

# **Human Rights Update 2003–2004**

## **with Study Guide**

Approved by  
The 216th General Assembly (2004)  
Presbyterian Church (U.S.A.)

PDS #OGA-04-046





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Developed By  
The Advisory Committee on Social Witness Policy  
of the General Assembly Council

Published By  
The Office of the General Assembly  
100 Witherspoon Street  
Louisville, KY 40202-1396

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The Office of the General Assembly  
Presbyterian Church (U.S.A.)

Printed in the United States of America

Cover design by the  
Office of the General Assembly,  
Department of Communication and Technology

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November 2004

To: Pastors of Churches and Clerks of Sessions Where There Is No Installed Pastor, and Stated Clerks and Executives of Presbyteries and Synods, and the Librarians of the Theological Seminaries

Dear Friends:

The 216th General Assembly (2004) of the Presbyterian Church (U.S.A.) directed me to publish the *Human Rights Update 2003–2004* with a study guide on the denomination's Website distributing a copy to the middle governing body resource centers and the libraries of the theological seminaries. Upon request, a print copy of the *Human Rights Update 2003–2004* will be made available to each middle governing body or session. Through notification on the Website and in the *Minutes* of the 216th General Assembly (2004), Part I, the Website address for this report will be distributed to the entire church.

This paper is presented for the guidance and edification of the whole Christian church and the society to which it ministers. It is recommended for consideration and study by our governing bodies (sessions, presbyteries, and synods). The study action guide is designed for personal and class use, with the desire that we may all become more aware of the lives, concerns, and hopes of others elsewhere in the world who are under the care of the living God.

This year's update includes five categories of human rights' concerns brought to the attention of the General Assembly, for the most part, by our partner churches around the world. They are civil rights, political rights, economic rights, social and cultural rights, and religious rights.

The 216th General Assembly (2004) encourages the middle governing bodies, sessions, and individual members to pray for all victims of human rights' abuse and for those who persecute them, while seeking ways to act on behalf of these victims.

Finally, the commissioners of the 216th General Assembly (2004) have requested that I call special attention to "Human Rights Day," December 10, 2004, and December 10, 2005, as possible days for highlighting the study and use of the *Human Rights Update 2003–2004*. The commissioners also encourage congregations to observe the General Assembly's Day of Prayer for Those Persecuted and Martyred for Their Faith on the Sunday preceding Epiphany.

Yours in Christ's Service,

Clifton Kirkpatrick  
Stated Clerk of the General Assembly



# CONTENTS

Introduction .....	1
Global Update: The United Nations (UN) and Human Rights .....	1
The Secretary General’s Annual Report 2003 .....	2
The Work of the Office of the UN High Commissioner for Human Rights and the UN Commission on Human Rights .....	2
The Report of the UNCHR Rapporteur on Freedom of Religion or Belief, Professor Abdelfattah Amor .....	3
Consideration of Human Rights Issues by the Fifty-Eighth Session of the UN General Assembly .....	4
The International Criminal Court—Establishment and Problems .....	5
Human Rights and Terrorism .....	6
Human Rights and Racism .....	6
Human Rights and Indigenous Peoples—A Process on Hold .....	7
The United States, The United Nations and Human Rights .....	8
Human Rights as an International Issue in the Israeli-Palestinian Conflict .....	9
Regional Updates .....	9
North America .....	9
Civil Rights .....	9
1. Immigrants Rights and Challenges .....	9
2. Hate Crimes .....	10
3. Juvenile Death Penalty .....	10
Economic Rights .....	10
1. Health Care .....	10
2. Poverty/Anti-Hunger .....	11
3. Women’s Earnings .....	12
Central and West Africa .....	12
Civil and Political Rights .....	12
1. Democratic Republic of Congo .....	12
2. Angola .....	13
3. Sudan .....	14
4. Nigeria .....	14
5. Liberia .....	15
6. Côte d’Ivoire .....	15
Southern and East Africa .....	16
Civil, Economic and Political Rights .....	16
1. Zimbabwe .....	16
2. South Africa .....	17
3. Uganda .....	17
Central, South, and Southeast Asia .....	18
Civil and Political Rights .....	18
1. Pakistan .....	18
2. Indonesia .....	18
3. India .....	19
East Asia/Pacific .....	20
Civil Rights .....	20
Political Rights .....	21
Economic Rights .....	21
Social and Cultural Rights .....	21
Religious Rights .....	22
Europe .....	22
Civil Rights—Russia and Belarus .....	22
Political Rights—Russia and Belarus .....	23
Religious Freedom .....	23

1. Russia and Belarus .....	23
2. Spain.....	23
A Special Report on the Roma People (Gypsies) in Europe .....	24
1. Civil Rights .....	24
2. Political Rights .....	25
3. Economic Rights .....	26
4. Social and Cultural Rights.....	26
5. Religious Rights .....	27
The Middle East .....	27
Civil and Political Rights .....	28
1. Obstacles and Challenges to the Implementation of Human Rights in the Region .....	28
2. Potential and Capabilities of the Church and Religious Institutions .....	30
3. Identifying Needs .....	30
4. Extrajudicial Executions/Unlawful Killings.....	31
Economic, Social, and Cultural Rights.....	32
Religious Rights .....	32
Special Report on Israel and Palestine .....	33
1. Israel’s Separation Wall .....	35
2. Civil Rights .....	37
3. Political Rights .....	37
4. Economic Rights .....	38
5. Social and Cultural Rights.....	38
6. Religious Rights .....	39
7. Israeli Settlements .....	39
8. House Demolitions.....	40
Latin America and the Caribbean .....	40
Civil, Economic, and Political Rights .....	40
1. Colombia .....	40
2. Venezuela.....	41
3. Brazil .....	41
4. Argentina.....	42
5. Chile.....	42
6. Bolivia.....	42
7. Peru .....	43
8. Mexico .....	43
9. Cuba .....	43
Religious Rights .....	44
Recommendations .....	44
A Study Guide on Human Rights .....	47
Session One .....	50
Session Two.....	52
Session Three.....	54
Session Four .....	56
Session Five .....	59
Appendix One: Universal Declaration of Human Rights .....	61
Appendix Two: Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief .....	66
Appendix Three: International Covenant on Civil and Political Rights .....	69
Appendix Four: International Instruments on Human Rights .....	83
Appendix Five: The 216th General Assembly (2004) Actions on Human Rights .....	84
Appendix Six: Human Rights—Presbyterian Church (U.S.A.) Groups.....	87
Appendix Seven: Human Rights Organizations .....	89
Appendix Eight: Human Rights Updates 1989–2003 .....	91

# HUMAN RIGHTS UPDATE 2003–2004

## INTRODUCTION

The “Human Rights Update 2003–2004” is an annual report developed by the Advisory Committee on Social Witness Policy (ACSWP). This yearly report affirms the Presbyterian church’s longstanding commitment to human rights at home and worldwide.

This year’s report includes five categories of concern brought to the attention of the General Assembly Council (GAC), for the most part, by the partner churches around the world. They are civil, political, economic, social and cultural, and religious. The “Human Rights Update 2003–2004,” however, should not be construed by the members of the Presbyterian Church (U.S.A.) as the definitive statement of all the human rights violations received by the GAC during the course of the year. The 216th General Assembly (2004) encourages the members of the Presbyterian Church (U.S.A.) to continue to pray and work to end all forms of human rights violations worldwide. The “Human Rights Update 2003–2004” includes an action study guide developed to assist the middle governing bodies, sessions, and individual members to engage and focus on human rights issues.

We hope adult study and advocacy groups, as well as session and presbytery committees, will use the “Human Rights Update 2003-2004” and will work for the guarantee and fulfillment of human rights for all God’s children, locally and globally.

## GLOBAL UPDATE—THE UNITED NATIONS (UN) AND HUMAN RIGHTS

The United Nations Charter, adopted and ratified as international law in 1945, set out as one of the organizations main purposes:

To achieve international co-operation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion (Source: Charter of the United Nations, *Article I*, 3).

In pursuit of this commitment the United Nations (UN) adopted the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, (1966/76). These three documents now constitute the International Bill of Rights. In addition the UN has overseen the drafting and adoption of more than twenty other human rights treaties and protocols, as well as other human rights declarations, establishing a comprehensive body of international law. These cover the rights of specific groups perceived in need of special attention (e.g., children, women, labor, refugees, etc), and of concerns of specific gravity (e.g., slavery, torture, migration, etc.). In the process international standards and norms have been set, institutions for monitoring compliance and addressing abuses have been created, and human rights have become a recognized focus of international concern and foreign policy. That work continues to expand with the entering into force [i.e., receiving the necessary ratifications to make it law] of the International Convention of the Protection of the Rights of All Migrant Workers and Members of Their Families on July 1, 2003, and the initiation of a process to draft an International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. [Both of these developments should be of interest to those Presbyterians involved in migrant ministries and those working on behalf of persons with disabilities.]

The focus of the United Nations on promoting and protecting human rights is still a work in process, work not made easy for a many reasons, including the following.

- While there has been a remarkable development of international legal documents and standards, there is still much disagreement on the nature, origins, and applicability of the human rights standards.
- While few, if any, governments in the world, want to be identified as abusers or violators of fundamental human rights, either for reasons of image or because of penalties that can occur in the international arena, abuses occur in every country, some more pervasive and egregious than others. The dilemma and paradox exist,

therefore, that the very process of dealing with and responding to human rights violations allows for the participation of those who themselves may be among the accused. The reality is that attention to human rights violations of particular countries has always been driven by political interests rather than the interests of the victims. Consequently, while it may be argued that investigation and dealing with the specifics of many situations may be compromised, they are not unchallenged. Few countries, including the United States, want the human rights conventions applied to them. While unfortunate, the process itself is not negated, and continues to gain attention, and hopefully, credibility.

- While the United Nations has instruments for dealing with Human Rights, e.g., the Office of the United Nations High Commissioner for Human Rights (UNHCHR) and the Commission on Human Rights (CHR), and specific treaty related committees, they all work with inadequate funding, which means limited staffing, and restricted ability to investigate and address complaints that are made.

- While the standards are clear, until recently, the UN and the global community have lacked the international judicial instruments to bring violators to justice, a reality that has resulted over time in the creation of special tribunals to address certain issues. The recent creation of the International Criminal Court (ICC) affords an opportunity to address this limitation. [See section 5. below for further information on the (ICC).]

This report is intended to draw attention to recent developments, trends and issues of immediate importance, those with particular concern for the church, and those reflecting the role of the United States (U.S.).

#### THE SECRETARY GENERAL'S ANNUAL REPORT 2003

Secretary General [SG] Kofi Annan, in his seventh annual report (58th General Assembly, 2003), deals with the international legal order and human rights. In doing so, he notes both the positive and the negative. The negative tends to be the most visible, that is, the continuation of situations in which gross violations of human rights are occurring. The process of building the legal order is less visible. With human rights remaining central to the work of the United Nations (UN), a growing international consensus is emerging regarding the universality of human rights. Many member states are making efforts to implement the covenants and conventions, and the UN has been assisting some fifty national human rights institutions and their secretariats. It provides technical cooperation and training in more than thirty countries in order to develop functioning national protection systems. A UN field presence is maintained in twenty-nine countries to monitor and assist. The Commission on Human Rights has approximately forty special rapporteurs and experts working on specific themes and country difficulties. More than 700 appeals in response to petitions have been made. Human Rights (HR) treaty committees have considered during the year reports of 112 states. Over the year of the report, more than twenty ratifications were received for specific HR treaties, increasing their significance.

The SG draws attention to the fact that societies that are undergoing major political, social, and economic transformation often have severe human rights violations. The concern of the UN goes beyond the specifics, but reflects the “multiplier effects on democratization, economic development and conflict resolution.”

#### THE WORK OF THE OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS AND THE UN COMMISSION ON HUMAN RIGHTS

The position of the United Nations High Commissioner for Human Rights (UNHCHR) was created following the World Conference on Human Rights held in Vienna (1993), its first incumbent being Jose Ayala Lasso. This action reflected the growing commitment to human rights and the necessity for better coordination of the UN activity related to it. From 1997 to 2002, the position was held by the former president of Ireland, Dr. Mary Robinson, who during her tenure helped Secretary General Kofi Annan in making human rights an integral part of all UN activity. In 2002 she was succeeded by the appointment of the Brazilian diplomat, Sergio Viera de Mello, who had more than twenty years of distinguished service at the UN, being the under-secretary general for Humanitarian Affairs and emergency relief coordinator at the time of his appointment. In May 2003, UN Secretary General Annan asked Mr. de Mello to take a four-month leave of absence to serve as his special representative in Iraq to oversee the establishment of the UN work there following the war and occupation of that country. Unfortunately, on August 19, 2003, the UN headquarters in Baghdad was the target of a violent criminal

attack. It claimed the life of Mr. de Mello and resulted in the deaths and wounding of numerous others. Subsequent attacks on UN personnel brought about a reduction of UN operations in Iraq, given the inability to protect them in their civilian roles. Mr. de Mello's death was a severe blow to the UN, and to its work on human rights.

The acting United Nations high commissioner is Dr. Bertrand Ramcharan of Guyana, a UN career officer with more than twenty-five years of service, including service as the deputy commissioner under Dr. Robinson. In his New York years he was an occasional speaker at Presbyterian UN seminars. In his Human Rights Day message (12/10/03), Dr Ramcharan, began on a disturbing note:

We must all be deeply distressed and anguished on this Human Rights Day that . . . human rights are grossly violated throughout the world because of poverty, conflicts, terrorism, violence, prejudice, and bad governance.

Calling attention to the toll taken by these forces, all forms of discrimination, and the continued injustices against women and children, Dr. Ramcharan stated, "we continue to experience a crisis of values among humankind." Noting that 2003 marked the fifty-fifth anniversary of the Universal Declaration of Human Rights, he pleaded "for the world of the Universal Declaration to become reality for all the world's peoples on the ground." While acknowledging that we have not yet attained that world, he remains convinced that one day we shall. "The promise of the Universal Declaration of Human Rights beckons us to a better world"[Source: Message of Acting UN High Commissioner for Human Rights (Dec. 10, 2003 [www.un.org/events/humanrights/commissioner.html](http://www.un.org/events/humanrights/commissioner.html))]. Other UN sources suggest that there are armed conflicts currently being fought in twenty-eight countries. Each brings human rights violations.

In an address to a conference on human rights convened by the World Council of Churches, Dr. Ramcharan spoke of the State of Human Rights Ten Years after the Vienna World Conference on Human Rights (1993). He provided a balance sheet worth noting:

. . . on the positive side . . . formal commitment to universality [of human rights]; formal commitment to democracy, the rule of law and respect for human rights; the impact of the Convention on the Rights of the Child; the end of the apartheid regime; the establishment of the International Criminal Tribunals for Yugoslavia and Rwanda and the International Criminal Court; the efforts of special procedures of the Commission on Human Rights; and the growing mobilization of non-governmental organizations.

On the negative side, one can place the continuing gross violations of economic, social and cultural rights and civil and political rights; violence against innocent people committed by terrorists; stifling of freedom on the ground of countering terrorism; violence and injustices against women; trafficking in women; inequality and prejudice; deprivations experienced by minorities and indigenous populations; and bad governance in many parts of the world. [UNHCHR Press Release 12/23/03]

The UNCHR, at its 59th Session, Geneva (Spring, 2003), considered, among its many reports and studies, eighty-three resolutions, forty-nine of which were adopted by consensus, somewhat belying the notion that the commission cannot function because of the presence of some members considered undesirable. The fifty-two member body is elected according to the rules of the General Assembly, occasionally including countries the United States feels do not belong there. Divided votes, however, are more apt to reflect broad international differences [the developed world versus the developing world], rather than the reputations of individual countries. The United States voting pattern has a character of its own.

The work of the UNCHR is a part of the annual process. The report and resolutions of the UNCHR are reviewed by the Economic and Social Council and by Committee Three of the General Assembly. Matters approved by the General Assembly then reflect the will and interests of the UN membership. Some of these matters will be considered below.

#### THE REPORT OF THE UNCHR RAPPOREUR ON FREEDOM OF RELIGION OR BELIEF, PROFESSOR ABDELFATTAH AMOR

In 1986, the United Nations Commission on Human Rights (UNCHR) appointed a special rapporteur to examine response to the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by the UN in 1981. The appointment has been regularly renewed. A change in title has put the emphasis on the positive, promoting freedom of religion or belief, not just reporting on violations. Since 1994, eighteen general and interim reports have been submitted on the work of the rapporteur. The 2003 report of the incumbent rapporteur, Professor Addelfattah Amor, includes reports on

communications with thirty-three governments regarding petitions or complaints received. The process involves investigation and governmental communications regarding complaints received. The distribution of the countries involved is wide, with concerns raised about China, the Russian Federation, the United States, four or five central or south central European states, the Arab world, Israel, and southern Asia (east, central, and west). Included in this grouping are the five “stans” (five new states that arose in Central Asia after the Soviet Union collapsed in 1991: Kazakhstan, Uzbekistan, Turkmenistan, Tajikistan, and Kyrgyzstan), now independent of Russia. Nigeria and Sudan come under criticism in African countries. No countries in central or South America are under scrutiny. In the majority of circumstances, the complaints involve governmental or military actions impacting religious communities. In some of these circumstances, the concerns are intercommunal—violence between religious groups or even competing factions within specific religious communities.

The issues under investigation and complaint are similar to those reported in the past. In Islamic countries there is an ongoing concern about the unwillingness to accept the Bahai religion as anything but heretical and an unacceptable break from Islam. In a number of countries, mistreatment of Jehovah Witnesses (JW) focuses primarily on the unwillingness of JW’s to accept military service or the authority of government. Another question relates to the registration of religious bodies: in some instances religious bodies refuse to register in opposition to the government; in others, the government refuses to register groups seeking registration for various reasons.

In a few countries there has been complaint about efforts to bring about forced conversions. Christian missionaries have been occasionally the object of violent communal attacks, or of government restriction or expulsion. In some countries, government antireligious activity is directed against all groups, in others, against minority groups in favor of policies supporting the culturally dominant religion.

Attention is called to the difficulty merging countries and those in transition are having in the drafting of religious regulatory law where none has existed. This often involves questions regarding the definition of religion, appropriate forms of registration and regulation, the status of historic religious groups often identified with the peoples and the culture as over against new religious bodies, the relation between dominant and minor religious traditions that have often been in conflict, and more mundane matters related to property.

#### CONSIDERATION OF HUMAN RIGHTS ISSUES BY THE FIFTY-EIGHTH SESSION OF THE UN GENERAL ASSEMBLY

The United Nations General Assembly, at its 58th Session (2003), adopted seventy resolutions and eight decisions covering a wide range of issues, concerns, and specific situations. The voting pattern at the General Assembly reflects the voting pattern of the fifty-two member Human Rights Commission. The public presumption might therefore be the UN is prevented from functioning on human rights matters because of the “rogues.” The voting pattern tells a different story. Of the seventy resolutions that were approved, forty-eight were approved by consensus, i.e., without vote. Role call votes were taken on only twenty-two resolutions, with preliminary votes on sections of several of those resolutions. No single factor accounts for the pattern on roll call votes. They range from votes where the body is almost equally divided between affirmative and negative votes and abstentions, to votes where there is a single country voting against the rest. The United States (U.S.) voting pattern says more about the U.S. than about the countries that are on our dislike list.

It should be remembered that at the World Human Rights Conference in Vienna in 1993, the U.S. agreed to the understanding that human rights are universal and that they included not only civil and political rights but also economic, social, and cultural rights.

In the ongoing struggle over the conceptual understanding of human rights values, norms, and standards, the U.S. government has been uncomfortable with that commitment. It is not in the vanguard of establishing and broadening the values base or in accepting the emerging standards that the rest of the world is struggling to address. It opposed resolutions on the right to food (176 to 1), the right to development (173 to 3), the right to health (174 to 2), and the right to medicines in case of pandemics (181 to 1). It opposed two resolutions designed to follow up on the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (here after: WCAR), which it had boycotted. On one of those the only other negative vote came from Israel. It cast the only vote against a resolution designed to promote the Rights of the Child. Such resolutions do

not create “international entitlements.” They do lay responsibility on member countries to seek to achieve the goals for their own members.

While the U.S. government perhaps leads the vanguard pressing for democracy, the impression is given to the world that the U.S. limits democracy to transparent elections and political processes, not to the idea that democratic societies may understand that democracy means assuring the needs and rights of their citizens. It is also reluctant to support the concept of self-determination, voting against a resolution reaffirming self-determination as a right. While the implementation of such a concept has its obvious difficulties, it cannot be separated from the concept of democracy.

With regard to the matter of capital punishment, the U.S. is increasingly on the defensive on its continued support of and use of capital punishment, being, perhaps, the only modernized country that continues to support it, even for minors. In the present context when the U.S. government is concerned about terrorism, it is loath to come out strongly against the use of mercenaries, particularly as one sees a trend to privatization of military activity. These views are reflected in the voting patterns at the United Nations (UN).

In country-regional specific resolutions, the U.S. voted against those resolutions that would have supported the human rights of Palestinians. A new voting pattern seems to have emerged in this regard. Often the U.S. has stood alone with Israel. Currently it is able to enlist the votes of several of its island “dependencies.” With three countries the effort seems to be to use the human rights issues for political agendas: Turkmenistan, Iran, and the Democratic Republic of Congo. In these resolutions, the U.S. voted with the majority in raising human rights issues. The political dynamics are far more evident with these than with the conceptual values focused concerns. In all three situations the majority vote was less than the combined vote of the negative and the abstentions, revealing much greater difference in regional, cultural, or economic blocs. In a resolution on the Democratic Republic of Congo, the U.S. voted with the majority for a resolution on the Congo, but in the negative on dealing with the treatment of child soldiers caught up in the Congo fighting.

