Jewish Community. Do you see any hope for progress in this area?

A: THE ROMANIAN GOVERNMENT HAS TAKEN POSITIVE STEPS ON THE ISSUE OF COMMUNITY PROPERTY RESTITUTION. IT HAS PREPARED DRAFT LEGISLATION WHICH WOULD REGULATE THE RESTITUTION OF PROPERTIES TO RELIGIOUS AND ETHNIC GROUPS. THE ROMANIAN GOVERNMENT HAS ALSO MADE USE OF DECREES TO RETURN A NUMBER OF PROPERTIES TO JEWISH, HUNGARIAN, GERMAN, AND OTHER COMMUNITIES.

SPECIFICALLY REGARDING THE GREEK-CATHOLIC CHURCH, IN SOME CASES IT HAS BEEN SUCCESSFUL IN RECLAIMING PROPERTIES THROUGH POSITIVE COURT RULINGS AS IN THE CLUJ DIOCESE. IN THE LUGOJ DIOCESE, EXEMPLARY COOPERATION BETWEEN REPRESENTATIVES FROM THE LOCAL ROMANIAN ORTHODOX CHURCH AND THE GREEK-CATHOLIC CHURCH HAS RESULTED IN THE RETURN OF 36 BUILDINGS TO THE GREEK-CATHOLIC COMMUNITY.

WE ARE MONITORING THE SITUATION CLOSELY AND CONTINUE TO URGE THE ROMANIAN GOVERNMENT TO SOLVE THESE DIFFICULT QUESTIONS.

Questions Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Serbia-Montenegro

Q: The Country Reports chapter on Serbia and Montenegro documents violation after violation of human rights. By far, the Kosovar Albanians are suffering the most, although other non-Serb communities and even dissenting Serbs are denied many basic rights. In Kosovo, discrimination against Albanians remains officially in place, police abuse - including torture - is widespread, and the Albanian population has no legal recourse. Increasingly, it seems, the Kosovar Albanians are inclined to engage in terrorism to address their grievances, which we must condemn. The International Helsinki Federation recently concluded that the situation in Kosovo has reached an "unprecedented danger level." Do you share the alarm many have regarding the explosive situation in Kosovo? Do you believe this could easily become another Bosnia? Do you believe the international community, including our European allies, are maintaining a sufficient level of pressure on Milosevic to stop violating human rights? Do you agree that the U.S. policy of working with Milosevic to achieve progress in Dayton limits our ability to press him to stop violating human rights? Should we move beyond the outer wall of sanctions currently in place and reimpose at least some of the sanctions previously in place against Belgrade? Why did the OSCE, with U.S. blessing, give credibility to inherently flawed Serbian elections by observing them, when Belgrade will not even grant the OSCE's envoy on Kosovo, Max van der Stoep, a visa to travel to Kosovo?

A: EVENTS IN KOSOVO REPRESENT A SIGNIFICANT THREAT TO REGIONAL PEACE AND SECURITY. SERB REPRESSION HAS SPURRED A CYCLE OF VIOLENCE THAT HAS CAUSED GREAT SUFFERING AND HAS THE POTENTIAL TO DRAW NEIGHBORING COUNTRIES INTO THE CONFLICT. WE CONDEMN ACTS OF VIOLENCE BY ALL SIDES,

INCLUDING THE KOSOVAR LIBERATION ARMY, BUT THE ONUS IS ON BELGRADE TO STOP THE CAMPAIGN OF TERROR AND DEPOPULATION WAGED BY SERBIAN FORCES.

THE U.S. JOINED WITH THE OTHER MEMBERS OF THE CONTACT GROUP IN SENDING A STRONG MESSAGE TO PRESIDENT MILOSEVIC. HE MUST END THE EXCESSIVE USE OF FORCE AGAINST CIVILIANS; ENTER A SERIOUS DIALOGUE WITH THE LEADERS OF THE ALBANIAN KOSOVAR COMMUNITY; COOPERATE IN THE SAFE RETURN OF REFUGEES; AND TAKE STEPS TO SEE THAT THE LEGITIMATE RIGHTS OF ALL THE PEOPLE OF KOSOVO WILL BE RESPECTED.