#### THE INTERNATIONAL CRIMINAL COURT—ESTABLISHMENT AND PROBLEMS

As noted in the introduction, one of the weaknesses of the United Nations (UN) has been the absence of permanent international judicial mechanisms to deal with matters considered violations of international criminal and human rights law. In 1948, at the same time the UN adopted the Universal Declaration of Human Rights, it also called for the establishment of a permanent international criminal tribunal. Though work toward that goal was begun, the effort, as with many other matters, became hostage to the cold war, and was only seriously revived after the thawing of that war. A lengthy process resulted in the adoption on July 17, 1998, at an international conference in Rome, of the “Rome Statute on the International Criminal Court (ICC).” The treaty, considered by many to be one of the most important developments in international law since the founding of the UN itself, was adopted by a vote with 120 countries and seven opposed. (The United States [U.S.] voted with the opposition.) The requirement of sixty country ratifications in order for the treaty to become law was achieved in June 2002, and the treaty entered into force July 1, 2002. [The number has reached 91 with 139 in total signing as of this writing.]

The first session of the Assembly of States Parties was held shortly thereafter, and among other things began the processes of electing eighteen judges and the prosecutor. The selection of the judges was made at the resumed session, February 2003, from a list of forty-three nominees. The eleven men and seven women chosen were sworn in on March 11, 2003, in a ceremony held in a 13th century room in the Dutch Parliament. The prosecutor was subsequently chosen and took his oath of office on April 22, 2003. The chief prosecutor is Luis Moreno Ocampo, a jurist from Argentina. The Netherlands is providing a new building for the ICC in the Hague where the World Court also sits. The ICC will begin to function in 2004, with more than two hundred complaints already before it. Indications are that Ocampo will focus first on the situation in the Democratic Republic of the Congo where between 2.5 and 3.3 million people have been killed since 1998.

Expectations are high among supporters of the ICC, given the need reflected in the ad hoc tribunals (the Former Yugoslavia and Rwanda) that have been created to deal with those critical situations, and as the debate over a credible judicial process for trials of Saddam Hussein and other Iraqi figures reveals. The Rome Statute

provides jurisdiction over crimes that are already defined in international law: genocide, crimes of war, and crimes against humanity, whose definitions include mass murder, etc. Included in these laws are most acts that are used in most forms of international political terrorism. While the court is also given authority to deal with the crime of aggression, the court faces the task of giving that a legal definition, a challenge that will daunt the most dedicated legal and political minds. The challenge is to provide a workable and meaningful definition with which states parties can live, knowing each state would wish to avoid a definition that could be applied when its acts on its own interests.

The ICC is confronted by the current efforts of the U.S. to cripple it and undermine its effectiveness. The paradox is evident. The U.S. seeks to be able to hold other countries and individuals before the bar of judgment but to ensure that neither it nor American citizens will be held to international account. Domestic legislation has provided coercive measures for application against countries that choose to participate in the ICC. This has been reflected in a number of ways. While the U.S. did not vote for the Rome Treaty, it later signed it expressing intent to consider ratification. On May 6, 2002, the U.S. renounced that signature. In 2002 and 2003 it subsequently pressured the United Nations Security Council to provide U.S. personnel involved in peacekeeping operations (i.e., those sponsored by the UN) immunity from investigation and prosecution, an immunity provided in each instance for a one year period. The American Service Members Protection Act, also passed in 2002, authorizes the president to use military force to retrieve U.S. nationals held in detention by the court. It further provides for the ending of U.S. aid to countries not willing to grant the U.S. nationals complete immunity from the court. The U.S. has subsequently pressured countries to sign and ratify Bilateral Impunity Agreements (BIAs). More than fifty have signed, but few have actually ratified the agreements. Many have resisted the pressure. The irony is that the agreements would force those countries that have become members of the court to violate the treaty obligations of the court, thus breaching international law. The Rome Statue provides that countries are responsible for holding their own personnel accountable, but in cases where that is not done, the court can prosecute. The dominant rationale for the U.S. position is the fear or worry that the U.S., somehow uniquely, would be subject only to politically motivated prosecutions.

Part of the historic reasoning for an ICC is that the twentieth century's experience of immunity and impunity of dictators and military leaders has been one characterized by massive violations of human rights.

[Note: the 211th General Assembly (1999) of the PC(USA) approved a *Resolution on the International Criminal Court* in support of the Rome Treaty process and called upon U.S. ratification of the treaty and participation in the International Criminal Court (*Minutes*, 1999, Part I, pp. 51, 435–39).

#### HUMAN RIGHTS AND TERRORISM

Acts of terrorism constituted violations of human rights long before the crimes of 9/11/01. Indeed, a major resolution on terrorism and human rights was adopted by the Human Rights Commission in the spring of 2001 despite the opposing vote of the United States (U.S.). The Human Rights Commission dealt with the link between human rights and terrorism with an added twist, namely concern over the violation of human rights in the pursuit of terrorists and in the efforts to prevent acts of terrorism. Reflection of this concern has been much discussed in the U.S. in light of the various legislative and administrative actions taken in the name of "Homeland Security," including the holding of prisoners at the U.S. base in Guantanamo without charges or access to legal council. The international community has raised its own questions in numerous venues, including the United Nations and the European Union. United Nations resolutions have spoken to the need to ensure that efforts to combat terrorism do not themselves result in the violation of human rights.

#### HUMAN RIGHTS AND RACISM

Following the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (hereafter: WCAR), attention has been given to the implementation and follow-up to the Durban Declaration and Programme of Action, two of the products of that conference. The message from Durban was clear and remains so, that the conditions identified and discussed continue to exist and remain as scourges and violations of human rights. As pointed out in Durban, victimization that occurs in these forms often subjects individuals and groups to multiple or aggravated forms of oppression, particularly as they often intersect with

discriminations based on religious or gender bias. The Durban Conference, held in 2001 just days prior to the September 11, 2001, attacks in the United States (U.S.), had been opposed by the U. S. and its low level delegation withdrew before the end of the meeting.

A report of the Commission on Human Rights Special Rapporteur [SR] on Racism on the fight against these human rights violations was presented to the 58th General Assembly by the secretary general. In addition to describing the work of the SR, these current manifestations of racism, racial discrimination, xenophobia, and related intolerances were highlighted:

- The growth of the use of the Internet to spread hate. The resurgence of racism at sporting events, particularly noted at international tennis and football events, despite the critical role sports have played in fostering racial integration and the promotion of international understanding.
- The resurgence of anti-Semitism and the growth of Islamophobia both undoubtedly spurred by events in the Middle East and the Gulf region.
- The special rapporteur called for focused attention on the forms of discrimination that affect and increase the vulnerability of immigrants, refugees, and non-nationals.

(On resolutions related to the follow up of Durban in both the Human Rights Commission (HRC) and the United Nations General Assembly [UNGA], the U.S. voted in the negative. The UNGA vote was 102/2.)

#### HUMAN RIGHTS AND INDIGENOUS PEOPLES—A PROCESS ON HOLD

In 1994, the United Nations General Assembly (UNGA) designated the years from 1995 to 2004 as the International Decade of the World's Indigenous People. The goal was the strengthening of international cooperation for the solution of problems faced by indigenous peoples in matters related, among other things, to human rights, environment, development, education, and health. It recognized that some 300,000,000 people the world over, identified as indigenous peoples, peoples whose lands and cultures were overrun by colonial and imperial developments, continue to suffer under conditions of deprivation of need, denial of rights, and denigration of personhood.

One of the commitments and intentions of the decade specified in 1994 was the completion of a “United Nations Declaration on the Rights of Indigenous Peoples.” To this end the Commission on Human Rights (CHR) established in 1995 an “open-ended intercessional working group.” As interest and concern has developed, the CHR established also the position of the special rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People. Indigenous issues were prominent at the 2001 World Conference Against Racism, in Durban, mentioned previously in this report.

In 2002, a “Permanent Forum on Indigenous Issues (PFII),” a subsidiary organ of the Economic and Social Council (created in 2000) had its first meeting. It is worth noting that the International Labor Organization set a precedent in 1989 with the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (Convention 169). However, as the “International Decade of the World's Indigenous People” draws to a close, no agreement on a Declaration on the Rights of Indigenous Peoples has been achieved. Therefore, one of the major goals of the decade is in doubt. Requests by the PFII and major indigenous organizations for a second decade have been sidetracked pending a review of the achievements of the first decade. Supporters of the indigenous peoples movement are concerned that without action by the end of the decade the chances of achieving a precedent setting declaration are diminished. (The Presbyterian Church (U.S.A.), with its commitments to indigenous concerns has the possibility of advocating both for the conclusion of a responsible declaration and a call for a second decade as the indigenous issues will remain pressing on the global as well as national scene. The Presbyterian delegation in Durban worked extensively with the Indigenous caucus and a representative continues to work with the UNHCHR on this matter.)

Insiders indicate that the countries most reluctant to concluding a substantive declaration include the United States, Canada, and Australia. The issues, indeed, are challenging, particularly to these countries: honoring of

treaties of long-standing historic record, honoring and protecting land claims, respecting religious and cultural traditions, assuring rights of autonomy and self-determination, rights as citizens, and the question of acknowledgment, compensation, and/or reparations for the victimization that has occurred throughout history.

The Organization of American States (OAS), all of whose members have indigenous populations, has been working on its own draft, the American Declaration on the Rights of Indigenous Peoples. Symbolically these negotiations have marked a historic step, more than 500 years after the European conquest of the hemisphere: an inclusive meeting of indigenous representatives and those of the national governments. The indigenous peoples face numerous difficulties in the process: even at the table they lack equivalent status as the government representative. The indigenous persons involved are those who represent peoples' organizations, e.g. the Council of Large Land-Based Tribes and the Indian Law Resource Center, but they do not have equality of political status. Nor do they have the financial resources of governments to assure adequate representation at appropriate meetings. A United Nations Voluntary Fund for the International Decade, set up to help enable participation in the worldwide efforts, remains underfunded.

Difficulties in the Americas have been increasing, with growing militancy of indigenous peoples in Bolivia and Ecuador, pressures for protective legislation in Mexico, and growing anxiety among the Inuit peoples faced with the prospects that global warming will threaten destruction to their way of life. (The Inuits are the indigenous people of the arctic region, inclusive, among others, of Alaskan Inupiat, Canadian Inuits, and Russian Yupiks. Many years ago a grant from the Presbyterian church helped enable the creation of a Circumpolar Conference to address their common concerns.) Some of these groups have asked the European Court of Human Rights to bring a judgment against the United States for failure to endorse the Kyoto Protocol.

The OAS draft text discussed at meetings in 2003 is quite comprehensive, but reaching agreement on critical matters is still to be achieved. The conflicts center on what the states themselves are willing to commit to, particularly the states with large indigenous populations, as well as those disagreements between the states and the representatives of the indigenous peoples themselves. As an example, the draft treaty tries to constrict the right to "self-determination," a well-established but controversial human-rights principle, to a condition to be recognized "within" existing states (Article III & XX), limiting the concept to the right to autonomy or limited self-government (but not sovereignty) within existing states.

#### THE UNITED STATES, THE UNITED NATIONS AND HUMAN RIGHTS

The role/relation of the United States (U.S.) to the human rights efforts of the United Nations (UN) needs/must be seen on a number of levels: support of programs and activities; voting records, political use of the UN for its own purposes; protection of "clients;" or pressure on foes; and its ratification to and adherence to international human rights covenants and conventions. Much of what can be seen reflects both the ongoing dynamics of world events and the internal domestic politics within the U. S. (such as on matters of women's reproductive rights and capital punishment). The most immediate, visible, and telling impression given to the rest of the world—friend and foe alike—is its unwillingness to ratify and adhere to some of the major international instruments, even though it has helped to draft them all.

While the numbers of countries ratifying the major human rights covenants and conventions continues to grow, the U.S. continues its resistance to committing itself to the international norms. Of the major human rights instruments and protocols, the U.S. has ratified less than half. It has not ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC). It is the only country in the world that has refused to ratify the major international treaty to ensure the well-being of the world's children, the Convention on the Rights of the Child (CRC), a sad reflection of the fact that it is negligent regarding the well-being of its own children. Given the link between fighting terrorism and transnational organized crime, the U. S. has not ratified the UN Convention Against Transnational Organized Crime, nor, as of 2002, had it ratified two protocols to that convention, one aimed at the prevention, suppression, and punishment of trafficking in persons, especially women and children, the other dealing with the smuggling of migrants.

(The General Assemblies of the Presbyterian Church (U.S.A.) have called on numerous occasions for the ratification by the United States of ICESCR, CEDAW, and CRC.)

## HUMAN RIGHTS AS AN INTERNATIONAL ISSUE IN THE ISRAELI-PALESTINIAN CONFLICT

In the international arena, Israel remains one of the major sources of concern for its violations of the rights of Palestinians, rooted in its continued illegal occupation of the West Bank and Gaza. The impact of this occupation is seen in road and transportation blockages, curfews, detention without trial, house demolitions, land- and air-based military strikes with continuing civilian casualties, isolation through constructions of limited highways and an ever lengthening wall, exploitation and control of labor and economy. The Israeli government continues to justify these actions in the name of security. The responses of the Palestinians, including those of violence, are used to rationalize their continued repression and oppression.

While Iraq was correctly criticized for its defiance of United Nations (UN) resolutions (both General Assembly and Security Council), it should be remembered that two supporters of the U.S./United Kingdom (UK) war on Iraq have been in defiance of more UN resolutions and for longer periods of time: Turkey and Israel. The 58th General Assembly of the UN had before it a series of resolutions concerning the practices of the Israeli government in treatment of the Palestinian people. The U.S., with consistent support for its client, has opposed most, if not all of them. While occasionally the U.S. is embarrassed to the point that it must verbally chastise the Israeli government (e.g., on the settlements of the wall), there is little evidence that it is prepared to hold Israel accountable for its continued occupation, repression, settlement development, and the encirclement of Palestine by the construction of a wall designed to cut off the Palestinian people. The violence from both the Israeli people and Palestinian people is to be condemned.

## REGIONAL UPDATES

### NORTH AMERICA

With growing unemployment, rising housing cost, and escalating health-care expenses, the area of economic rights and access is a crucial one for this North America update. The continuing concerns of civil and political rights remain a concern for advocates of justice issues in the United States. This section of the report, although entitled North America, will focus on the United States. Mexico and Central America will be covered within the Latin America section as appropriate. The concerns of Canada are similar to those of the U.S.. The one difference would be the access they have to medical care, as they are a universal health-care access system.

#### *Civil Rights*

##### 1. *Immigrants Rights and Challenges*

Education—Undocumented high school students currently face barriers to higher education by colleges and universities as these institutions make scholarships and in-state tuition available to them at out-of-state rates and guidelines. Even as parents or legal guardians attempts to become legalized citizens, these barriers remain an obstacle to their children’s higher education. There is a bill pending in the United States Congress that has only received subcommittee support. Anti-immigrant groups have increased their lobbying efforts against those senators who voted in favor of the bill, causing some to go so far as to withdraw support.

It is estimated that there are approximately 7.5 to 9.5 million undocumented immigrants in the United States (U.S.). “The new data available from March 2000, 2001, and 2002 Current Population Surveys (CPS) (consistent with Census 2000) ... places the number of undocumented alien children who have lived in the United States for 5 years or longer reaching age 18 each year at the top of the range previously estimated, or about 80,000... About one-sixth to one-fifth of each cohort fails to complete high school, leaving roughly 65,000 undocumented immigrants who have lived in the United States five years or longer who graduate from high school each year.” This statistics reflects a potential of those who could or would apply, if more programs were available to them. Not all graduating students want to go on to college. (Quote from “Further Demographic Information Relating to

the DREAM ACT, by Jeffery S. Passel, Ph.D., The Urban institute 2100 M. Street, N.W. Washington DC—[www.nilc.org/immlawpolicy/DREAM](http://www.nilc.org/immlawpolicy/DREAM))

## 2. *Hate Crimes*

There is good news in this category. Hate crimes have decreased in the U.S. according to the latest Federal Bureau of Investigative Report (FBI). The FBI received 7,462 reports of hate crime incidents from 12,400 state and local law-enforcement agencies around the nation during the 2002 reporting period. These 2002 bias crimes included eleven killings that were motivated by race (48.8 percent), religion (19.1 percent), sexuality (16.7 percent), ethnicity/national origin (14.8 percent), or disability (0.6 percent). By comparison, there were 9,700 such crimes in 2001. Hate crime killings in 2001 was nineteen.

Two-thirds of the 2002 crimes were against individuals while the remaining third were against property as actions of vandalism. When against an individual, the victim is usually the brunt of intimidation. The FBI reports that the perpetrators of these crimes during 2002 were—61.6 percent white; 21.8 percent black; 1.2 percent Asian or Pacific Islander; and 0.6 percent were American Indian or Alaskan Native. Following September 11, 2001, the Department of Justice has added a hotline number for those who want to report crimes that are connected to terrorism. The “Terrorism Victim Hotline” is 1-800-331-0075 or 1-800-833-6885 (Office of Justice Programs-Department of Justice at [www.ojp.usdoj.gov/ovc/assist/nvaa2002](http://www.ojp.usdoj.gov/ovc/assist/nvaa2002)).

## 3. *Juvenile Death Penalty*

Since 1976, twenty-one juvenile offenders have been executed. The executions were carried out in seven states: Texas, Virginia, Georgia, Louisiana, Missouri, Oklahoma, and South Carolina. Texas alone carried out thirteen executions—almost two-thirds of the total. There are eighty-one juvenile offenders currently on death row.

The juvenile offenders currently on death row can be found in fifteen of the twenty-two states that permit juvenile executions: Texas, Alabama, Mississippi, Arizona, Louisiana, Florida, Pennsylvania, North Carolina, South Carolina, Georgia, Missouri, Kentucky, Nevada, Oklahoma, and Virginia.

Currently, twenty-eight states (along with the federal government and the District of Columbia) prohibit juvenile executions. Of the twenty-two states that permit juvenile executions, seventeen states set the minimum age (at the time of offense) for execution at sixteen years, and five states set the minimum age at seventeen years. Missouri is one of the states that has set the minimum age for juvenile executions at sixteen. It has had four juveniles on death row, and executed one in the early 1990s.

Since 1999, two states have enacted laws to abolish the juvenile death penalty—Indiana (2002) and Montana (1999). Legislation that would ban juvenile executions has recently progressed at least partway to adoption in three states (Arkansas, Florida, and Texas). Similar legislation has been introduced in at least another six states (Arizona, Mississippi, Missouri, Nevada, Pennsylvania, and South Dakota). In contrast, not a single state has lowered the minimum age of execution during the same period. (Information on the juvenile death penalty is taken in its entirety from ([www.mokids.org/juveniledeathpenalty.org](http://www.mokids.org/juveniledeathpenalty.org)).

## *Economic Rights*

### 1. *Health Care*

The number of people who are uninsured grew by 2.4 million between 2001 and 2002, to 43.6 million, according to the U.S. Census Bureau. That means that an estimated 15.2 percent of the population had no health coverage during all of 2002. The Census Bureau noted that the overall increase in uninsured is attributable to the decrease in the percentage covered by employment-based health insurance. Public programs, particularly Medicaid, covered more people through this time period and helped soften the loss of employer-based health insurance.

Those who are insured are experiencing increased costs for health insurance premiums and prescription drugs. According to the National Coalition on Health Care, health insurance premiums rose at a rate eight times faster than general inflation in 2002, experiencing the largest one-year surge in premiums in more than a decade. In the absence of comprehensive reform, the average annual premium for employer-sponsored family health insurance could reach \$14,545 by 2006.

While Americans were faced with all these aforementioned challenges, the U.S. Congress and the administration failed to pass legislation to address the issue of the uninsured. In November 2003, Congress passed legislation to add a prescription drug benefit to Medicare. While that bill will provide some help to some Medicare beneficiaries, it does not do nearly enough to reduce the escalating cost of drugs, nor will it help to reduce the number of uninsured Americans. (Sources: Robert J. Mills and Shailesh Bhandari, *Health Insurance Coverage in the United States: 2002*, Current Population Reports, U.S. Census Bureau, September 2003, [www.familiesusa.org](http://www.familiesusa.org), and [www.nchc.org](http://www.nchc.org).)

## 2. Poverty/Anti-Hunger

- **Food insecurity and Poverty.** According to the U.S. Department of Agriculture, new census data surveys show that food insecurity and hunger increased in the United States in 2002 for the third consecutive year. In the U.S., 34.9 million people currently live in households experiencing food insecurity, an increase of 3.9 million since 1999. Eleven percent of U.S. households (twelve million households) experienced either food insecurity or hunger in 2002. Food insecure households are those that are not able, for financial reasons, to access a sufficient diet at all times in the past twelve months. Households labeled hungry are those where one or more household members experienced hunger due to lack of financial resources at some time in the past twelve months.

In 2002, the nation's official poverty rate also rose—from 11.7 percent in 2001 to 12.1 percent in 2002, according to the U.S. Census Bureau. Almost thirty-five million people are living below the poverty level. Under the official poverty measure, children under eighteen had a poverty rate of 16.7 percent in 2002. The official poverty threshold, under which people are considered to be living in poverty, is \$9,359 for an individual under sixty-five and \$18,244 for a family of four. More than forty-seven million people are living below 125 percent of the poverty level. (Sources: Mark Nord, Margaret Andrews, and Steven Carlson, "Household Food Security in the United States, 2002," Food Assistance and Nutrition Research Report No. (FANRR35), Economic Research Service, U.S. Department of Agriculture, October 2003 and <http://www.census.gov/prod/2003pubs/p60-222.pdf>.)