TO ENCOURAGE A POSITIVE SERBIAN RESPONSE, THE U.S. AND THE EUROPEAN UNION HAVE IMPOSED AN INVESTMENT BAN ON SERBIA. THE EUROPEAN UNION IS ALSO TAKING STEPS TO IMPLEMENT A BAN ON FLIGHTS BY YUGOSLAV AIRLINES (JAT) INTO EUROPE. NATO IS ACCELERATING ITS PLANNING FOR A VARIETY OF OPTIONS. DIRECT MILITARY ACTION AGAINST KOSOVO IF THE VIOLENCE CONTINUES HAS NOT BEEN RULED OUT. OBVIOUSLY, OUR STRONG PREFERENCE IS FOR A DIPLOMATIC OUTCOME THAT RESTORES PEACE AND RESPECTS RIGHTS.

A RESOLUTION OF THE KOSOVO CONFLICT CAN ONLY BE FOUND THROUGH DIALOGUE IN A FRAMEWORK OF CONFIDENCE, TRUST, AND PEACE. WE SUPPORT NEITHER INDEPENDENCE FOR KOSOVO, NOR MAINTENANCE OF THE STATUS QUO. ANY RESOLUTION SHOULD RESPECT THE TERRITORIAL INTEGRITY OF THE "FRY," ENHANCED

STATUS FOR KOSOVO WITHIN THE "FRY," AND FULL POLITICAL AND HUMAN RIGHTS IN ACCORDANCE WITH OSCE STANDARDS, HELSINKI PRINCIPLES, AND THE UN CHARTER.

AMBASSADORS RICHARD HOLBROOKE, CHRISTOPHER HILL, AND ROBERT GELBARD ARE ACTIVELY ENGAGED IN NEGOTIATIONS WITH SERBIAN OFFICIALS, KOSOVAR ALBANIANS, AND CONTACT GROUP OFFICIALS TO MOVE THE PROCESS FORWARD. WE WILL CONTINUE TO WORK WITH OUR ALLIES TO PRESS MILOSEVIC TO MEET ALL OF THE CONTACT GROUP'S CONDITIONS.

ON THE SERBIAN ELECTIONS, OSCE MONITORING OF SERBIA'S ELECTIONS IN DECEMBER ENSURED THAT THE INTERNATIONAL COMMUNITY HAD AN UNBIASED VIEW OF THE ENTIRE ELECTORAL PROCESS, ALLOWING THE OSCE TO DOCUMENT THE SIGNIFICANT FLAWS IN THE ELECTION LAWS AND PROCEDURES. THE OSCE OBSERVATION DID NOT, IN FACT, LEND CREDIBILITY TO THE SERBIAN ELECTIONS. THE OSCE ISSUED A HIGHLY CRITICAL ELECTION REPORT, AND PUBLICLY ANNOUNCED ITS FINDINGS. THE U.S. CONTINUOUSLY URGED "FRY" AUTHORITIES TO GRANT OSCE HIGH COMMISSIONER FOR NATIONAL MINORITIES MAX VAN DER STOEL A VISA. "FRY" AUTHORITIES DID, IN FACT, GRANT HCNM VAN DER STOEL A VISA THIS SPRING, AND HE THEN WAS ABLE TO VISIT KOSOVO.

Question Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Turkey

Q: With respect to Turkey's bid to host the next OSCE summit, you are probably well aware of opposition I have voiced given that country's dismal human rights record - a view shared by a bipartisan group of my colleagues on the Helsinki Commission. When Secretary Grossman appeared before this Committee last October, we discussed the proposed summit and he stressed the positive impact such high-profile meetings can have on civil society in Turkey. As you may be aware, the OSCE convenes an implementation review meeting immediately preceding summit meetings. In light of Secretary Grossman's remarks, and mindful of your upcoming trip to Turkey, have you raised or will you raise the possibility of Turkey hosting the implementation review meeting as well as the summit, should --and I stress should-- Ankara actually institute genuine human rights reforms that lead to real change?