- **Minimum Wage.** At the same time as food insecurity and poverty increased, the federal minimum wage for nonexempt employees remained stagnant—at \$5.15 per hour. The last time the federal minimum wage was increased (from \$4.75 to \$5.15) was in 1997. (Many states also have minimum wage laws. When an employee is subject to both federal and state wage laws, the employee is entitled to the higher of the two minimum wages.) An individual working for minimum wage would earn only \$10,712 a year if he or she worked 40 hours a week, 52 weeks a year. This means that if a single parent with one child worked full-time, without taking sick days or vacation, he or she would be living below the poverty line. Legislation has been proposed to increase the minimum wage, including legislation by Senator Tom Daschle (D-SD) and Representative George Miller (D-CA) to increase it to \$6.65 an hour. This legislation has not been brought to a vote in the U.S. Congress. (Sources: [thomas.loc.gov](http://thomas.loc.gov) and <http://www.dol.gov/dol/topic/wages/minimumwage.htm>)

- **Temporary Assistance for Needy Families (TANF).** As people of faith and religious commitment, the church has always been called to stand with and seek justice for those who are vulnerable or living in poverty. This is central to many religious traditions, sacred texts, and teachings. People are more than the sum of their economic activities. Anti-hunger programs must provide more than economic incentives and disincentives; and, as a people, we must overcome biased assumptions that feed negative social stereotypes about those living in poverty.

Since Temporary Assistance for Needy Families (TANF) began in 1996, the number of people on the welfare rolls throughout the nation has been reduced. However, during the last three years, the number of people living in poverty has increased. Of those no longer on the TANF rolls, many have obtained jobs that do not provide a living wage. At the same time, they have lost the supportive services that are essential to maintaining their

households, so that they are often poorer than they were on welfare. The TANF must continue to provide work support for people moving into the workforce but earning low wages.

As advocates continue to work for the reauthorization of TANF, they are calling on Congress to provide more funds for TANF to ensure its ability to act as both a work support program and a safety net for those for whom work is not an option. A strong and reliable safety net is more essential than ever at times of disaster.

Members of the faith community, including the Presbyterian Church (U.S.A.), are calling for a TANF reauthorization to include, among other improvements:

- a. Poverty reduction should be the primary goal of TANF;
- b. A funding increase of at least \$5.5 billion should be provided to meet childcare needs;
- c. The restoration of full benefits to immigrants, including access to federal TANF money, State Children's Health Insurance Program (SCHIP) and Medicaid services, childcare, and appropriate education and training;
- d. The maintenance of the current work requirement of thirty hours per week (20 hours for parents of preschool children); and
- e. Expanded access to education and training by allowing vocational training to count as a work activity for twenty-four months and by removing the cap on participation in educational activities, and the review of personal and structural barriers that affect TANF recipients' ability to work before sanctions are imposed.

### 3. *Women's Earnings*

Despite affirmative action and equal opportunity laws in the United States, women still earn 20.3 percent less than a male would earn in same or similar positions. This statistics comes from a General Accounting Office study reported in the *Washington Post* on November 21, 2003. The study took into account the fact that women may work fewer hours and are more likely to take time off from employment to raise children than do men. Even accounting for this disparity, women still earned less. Those analyzing and preparing the data have said that women still face significant discrimination in the workplace.

A man's work time is typically about 2,147 hours per year, while a woman's is less at 1,675. Other differences—nine out of ten men work full-time, only two out of three women work full time; men are out of the labor pool an average of one week per year, women are out for up to three weeks annually. (Direct access to the study can be found at [www.gao.gov](http://www.gao.gov). The report is dated October 31, 2003, and numbered GAO-04-35.)

## CENTRAL AND WEST AFRICA

The Democratic Republic of Congo, Liberia, Sudan, and Burundi made substantial progress in resolving protracted and deadly conflicts in 2003. In July 2003, African leaders adopted the Protocol to the African Charter on Human and People's Rights on the Rights of Women, committing their governments to ending discrimination and violence against women and promoting women's political participation.

### *Civil and Political Rights*

#### 1. *Democratic Republic of Congo*

The December 2002 peace accord enabled the Democratic Republic of Congo (DRC) to achieve slow progress toward peace in 2003, but grave human rights violations persisted, especially in the country's strife-torn eastern regions.

The formation of a government of national unity at the end of June 2003 ostensibly brought an end to a five-year civil war that has claimed more than three million lives. The transitional government, composed of representatives of the former government, the main armed factions, opposition political parties, and civil society organizations, is due to serve for two years until the DRC can hold its first democratic elections since it won independence from Belgium in 1960. By late 2003, there were a number of signs that the nation was moving towards greater unity and stability: the Congolese flag was again flying throughout the country, a single national currency had been re-established, and the Congo River system had been reopened to commercial traffic.

A new wave of violence, however, gripped the resource-rich Ituri district, where fighting among local ethnic militias and armed political factions claimed the lives of at least 5,000 people between July 2002 and March 2003. For the past few years, the area has been almost continuously occupied by soldiers from neighboring Uganda, whose repeated shifts in support for various factions helped to fuel the conflict. When Uganda withdrew its 9,000-strong force from Ituri at the end of April 2003, the 200 United Nations (UN) peacekeepers who had been deployed in the district were ill-equipped to protect the vulnerable civilian population. Armed groups burned Bunia, the region's main town; several hundred people were killed and thousands more displaced as militia attacks escalated dramatically.

In early June 2003, the European Union (EU) launched a UN-mandated interim peacekeeping mission that averted more widespread killings, initiated a political dialogue with local militias, and allowed many people displaced from the town in the previous weeks to return. Three months later, EU forces relinquished control of the town to the now 4,500-strong UN peacekeeping mission in Ituri.

Despite these developments, civilians remained vulnerable to attacks and banditry at the hands of militia members. Between May and September 2003, more than 1,000 people, including a disproportionate number of women and children, were killed. In October 2003, at least 65 people, mainly women and children, were massacred in a rural area of Ituri district.

A further 7,500 UN peacekeepers were deployed in the strife-torn, neighboring provinces of North and South Kivu. The UN mission was also working to address the widespread problem of child soldiers through its human rights and demobilization program and through the posting of child protection officers throughout the country.

## *2. Angola*

After nearly three decades of civil war, Angola continues to confront the challenges of reconstruction. By mid 2003, roughly half of the 4.1 million people internally displaced by the war, and nearly a third of the estimated 400,000 refugees in neighboring countries had returned to their home areas or to resettlement sites, most spontaneously.

The Angolan government has worked with the United Nations (UN) to enhance protection for displaced people, but returning refugees still face many problems. According to Human Rights Watch, some have been coerced into returning, in violation of international standards. In one case, officials reportedly burned crops and houses at a transit center in Angola to compel people to move on. Former combatants often receive government assistance in preference to civilians, in part because of the security risk that they may pose if they are unsatisfied. Female household heads and their children are often particularly vulnerable to violence and harassment, especially at border posts and in transit centers, where they are sometimes housed with ex-combatants. Landmines pose a further threat; Angola continued to experience the continent's largest number of landmine casualties (287 in 2002), although the death toll is slowly declining.

Angola has limited capacity to meet the needs of refugees. Although malnutrition rates have stabilized and the humanitarian situation is gradually improving, 1.8 million people still depend on food aid for their survival. There has also been a pervasive failure to provide adequate identity documents to displaced persons so that they may exercise their rights to recognition as persons before the law.

### 3. *Sudan*

During 2003, Sudan made significant progress toward ending the conflict that has devastated Africa's largest country for a generation. But substantial issues remain unresolved and could ignite further conflict if they are not adequately addressed.

In June 2002, peace talks opened in Kenya between Sudan's Islamic government and the Sudan People's Liberation Movement/Army (SPLM/A), which controls much of the nation's largely Christian south. These negotiations produced the October 2002 Machakos Protocol, which established the framework for future talks, provided for possible southern secession after a six-and-a-half year interim period, and recognized the government's right to enforce Islamic Sharia law in the north.

On September 25, 2003, SPLM/A leader John Garang and Sudanese Vice-President Ali Osman Taha concluded a second agreement that resolved contentious security concerns. In terms of the accord, the SPLM/A will be allowed to retain a separate army during the interim period, but joint/integrated units, made up of equal numbers of Sudanese Armed Forces and SPLA soldiers, will also be established as a symbol of unity and a model for possible integration of the two armies. The agreement demarcated operational areas and deployment patterns for each of the forces and declared an internationally monitored ceasefire. Demobilized SPLA soldiers will be given positions in Sudanese government institutions, such as the police, prison, and wildlife services.

Although both government and SPLM/A leaders hailed the agreement as one of the last steps on the road to peace, pitfalls remain. While the current agreement holds out hope of resolving the long-running conflict between the SPLM/A and the government, it does not address the grievances of people in east and west Sudan. A bilateral accord that excludes these areas, as well as other armed factions in the south, could create further tensions; indeed, there were signs of intensifying conflict in the east and west in late 2003.

The agreement also does not resolve issues of power and wealth-sharing or control of three contested areas: the Nuba Mountains, Southern Blue Nile, and oil-rich Abyei. Garang and Taha began to discuss the last issue in October 2003, but any sustainable agreement must also be acceptable to the people who live in these areas. A new round of negotiations began in December 2003.

A government-SPLM/A accord would offer no direct relief to the majority of Muslims in the north who do not necessarily share the military dictatorship's fundamentalist brand of Islam. Human rights groups have accused the Sudanese government of numerous abuses, including arbitrary arrests, torture, harassment of churches, and closure of newspapers. However, in the face of emerging alliances between the SPLM/A and northern opposition groups, the Sudanese government has initiated a process of consensus building that may ultimately result in a more open society with greater protection for human rights and religious freedom.

### 4. *Nigeria*

Nigeria's transition to democratic civilian rule in 1999 was widely believed to coincide with improved human rights conditions and greater freedom of expression. However, a recent Human Rights Watch report (Nigeria: Renewed Crackdown on Freedom of Expression, December 2003) details numerous incidents of harassment, intimidation, detention, and even extrajudicial killings of government opponents, particularly in the run-up to Nigeria's presidential and parliamentary elections in April and May 2003. At least 100 people were killed and many more injured during the election period. An additional 250 people died in fighting between Christian and Muslim groups at the time of the Miss World contest in November 2002, with dozens of casualties caused by Nigerian security forces deployed to quell the violence. Nigeria's oil-rich Delta State also continued to be plagued by conflict during 2003, leading to hundreds of deaths and the displacement of thousands of residents. Although the violence has ethnic and political dimensions, it is essentially a struggle for control of resources, fueled by the ready availability of small arms and widespread impunity for abuses by all parties, including the security forces. Although the number of human rights abuses remain far fewer and less violent than under the previous military dictatorship, these breaches of national and international obligations in Africa's most populous nation are a cause for concern.

## 5. Liberia

Following decades of maladministration, dictatorship, and conflict, Liberia faced its best prospects for peace in years at the close of 2003. But security remained elusive in many parts of the country as civilian populations continue to face looting and attacks by armed groups.

Early in the year 2003, the civil war that had been gathering momentum in the northeast spread steadily to engulf much of the country. In April 2003, Liberians United for Reconciliation and Democracy (LURD), a rebel movement active since 1999, launched an attack on Gbarnga, forcing more than 50,000 people already displaced by earlier fighting to flee south towards the capital, Monrovia. Tens of thousands of refugees poured into Monrovia's suburbs. Meanwhile, a second rebel faction, the Movement for Democracy in Liberia (MODEL), broke away from LURD and opened a new front in the war in the southeast. Both rebel movements and government forces persistently violated the rights of civilians. International human rights groups documented numerous incidents of murder, summary execution, looting, rape and other forms of sexual violence, and forced recruitment of child soldiers.

With rebel forces advancing steadily on the capital, President Charles Taylor's government negotiated a ceasefire with the insurgents on June 17, 2003, but the offensive continued. By the end of June 2003, battles were taking place in the streets of Monrovia, causing panic and more than 1,000 deaths among the civilian population. The United States dispatched 2,000 Marines to the country, briefly landing a small contingent following President Taylor's flight into exile on August 11, 2003. The city's anguish was relieved mainly by 3,000 Nigerian peacekeepers, sent by the West African economic community. They succeeded in restoring calm in several urban centers, but the limited force had little impact on the countryside, where most Liberians live.

The situation began to improve in the last quarter of the year. All-party negotiations in Accra, Ghana, produced a peace agreement on August 18, 2003, in terms of which a National Transitional Government was inaugurated in October to administer the country for two years, in preparation for national elections. Liberia's new president, Gyude Bryant, set up a commission responsible for disarming the 40,000 LURD, MODEL, and former government soldiers and mended fences with many of the country's neighbors. The United Nations commenced its largest peacekeeping operation to date in Liberia. However, Liberia continues to face daunting challenges.

Previous governments left Liberia bankrupt, with a debt burden in excess of \$3 billion. The civil war disrupted agricultural production and sent the prices of basic goods soaring. President Bryant has cut the price of petroleum products and rice, Liberia's staple food, and launched a campaign to rebuild war-ravaged schools. However, civilians in many parts of the country remain vulnerable to attacks by increasingly desperate and undisciplined armed bands. Many combatants have yet to surrender their weapons and, despite a provision in the peace agreement that requires them to remain in the areas that they held in mid-August, there have been numerous attempts to grab additional spoils of war. Hundreds of thousands of people remain displaced from their homes, and many more continue to flee to escape physical and sexual assault, abduction, forced labor and looting. Although international peacekeepers have enhanced security in many areas, only about one third of the envisioned 15,000-strong force had arrived by the end of the year. The delays have limited the force's capacity to protect civilians in all areas. Even in areas under UN control, former combatants retain easy access to weapons, as riots in Monrovia in early December 2003 illustrated.

## 6. Côte d'Ivoire

In November 2002, two new rebel groups launched an antigovernment offensive in western Côte d'Ivoire. The campaign came at an opportune moment for the Mouvement Patriotique de Côte d'Ivoire (MCPI), which orchestrated a military mutiny on September 19, 2002, that enabled it to seize control of roughly half of the country. The MCPI combatants had signed a ceasefire with the government in October 2002 and could not make further military gains without violating this agreement. By the end of 2002, the rebels had captured substantial territory in the west.

In January 2003, French intervention secured a new ceasefire agreement between the government and the western rebel forces, but reports of ongoing fighting along the Liberian-Ivorian border persisted. Peace talks in

France produced a framework for a new government of reconciliation, in terms of which Laurent Gbagbo, the declared winner of the flawed 2000 elections, retained the presidency while most substantive powers were to be delegated to a prime minister selected by consensus. The agreement called for the creation of a national human rights commission, the establishment of an international inquiry into grave breaches of human rights, and an end to the impunity of those responsible for summary executions, in particular the death squads. In February 2003, the United Nations (UN) gave its support to the January 25 peace accord and authorized French and West African peacekeepers to protect civilians in their zones of operation. Implementation of the plan stalled, however, as the factions haggled over the allocation of ministerial portfolios. Meanwhile, fighting, and reports of massacres, continued in the west as government and rebel forces pursued a proxy war using Liberian mercenaries. The MCPI representatives refused to take up their seats in government, citing security concerns.

While civilians throughout the country suffered as a result of the war, residents of western Côte d'Ivoire became the main targets of killings, sexual violence, looting, and other abuses committed by government and rebel forces. Government forces and government-recruited Liberian mercenaries executed, detained, and attacked perceived supporters of the rebel forces based on ethnic, national, religious, and political affiliation. Civilian militias, tolerated if not encouraged by state security forces, targeted immigrant communities. The once-fertile west was devastated, triggering a humanitarian crisis marked by serious child malnutrition.

Thousands of people fled the region for uncertain refuge in Liberia and Guinea, including many Liberians who had previously crossed the border in an attempt to escape civil war in their own country. Liberian refugees in western Côte d'Ivoire faced not only violence and forced recruitment at the hands of the Ivorian army and other armed groups but also xenophobic attacks by Ivoirians incited by local political leaders and press reports that portrayed Liberians as accomplices of the rebellion.

Another ceasefire was signed in early May 2003, and members of the government of reconciliation finally took up their seats. The UN approved a delegation of military liaison personnel and human rights monitors in May. By late May, the security situation in the west was improving, but the humanitarian situation remained dire. The following month, French and Economic Community of West African States (ECOWAS) forces moved into western areas to monitor the ceasefire.

By July 2003, the war was officially at an end and implementation of the January 2003 peace accord seemed to be on track. The government reopened the border with Burkina Faso and normalized trading relations with Burkina Faso and Mali. The National Assembly adopted an amnesty law, in line with the peace agreement.

In September 2003, however, ministers from the former rebel groups (now cooperating under the name Forces Nouvelles) resigned from the government, citing President Gbagbo's unilateral appointment of ministers and his failure to delegate executive powers to the prime minister. Disarmament of the former rebels failed to commence on October 1, 2003, as promised. Although ECOWAS stepped up diplomatic interventions in an effort to salvage the situation, by November 2003 rebel leaders had declared a state of emergency in their northern strongholds, and it appeared that the war could resume at any moment.

## SOUTHERN AND EAST AFRICA

### *Civil, Economic and Political Rights*

#### 1. *Zimbabwe*

Zimbabwe's economy deteriorated alarmingly in 2003, exacerbating a complex humanitarian crisis. Agricultural production and commercial distribution networks continued to collapse in the face of adverse weather conditions, the ravages of HIV/AIDS, persistent fuel shortages, and the seizure of commercial farms. As a result, more than five million people relied on food assistance from international agencies by the end of 2003.

Local and international relief organizations accused the government of manipulating food distribution to reward party loyalists and punish perceived opponents. The problem was reportedly particularly grave in government-sponsored programs, which were further complicated by corruption, but it also affected international

efforts that inevitably relied on local authorities to assist with food distribution. Some international donors have also made aid conditional on criteria other than need. The government compounded the problem by prohibiting private merchants and all but a handful of nongovernmental organizations from importing grain in an attempt to consolidate its control over food distribution.

Critics of the government's policy choices have faced harassment, intimidation, beatings, and imprisonment. The primary targets have been political opponents, human rights monitoring groups, and the independent media. Although much of the abuse meted out to critics is illegal, the government has also enacted new legislation to suppress freedoms of expression, association, and assembly. For instance, the Labour Relations Amendment Act, adopted in March 2003, effectively denies workers' right to strike.

In May 2003, Zimbabwe's Supreme Court struck down a key provision of the controversial Access to Information and Protection of Privacy Act, which criminalizes the publication of falsehoods. Shortly after the ruling, however, the government deported an independent journalist, ignoring a court order staying his expulsion. Four months later, security forces closed Zimbabwe's only independent newspaper, the *Daily News*, for failing to register with the National Media and Information Commission. A number of the paper's reporters and directors were subsequently arrested and attempts to resume publication were thwarted by authorities, despite court rulings in the paper's favor.

The Committee for the Protection of Journalists (CPJ) has cited Zimbabwe as one of the worst places in Africa to be a journalist, along with Eritrea, Ethiopia, and Togo. In July 2003, the CPJ reported that twenty-five journalists were imprisoned in Africa for their work, including seventeen in Eritrea alone. Both Ethiopia and Togo introduced new legislation to restrict press freedom and silence journalists.

## 2. *South Africa*

In November 2003, after years of legal and political battles with grassroots organizations campaigning for a national program for the prevention and treatment of HIV/AIDS, the South African government finally unveiled plans to make vital anti-retroviral medications available through public health facilities. The plan envisions that each health district in the country will have at least one anti-retroviral service point within one year.

Land reform remained a critical issue for the nation's post-apartheid transformation, especially in light of the experiences of neighboring Zimbabwe. Many rural dwellers, including many who were forcibly displaced during the apartheid era, have limited access to land and minimal security of tenure. South Africa's Parliament is considering new legislation to improve land tenure security for people living on communal land. However, land rights organizations have been critical of proposals that would entrench the authority of unelected traditional leaders and provide insufficient tenure security for women.

## 3. *Uganda*

In July 2003, 20,000 young people staged a peace march in to draw attention to one of Africa's most brutal, but most overlooked, conflicts. For nearly eighteen years, the Lord's Resistance Army (LRA) has been terrorizing communities in northern Uganda, looting and burning villages, killing and maiming civilians, and planting landmines all in a supposed attempt to protect residents from the aggression of the Ugandan army. The LRA is most notorious for its practice of abducting children to serve as soldiers, porters and, in the case of girls, as sex slaves. The movement is thought to have kidnapped more than 20,000 children since the late 1980s, including 8,500 children since June 2002 alone. As many as 90 percent of the movement's soldiers are reportedly abducted children.

Violence in the region has been escalating since the Ugandan government launched an offensive against the LRA in March 2002. An estimated 800,000 people have been displaced by the recent round of fighting. A peace initiative, undertaken by area religious leaders, stalled in the face of the intensified fighting. Recently, the LRA has begun to target religious leaders, humanitarian workers, and those living in camps for internally displaced people.

CENTRAL, SOUTH, AND SOUTHEAST ASIA

*Civil and Political Rights*

1. *Pakistan*

Four years after President Pervez Musharraf seized power in Pakistan, Human Rights Watch sadly reported on October 10, 2003, “military agencies have frequently tortured and harassed political opponents, critical journalists, and former government officials. The past four years have also seen a rise in activity by extremist religious groups and an increase in sectarian killings in Pakistan, in part due to the Musharraf government’s policy of marginalizing mainstream opposition political groups. Opposition legislators have told Human Rights Watch they have been beaten, harassed and subjected to blackmail for opposing Musharraf’s policies.” In addition, the report is also alarming in regards to the violation of human rights of women and religious minorities: “The growing influence of extremist religious elements has impinged on the rights of women and religious minorities. Laws regarding rape and honor killings still discriminate against women. The number of blasphemy cases registered has risen while discrimination and persecution on grounds of religion persist. Adherents of the Shi’a branch of Islam have faced numerous violent attacks by Sunni Muslim militant groups.” (Source: <http://www.hrw.org/press/2003/10/pakistan101003.htm>)

In 2003, the northwest frontier province of Peshawar adopted the Sharia law. The unanimous and debtless adoption of the bill is no doubt troubling to Christians, moderate Muslims, and other minorities alike, especially in regards to its impact on the national level.