A: WE SHARE YOUR CONCERNS ABOUT THE HUMAN RIGHTS SITUATION IN TURKEY AND HAVE RAISED THESE ISSUES WITH THE GOVERNMENT OF TURKEY. WE HAVE RAISED THE POSSIBILITY OF AN OSCE IMPLEMENTATION REVIEW MEETING IN TURKEY, PRECEDING AN OSCE SUMMIT MEETING, WITH TURKISH GOVERNMENT OFFICIALS. THE TURKISH GOVERNMENT IS WILLING TO CONSIDER HOSTING SUCH AN EVENT IF PROPOSED BY THE OSCE. WHILE ISTANBUL IS STILL THE ONLY SUMMIT VENUE UNDER CONSIDERATION, ITS CANDIDACY IS CURRENTLY BEING BLOCKED BY ONE OSCE PARTICIPATING STATE. IT IS UNCLEAR HOW OR WHEN THIS IMPASSE MAY BE RESOLVED IN

THE NEAR FUTURE, LEAVING OPEN THE POSSIBILITY OF AN
ALTERNATIVE VENUE FOR THE 1999 SUMMIT.

Question Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Turkmenistan

Q: Turkmenistan is probably the only country in the Newly Independent States that still puts political dissidents in psychiatric institutions. Yet President Niyazov is supposed to come to Washington in the next few months for a visit with President Clinton. What message does that send to repressive regimes? And can we expect pressure from Washington release those dissidents before Niyazov's arrival?

A. PRESIDENT NIYAZOV MET WITH PRESIDENT CLINTON IN WASHINGTON ON APRIL 23. IN THE RUN-UP TO THE VISIT, WE WORKED TO SECURE THE RELEASE OF A NUMBER OF POLITICAL PRISONERS IN TURKMENISTAN, INCLUDING THE ONLY DISSIDENT KNOWN TO BE COMMITTED TO A PSYCHIATRIC HOSPITAL. SEVERAL OF THE PRISONERS WERE RELEASED PRIOR TO THE VISIT, AND DURING THE VISIT ITSELF, PRESIDENT NIYAZOV PROMISED THAT THE REMAINING PRISONERS WE HAD RAISED WOULD BE RELEASED IMMEDIATELY. WE ALSO WON IMPORTANT COMMITMENTS FROM PRESIDENT NIYAZOV THAT WILL, IF IMPLEMENTED, HELP TO ADDRESS OUR HUMAN RIGHTS CONCERNS.

THE FOLLOWING EIGHT PRISONERS WERE FREED PRIOR TO OR DURING PRESIDENT NIYAZOV'S VISIT: DURDYMURAD KHOJA-MUKHAMED, ATA AYMAMEDOV, AMANMYRAT AMANDURDYEV, KHUDAYBERDI AMANDURDYEV, CHARYMURAT AMANDURDYEV, BEGMYRAT KHOJAEV,

KAKAMYRAT NAZAROV, AND BATYR SAKHETLIEV. THE NINTH PRISONER WE RAISED, GULGELDI ANNANIYAZOV, HAS NOT YET BEEN RELEASED. AMBASSADOR SESTANOVICH AND OUR EMBASSY IN ASHGABAT CONTINUE TO PRESS FOR HIS FREEDOM, AND AN OFFICER FROM THE EMBASSY HAS VISITED HIM IN CUSTODY. WE ALSO MADE CLEAR TO TURKMEN LEADERS OUR CONCERN OVER THE APRIL 17 DETENTION IN ASHGABAT OF ABDY KULIEV AND NOTE HIS RELEASE AND SUBSEQUENT RETURN TO MOSCOW SEVERAL DAYS LATER.

OUR CONCERN ABOUT HUMAN RIGHTS IN TURKMENISTAN WAS RAISED BY PRESIDENT CLINTON AND SECRETARY ALBRIGHT IN THEIR MEETINGS WITH PRESIDENT NIYAZOV. PRESIDENT NIYAZOV COMMITTED HIMSELF TO HOLD FREE AND FAIR ELECTIONS FOR PARLIAMENT AND THE PRESIDENCY IN 1999 AND 2002, AND HE AGREED TO THE OPENING OF AN OSCE OFFICE IN ASHGABAT THAT WOULD FOCUS ON DEMOCRACY AND HUMAN RIGHTS. WE WILL CONTINUE TO PRESS THE TURKMEN GOVERNMENT FOR GREATER CHANGE TOWARD A MORE DEMOCRATIC STATE THAT RESPECTS FUNDAMENTAL HUMAN RIGHTS.