Christians in Pakistan are a vulnerable minority, often viewed as consenting allies to the international policies of United States (U.S.) administration. Sometimes Christians are unjustly singled out and lashed against when lawless extremists criminally choose to vent their anger and hatred toward the U.S. political and military intervention in the region coupled with indifference to justice and human dignity.

2. *Indonesia*

The nation of Indonesia, where almost 235 million are spread over about 17,000 islands, home for about 300 ethnic groups speaking about 600 languages and dialects, of whom about 88 percent are Muslims and about 8 percent Christians. Indonesia boasts the largest population of Muslims and Reformed Christians in the world.

Growing concerns are mounting over the violent conflict in the province of Aceh. In October 2003, Human Rights Watch called on the government of Indonesia to “remove from its military campaign in Aceh officers responsible for gross human rights violations in Indonesia and East Timor.” Human Rights Watch also cited the following restrictions:

Since the start of the military operation (May 19, 2003), the Indonesian government has severely limited the flow of information from Aceh. The government has interfered with the ability of local journalists to cover the war. It has denied access to Aceh to almost all diplomats, independent international observers, and international human rights organizations. It has also severely restricted access to United Nations and non-governmental humanitarian agencies and the foreign media (Source: <http://www.hrw.org/press/2003/10/aceh101503.htm>).

Likewise, the security conditions in Papua continue to deteriorate despite the special autonomy law passed on October 23, 2001. For the last forty-two years, the government has been seen by many in Papua as suppressing their aspirations for independence.

According to Human Rights Watch, in 2003, corruption was a serious concern in Indonesia. There were violations of international human rights law by the Tentara Nasional Indonesia (TNI) military forces, separatist conflict in Aceh and Papua, religious violence in Maluku and Poso, as well as attacks on human rights defenders. These failures stemmed in part from the administration’s lack of political will to resist former supporters and beneficiaries of the Soeharto government, including the TNI. Thus, as in previous years, the Jakarta courts and prosecutors showed little willingness to take on major corruption cases. In 2004, however, due to encouraging

modifications to its constitution, Indonesia is bracing for direct elections, a bicameral legislative structure, and a fully civilian government after eliminating the thirty-eight governmental seats formerly reserved for the military.

### 3. India

Known as the most populous democracy, India has more than one billion in population where 81 percent are Hindu, 12 percent Muslim, and only 2.3 percent Christian. Sporadic violence continues in the seven states in the Northeast, most of which is fueled by several separatist militant groups.

India is the second largest producer and consumer of silk, accounting for 20 percent of the world silk production and 8 percent of its consumption. In 2001, the United States, the largest silk consumer outside of India, imported more than 163 million in silk commodities.

In its report of January 23, 2003, Human Rights Watch details the gross human rights violations against children, whose fate is entangled with that of their families and the market economy. The silk industry in particular oppressively employs (abuses) more than 350,000 children. The report appeals to the government of India to: “implement its national laws to free and rehabilitate these ‘bonded children.’ ”

Known as “bonded children,” the report describes the children’s sad reality as follows:

Bound to their employers in exchange for a loan to their families, they are unable to leave while in debt and earn so little they may never be free. A majority of them are Dalits, so-called untouchables at the bottom of India’s caste system. . . . *Human Rights Watch* interviewed children, employers, government officials and members of nongovernmental organizations in three states that form the core of India’s sari and silk industries: Karnataka, Uttar Pradesh and Tamil Nadu. At every stage of the silk industry, bonded children as young as five years old work 12 or more hours a day, six and a half or seven days a week. Children making silk thread dip their hands in boiling water that burns and blisters them. They breathe smoke and fumes from machinery, handle dead worms that cause infections, and guide twisting threads that cut their fingers. As they assist weavers, children sit at cramped looms in damp, dim rooms. They do not go to school and are often beaten by their employers. By the time they reach adulthood, they are impoverished, illiterate, and often crippled by the work (Source: Human Rights Watch, *Small Change: Bonded Child Labor In India’s Silk Industry*, New York: Human Rights Watch, January 23, 2003 Vol. 15, No. 2 (C), <http://www.hrw.org/reports/2003/india/india0103.pdf>).

In a grim description of the reality of this oppressive cycle, children are the most vulnerable since they are perceived as mere articles of trade caught in two webs, the poverty web of their families and that of the greed of their employers. In the words of the report:

The child is, in a sense, a commodity, exchanged between his or her parents and the employer. The parents or guardians, who receive the money, are often destitute and have no other way to obtain credit—children most frequently told Human Rights Watch that their parents used the loan to pay for a wedding or funeral, birth or treatment for illness; to pay off another loan; or just to put food on the table. The employers use the loan to secure indefinitely the cheapest form of labor possible (Source: Human Rights Watch, *Small Change: Bonded Child Labor In India’s Silk Industry*, New York: Human Rights Watch, January 23, 2003 Vol. 15, No. 2 (C), <http://www.hrw.org/reports/2003/india/india0103.pdf>).

While the stakes are high, the pay is very low; for this child-labor force, the present is depressing, and their future is gloomy. The Human Rights Watch reports on the bleak and unjust compensation or damages:

In exchange for working twelve or more hours a day, six or seven days a week, employers pay children small sums of money, sometimes just enough for transportation or snacks. The employer/creditor dictates the rate. In the silk industry, children reported starting off making from nothing to around 100 rupees (U.S.\$2.08) a month, which might eventually increase to as much as 400 or 500 rupees (U.S.\$8.33 to \$10.42). However, the children may not actually receive this amount as some or all may be deducted against the loan. These salaries are far below minimum wage. . . . the children, typically illiterate, have no way to monitor whether the repayment is being accurately accounted for and are dependent on their employer/creditor to report how much they still owe (Source: Human Rights Watch, *Small Change: Bonded Child Labor In India’s Silk Industry*, New York: Human Rights Watch, January 23, 2003, Vol. 15, No. 2 (C) , <http://www.hrw.org/reports/2003/india/india0103.pdf>).

These unfortunate children do not only inherit the poverty of their families, but their debts as well. In addition to the fact that their childhood is sadly lost, and instead of preparing for and building their own future, the children’s fate is entangled with the miserable socioeconomic circumstances of their families, as articulated in the report:

Children may be bonded either as individuals or with their entire families. Even where the parent technically takes the loan, the child may be put to work to help pay it off and may inherit the debt when the parent dies. . . . Debts may also pass to a younger sibling when a child reaches adulthood or stops working (Human Rights Watch, *Small Change: Bonded Child Labor In India's Silk Industry*, New York: Human Rights Watch, January 23, 2003 Vol. 15, No. 2 (C), <http://www.hrw.org/reports/2003/india/india0103.pdf>).

## EAST ASIA/PACIFIC

Asia has been an arena of devastating wars and revolutions during the last century. The relative peace that Asia had enjoyed for almost a quarter century has been shattered in recent years by the war in Afghanistan and the bombing in Bali. Many in the region know from bitter experience that war and economic deprivation foster intolerance and a cycle of violence. Thus, war and terrorism are two issues of tremendous concern to most Asian and Pacific Islanders.

In 2003, the Iraq war and the nuclear security crisis in the Korean peninsula added new dimensions to regional instability. The Bali bombing and other random bombings claimed innocent lives in disparate locations as India, Indochina, Pakistan, and the Philippines. These crises have served to heighten religious and ethnic tensions. In 2003, Asians of different faiths and ethnicities joined the global movement for peace by rallying around the call for a peaceful solution to the Iraqi crisis. Their message was very clear: peace cannot be achieved through the use of force.

Japan's support for the United States (U.S.)-led military efforts in the Middle East has become another source of heightened tension and regional instability. Its support in Afghanistan and subsequently in Iraq, through the sending of troops and warships abroad in military action for the first time since 1945, violated its peace constitution.

China joined Russia, Germany, and France in an effort to resolve the Iraqi crisis through peaceful means. It continues to play a key role in maintaining peace in the Korean peninsula. However, China has not renounced the use of force in resolving the Taiwan issue, which has led to increase tension over the Taiwan straight.

### *Civil Rights*

Peace and justice issues continue to be a deep concern for the people of Japan. The campaign for the removal of the United States (U.S.) military bases in Okinawa is an ongoing civil rights concern in this region. Citizens of Okinawa are opposing the bases because of their negative environmental impact and an increase in crime due to the location of the bases in the midst of heavily populated cities. As reported in the previous year, the "Guidelines for Defense Cooperation between Japan and U.S.A.," was bitterly opposed by peace activists and religious groups in Japan and is in conflict with Japan's Peace Constitution.

Protest against the U.S. military presence in Korea has also increased, especially when two junior high school girls were crushed to death by an U.S. armor vehicle. The Korean government is not allowed to investigate the case, because of the unequal treaty (the Status of Forces Agreement, known as SOFA) between the U.S. and the Korean governments. Without revision, the SOFA will continue to be a contentious issue in Korea, which violates the basic human rights of Koreans. Korean people want equal protection from the U.S. military violence against Korean civilians.

Japan, Taiwan, Hong Kong, and Korea have invited foreign workers into their countries in order to fill a labor shortage. A large number of foreign migrant workers labor in these countries under harsh working and living conditions. Industrial accidents happen frequently, compensation and wage payment are often delayed, and other human rights abuses have been reported, particularly among domestic female migrant workers. In South Korea, immigration authorities adopted a tough stance against migrant workers, and several thousand were arrested and deported.

Other civil rights concerns in the region include discriminatory laws and practices, and government misuse of people's rights. In Japan, minority people, such as Ainu, Burakumin, Okinawans, and Koreans, often find themselves the victims of discrimination. In Taiwan, Australia, New Zealand, China, and the Philippines, cultural minorities and aboriginal people's rights and opportunities continue to be a concern.

In the People's Republic of China and the Democratic People's Republic of Korea, civil rights are severely restricted or denied. Thousands of North Korean asylum seekers in Northeast China were arrested and forcibly sent back during the year. In response to dozens of North Koreans entering foreign diplomatic facilities, the Chinese authorities stepped up their crackdown on North Koreans and forcibly returned them to North Korea. It was reported that after their return some North Koreans faced long interrogations, torture, and ill treatment. Some were reportedly sent to prison or labor camp.

Normally, citizens of China and North Korea do not have the right to participate in any peaceful acts that would lead to a change in the government. Open opposition to the Chinese Communist Party is still not tolerated.

#### *Political Rights*

The Constitutions of China and North Korea provides for fundamental human rights, but they are often ignored in practice. The constitutions clearly state that the freedom of speech, press, assembly, and religion are fundamental rights for all citizens. However, restrictions have been put on these rights.

In North Korea, political opposition of any kind is not tolerated. Any person who expresses an opinion contrary to the position of the government faces severe punishment. People are not free to travel within their own country, and such restrictions are imposed on foreigners as well.

China continues to stress its jurisdictional claim over Taiwan and its intent to bring about its reunification. On the other hand, the people of Taiwan desire the rights of self-determination as provided for in Article 1 of the International Covenant on Economic, Social and Cultural Rights.

In South Korea, the National Security Law continues to be used to imprison people for nonviolent political activities. This is a left-over regulation from the regimes of military dictators. It was often used to arrest, torture, and imprison people for anti-state activities that were as, "praising and benefiting" the enemy.

#### *Economic Rights*

Unemployment has been one of the most serious problems faced by the people of the region. China, with its market-based economy, has been expanding tremendously, especially along the eastern seaboard. The standard of living in this part of the country has improved, and yet, the majority people in other regions in China have not received equal benefits. Within the eastern seaboard, many export-oriented factories have poor working conditions, which contributed to the number of accidents. Workers are not properly compensated when they are injured.

In the Philippines, child labor continues to be a concern. It is said that there are more than half a million Filipino migrant women workers who are exported to Japan, Hong Kong, Taiwan, Singapore, Korea, and the Middle East as domestic laborers or entertainers. Many of these women often face underemployment as well as physical and sexual violence by their employers (Source: *Human Rights Watch*, December 9, 1999, p.1).

In 2003, North Korea continued to suffer from famine and malnutrition. Export oriented factories are virtually closed in this region. In recent years, North Korea began to allow commerce activities for individuals. However, the country cannot sustain its economy without international aid, particularly from South Korea.

#### *Social and Cultural Rights*

Aboriginal people in Taiwan have been encouraged to use their name, language, and traditional culture in recent years. As a result, many have begun to use their tribal language names. Such cultural adoption, however, has not been accompanied by a fair sharing of economic wealth. Unemployment among the aboriginal people is higher than the Taiwanese or Chinese.

Family violence and the divorce rate are rising sharply in China, Japan, Korea, and Taiwan as they enjoy new found wealth. Abandonment of disabled children and some female children continues to be a challenge, especially

in China. The problem is due to poverty and ignorance on the part of parents, who do not know how to deal with disabled children or would like to have a male child. A growing number of these “unwanted” children are living in social welfare institutions.

### *Religious Rights*

Religious freedom in countries of East Asia and the Pacific, although guaranteed by the constitution, either was honored or in practice sharply curtailed. China, for example, requires all religious organizations, including Christian churches, temples, and mosques, to register so as to be legally protected. In order to register a church or temple or mosque, the following conditions are required:

- a place of worship;
- a leader (priest, nun, minister, elder, or monk) of the church;
- members, a minimum of 30 to 50 persons; and
- finance and management of the building and religious activities.

Those religious groups that are not registered will not receive legal protection or face discrimination. There are cases, however, in which officials overstep the bounds of appropriate behavior. Furthermore, religious groups have varied in their willingness to comply with registration requirements made by civil authorities. Most Christian churches have registered and, in general, Christians prefer to witness to the love of God in Jesus Christ in a quiet manner that does not step out of line with government regulation.

In North Korea, freedom of religious practice is severely limited. There is one Catholic church, two Protestant churches, and a number of house churches in Pyongyang open for worship. A new theological seminary building was completed in Pyongyang in the fall of 2003, which was supported by the Presbyterian Church of Korea in South Korea. Twelve students are enrolled for study at the seminary.

Since 1945, Christians in North Korea have been labeled as vestiges of western imperialism and severely persecuted. Many Christians in the region fled to South Korea during the Korean War in 1950–53. During the 1970s, citizens in North Korea were allowed to worship at “house churches.” In the late 1980s, the Changchun Catholic church, the Bongsoo, and the Chilgol Protestant churches were built. It has been reported that there is currently more than 10,000 Christians with five hundred house churches in North Korea.

## EUROPE

### *Civil Rights—Russia and Belarus*

In 2003, serious challenges to the civil rights of some Russian citizens increased as the war in the Caucasus Republic of Chechnya continued, the spiral of terrorist attacks and responses escalated, and the government seemed unable to curtail increased incidents of racial attacks against minorities.

Since the war between Russian security forces and Muslim separatists in Chechnya reignited in 1999, the area of operations and the corresponding civil rights abuses have expanded. According to Human Rights Watch, “security” operations by pro-Moscow forces moved westward into the neighboring Republic of Ingushetia in 2003. Previously, Ingushetia was a place of refuge for Internally Displaced People (IDP) fleeing the violence in the cities and towns of Chechnya. Following a well-documented pattern, the security forces engaged in arbitrary arrest and detention, ill treatment, and looting of local citizens and IDPs. In an effort to create the appearance of normalcy in Chechnya, Russian officials placed renewed pressure on displaced people to leave their tent camps and relocate to their former communities.

Even as the standoff in Chechnya continued, high profile terrorist suicide bombings (reputedly by Chechens) greatly increased across the Russian Federation. Two bombings of military personnel in North Ossetia killed seventy people. Two attacks in Moscow (one at a rock concert and one in Central Moscow) killed twenty. Train bombings of civilian commuters killed at least forty in Southern Russia. In the spiraling cycle of violence, it is likely that the repressive search and seizure tactics of Russian security forces in and around Chechnya will only increase. No political resolution to this war is in sight.

Racial attacks against minorities in Russia, particularly in Moscow, continue unabated. The Task Force on Racial Attacks and Harassment of the Moscow Protestant Chaplaincy continues to document the hundreds of attacks on African, Asian, and Latin American students and refugees annually. The life-threatening beatings by skinheads and other racists almost uniformly go uninvestigated and unresolved by the Russian police. Official reports to the contrary, the fatal dormitory fire at Moscow's Friendship University, which killed forty-one students and injured another two hundred, is viewed by many students as an act of arson.

### *Political Rights—Russia and Belarus*

Twelve years have past since the end of the Union of Soviet Socialist Republics (USSR) and a movement toward democratic practices began in Russia. Events in 2003, however, did not represent steps forward, but rather steps backwards. In May 2003, the Kremlin succeeded in forcing the closure of the last independent TV channel to emerge in the 1990s. The further curb on media freedom ensured that the views of President Putin and his administration were the dominant views seen and heard by the public. Likewise, the parliamentary election of December was critiqued as a “regression in the democratic process” according to Organization for the Security and Cooperation election monitors. Viewed as “overwhelmingly distorted,” the election was flawed by the unfair use of the state-controlled media supporting candidates of President Putin's party and limiting exposure to challengers from other parties.

### *Religious Freedom*

#### *1. Russia and Belarus*

With six years of perspective, Russia's 1997 law on religion now looks less draconian than was first perceived. Church registration has generally proceeded without the dire consequences predicted by many, and wide-scale discrimination is not orchestrated on a national level. While low-level religious discrimination continues, it is largely undertaken based on the political agendas and personal loyalties of local politicians according to Forum 18, the Oslo, Norway, based religious freedom monitoring organization.

Unlike the communist period, the Russian Federation has no centralized state body dealing with religious policy affairs. Religious freedom concerns, therefore, are resolved in an “ad hoc” manner often left to government departments and/or regional administrations reports Forum 18.

This pattern of relative religious freedom in Russia stands in sharp contrast to the policies and practices in the neighboring state of Belarus. In November 2002, “the most repressive religious law in Europe” entered into force in Belarus (Keston News Service). Events of 2003 validated the initial assessment. Religious freedom is now restricted by multiple actions of the state: denial of state registration for some congregations; breaking up of home worship meetings; restrictions on religious events held in public; refusal of permission to build, purchase, or reclaim premises; and restrictions on the right of foreigners for religious work. As many as sixteen religious organizations are banned including Ahmadiyya Muslims, communities of the Full Gospel Church, and Hare Krishna, classified as destructive sects (Forum 18).

#### *2. Spain*

What follows are inserts from the report presented by Mariano Blazquez Burgo, executive secretary of the Spanish Federation of Evangelical Churches (FERDE), on May 8, 2001, to the Spanish government in Madrid Spain on “Religious Liberty and the Implementation of the Co-operation Agreement Between the Spanish State and the FERDE (Spanish Federation of Evangelical Churches).”

a. 6.1. Priority Interest Areas

(1) B. Approval of Transitory Legislation

The FEREDE requests to complete the Royal Decree 369/99 with transitory provisions similar to those applied to the Catholic Church, to rule the situation of the following persons:

- “Cult Ministers” older than 65 years with no right to a contributive retirement pension due to the past prohibition to contribute to the Social Insurance, and also the widows without right to widow’s pension for the same reasons.
- “Cult Ministers” who were more than 50 years old when the Royal Decree entered into force and, because of that, they could not satisfy the minimum qualifying period to enjoy the contributive retirement pension right.
- “Cult Ministers” affected for one of the legal conditions foreseen to receive the permanent sickness benefits and death benefits before the accomplishment of the minimum qualifying period, thus impeding the right of social benefits or his family (widow, orphans).
- We also ask for the recognition of the years of work of the Cult Ministers as contributed years in the same terms as for the catholic priests.

b. C. Social Insurance Book and Pensions

This issue affects a few numbers of pastors (or pastors’ widows), could not contribute to the Social Insurance, and who are now supported by their churches. Some of these people even do not have a “Health Record Book” because the Social Insurance considered that they have enough resources (the church donations).

Health Care assistance is needed for more than 100 evangelical pastors/widows who do not have any pension (because they were not able to contribute).

*A Special Report on the Roma People (Gypsies) in Europe*

(Note: The Roma People constitute the largest ethnic minority in Europe, with communities in every country on the continent. Most of them prefer to be called “Roma” instead of the often-pejorative term “gypsies,” which is used more commonly in the vernacular.)

1. Civil Rights

The Human Rights Update 2002–2003 reported that one of the most dramatic human rights discrepancies in Europe today is the situation of the Roma and gave a report about the situation (Source: A Special Report on the Roman People (Gypsies) in Europe in the Human Rights Update 2002–2003, [http://www.pcusa.org/oga/publications/human\\_rights02-03.pdf](http://www.pcusa.org/oga/publications/human_rights02-03.pdf)). Many Roma still experience various forms of discrimination and have been increasingly victimized by extreme-rightist groups not only in Eastern or Southeastern Europe, but in other parts of Europe as well. Issues related to Romani migration, asylum, and changes in migration laws within the Schengen Agreement were discussed among churches and nongovernmental organizations (NGOs) in 2003 like in the years before. A new situation will appear with new European Union (EU) members in May 2004. Some 5 million Roma are expected to become EU citizens when eight Central and Eastern European countries join the EU in 2004, to be followed by 4 million more when Romania and Bulgaria are admitted in 2007. In principle, workers will be able, after a transition of some years, to move anywhere in the EU and to seek employment. Many West Europeans fear that this impoverished, fast-growing population may become a source of mass migration and create a crime wave.

On the 12th General Assembly of the Conference of European Churches (CEC) in Trondheim (Norway) June/July 2003, the Churches’ Commission for Migrants in Europe (CCME) has organized two hearings: On Roma and the Nordic Churches and on Migration in Europe.

In the late 90s, the Nordic churches ... issued statements asking for forgiveness and engaged in diaconal and human rights work related to Roma issues. On various occasions, events were organised in cooperation with Roma organisations. Roma organisations from their side have tried to respond to the developments in the churches and an interesting process has developed. Yet statements from inside the Nordic churches show that many church members believe that reconciliation and healing of memories still has a long way to go ([www.cecassembly.no](http://www.cecassembly.no)).

The assembly proposed in its final report of the Policy Reference Committee the following:

12. That CEC scrutinize the ongoing legislative work of the European Union, in close contact with the member churches, as well as the implementation of the conventions of the Council of Europe, in particular concerning minorities such as the Sinti and Roma and the Sami people, and call upon the churches to work for the improvement of the status of these people. . . .

27. That work with migrants in Europe be strengthened through the integration of CEC and CCME, in order to protect the rights of migrants, refugees, and ethnic minorities. Special emphasis needs to be given to the protection and rehabilitation of victims of racism, new forms of slavery and trafficking, with particular consideration of women and children. Equally CEC should encourage the fight against the reasons for Migration (poverty, discrimination, racism, lack of economic development) in the homelands of the migrants and encourage the finding of ways to make it meaningful for people in poorer countries to stay there. ([www.cccassembly.no](http://www.cccassembly.no))

The Slovak government reacted to serious claims of alleged forced sterilization of Roma women in Slovakia as reported in an NGO paper entitled “Body and Soul” by launching a criminal investigation. Reacting to demands from both Slovak and foreign government and nongovernmental experts, the minister of the interior set up a special investigating team to ensure the impartiality and transparency of the investigation process. Besides other Eastern European countries, communication about new anti-discrimination policies have been introduced in Albania, Bulgaria, Russia, and Ukraine in roundtables of government institutions with Romany NGO.

## 2. Political Rights

Strategies to improve the living conditions of Roma lack any chance of success without participation and support by the Roma themselves. There is an increasing number of Roma NGOs and a growing culture of lobbying and cooperation. However, Roma still are largely underrepresented in national and most of local parliaments.

On the European level, a new European Roma Information Office started operating in Brussels in March 2003. The office will act as a lobby organization and connecting point between the Roma grassroots organizations and the international organizations such as the Council of Europe (CE), Organization for Security and Cooperation in Europe (OSCE), and NGOs like the European Roma Rights Center (ERRC), etc. Another transeuropean organization, the European Roma Information Office (ERIO), aims at intensifying the political discussion on Roma by providing factual and in-depth information as well as promoting Roma rights in the whole European society.

In local elections in Bulgaria in 2003, the Roma political parties and coalitions were victorious in achieving participation of Roma in the local government. There was more than a 60 percent increase in this area (a total of 164 Roma deputies compared with 100 at the last local election). On the other hand, for the first time after democratic changes in these local elections, anti-Roma suggestions were used as a weapon in the pre-election campaign (Source: Human Rights Project in Sofia, Bulgaria).

Research shows that Roma, particularly in countries emerging from the dissolution of large federations such as the former Yugoslavia, the Soviet Union, and Czechoslovakia, are still affected by a lack of personal documents. Many Roma are unable to access citizenship and are barred in practice from registering to vote, to reside, and to access rights to employment, education, health care, and social benefits ([www.errc.org](http://www.errc.org)).

The situation of the Roma refugees on the border between Macedonia and Greece has been heated up in 2003. Thousands of Kosovo Roma refugees that fled their homes when the Albanian refugees had returned after the end of NATO’s bombing campaign in 1999 have been living as “protected persons” in Macedonia without enjoying refugee status or permit to work, and without a right to vote in Macedonia. A group of some 700 Roma living in a refugee camp near the Greek-Macedonian Boarder has described their situation:

On May 19, 2003, we ... came to the Medzitlija border crossing with Greece. We have been on the Macedonian side of the Greek-Macedonian border since then, unable to cross the border and seek asylum in the European Union. Our homes are in Kosovo, but many of these have been burnt to the ground or otherwise destroyed. ...Kosovo remains dangerous for us and we are aware that the lack of safety for Roma, Ashkaelia, and Egyptians has been broadly acknowledged by competent international bodies. The Macedonian government has invited us to apply for refugee status in Macedonia and has threatened that those of us who do not do so may be expelled to Serbia and Montenegro. We are aware of Roma who have applied for refugee status in Macedonia and who have subsequently been detained by Macedonian police and expelled to Kosovo, and we know that last week a Romani man from Kosovo

who requested refugee status in Macedonia was rejected by the Macedonian High Court. (Petition by Kosovo Roma in Macedonia to European Commission President Romano Prodi and to Prime Ministers of European Union Member States forwarded by European Roma Rights Center, [www.errc.org](http://www.errc.org))

### 3. *Economic Rights*

The United Nations Development Programme (UNDP) has issued a detailed report on the social economic situation of Roma Hungary, the Czech Republic, Slovakia, Bulgaria, and Romania. According to its findings, most of the Roma, especially the youth, are said to lack the skills and education needed to make a living wage. Only 20 percent of Roma were found formally employed, while another 20 percent worked in the shadow economy. But in some countries, up to 70 percent of Roma households live on state welfare. The European Union (EU) has so far spent almost 70 million to help the Roma. The UNDP report asserts:

Human Development seeks to assess development levels of groups or communities according to a broader set of criteria. . . . The application of the human development paradigm to marginalized minorities is a new framework for Roma issues and includes a focus on human rights. This is particularly relevant as the survey revealed that the Roma understand “human rights” as being inseparably linked with access to jobs and education. An approach that emphasizes the centrality of human rights while expanding the debate to larger developmental issues, responds to one of the Roman minority’s greatest concerns about existing opportunities and choices (UNDP “Avoiding the Dependency Trap—A Human Development Report on the Roma Minority in Central and Eastern Europe”).

Supported by the Hungarian government, George Soros, and World Bank President James D. Wolfensohn, have been launching what they called a “decade of the Roma” between 2005–2015, with a conference, “Roma in Expanding Europe: Challenges for the Future,” which was held in Budapest on June 30–July 2, 2003, and characterized as the first time that the plight of the Roma was receiving high-level, integrated attention across Europe. Attended by European Union leaders, the premiers of Romania, Bulgaria, Macedonia, and Montenegro, and top officials from the Czech Republic, Slovakia, Serbia, and Croatia, the conference was intended to focus European attention on the chronic problems of discrimination and poverty faced by Roma (<http://www.worldbank.org/romaconference>).

### 4. *Social and Cultural Rights*

In the five countries covered in the United Nations Development Programme (UNDP) report cited above, one out of three Roma children failed to complete elementary school. The report calls for free textbooks and hot meals in schools for Roma children, affirmative action by local governments, and the development of incentive programs for employment.

A World Bank’s report on Roma and findings of other bodies, such as the Council of Europe (CE) and the Organization for Security and Cooperation in Europe (OSCE), are warning that Romany children face serious discrimination in education, which leads to unemployment and a life mired in poverty.

Romany leaders at the World Bank conference in Budapest considered most urgent education, employment, and housing issues. The leaders specified the kind of education they seek as follow:

- obligatory and free preschool in desegregated classrooms;
- Romany assistants in the classroom;
- antibias training for teachers and school administrators; and
- inclusion of Romany parents in school-based decision-making.

The World Bank pledged to support the Roma initiative with a special education fund. Anna Diamantopoulou, the EU’s commissioner for employment and social affairs, warned Roma in her speech at the Budapest conference that traditions that breach human rights would not be tolerated in the EU. “When fundamental human rights and certain traditions collide, it is the traditions that must change,” The practices in question include arranged marriages of teenagers, bride-selling, and keeping children away from school ([www.errc.org](http://www.errc.org)).

In Hungary, a survey was developed to inquire about the possible social acceptance of the Roma integration program in schools. The program was to be launched in September 2003 by the ministry of education with the ambition to incite schools to introduce integration programs into their curriculum by allocating to them a normative per capita financial support under the condition that they accept to realize at least one integration program. According to the survey, 44 percent of the interviewed citizens, 48 percent of the teachers, and 38 percent of the parents share the view that an integrative school system is far more favorable for Roma children. The vast majority of the citizens think that with the help of appropriate pedagogical methods, Roma children are capable of performing remarkably well in their studies. Two thirds of the parents questioned would not object to enroll their children to schools attended also by Roma pupils (Source: Office for National and Ethnic Minorities, Budapest, Hungary, May 2003).

### 5. *Religious Rights*

Several churches, ecumenical bodies, and faith-based organizations in Central and Eastern Europe support the process of bridge building between Roma and non-Roma. The mission department of the Hungarian Reformed Church in Hungary has a new position for Roma mission that works in close connection with an educational program of the Hungarian government. The Reformed Church of Transcarpathia, Ukraine, has decided to support a Center for Roma Mission by allocating a building complex.

The Ecumenical Council of the Slovak churches has started a program for Roma projects of local congregations in Eastern and Central Slovakia. The Czech Ecumenical Council has an ecumenical Roma committee that prepared its second Roma conferences of different Roma denominations in the Czech Republic.

The European Diaconal Year Network (EDYN) has set up a program for youth exchange in relationship with Roma communities, which had its first attendees in Transcarpathia and Hungary and is preparing programs in Slovakia and the Czech Republic. In the vision of the new 2003–2005 strategy, the Ecumenical Association in Romania continues to pay attention to the situation of Roma in Romania. The General Assembly of AIDRom, in June 2002, had decided the establishment of the special department “Roma Outreach and Minorities” having the following objectives:

- Advancing religious minorities rights in relationships with state authorities.
- Facilitating and supporting initiatives and programs for the alleviation of child labor within Roma communities.
- Improving school reintegration/integration of Roma children and youth.

### THE MIDDLE EAST

The practice of justice, peace, and human rights has suffered a setback in the past few years, especially since the events of September 11, 2001. It was then that major powers began to apply many pressures on the governing regimes of the Third World, especially those of the Arab world, limiting the freedoms of these states. Therefore, and for a variety of other reasons, oppression increased in the region. As a consequence, the misery factor has increased on a broad scale, and the hope for a life of justice and peace has been all but occluded.

One quick perusal of the reports of Arab and international human rights organizations reveals that the human rights of the individual Arab citizen today are in a sorry state indeed. An attempt to look into the Arab States’ protection of their citizen’s civil and political rights as enunciated and standardized by the International Covenant on Civil and Political Rights (ICCPR—16 Dec 1966), reveals the immensity of the task and necessitated, however, its limitation to the Arab constitutional guarantees with ICCPR’s standards. Part of the reason for this further limitation is that it quickly became evident that a theoretical look at Arab constitutional guarantees alone is deceptive; one cannot understand the status of rights without at least a brief look at the operation of those guarantees and their implementation within States.

### *Civil and Political Rights*

Most of the Arab states, with the exception of Lebanon and Algeria, continue to suffer from the president/king-for-life syndrome. Tunisia arrived to abolish the president for life provision in its constitution. The regimes of many Arab countries came to power through a coup d'état. The threat of further coups d'état are ever present, and whenever such attempts are uncovered, they result in mass trials, executions, and purges in the army and government. Serious armed opposition and periodic insurrections are occurring, to varying degrees of intensity and duration, in Algeria, Djibouti, Egypt, Iraq, Lebanon, Mauritania, Sudan, Syria, and Tunisia—not to mention the recent situation in Iraq and the resultant multinational war that will redraw the political map of the region. Situations of such extreme instability make difficult a normal and proper functioning of the institutions of government or a rigorous implementation of constitutional principles and human rights guarantees.

All but one of the Arab States, irrespective to their political systems, now have constitutions or basic laws that define in varying degrees of details their fundamental aims, the principles and systems of governmental organizations, as well as the rights, liberties, and duties of their citizenry. Most human rights and fundamental freedoms, with few notable exceptions, are protected in Arab constitutions. One illustrative example: all Arab constitutions guarantee freedom of expression, in one simple phrase and with rare elaboration of the scope of that freedom. They all condition this freedom and regulate it by law, using a variety of formulae. Thus we find that in most constitutions, the freedom of expression is guaranteed “within the limits of the law,” “in accordance with the law.” The Arab constitutional provisions contain none of the restrictions allowed for by Article 19 (3.) of the United Nations International Covenant on Civil and Political Rights, which states that freedom of expression is a right that “carries with it special duties and responsibilities.” The article proceeds to allow for certain restrictions, but those shall only be such as are provided by law and are necessary:

(i) For respect of the rights and reputations of others; and

(ii) For the protection of national security or of public order (ordre public), or of public health or morals (Source: The United Nations International Covenant on Civil and Political Rights—<http://www.hrweb.org/legal/cpr.html>).

Rather, the limitations they impose seem to focus more on the broader concepts of “special duties and responsibilities” in the exercise of that freedom. For example, Article 38 of the Syrian Constitution, while providing for every citizen’s right to “freely and openly express his view in words, in writing, and through all the other means of expression,” states that: constructive criticism (is to be conducted in a manner) that will safeguard the soundness of the domestic and nationalist structure and will strengthen the socialist system.

A deep study of civil and political rights, as standardized in the ICCPR and guaranteed in Arab constitutions, reveals that in principle, the Arab States have indeed accepted and recognized most of those rights, evidenced by their inclusion in the constitutions. The standard and degree of protection of rights, however, leaves a lot to be desired. There is a lack of clarity in the language used, which tends to be rather broad and elastic, making it overly prone to subjective interpretations. Furthermore, the standard practice in all of those constitutions is to defer the regulation of the substantive content of those rights to the law, thus allowing the legislative and executive authorities a great leeway in interpreting the constitutional provisions at will. In general, one can say with some confidence that the guarantees and protection of human rights in any one Arab State’s constitution and in practice are inversely proportional to the proximity of those rights to the political life of that country; the more the exercise of those freedoms and rights is perceived to be political, the less guaranteed and protected those rights are. The preponderance of excessive executive power in most of the Arab countries puts human rights at severe risk. The presidents, kings, and emirs of the Arab world, conscious of their tenuous hold on power, have sought—and succeeded—to institutionalize that power in the constitutional, legislative, and even the judicial machinery of their countries.

#### *1. Obstacles and Challenges to the Implementation of Human Rights in the Region*

Colleagues working with the Presbyterian Church (U.S.A.)’s partner churches in the Middle East reported that they have experienced the following obstacles in this region.

- Authoritarian patterns in relationships in the Middle East where authority and power are confused. Authoritarianism prevails in the family, in the schools, and in all social institutions, clouding the ethical perception of rights and duties.

- Another obstacle is represented in educational methods and pedagogical culture. Students are subjected to rote learning and not taught to think for themselves. It results in a kind of brain washing that is particularly felt in the Palestinian context. Middle Eastern society is often bedeviled by cultural practices that cloak serious things in silence and conceal them. The barrier of silence is a serious obstacle to analyzing and addressing the practice of human rights in the region.

- In addition to globalizing pressures, internal factors also contribute to an increasing sense of alienation in Arab society. Official or semi-official suppression of human rights as well as the tendency of religious discourse to focus upon otherworldly matters constitute obstacles in building people's awareness of their rights, and it contributes to a sense of internal alienation and despair.

Human rights are also obstructed by the violence that grows out of poverty. Illiteracy is increasing and fanaticism is growing as byproducts among those who feel deprived and marginalized by power structures and deteriorating economic conditions.

There are seven main obstacles to the implementation of human rights in the Arab region:

- Authoritarian patterns in relationships. In current Arab practices, there is no distinction between authority, which has a social function and is subject to restraints and criteria, and power that may become authoritarian. In the family, schools, and intermediary bodies in society, the authoritarianism trend prevails over rights and duties. For example, a field study concluded that a classroom representative may develop authoritarian and subjection relations because of lack of follow up. It also presented cases of behavior in family relationships. One of the deliberations mentioned that there is no problem for the person in authority if the case that is presented does not constitute a threat or loss for him in his position of authority.

- Alienation in teaching methods. This is seen, in particular, in Palestine where students are exposed to brain washing and a policy of "Jewishisation" and in absence of organized, structural equality.

- Barrier of silence and concealment. Cases related to human rights are often presented as individual cases that are dealt with according to our priorities or overlooked by a barrier of silence (Janane Abdu).

- A feeling of alienation. The following question was posed: What has happened to the Egyptian personality? Negative changes that are taking place in issues of religious freedom and defending them increase our feeling of alienation. The religious discourse, as well as religious institutions, increase this feeling of alienation when partnership and commitment are not adopted and practiced (Maged Yanni).

- Violence related to poverty. Manifestations of violence that are attributed to poverty, deprivation, and illiteracy were emphasized.

- Fatalist traditions. These traditions are given religion as justifications, which contradict citizenship and development. Moreover, they express lack of citizen power and self-confidence in general. It was also noticed that human rights activists are sometimes alienated from employees, doctors, engineers, and the different professional sectors that constitute the foundation for these rights.

Therefore, human rights culture is not confined to the legal media and to introducing people to human rights, but it includes the values of human rights in the social infrastructures. Confining human rights culture to the formal legal aspect gives human rights an individualistic, contractual character whereas human relations are not all of a contractual character in the legal sense. Family and professional relationships and economic and social rights require sacrifices for the public good (interest). In general, every value, such as equality, that is separated from the general system of values will deviate from its goal. Equality in family relationships will lose its meaning if it is separated from the need to sacrifice for the interest of one member in the family, who is in need of special

care. This requires continual work to support the rights of the individual who is nonexistent in the current culture, and harmony between individual and group rights. The great challenge in the Arab region lies in avoiding drifting into a mere contractual ideology in the human rights culture, which leads to splitting of social relations. This is similar to what happens in societies where human rights have developed because of these relations.

## *2. Potential and Capabilities of the Church and Religious Institutions*

The church and religious institutions in general, whether Christian or Muslim, have a distinctive position and role in promoting human rights culture for three main reasons:

- Behavioral and spiritual dimension: Values contained in the holy books: A behavioral dimension and a spiritual direction. Sometimes, they correct the course of human rights culture in case it deviates from its goals, especially the human rights charter of 1948 states clearly the integration between civil, political, social, and economic rights. Consequently, it calls for harmony between rights of the individuals and collective rights.
- Courage and struggle. Courage has become less, due to the predominance of interests over principles. Religious bodies seem to be convenient with the authorities in violating human rights. “We want a striving church” and we need to readopt the gospel of the poor and the suppressed in a more comprehensive way, and to reconsider resisting injustice. In this context, it was mentioned that Jesus was a revolutionary.
- Material and human potential. Religious institutions, and organizations related to them, are able to provide a framework for the efforts of educational and media institutions in Lebanon. In addition, the support and defense that religious bodies give to human rights provide social legitimacy to them and help activists when the political authority tries to restrain their activities. Moreover, the church has an effective role in defending victims of injustice. This role has not been understood and introduced in the Arab civilization.

## *3. Identifying Needs*

Primary needs related to human rights culture include the following.

- The legal media. There is a need to make legislation and laws available to people, emphasizing not only situational rights but means of defending and implementing them also through public departments and the judiciary system.
- Expanding the scope of human rights culture. Human rights culture includes different sectors of society; consequently, it must not be confined to specialized centers. This includes educating women socially and legally; renewing jurisprudence; combating generalization and absolutism; clarifying concepts, especially those related to honor; organizing workshops to learn and teach; removing negative images about women from school text books and educational agencies; and renewing legislation and monitoring laws that are contrary to human rights.
- Production of authentic materials. Emphasis has been given to the need to collect and write counseling materials, to document distinguished production in the Arab countries, and to produce a handbook that contains selected material suitable for training and educational sessions. These materials are not restricted to the legal media, but they include arts and literature, i.e. reaching through the law only. The historical context of the law must be highlighted as a means to protect individuals and religion from political domination. From a historical point of view, human rights were established to protect man from political and religious domination.

Emphasis was also given to the need to rewrite the Arab civilization and history, with human rights as its starting point, instead of dictating the history of submission, eulogy, and satire as distinctive qualities of Arab civilization to more than one hundred million Arabs.

Human rights culture, on the other hand, includes the spirit of justice, commitment, and resisting fear and a system of values.

- Commitment of conflicts. It was emphasized that conflicts are not negative, but a factor of change in developed societies on conditions that regulation and criteria are available to resolve conflicts. The more developed societies are, the more complicated they are, the more competition they have, and the more interests are intertwined. There is a need to avoid the reconciliatory aspect in training people to resolve conflicts; otherwise, human rights become a mere business exchange. There are means to contain conflicts, based on forgiveness, sacrifice, tolerance, friendship, and love.

In Lebanon, there is excessiveness in compromise in all cases in such a way that everything becomes infected with sickness on account of the public interest. Training and educating people to resolve conflicts is therefore educating them in criteria and regulations. The two prominent factors in producing violence are:

a. *Injustice*. There is a need to be committed to resisting injustice by nonviolent means. In case of resorting to violence in extreme cases, cost and benefits should be taken into consideration.

b. *Suppression*. It springs from lack of dialogue and mechanisms of expression and listening. Suppression builds up with time. Then it explodes after a few years or a period of time with all what was accumulated at home, in the school, university, and public life.