Question Submitted for the Record
To Assistant Secretary John Shattuck
House International Relations Committee
February 3, 1998

Northern Ireland

Q: Does the Administration have a position on H. Con. Res. 152?

A: YES. THE ADMINISTRATION APPLAUDS THE RESOLUTION FOR COMMENDING BOTH SIDES FOR THEIR EFFORTS IN THE PEACE PROCESS. THE RESOLUTION PUTS HUMAN RIGHTS ISSUES AT THE FOREFRONT OF THE MULTIPARTY TALKS, JUST AS THE SUBSEQUENT GOOD FRIDAY ACCORD GIVES THEM A CENTRAL PLACE IN PEACE IMPLEMENTATION. THE GOOD FRIDAY ACCORD INCORPORATES MANY OF THE MECHANISMS FOR RESPECTING HUMAN RIGHTS THAT THE RESOLUTION CALLS FOR.

Question for the Record submitted to John Shattuck
House International Relations Committee
February 3, 1998

Q: Is the administration urging the British Government to enact the employment reforms that have been proposed by the Standing Advisory Committee for Human Rights in Northern Ireland?

My office had a very constructive meeting with members of the Standing Advisory Commission on Human Rights (SACHR) after it issued its report.

We believe that committee made a number of valuable recommendations with regard to the fair employment , legislation and government policy.

It is clear the UK government has seriously considered this report. On March 11, the British State Secretary for Northern Ireland, Mo Mowlam, announced a far reaching program for change in employment equality, acknowledging the many recommendations of the SACHR.

Question for the Record submitted to John Shattuck
House International Relations Committee
February 3, 1998

Q: Does the U.S. Government support the elimination of the EPA and PTA laws in Northern Ireland? Do you have any indication of whether the British Government intends to abolish them?

We share your concerns about legislation enacted in response to the violence that has plagued Northern Ireland in recent decades.

The current peace negotiations under the chairmanship of Senator George Mitchell offer the best chance of this generation to replace violence with peace and justice in Northern Ireland.

We are confident the UK Government shares this view and note action by the Blair cabinet to draft legislation on a number of these issues.

Question for the Record submitted to
Assistant Secretary of State John Shattuck
by Congressman Christopher Smith
Subcommittee on International Relations and Human Rights
February 3, 1998

Sterilizations in Peru

Q: If you can respond to this. We have heard reports - and this is particularly pertinent because of what is in everyday news now - that the IMF has either officially, directly, or indirectly, clauses or admonishments to governments about population control, and there is apparently a link between that and receipt of IMF money. Even if the word "voluntary" is used. Do you know if that is true? In Peru, as you were aware of, as just raised by our general counsel and staff director for the subcommittee, who recently went to Peru and heard some chilling testimony of the pervasiveness of this involuntary sterilization - if you can respond to that.

A: USAID in Peru has for some time funded safe and voluntary female sterilization programs. No U.S. family planning funds or those of U.S. contractors have been used to support involuntary sterilizations. The underlying principles of our family planning programs are voluntarism and informed choice.

After the Government of Peru adopted quantitative targets for sterilizations in mid 1996, U.S. officials repeatedly communicated strong concerns about the potential for abuse and segregated U.S. family planning support from this strategy. We did not receive reports of sterilizations without consent until late 1997. When allegations surfaced in the Peruvian press, the Government of Peru launched its own investigation.

On February 23, the Minister of Health outlined sweeping changes which the GOP would take to ensure that all decisions are voluntary, that women are fully informed about all family planning methods, and that there is a 72 hour waiting period between any woman's decision for sterilization and when the procedure is performed. The GOP is also mounting efforts to ensure that Peruvian health workers are aware that quotas or targets for sterilizing women no longer exist. Accusations of past abuses are being investigated by the Peruvian Ombudsperson; The Department and USAID are following the progress of these cases closely and are awaiting their outcome.

I am not aware of any links between approval of IMF loans and population control policies. There is no such written policy, nor to my knowledge, is there an unwritten policy of this type.