- Harmony and complementarities between religion and human rights. Avoiding religion or presenting it as contradictory to human rights will not be of benefit to these rights. What kind of religion is it that contradicts the universal principles of human rights? How can rights be human if they are contradictory to religion? In the West, a process of harmony and complementarities took place, but it has not been completed in the Arab countries. The subject is more often cultural rather than religious. It was mentioned that religion benefits by being reconciled to human rights. For example, Islam has a negative image in the West because of fanatic trends. In Christianity also, young people run away from religion when religious bodies do not play an effective role in defending victims of injustice.

Religion is able to meet the needs of future generations that are looking not only for rights, but also for meaning. The French ex-minister of Education and Higher learning published a book entitled *The Right to Meaning*.

#### 4. *Extrajudicial Executions/Unlawful Killings*

In Egypt, at least thirty-two prisoners of conscience were sentenced to prison terms of up to seven years. Legal restrictions and government controls continued to limit the activities of political parties, nongovernmental organizations (NGOs) professional associations and trade unions

Between October 20th and 24th, 2003, twenty-two people were arrested in Egypt in connection with identity cards being illegally changed to reflect conversion from Islam to Christianity. Of these, twenty have been released on bail, one died of illness, and one remains in detention, namely Mariam Girgis Makar who was remanded in custody on November 20th for a further fifteen days. She is being held in Cairo, 200kms from her home in Alexandria. She has two young daughters.

The arrests began on October 20, 2003, when Yousef Samuel Makari and his wife, Mariam Girgis Makar, were arrested. They were transferred to Cairo and interrogated, a process that included torture and sexual abuse. Over the next three days, twenty more people were arrested in connection with the same allegations. All were beaten.

These arrests center on the issue of identity cards stating a person's religion. The Egyptian Constitution allows freedom of religion, and there are no laws that make conversion from Islam a crime. However, while converts to Islam can get their identity cards changed within twenty-four hours, converts from Islam cannot get changed documents. This leads to some people changing their papers illegally.

Makar is accused of both illegally changing her own papers and assisting others to do likewise. The other people arrested are accused of either illegally changing their papers or of assisting others to do so. Some are

converts to Christianity from Islam, the others are either Christians or civil servants accused of assisting converts to illegally change their identity cards. Fathr, who died, was a Muslim civil servant accused of accepting bribes to illegally change identity cards.

Maker and her husband converted to Christianity several years ago and have been living openly as Christians in Alexandria ever since. They have two young daughters. The couple changed their names when they converted, their original names being Mohamed Ahmed Imam Kordy and Sahar ElSayed Abdel Ghany. It is normal in Egypt for married ladies not to adopt their husband's surname.

### *Economic, Social, and Cultural Rights*

The separation that existed for a long time between civil and political rights and social rights often resulted in conflicting interests as what comes first. Since the fall of the Berlin wall, the realization is growing that both sets of rights are so interrelated and interdependent that they cannot be put in a priority order. At the same time, another conflict of interest became prominent: economic globalization versus human rights. This conflict of interest is reflected in the changing balance of power of the world institutions that govern these interests. In the past ten years, the Bretton Wood Institutes, World Bank, International Monetary Fund, and the World Trade Organization have gained considerable power while the power of the United Nations (UN) system that overlooks human rights, has been weakened. Significantly the first cluster representing the economic power is a closed and undemocratic bloc while the UN-System is its opposite being open and democratic.

With regard to development, Arab countries have not developed as quickly or as fully as other comparable regions. In all sectors, the Arab world is "richer than developed." As a result, despite the existing resources, the economic and social rights of the people in the region are not respected: most people face poor access to education, to water, to health, and to labor. This reality shows that major challenges facing the region are linked to peace and development. In fact, development is indivisible from the promotion and respect of human rights and democracy.

Women's rights are of great importance in the Arab countries, since one of the three main deficits that hinder development in the Arab world is the status of women according to the United Nations Development Programme report 2003 (see [http://hdr.undp.org/reports/view\\_reports.cfm?region=ABS&regionname=ARAB%20STATES](http://hdr.undp.org/reports/view_reports.cfm?region=ABS&regionname=ARAB%20STATES)). Due to the widespread discrimination and violence against them, women are the first to be negatively affected by the disregard of human rights, the lack of democracy and underdevelopment in the region. Further, in order to achieve peace and security in the region, it must be kept in mind that there can be no democracy without the full and equal participation of women, and no human rights without women's rights. Women in the developing countries have many fewer job opportunities: the employment participation rates of women are on average only 50 percent those of men, and amounts to 16 percent in Arab States. Wage discrimination is also a feature in all countries. Women who are not in paid employment tend to work much longer hours than men. These women also have a shorter life expectancy.

In every country, all institutions—whether social, legal, political, economic, or the media—are permeated with values that discriminate against women and legitimize and institutionalize social placements on the basis of gender. The question of gender is normally ignored in the development of policies or programs for dealing with economic, social, and cultural issues.

### *Religious Rights*

Human rights are universal in their principles for two reasons:

- First, because of the unity of human nature regardless of the diversity of races, individuals, and groups.
- Second, they are universal because of the unity of fundamental human values regardless of the diversity of religions, civilizations, and cultures.

Religions experience contradictions and confusion in practice or are exploited for political gain in spite of their belief in One God. Religious values and heritage have enriched the establishment and spread of human rights. Today, religious principles support or refute attitudes and practices related to human rights.

A lot of research has been done in the West about the crisis of secularism, the different ways of organizing the relationship between religion and politics, religions without borders, the struggle of civilizations, sects, and managing cultural diversity (including its religious components). Religious diversity may be a source of interaction and enrichment or a source of conflicts and violation of the principles of human rights.

Religions in the Middle East suffer a crisis in dialogue, in which historical, social, and cultural elements mingle. Religion is used to justify fanaticism or deep social traditions and authoritarian practice. Sometimes, religion is used to stop the ratification of international legislation regarding human rights.

We frequently forget that atheistic trends in modern history such as Fascism, Nazism, and Communism were a source for violating human rights. These trends do not give a human being an absolute, subjective value grounded in the image of God; rather the individual is considered a producer or an effective member in a political group.

### *Special Report on Israel and Palestine*

September 28, 2003, marked the third anniversary of what has become known as the Al Aqsa Intifada. The year was permeated with violence—Palestinian suicide bombings coupled with Israeli air strikes, targeted killings and incursions into Palestinians cities and towns, leaving more than 2,660 Palestinians and 825 Israelis dead and thousands more seriously injured on both sides.

May 2003 witnessed the unveiling of the so-called “road map,” which sets out provisions for the creation of a Palestinian state by 2005. The “road map,” a “performance-based and goal-driven” plan drafted by the United States, the United Nations, the European Union, and Russia (the “Quartet”), envisages a three-phased process and a set of goals that include the establishment of a Palestinian state, an end to Palestinian violence and Israeli occupation, and a final resolution to the conflict. But the roadmap repeats the failure of previous Israeli-Palestinian agreements to address basic human rights and international humanitarian law protections. Instead, all parties let abuses proliferate to the point where they fatally damaged the entire negotiating process.

“Every serious effort at conflict resolution has a human rights component,” said Hanny Megally, executive director of the Middle East and North Africa division of Human Rights Watch. “There’s no reason why the Israeli-Palestinian conflict should be any different” (Source: Human Rights Watch 2003, <http://www.hrw.org/press/2003/06/isrlpa060303.htm>).

Following a deadly attack on an American diplomatic convoy in Gaza in mid October 2003 that left three American security guards dead, the United States once again distanced itself from any real engagement “on the ground.” Senior American officials ceased visiting the region, and the American envoy, John Wolf, whose posting in Jerusalem signaled the promoting of the road map, failed to return to the region from an extensive home leave.

Mid October 2003 also saw the unveiling of a peace proposal that members of the Israeli leftist opposition and Palestinian officials have been working on for the past two-and-a-half years. The initiative was spearheaded by Oslo architect Yossi Beilin on the Israeli side and former minister Yasser Abed Rabbo for the Palestinians.

The plan, dubbed the “Geneva Accord” in tribute to the funding and support supplied by the Swiss Foreign Ministry, offers itself as a decisive solution to the Israeli-Palestinian conflict, based on the plan drawn up by former U.S. President Bill Clinton after the breakdown in the July 2000 talks between former Prime Minister Ehud Barak and Yasser Arafat. At the heart of the proposal is a Palestinian concession on the right of return to lands within the State of Israel, in exchange for sovereignty over the Temple Mount. The plan also calls for an Israeli withdrawal from most of the West Bank and the entire Gaza Strip. The proposal was met with furious disapproval by the Sharon government, which accused Israelis involved in the initiative of trying to act in place of a democratically elected government (Source: [www.haaretzdaily.com](http://www.haaretzdaily.com) “Geneva Accord,”

<http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=349832&contrassID=2&subContrassID=1&sbSubContrassID=0&listSrc=Y>).

In mid November 2003, four former Israeli-security chiefs launched a scathing attack on the Israeli government's handling of the peace process with the Palestinians, and called on Israel to withdraw from the Gaza Strip and dismantle Jewish settlements or face "disaster." Karmi Gilon, who led the Shin Bet between 1995 and 1996, said the Israeli government's strategy for handling the Palestinian uprising was shortsighted. "It is dealing solely with the question of how to prevent the next terrorist attack," he said. "It ignores the question of how we get out of the mess we find ourselves in today."

Avraham Shalom, who headed the service from 1980 to 1986 said Israel was heading for disaster if "we do not recognize once and for all that there is another people which is suffering and towards which we are behaving shamefully" (Source: [http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/middle\\_east](http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/middle_east)).

The restrictions on movement that Israel has imposed on the Palestinian population in the Occupied Territories since the outbreak of the current intifada (September 28, 2000) are unprecedented in the history of the Israeli occupation in their scope, time, and severity of damage they cause to the three million Palestinians. In the past, Israel imposed a comprehensive closure on the Occupied Territories or a curfew on a specific town or village to restrict Palestinian freedom of movement; however, it never imposed sweeping and prolonged restrictions comparable to those currently in practice.

Israel employs three types of collective restrictions on movement: closure, siege, and curfew.

- **Closure**—total prohibition on Palestinian residents of the Occupied Territories to enter Israel unless they have a special permit. Since October 2000, Israel has issued almost no entry permits. In exceptional cases, or during the occasional easing of the closure, a few thousand Palestinians laborers are allowed to enter Israel. Palestinians who stay in Israel without a permit are subject to expulsion back to the Occupied Territories, incarceration, or a fine (Source: [http://www.btselem.org/english/Freedom\\_of\\_Movement/Closure.asp](http://www.btselem.org/english/Freedom_of_Movement/Closure.asp)).

- **Siege**—blocking of the access roads to certain towns and villages by means of staffed checkpoints or concrete blocks, dirt piles, or deep trenches. Since October 2000, most of the Palestinian communities in the West Bank have been closed off in this manner, and their residents severed from the outside world. (Source: [http://www.btselem.org/english/Freedom\\_of\\_Movement/Siege.asp](http://www.btselem.org/english/Freedom_of_Movement/Siege.asp))

- **Curfew**—the most extreme restriction on movement. During curfew, the residents are completely prohibited from leaving their homes. Since the beginning of "Operation Determined Path," on June 18, 2002, curfew has been routine for hundreds of thousands of Palestinians. (Source: [http://www.btselem.org/english/Freedom\\_of\\_Movement/Curfew.asp](http://www.btselem.org/english/Freedom_of_Movement/Curfew.asp))

Israel's policy applies only to Palestinians and thus constitutes flagrant discrimination based on nationality. Jewish residents are allowed to enter and exit the settlements freely. Furthermore, more than once the IDF has expressly admitted that the restrictions on freedom of movement of the Palestinian population is intended to ensure the free movement of Jews along roads in the Occupied Territories.

As occupier, Israel is responsible for the safety and well-being of the civilian population under occupation. In practice, the harsh restrictions on movement lead to appalling and even lethal consequences.

The right to freedom of movement is enshrined in international law. The extensive restrictions imposed by Israel in the name of "security needs" prevent the Palestinians from living a normal life and also endanger their lives. Israel is entitled to defend itself by various means, including restrictions on movement. However, the sweeping nature of the restrictions indicate that Israel has deliberately chosen to prevent the Palestinians from living a normal life. As currently employed, the restrictions on movement constitute collective punishment, which is prohibited by both Israeli and international law (Source: B'Tselem—The Israeli Information Center for Human Rights in the Occupied Territories [[www.btselem.org](http://www.btselem.org)]).

## 1. *Israel's Separation Wall*

On April 14, 2002, the Israeli cabinet announced that “fences and other physical obstacles” were to be constructed to prevent Palestinians crossing into Israel. The government announcement, made during Israel’s “Operation Defensive Shield” campaign launched after a spate of suicide attacks against Israeli civilians, said the “buffer zones” were to be created in three areas along the Green Line, the post-1948 demarcation line between Israel and the West Bank.

The “fences” mentioned in that announcement have since become known as the separation barrier, made up of multiple obstacles that will wind through the northern and southern West Bank as well as East Jerusalem. Israeli officials refer to the barrier as the “seam zone.”

Although many public commentators liken the barrier to the fence surrounding the Gaza Strip, the two are not alike. Most important, the separation barrier does not follow the Green Line that divides Israel from the occupied West Bank. The barrier’s division of Palestinian land is what contributes to its harmful humanitarian impact on the Palestinian population.

The first phase of the separation barrier was completed at the end of July 2003. It winds approximately 108 miles through the northwestern West Bank. It has resulted in the confiscation of some 2,850 acres of land and carved off some 2 percent of the total area of the West Bank. Two more phases are under construction: one in the northeast of the West Bank, and another in the region of East Jerusalem and Bethlehem. The route of a fourth phase is still under negotiation. Depending on the barrier’s final route, the cost of construction is estimated at up to 1.3 billion dollars.

Although the barrier’s exact elements differ according to location and topography, its core is an electrified fence, 10 feet high, equipped with surveillance cameras and other sensors. It is flanked on either side by six-foot-tall barbed-wire pyramids. Other obstacles include a trench six to eight feet in depth, a military patrol road, and a dirt path to record footprints. The barrier’s total width ranges from 60 to 100 yards.

In at least two locations, Qalqilya and Tulkarem, the barrier takes the shape of a twenty-six-foot-high concrete wall with embedded guard and surveillance towers. As is common in other locations throughout the West Bank and Gaza Strip, Israeli officials have informed local residents that all movement in the area fifty to eighty yards adjacent to the barrier will be forbidden. Passage through the barrier will be arranged via gates and larger terminals, although the Israeli authorities have yet to specify the basis on which people will be allowed to cross.

In addition to the separation barrier, Israeli planning maps specify the creation of three “depth barriers,” presumably deep trenches to prevent vehicular traffic, in Jenin and Tulkarem governorates. These are to be built significantly further into the West Bank than the separation barrier’s first phase. (Source: Human Rights Watch [www.hrw.org/press/2003/10/israel100103.htm](http://www.hrw.org/press/2003/10/israel100103.htm).)

In a letter to U.S. President George W. Bush, Human Rights Watch said the barrier’s path and operating arrangements violate the freedom of movement of Palestinians, endangering their access to food, water, education, and medical services. With every mile the barrier cuts into the West Bank, towns, villages, and residents become separated from their lands, crops, services, water, and jobs.

According to the World Bank, some 150,000 Palestinians will be harmed by the first phase of the barrier, which has already been completed. Other phases were likely to affect at least 150,000 more. “Even in its first phase, the barrier is taking a terrible toll on tens of thousands of people,” said Joe Stork, acting executive director of the Middle East and North Africa division of Human Rights Watch. “President Bush should ensure that the U.S. government does its utmost to prevent these serious violations of international law. Deducting the barrier’s cost from the loan guarantees is an obvious place to start” (Source: Human Rights Watch. <http://www.hrw.org/press/2003/10/israel100103.htm>).

Amnesty International added its voice to worldwide protests (starting Sunday, November 9, 2003) against Israel’s construction of the fence/wall in the Occupied West Bank. The organization called on the Israeli

authorities to stop the construction of the fence/wall in the West Bank that is affecting the lives of hundreds of thousands of Palestinians. “This fence/wall is having devastating economic and social consequences on the daily lives of hundreds of thousands of Palestinians, separating families and communities from each other and from their land and water—their most crucial assets,” said Amnesty International.

Israel is continuing the construction of the fence/wall, with the second phase running even more deeply than the first phase into the West Bank, cutting off many more thousands of Palestinians from their land and/or from essential services in nearby villages/towns, and further restricting the movements of all Palestinians in these areas.

The Israeli authorities’ claim that the fence/wall is being constructed to prevent potential Palestinian attackers from entering Israel to carry out suicide bombings and other attacks is not borne out by the reality on the ground. The fence/wall is not being constructed on the Green Line separating Israel from the West Bank, but mostly on Palestinian land several kilometers inside the West Bank, in order to isolate Palestinians away from Israeli settlements illegally built in the Occupied Territories.

“The construction of this fence/wall in its current location must be halted immediately,” said Amnesty International. “As the fence/wall continues to snake through Palestinian land, more and more Palestinians find themselves trapped into enclaves and cantons, unable to have any semblance of a normal life.”

“Israel has the right to take reasonable, necessary and proportionate measures to protect the security of its citizens and its borders. These include measures to prevent the entry into Israel of Palestinians or others who are reasonably suspected of intending to carry out suicide bombings or other attacks,” Amnesty International said.

“However, Israel does not have a right to unlawfully destroy or confiscate Palestinian land and property and hinder the movements of Palestinians inside the Occupied Territories in order to consolidate its control over land that is being used for illegal Israeli settlements,” the organization added.

In order to build the fence/wall, large areas of mostly cultivated Palestinian land have been destroyed. The land on which it is constructed has been seized by the Israeli military authorities for “military needs.” Although the seizure orders for the land are generally “temporary,” usually until the end of 2005, they can be renewed indefinitely. Over the decades Palestinian land “temporarily” seized by Israel has been used to build permanent structures, including settlements and roads for settlers, and has never been returned to its owners.

The very expensive and sophisticated structure of the fence/wall indicates that it is likely intended as a permanent structure. Affected Palestinians have to cross the fence/wall at designated checkpoints or gates to reach the rest of the West Bank, to go to work, to tend their fields, to sell their agricultural produce, and to access education and health centers in nearby towns and villages.

The Israeli authorities have consistently refused to provide advance information about the route of the fence/wall and information about the precise routing only become available when preparation work for the fence/wall begins on the ground or when the authorities deliver seizure orders to the local Palestinian communities whose land is going to be seized for the construction of the fence/wall (Source: Amnesty International, AI Index: MDE 15/099/2003 (Public) News Service No: 254<http://www.reliefweb.int/w/rwb.nsf>).

- Approximately 210,000 acres—or 14.5 percent—of West Bank land (excluding East Jerusalem) will lie between the wall and the green line, according to the latest Israeli government projecting of the West Bank Wall.
- This land, some of the most fertile in the West Bank, is currently the home for more than 274,000 Palestinians living in 122 villages and towns. These people will either live in closed areas—areas between the wall and the green line—or in enclaves totally surrounded by the Wall.
- More than 400,000 other Palestinians living to the east of the Wall will need to cross it to get to their farms, jobs and services. This means that approximately 680,000—30 percent of the Palestinian population in the West Bank—will be directly harmed by the wall.

- Stretching a total of 680 kilometers (including Jerusalem), the new wall will run from Jenin in the northern West Bank to the southern-most tip of Hebron in the south. Because of its meandering path into the West Bank, its length is more than twice the length of the entire Green Line. The finished wall will be four times longer than what is now completed.
- Only 11percent of the wall's length runs along the 1949 Armistice Line or Green Line.

For the rest, the wall's planned path cuts deep into the West Bank—up to 22 kilometers—where it envelopes the Israeli settlement of Ariel (Source: <http://www.reliefweb.int/hic-opt/>).

## 2. *Civil Rights*

The Israeli government gives preferential treatment to Jewish residents of the occupied territories and East Jerusalem in the areas of permits for home building and civic services. For example, Muslim Arab residents of Jerusalem pay the same taxes as Jewish residents; however, Arab residents receive significantly fewer municipal services than Jewish residents. There is a general consensus among Palestinian and Israeli human rights organizations that many of the national and municipal policies enacted in Jerusalem are designed to limit or diminish the non-Jewish population of Jerusalem. According to these activists, the Israeli government uses a combination of zoning restrictions on building for Palestinians, confiscation of Palestinian lands, and demolition of Palestinian homes to “contain” non-Jewish neighborhoods (Source: Israel and the Occupied Territories—International Religious Freedom Report, released by the Bureau of Democracy, Human Rights, and Labor p. 8, <http://www.state.gov/g/drl/rls/irf/2002/13997pf.htm>).

Under customary international humanitarian law, Israel has a positive obligation to ensure the welfare of residents of the West Bank (1907 Hague Regulations on Land Warfare, Article 43). It is also obliged to ensure the passage of emergency medical services, to respect the sick, to allow the passage of foodstuffs and medical goods, and to facilitate education (Fourth Geneva Convention, Articles 16, 20, 25, 50, 55 and 59). Israel is prohibited under customary international law from making permanent changes to the West Bank that do not benefit the local inhabitants (1907 Hague Regulations, Article 55, and from transferring members of its own population into the Occupied Territories (Fourth Geneva Convention, Article 49 (6)).

Israel has also ratified numerous human rights treaties that oblige it to uphold rights to freedom of movement, and access to education, healthcare, work, and water. These include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC). In August the U.N. Human Rights Committee said that “in the current circumstances, the provisions of the (ICCPR) apply to the benefit of the population of the Occupied Territories, for all conduct by (Israeli) authorities or agents in those territories that affect the enjoyment of rights enshrined in the Covenant and fall within the ambit of State responsibility of Israel under the principles of public international law.” (Source: [www.hrw.org/press/2003/10/israel100103.htm](http://www.hrw.org/press/2003/10/israel100103.htm))

## 3. *Political Rights*

Since the beginning of the current Intifada in September 2000, the Israeli government has pursued an open policy of assassination (targeted killings) of those Palestinians who it alleges have orchestrated, facilitated, or carried out attacks against Israeli targets both within the Occupied Territories (OPTs) and inside Israel. This policy is carried out without recourse to any effective judicial procedures; no evidence is presented before or after the attack, proving the alleged immediate threat to life poses by the targeted individual; in many instances, the targeted individual could have been arrested by the Israeli military at Israeli military checkpoints, or border controls.

These operations have been conducted using various methods, but have invariably involved the excessive, disproportionate use of lethal, often indiscriminate, force. The increasing numbers of deaths and injuries to non-targeted civilians resulting from this policy evidences an increasing disregard for civilian life by the Israeli military.

The willful killing of a Palestinian civilian constitutes a violation of international human rights and humanitarian law, and in particular constitutes a grave breach of the Fourth Geneva Convention, namely a war crime (Source: <http://www.pchrgaza.org/Commission/item%2011b.pdf>) The Palestinian Center for Human Rights, Gaza and Al Haq—Law in the Service of Man).

On September 24, 2003, a group of twenty-seven Israeli Air Force reservist pilots signed a letter in which they stated that they refused to carry out targeted killings or other operations in the West Bank and Gaza because they considered them “immoral and illegal” (Source: [http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/middle\\_east/3140032.stm](http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/middle_east/3140032.stm) (“Refusenik Israeli pilots under fire”).

#### 4. *Economic Rights*

The consequences of Israel’s policy of restriction on movement have been horrendous. The economic situation of Palestinian residents in the Occupied Territories has sharply declined, and malnutrition has jumped. Fifty-five percent of the Palestinian population live in poverty (per-capita income of less than 2 dollars) and unemployment has reached about 50 percent. The restrictions on movement are the primary, if not the only, cause of this grave situation. Prohibiting entry into Israel, for example, has eliminated the source of livelihood of Palestinians who used to work in Israel. Movement of merchandise, both within the Occupied Territories and from there to Jordan and Egypt, has been severely restricted. Farmers have been unable to work their land because of the prohibition on leaving their communities and the denial of access to their fields. The prolonged curfew has paralyzed industry, trade, and tourism in the Occupied Territories (Source: B’Tselem—The Israeli Information Center for Human Rights in the Occupied Territories ([www.btselem.org](http://www.btselem.org))).

In mid November 2003, the International Committee of the Red Cross (ICRC) announced that it was ending its emergency food program in the West Bank, saying the economic collapse there was the direct result of Israeli military closures and that Israel must live up to its responsibility as the occupying power for the economic needs of the Palestinians.

Israel is concerned that other international organizations may follow the Red Cross, which would leave Israel to face the cost of providing services they currently provide—a cost that some estimates put as high as 1.1 billion a year.

The Palestinian economy has collapsed under the weight of military closures of Palestinian cities, making it impossible for Palestinians to move their produce or travel to jobs in other cities or in Israel. In both 2002 and 2003, curfews, imposed for all but a few hours a week by the Israeli army, made it impossible for Palestinians to work at all.

As a result of economic collapse, a fifth of Palestinian children are malnourished, according to a report last year by an American government aid agency (Source: [http://news.independent.co.uk/world/middle\\_east/story.jsp?story=464142](http://news.independent.co.uk/world/middle_east/story.jsp?story=464142)).

#### 5. *Social and Cultural Rights*

In the past year, the Israeli military closure and curfew policy, the property destruction and house demolition policy, and ongoing Israeli military operation throughout the Occupied Territories (OPTs) have effectively suffocated the enjoyment of economic, social, and cultural rights.

Of particular concern is the deepening humanitarian crisis directly precipitated by the Israeli military policy of closure and curfew. The severe restrictions on freedom of movement and goods have resulted in an escalation in poverty levels to more than 60 percent throughout the territories (more than 80 percent in the Gaza Strip); unemployment rates have reached as high as 80 percent in some areas, and there are severe food and water shortages. Access to medical care and supplies, including emergency treatment, has been subjected to increasingly regular delays, often resulting in loss of life, including to children and infants. Education has been severely disrupted and both schools and hospitals have been subjected to targeted attacks by the Israeli military or used as military posts. The physical and mental health of the wider population, and in particular among children and

women, continues to deteriorate. Recent surveys estimate acute and chronic malnutrition among Palestinian children as high as 22 percent. Approximately 54.6 percent of children in the Gaza Strip suffer symptoms of post-traumatic stress disorder. More than 1.8 million Palestinians are currently dependent on humanitarian assistance from international aid agencies, including food packages.

As many as 5,381 Palestinian homes have been destroyed during Israeli military operations, affecting more than 56,000 Palestinians. In addition there have been widespread destruction to other property including water, electricity, sewage, and communications infrastructure; agricultural land and crops; commercial, NGO, and civilian governmental buildings; media offices; important historic, cultural and religious sites (Source: <http://www.pchrgaza.org/Commission/Item10.pdf>).

## 6. Religious Rights

The vast majority (98.4 percent) of the Palestinian residents of the occupied territories are Sunni Muslims. According to the Palestinian Central Bureau of Statistics, there are 40,055 Palestinian Christians living in the territories. However, according to the sum of estimates provided by individual Christian denominations, the total number of Christians is approximately 200,000. A majority of Christians are Greek Orthodox (approximately 120,000), and there also are a significant number of Roman Catholics and Greek Catholics (approximately 50,000 total), Protestants, Syriacs, Armenians, Copts, Maronites, and Ethiopian Orthodox. In general, Christians are concentrated in the areas of Jerusalem, Ramallah, and Bethlehem. In early 2001, approximately 1,000 Christians from Bethlehem left the occupied territories for other countries. According to Christian leaders, most of the Christians left their homes for economic and security reasons and not due to religious discrimination (Source: International Religious Freedom Report, released by the Bureau of Democracy, Human Rights and Labor [U.S. Department of State], p. 7., [www.state.gov/g/drl/rls/irf/2002/13997pf.htm](http://www.state.gov/g/drl/rls/irf/2002/13997pf.htm)).

Due to increased violence and security concerns, the Israeli government imposed closure on the occupied territories beginning in October 2000. One result of the closure was to impede significantly freedom of access to places of worship for Muslims and Christians. Even before the outbreak of the Intifada in October 2000, Palestinians in the occupied territories were required to obtain a permit to enter Jerusalem. The Israeli government frequently denied requests for permits, and Israeli security personnel at times denied permit holders access to Jerusalem, even to visit holy sites. During periods of closure, Palestinians from the occupied territories were prevented from traveling to pray inside the Haram al-Sharif. In practice, Israeli closure policies prevented tens of thousands of Palestinians from reaching places of worship in Jerusalem and the West Bank, including during religious holidays, such as Ramadan, Christmas, and Easter. On a number of occasions, the Israeli government also prevented worshippers under the age of forty-five from attending Friday prayers inside the Haram al-Sharif. The Israeli government stated that it did so in an effort to prevent outbreaks of violence following Friday prayers. However, many Palestinians believe that the real purpose of closure is ethnically based harassment and humiliation (Source: International Religious Freedom Report, released by the Bureau of Democracy, Human Rights and Labor [U.S. Department of State], p. 9, [www.state.gov/g/drl/rls/irf/2002/13997pf.htm](http://www.state.gov/g/drl/rls/irf/2002/13997pf.htm)).

## 7. Israeli Settlements

The U.S. Bureau of Intelligence and Research (INR) has recommended the Bush administration apply “clear and intentional pressure” on Israel regarding Israeli settlements, as part of making headway with the Palestinians, as well as helping to calm the situation heating up in Iraq (Source: Ha’aretz, November 3, 2003, [www.haaretzdaily.com](http://www.haaretzdaily.com)),

The Israeli settler population in the West Bank (excluding East Jerusalem) and Gaza Strip grew by 5.7 percent in 2002, increasing to 220,100 from the 2001 figure of 208,200. Israel’s overall growth was only 1.9 percent. When added to the 180,000 Israelis residing in East Jerusalem, the settler population now comprises almost 8 percent of Israel’s Jewish population of 5.1 million.

According to Israel’s Central Bureau of Statistics (CBS), births accounted for 3.1 percent of the 5.7 percent growth among settlers. The remaining 2.6 percent of the growth resulted from the “migration” of new settlers. The CBS reports that 14,000 Israelis moved to settlements, and 10,600 moved out of them in 2002. According to

interior ministry numbers released in July, an additional 5,415 Israelis had moved to the settlements since the beginning of 2003.

The CBS reports that 3,648 homes are under construction in West Bank and Gaza settlements, comprising more than 15 percent of the 23,000 under active construction in Israel and the settlements. During 2003, the Sharon government marketed land for the construction of 1,713 dwelling units. Additional homes are being built privately and in East Jerusalem. Yet, between January and June 2003, only fifty-eight apartments were sold in the settlements (excluding East Jerusalem), barely one-third the 164 apartments sold during the same period in 2002. The decrease in sales is attributed to Israel's economic slowdown and the increased security concerns associated with the al-Aqsa intifada (Source: Report on Israeli Settlement in the Occupied Territories, produced by the Foundation for Middle East Peace, <http://www.fmep.org/reports/2003/v13n6.html>).

#### 8. *House Demolitions*

Since 1987, the Israeli authorities have “administratively” demolished at least 2,500 Palestinian houses in the West Bank (including East Jerusalem), and hundreds of other structures. Assuming that the average number of residents per house over this period is similar to average occupancy throughout the West Bank, it is estimated that more than 16,000 Palestinians lost their home since 1987 as a result of “administrative” demolition (Source: [www.btselem.org/English/Planning\\_&\\_Building/Statistics.asp](http://www.btselem.org/English/Planning_&_Building/Statistics.asp)).

In October 2001, during its invasion of territory under Palestinian Authority control, Israel renewed its activity of demolishing houses as punishment. Israel had ceased its house-demolition-as-punishment policy in late 1997. However, unlike previous cases, this time the army acted without an order in accordance with Regulation 119, and without giving the owners the opportunity to petition the High Court of Justice to prevent the demolition. As in prior cases, the army demolished houses in which suspected Palestinian perpetrators of attacks in Israel lived. As a result, the suspects' family members who lived in the houses were left homeless. Since then and up to October 23, 2003, Israel completely demolished 453 houses and partially demolished two. During this period, Israel sealed three houses. Since the beginning of the first intifada (9 December 1987) and until the end of 1997, Israel has completely demolished in the Occupied Territories at least 449 houses as punishment, partially demolished 62 houses, completely sealed at least 296 houses, and partially sealed 118 houses (Source: [www.btselem.org/English/House\\_Demolitions/Statistics.asp](http://www.btselem.org/English/House_Demolitions/Statistics.asp)).

### LATIN AMERICA AND THE CARIBBEAN

#### *Civil, Economic, and Political Rights*

Virtually all Latin American countries now have democratic governments, and, at least in broad terms, respect the political rights of participation, freedom of speech and press, the right to assembly, and so on. However, few, if any, have civil rights laws to protect women and minorities from discrimination, and so in most there is considerable discrimination against women, Native Americans, and African Americans, particularly in the area of employment, though the discrimination against Native Americans and African Americans is rather less virulent in Latin American than it was historically in the United States. Latin American societies are among the most economically unequal on earth; this means that although the Latin American elite often lives in considerable comfort and even luxury, the poor, particularly in the poorest countries such as Bolivia, Paraguay, Peru, Ecuador, and some of the Central American countries, do not have access to the basic essentials of life such as medical care, proper education, safe housing or even potable drinking water. These problems also affect the Brazilian poor who must contend with life in one of the most economically unequal countries in the world.

Economic difficulties are also at the root of political problems in many Latin American countries. Of all the countries in Latin American, only Chile has experienced real growth in per capita income since 1980.

#### 1. *Colombia*

Colombia continues to have the most serious human rights problems in Latin America. The longstanding civil war between the government, right wing paramilitary groups, and left wing revolutionary groups continues

unabated; violence has increased since Colombian President Uribe abandoned peace talks with rebel groups in favor of a hard line military response to the insurgency. Rebel groups, such as the Revolutionary Armed Forces of Colombia (FARC), continue to use such tactics as kidnapping and the bombing of civilian targets, and right wing death squads continue to operate with impunity in rural areas of the country and especially in the border areas with Venezuela and Panama. Human rights organizations have expressed special concern about the large number of children used as soldiers in the conflict, largely by the FARC and the other large guerilla group, the National Liberation Army (ELN). It appears that one quarter of the combatants in these groups is under age eighteen, and the number of child soldiers in Colombia is only exceeded by those in the Democratic Republic of the Congo and in Myanmar (Human Rights Watch's report on this problem may be found at the following Web address: <http://hrw.org/reports/2003/colombia0903/here>).

The use of torture, particularly by the right wing paramilitaries, is widespread. Amnesty International's report on torture in Colombia may be found [here](http://hrw.org/press/2003/09/colombia091803.htm) (<http://hrw.org/press/2003/09/colombia091803.htm>). While one of the right wing paramilitaries, the United Self-Defense Forces of Colombia (AUC) has made repeated public promises to disband and demobilize, it continues to operate and has been declared a terrorist group by the U.S. State Department. The state department's report on human rights in Colombia may be found [here](http://www.state.gov/documents/organization/19598.doc) (<http://www.state.gov/documents/organization/19598.doc>).

The conflict poses the risk of expanding beyond Colombia's borders and involving neighboring countries. In 2003, there were several instances of conflict between Colombians and the Venezuelan military on the Colombia-Venezuela border. The Colombian military claims that rebels are given sanctuary inside of Colombia, which Venezuela denies.

Despite Colombia's grave human rights problems, the U.S. government continues to certify that the Colombian government is in compliance with international human rights standards, which permits the U.S. to continue extending military assistance to Colombia.

## 2. *Venezuela*

While strikes and civil protests have decreased in Venezuela since 2002, the society continues to be deeply polarized over the country's president, Hugo Chavez. Efforts by other Latin American countries, acting through the OAS, to insist that Venezuela must solve its political problems through constitutional and peaceful means, have helped avoid a repetition of the 2002 coup attempt. Currently, the opposition is attempting to call a constitutional plebiscite to recall Chavez from the presidency. It remains to be seen whether such a plebiscite will actually be held, and if so, whether the losing side will accept its results. Charges including treason have been brought against a number of individuals who supported the 2002 coup attempt, including the president of the Venezuelan Chamber of Commerce, though the defendants have not been mistreated and have had access to lawyers.

In 2003, legislation was approved in Venezuela that restricts [freedom of the press](http://www.hrw.org/reports/2003/venezuela/) (<http://www.hrw.org/reports/2003/venezuela/>). While the Chavez government claims that this law is simply meant to protect children from seeing violence on television during the hours they are likely to be viewing it and protects public figures from invasion of their privacy, opponents of the government see it as a means to inhibit criticism of the government and full coverage of demonstrations and protests by a press that has been critical of the Chavez government.

## 3. *Brazil*

Brazil has one of the more violent societies in Latin America, and Brazilian police are often quite violent and corrupt. Extrajudicial killings of suspects are not uncommon, and deaths at the hands of police are more than 2,000 per year. Torture is practiced both by police and in prisons, and prison conditions are generally overcrowded and harsh. There are many prison riots, which are generally put down by force. Even children who are detained by the police in Brazil can be subject to [physical and mental abuse](http://www.hrw.org/reports/2003/brazil/) (<http://www.hrw.org/reports/2003/brazil/>).

#### 4. *Argentina*

The Argentine people continue to suffer as a result of the government's debt default in late 2001 and the subsequent collapse of the economy. While Argentina remains a democratic country, the high and ever increasing levels of poverty in what was once one of the seven richest countries in the world put the society under great strain and have caused serious increases in crime. One of the most frightening aspects of the problem is the veritable explosion in kidnapping, especially in the province of Buenos Aires. Well-organized gangs prey not only on the wealthy, but also on middle- and lower-class victims, and it is widely believed that corrupt police are acting in concert with the gangs. Such charges have even been made by government leaders, and the relationship between the police and the Argentine government is now quite difficult.

During the election campaign of now President Nestor Kirchner, he promised to extradite current and former members of the military who were under indictment in Spain for human rights violations and, following his election, the Argentine Congress repealed the amnesty laws that had prevented the prosecution of members of the police and military who were responsible for human rights violations during the 1976–1983 military dictatorship. While challenges to the constitutionality of the repeal remain to be resolved by the Argentine Supreme Court, there is now at least the possibility that these cases, now over twenty-five years old, may finally be brought to trial.

#### 5. *Chile*

The year 2003 marked the 30th anniversary of the September 11, 1973, military coup that brought General Augusto Pinochet to power, and was the cause for the most open and truthful discussion of the events surrounding the coup and the military government's human rights violations ever to have occurred in the Chilean media. The current democratic government has continued its efforts to learn the truth about the disappeared, and has gained a certain amount of cooperation from the Chilean armed forces in its inquiries, though relatively little new information has come to light. While the Chilean Supreme Court declared General Pinochet to be mentally incompetent to stand trial in the "Caravan of Death" case in 2002, prosecutors have now brought a new case against the general for his involvement in Operation Condor, a joint operation by the secret police forces of Argentina, Chile, Uruguay, and Brazil in the 1970s directed against leftist dissidents in those countries. It remains to be seen whether the Supreme Court will allow this case to proceed to trial.

While human rights are generally well-respected in today's Chile, there remain significant current problems in freedom of expression and the press. Chilean journalists can be and are prosecuted for reporting even truthful news under a variety of legal theories including "insult to authority," the "right to privacy" and libel. While businessman Eduardo Yañez was acquitted in April 2003 of charges of insult to authority for criticizing the judiciary on a television talk show in July 2003, the Chilean courts prohibited the broadcast of a television show about a sensational murder case in which the victim was murdered while entertaining prostitutes in his office. Although the program had evidence, including a confession of one of the murderers, that suggested another person had been wrongly convicted, the show was banned on complaint of the victim's wife, who claimed the broadcast would violate her family's right to honor and privacy. Most seriously, in November, an investigative reporter for Chilevision was jailed for conducting and broadcasting a hidden camera interview with a Chilean judge who was presiding over the investigation of a major pedophile ring allegedly involving, among others, senators of two political parties.

The journalist conducted the interview after obtaining information, including tape recordings, which indicated the investigating judge had visited a sauna where underage boys were present. While the judge was later removed from the case and disciplined, the case against the journalist continued to proceed. A bill that would even further restrict the press under the rubric of protecting privacy has been approved by the Chamber of Deputies, though the Chilean president has now stated that the bill in its present form must be scrapped.

#### 6. *Bolivia*

A series of strikes and protests led to the resignation of Bolivian President Gonzalo Sánchez de Lozada on October 17, 2003. Fifty-nine people were killed in these protests by the Bolivian armed forces, which forcibly

broke up a number of protests. While the Bolivian Congress has called for a “trial of responsibility” for these deaths, human rights organization have expressed concern that jurisdiction over these cases has been retained by the military courts and no progress seems to have been made in identifying those responsible.

## 7. Peru

On August 28, 2003, the Peruvian Truth and Reconciliation Commission released its findings, which can be found in Spanish [here](#) and in English [here](#) (<http://www.cverdad.org.pe/ingles/pagina01.php>). The report stated that almost 70,000 people had been killed in the civil unrest and guerilla activities between 1980 and 2000, and of these, about half had been killed by the Shining Path (Sendero Luminoso) guerilla group and another third by government security forces. While trials of Vladimiro Montesinos, the intelligence chief of the former Fujimori government under which the bulk of the government caused deaths occurred, are continuing, Fujimori himself remains in Japan as a Japanese citizen, though the Peruvian government has repeatedly requested the Japanese government to extradite him. There was considerable opposition and obstacles to the work of the commission by various political sectors linked to the Fujimori government, and few prosecutions of other individuals have begun since the commission issued its report

Meanwhile, the Shining Path has again become active in some parts of the country, and has apparently been involved in several bombings in Lima. At the same time, Fujimori, through his well-financed [Internet site](#) (<http://www.fujimorialberto.com/index.php>) in Japan, has begun a campaign to rehabilitate himself politically in the hopes of returning to power in Peru.

[Note: The Peruvian human rights group, Asociación Pro Derechos Humanos (APRODEH) or Pro Human Rights Association (APRODEH), maintains a Website in Spanish [here](#) (<http://www.aprodeh.org.pe/>). The national coordinator of human rights—Peru has its site [here](#) (<http://www.dhperu.org/Index.html>)].

## 8. Mexico

When, in 2001, Vicente Fox became the first president from a political party other than the Institutional Revolutionary Party (PRI) to be elected in more than sixty years, he made a commitment to establish a special prosecutor’s office to address human rights violations that had occurred under previous governments. However, in 2003, the special prosecutor had yet to produce significant results, and the Fox government’s commitment to fulfill its commitments was [questioned](#) (<http://www.hrw.org/reports/2003/mexico0703>) by human rights organizations.

Beginning in 1993, there have been a large number of rapes and murders of young, poor women in the Ciudad Juarez, which is across the border from El Paso, Texas. In 2001, fifty-one of these crimes occurred; in 2002, the number was forty-three. The local police had been unsuccessful in solving these cases, and often attempted to blame the victims themselves for what had happened to them. In 2003, [Amnesty International](#) (<http://web.amnesty.org/library/Index/ENGAMR410262003?open&of=ENG-MEX>) and other Mexican and international organizations began to apply pressure to the Mexican government to solve these cases. The government’s National Commission of Human Rights (CNDH) investigated the situation, recognized its seriousness, and produced a [report](#) (<http://www.cndh.org.mx/Principal/document/informe2003/index.htm>), which made recommendations to the various authorities and governmental units involved, and President Fox established an intergovernmental task force to further investigate. However, no breakthrough has been made to solve these cases.

## 9. Cuba

Both [Amnesty International](#) (<http://web.amnesty.org/library/Index/ENGAMR250172003?open&of=ENG-CUB>) and [Human Rights Watch](#) (<http://www.hrw.org/press/2003/09/cuba090403-tst.htmz>) have characterized 2003 as the worst year for human rights in Cuba in many years—perhaps even since the 1959 revolution. Beginning in mid March, more than seventy-five dissidents were arrested, given hasty trials, and sentenced to up to twenty-eight years in prison. Moreover, in April, three men convicted of attempting to hijack a Cuban boat to Miami were executed, breaking a three-year moratorium on capital punishment in Cuba and making Cuba the

only country in the Western Hemisphere other than the United States to apply the death penalty. These events caused the breakdown of what had been improving relations between Cuba and the [European Union](http://europa-eu-un.org/article.asp?id=2403) (<http://europa-eu-un.org/article.asp?id=2403>).

However, even after these events, [Amnesty International](http://web.amnesty.org/library/Index/ENGAMR250172003?open&of=ENG-CUB) (<http://web.amnesty.org/library/Index/ENGAMR250172003?open&of=ENG-CUB>), [Human Rights Watch](http://www.hrw.org/press/2003/09/cuba090403-tst.htm) (<http://www.hrw.org/press/2003/09/cuba090403-tst.htm>), and the [European Union](http://europa-eu-un.org/article.asp?id=2954) (<http://europa-eu-un.org/article.asp?id=2954>) continued to criticize the U.S. trade embargo of Cuba as being harmful to the process of encouraging change in Cuba as well as causing hardship to the Cuban people. Our partner church in Cuba, the Reformed Presbyterian Church in Cuba, is also critical of the embargo.

### *Religious Rights*

The question of religious liberty deserves special consideration in Latin America. Historically, the Roman Catholic Church was the state church in all Spanish-speaking countries as well as in Brazil, and there remains some degree of privileged treatment for it in most countries. In some countries, such as Peru and Argentina, the Catholic Church continues to receive a unique recognition by the state and state financial support; in other countries, such as Chile and Mexico, the law separates church and state, but there remains a de facto preference for the Roman Catholic Church.

Protestants and other faiths are generally free to form churches and evangelize, but their ability to engage in public ministries—chaplaincies in the armed forces, hospitals, and other state institutions, as well religious education in state schools—is severely limited or completely absent in most countries. Non-Roman Catholic churches are often subject to legal regulations and controls on the part of the state that are not applied to the Catholic Church, and can be subject to very different treatment under local tax and property laws. Generally, there is no legal impediment to the state interfering in the internal government of non-Roman Catholic churches, though the autonomy of functioning under canon law of the Roman Catholic Church is usually respected.

The Catholic Church continues to exercise some degree of control over organs of censorship of the public media, and has used it to repress religious opinions expressed in the public media that it deems offensive. The Roman Catholic hierarchy is generally not sensitive to these sorts of religious discrimination, and can view attempts to equalize the legal treatment and rights of all churches as attempts to diminish the Roman Catholic Church or treat the “Catholic Church as though it were just another church.” This, along with the social discrimination that is practiced in many countries against Protestants, who often come from the poorest sectors of society, produces religious tensions between the Latin American Roman Catholic Church and Protestants that are different than anything experienced in the United States and, therefore, difficult for many North Americans to understand. Some progress in changing this situation has occurred. The Chilean Ministry of Justice has put forward the Chilean law on Religious Organizations to the United Nations as an example of a “human rights experience that can be replicated in other countries,” and studies of reforms of the law are proceeding in several other Latin American countries.

## RECOMMENDATIONS—ITEM 13-05

[The assembly approved Item 13-05 with comment. See *Minutes*, 2004, Part I, p. 91.]

**The Advisory Committee on Social Witness Policy (ACSWP) recommends that the 216th General Assembly (2004) of the Presbyterian Church (U.S.A.) bring to the attention of the church significant developments, including the perspective of partner churches, that have occurred concerning the conditions of human rights in the world areas named in the “Human Rights Update 2003–2004” by**

**1. directing the Stated Clerk to publish the “Human Rights Update 2003–2004” with a study guide on the PC(USA)’s Website, distributing a copy to the middle governing body resource centers and the libraries of the theological seminaries, providing a copy upon request to each middle governing body or session, and distributing the Website address to the entire church through notification on the Website and**

in the *Minutes of the 216th General Assembly (2004), Part I*, and calling special attention to “Human Rights Day” to be held on December 10, 2004, and December 10, 2005;

2. encouraging middle governing bodies, sessions, and individual members to pray for all victims of human rights abuse and for those who persecute them, also seeking ways to act on behalf of these victims; and

3. encouraging congregations to observe the General Assembly’s Day of Prayer for Those Persecuted and Martyred for Their Faith on the Sunday preceding Epiphany.

#### *Rationale*

The Human Rights Update is an annual report developed by the Advisory Committee on Social Witness Policy (ACSWP) to bring to the attention of the church significant national and international human rights concerns that occurred during the course of the previous year, especially those brought to the attention of the General Assembly Council (GAC) by the partner churches around the world.

The yearly report affirms the longstanding commitment of the Presbyterian Church (U.S.A.) to human rights at home and worldwide. The “Human Rights Update 2003–2004” includes reports on the United Nations; North America; Central and West Africa; Southern and East Africa; Central, South, and Southeast Asia; East Asia/Pacific; Europe, the Middle East; and Latin America and the Caribbean. Categories of concerns included in these updates are: civil, political, economic, social and cultural, and religious.

The ACSWP encourages people interested in regions not included in this year’s update to review previous year’s responses, which can be found in the *Minutes of the General Assembly*, Part I, on the PC(USA)’s Website ([http://www.pcusa.org/oga/publications/human\\_rights03-04.pdf](http://www.pcusa.org/oga/publications/human_rights03-04.pdf)), and in printed form from the Presbyterian Distribution Service (PDS), or by contacting the ACSWP.



# **A STUDY GUIDE ON HUMAN RIGHTS**

**Correlated with the  
HUMAN RIGHTS UPDATE 2003–2004  
216th General Assembly (2004)  
Presbyterian Church (U.S.A.)**

## **PURPOSE**

This study guide has been developed to assist groups and individuals in congregations to

1. engage and focus on human rights;
2. provide guidance for reflecting both biblically and theologically on the church's responsibility toward human rights; and
3. stimulate congregational support, personal involvement, and social action for human rights concerns.

## **ORGANIZING FOR THE STUDY**

This guide provides a process for five sessions. Most of the resources need for the study can be found in the *Human Rights Update 2003–2004*, and appendixes. A listing of human rights and church organizations the study group may contact for more information is included in Appendix Four and Appendix Five. It is suggested that all members of the study group receive a copy of the *Human Rights Update 2003–2004* or have access to it on the World Wide Web. (The full text of the Rationale for this report can be found at the following World Wide Web site: (<http://www.pcusa.org/oga/publications/human-rights2003-04.pdf>).

A potential flexible format for each session might include the following:

- Welcome and opening prayer;
- Devotional time (reading of a scriptural passage and individual or group reflection; reading of passages from *The Book of Confessions*, *Book of Order*, and/or the *Book of Common Worship* with individual or group reflection);
- Identification of relevant Universal Declaration of Human Rights (UDHR) articles; and
- Discussion questions for each session.

## **A WORD ABOUT THE EDUCATIONAL DESIGN OF THE STUDY**

This study guide was designed on the basis of the following assumptions:

1. Churches often schedule study sessions on Sunday morning, or in the evening, allowing one hour or one-and-a half hours per session.
2. Adults and youth find more meaning and satisfaction when the study connects in some way with their personal lives.

3. Participants bring information from other learning experiences they like to contribute to their study.
4. Group members appreciate interaction with those who join them in the study, sharing different perspectives or forming common causes.
5. More material is provided for each session than can be used. Choose the parts most helpful to your group or expand to further sessions as desired.
6. A facilitator should be identified to lead each session.
7. In preparation for future sessions, you may want to ask for volunteers to complete the following assignments:
  - Someone to check United Nations' sources for information on the specific situation in question.
  - Someone to check for the International Human Rights Law basis of concern, i.e., in the relevant human rights treaties.
  - Someone to check the United States State Department—the Human Rights Desk or Country/Regional offices—regarding a country/region situation for country/region specific matters and the Advisory Panel on Religious Freedom Abroad for religious freedom issues.
  - Someone to check major human rights monitoring groups regarding the same.
  - Someone to check appropriate denominational offices for knowledge of the situation or information on what the church at large is doing.

### **A NOTE TO THE READER**

In any discussion or consideration of human rights, their violation or their attainment, certain generic questions may be obvious. The following questions may be asked about almost any specific human rights issue, and can be used as appropriate.

- What is the nature of the human rights violation under discussion?
- What is the “legal” basis for identifying the violation or abuse (e.g., the Universal Declaration of Human Rights [UDHR] and or other international covenants and conventions)?
- Who are the victims and what is the impact of the violation on their lives and on the society in general?
- Does the situation have a particular (double or triple) impact on women and/or children?
- Who are the oppressors, abusers, and violators?
- What is the role of the state in the situation? Is it part of the problem, a bystander, or part of the solution?

- Is the situation reflective of systemic injustice as rather the abuse by one group against another? If so, how?
- What is the context or combination of social, political, cultural, and economic factors that may be involved in the situation?
- Are there religious implications or factors involved?
- What can or must be done, or what change must take place in order to correct the situation in the short-term and long-term perspective?
- What kind of media coverage has the situation received?
- What is the responsibility of the United States government in the situation and what should the United States be doing?
- Has the United Nations addressed the situation? What can and should it do?
- What can and should the church do, and what recommendations for specific actions can be made?
- What can Christians do?
- Does the situation involve “partner churches”—churches in other parts of the world with whom we have an ongoing relationship (e.g., historical, missiological, common cause, etc.)? If so, what is or has been the denominational or ecumenical response?
- Are there signs of hope or change?

### **SETTING THE STAGE FOR SESSION ONE**

The presumption is that at the first session of the study series participants will be receiving copies of the *Human Rights Update 2003–2004* and will not have had a chance to read it. If copies have been distributed in advance to enrollees, reading in advance the Global Update should be encouraged in preparation for the first series. Even if that is the case, a positive learning context is set if an initial overview gets everyone starting at the same place.

## SESSION ONE

### The United Nations and the Global Context of Human Rights

#### PURPOSE OF THE SESSION:

To gain an understanding of the concept of human rights, its role in the global arena, the difficulties faced in guaranteeing/achieving them, the factors and forces at work both in perpetuating and in countering abuses.

#### SCRIPTURE READING:

Isaiah 58:6–10.

#### READINGS:

*The first “Whereas” in the Preamble to the Universal Declaration of Human Rights (UDHR): “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,*

*Article 28 of the UDHR: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.”*

#### ISSUES FOR DISCUSSION AND LEARNING:

Review the *Human Rights Update (HRU) 2003–2004* section on “The United Nations and Human Rights” (page 1), identifying main sections with a sentence summary of the substance and thrust.

Review the Universal Declaration of Human Rights (see Appendix One) and briefly identify its key elements. A brief analysis follows:

- The Preamble and Proclamation set the context and the importance of the Declaration, cites human rights as the foundation of freedom, justice and peace in the world, and makes a commitment to future generations;
- *Articles 1–3* set the boundaries and the inclusiveness of the Declaration;
- *Articles 4–27*, the in-between articles, identify the specifics of civil, political, economic, social and cultural rights;
- *Article 28* makes the claim for an international social order in which the rights can be realized; and
- *Article 29* makes clear everyone has duties and responsibilities as well as rights.

*[Note: Even if some people are familiar with it, a review is always helpful. Participants should be asked to read and review these on their own as they read the sections of the Human Rights Update. It should be understood that the contents of the Declaration have been embodied as law in two international treaties: the International Covenant on Civil and Political Rights and the International Covenant of Economic, Social and Cultural Rights.*

Some may wish to explore the texts of these Covenants, which can be found on the UN's Web site: <[www.unhchr.ch](http://www.unhchr.ch)>

**Questions:** Does the UDHR meet its overall claim as the provider of a universal framework for human rights? What do participants feel is most important or significant about the UDHR? Does it reflect in secular language concerns that are expressed in the Scriptures?

The global movement for human rights is still a work in progress, faced with at least the four difficulties noted in the third paragraph of the Global Update, pp.1–2:

- disagreement regarding the definition and concept;
- the reality that most countries have patterns of human rights violations creating a situation that as all are part of the problem, all must be part of the solution;
- lack of resources for adequate advocacy; and
- limitations for judicial redress, whether matters of punitive, reparative or restorative justice.

**Questions:** What is the significance of each of these factors? How do these factors influence the achievement of the goal of human rights for all? How do these dynamics hamper the fulfillment of the human rights agenda?

Participants may wish to have a freewheeling identification of human rights issues or illustrations of which they may be aware or have concern. [*Write on a chalkboard or newsprint.*] These could be discussed from three perspectives. Are they considered civil, political, economic, social, or cultural? Are they rights of individuals or groups or both? Would they be considered (a) protections that one should receive, (b) freedoms that one is to enjoy, or (c) guarantees to which one is entitled? What happens when it seems that there is competition between rights and the values they suggest (e.g., the right to security, versus the right to travel)?

Examine the six factors contributing to the global violations of human rights—poverty, conflicts, terrorism, violence, prejudice, and bad governance—cited by Dr. Ramcharan (see paragraph two of the section, “The Work of the Office of the UN High Commissioner for Human Rights and the UN Commission on Human Rights,” p.3). [*List these on newsprint or chalkboard for review.*] How does each of these contribute to or describe the conditions that exist globally regarding the violation of human rights? What can be done to address the problems? How does each factor inform or help explain the materials that are discussed in the regional sections of the Human Rights Update?

### **SETTING THE STAGE FOR SESSION TWO:**

Ask participants to read and review the opening Section on the Global Update, the North America Update and the “Special Report on Israel and Palestine” found in the Middle East regional update. Ask participants to clip newspaper or magazine articles during the course of the study identifying the variety of human rights issues that may be identified.

## SESSION TWO

### The United States and Human Rights

#### PURPOSE OF THE SESSION:

To look at aspects of United States policy and practice regarding human rights in the global arena, and at selected domestic issues that are of concern and interest to the church at this moment in history.

#### SCRIPTURE READING:

Matthew 23:23.

#### READING:

*Preamble to the United States Constitution:* “We The People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

#### ISSUES FOR DISCUSSION AND LEARNING:

##### 1. The United States (U.S.) and the Global Arena

**Questions:** How does U.S. policy and practice relate to each of the four reasons cited in the “Global Update: The United Nations (UN) and Human Rights,” paragraph three, found on p. 1, regarding the difficulties in developing the human rights agenda 2004?

What does the U.S. voting and participation record at the UN suggest about the U.S. commitment to human rights/justice on both the global and domestic scene, e.g., concerns for food, access to health care, rights of children, persistence of the use of capital punishment? (See the “Global Update: The United Nations (U.N.) and Human Rights,” the section on “Consideration of Human Rights Issues by the Fifty-eighth Session of the UN General Assembly,” starting in paragraph three, pp. 4–5.) Are there links between what is identified in the Global Update (pp. 4–5) and what is highlighted in the North America Update (pp. 9–12)? What reasons may be given for or against the policy and practices that are identified?

Why is the United States willing to support independent tribunals for persons accused of international crimes in the former Yugoslavia and in Rwanda [and broader Africa] yet is unwilling to support a permanent International Criminal Court, and even appears fearful of such a court? (See the Global Update: The United Nations (UN) and Human Rights section entitled “The International Criminal Court—Establishment and Problems,” pp. 5–6.)

Why did the United States in effect abandon the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (2001)? What may be the relationship of the current issues identified by the Special Rapporteur on Racism (see Global Update: The United Nations (U.N.) and Human Rights section “Human Rights and Racism,” pp. 6–7) and those identified in the North America Update (see Regional Updates, North

America, Civil Rights, sections on “1. Immigrants Rights and Challenges,” pp.9–10; “2. Hate Crimes,” p. 10; and “3. Juvenile Death Penalty,” 10)?

International declarations and treaties have been drafted and adopted concerning numerous groupings and categories of people, yet the effort to provide a meaningful legal framework for indigenous peoples is still having difficulties. What factors may account for such difficulties and are those factors pertinent to the situation of indigenous peoples in the United States? What should the U.S. be doing, domestically and internationally? (See the Global Update: The United Nations (U.N.) and Human Rights, “Human Rights and Indigenous Peoples—A Process on Hold,” pp. 7–8.)

Among the international human rights treaties that the United States has not ratified is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), the two that focus obviously on women and children. Both treaties stress the centrality of the family in all human societies. Why have recent United States administrations, all asserting support of “family values,” been so unwilling to commit to the legal rights and protections of women and children in the United States? (See the Global Update: The United Nations (U.N.) and Human Rights, “The United States, the United Nations, and Human Rights,” pp. 8–9)?

## 2. The United States Domestic Scene

The *Human Rights Update 2003–2004* section on North America highlights/identifies a select number of domestic concerns in the U.S.: the rights of migrants; the persistence of “hate crimes” and of racism; ongoing concern about the use of the death penalty by state and federal courts, and questions related to economic justice and security in the face of extensive poverty, including access to health care and basic nutrition. [The leader may summarize these for purposes of initiating discussion, or to elicit them from the recollection or concerns of participants who have read this section. Are there other concerns the participants want to identify?]

**Questions:** What forces/factors are at work in relationship to these issues in our society? How do these patterns affect/impact women and children? What is or should be the role of the government in addressing the issues identified in the *Human Rights Update 2003–2004*, as noted above, with particular reference to the constitutional responsibility of the government to establish justice and promote the general welfare, and to provide for the equal rights of its citizens as noted in the Bill of Rights? What can American citizens do to help address the issues raised about life in the United States?

### **SETTING THE STAGE FOR SESSIONS THREE AND FOUR:**

Participants should read and review all of the regional sections in preparation for thematic comparisons with regional considerations, looking for common threads or considerations throughout: e.g., the impact of war on the human rights of those caught up in war, the special conditions of women and children, questions of religious freedom or conflict, the significance of self-determination, the impact of poverty and the lack of economic development. Sessions three and four will pursue the analysis and comparison of specific themes.

## SESSION THREE

### War, Violence and Terrorism as Constants

#### PURPOSE OF THE SESSION:

To examine the effect of war, terrorism, and other forms of violence on the social fabric of societies around the world and the ability to achieve and maintain justice; protect human rights and build sustainable societies; and to examine the efforts of the international community to address or ameliorate such conditions.

#### SCRIPTURE READING:

Psalm 46:9–11

#### READING:

*Article 1 of the Charter of the United Nations:* “The Purposes of the United Nations are: 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of the international disputes or situations which might lead to a breach of the peace. . . .”

#### ISSUES FOR DISCUSSION AND LEARNING:

The International Criminal Court [ICC] has jurisdiction over three specific sets of crimes: crimes of war, crimes against humanity, and the crime of genocide. Consider how the ICC might appropriately have a role in the circumstances identified in this *Human Rights Update 2003–2004*, pp. 4–9. [For a General Assembly action on the ICC, refer to the *Resolution on the International Criminal Court, Minutes*, 1999, Part I, pp. 51, 435–39.]

The Convention on the Rights of the Child (CRC) forbids the recruitment or use of children as soldiers. Such use constitutes a violation of the rights of children. This *Human Rights Update 2003–2004* notes a number of situations where children have been so involved. What circumstances might account for either the impressment of child soldiers or that would induce their volunteering? What are possible consequences? How does a society address the results: physical harm, trauma, delayed or denied opportunity for education or economic development, abuse, and sexual exploitation. During, or following conflict, should “child” soldiers be held accountable for “crimes” committed, or be given immunity because they were also, in a sense, “victims”? (See the Global Update: The United Nations (U.N.) and Human Rights, “Consideration of Human Rights Issues by the Fifty-Eighth session of the UN General Assembly,” pp. 4–5, and “The United States, the United Nations, and Human Rights,” p. 8; and Central and West Africa regional update, pp. 12–16.) [For more information on the child, see the General Assembly *Resolution on the United Nations Assembly on the Child: The Future of the Child in the 21st Century, Minutes*, 2001, Part I, pp. 56, 288–92.]

The Office of the UN High Commissioner for Refugees is responsible for caring for persons internally displaced or made international refugees because of conflict. International law addresses the responsibility of neighboring countries, i.e., the country of first refuge, in caring for refugees. In recent years, the numbers of displaced persons and refugees have ranged from 15 to 50 million persons per year. The *Human Rights Update 2003–2004* identifies a number of current refugee situations. What are the rights of such persons [and

groups] impacted? What is the burden placed on receiving countries? Is the international community responsible for helping the country of refuge in caring for such victims (e.g., see the North America Update, pp.9–12)?

The Ottawa Convention Banning Landmines, which entered into force 1 March 1999, was designed to prohibit the manufacturing, sale, or use of antipersonnel mines. The U.S. has refused to join its commitments. It is suggested that 100 million antipersonnel mines remain spread through current or past combat zones, continuing to take their toll long after the reasons for the distribution have passed. The *Human Rights Update 2003–2004* has noted the use of land mines. How does the use of land mines violate human rights? [For General Assembly action on land mines, refer to the *Resolution Banning Antipersonnel Land Mines, Minutes*, 1995, Part I, pp. 84, 91, 484–86.]

In 2001, the United Nations held a major conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, noting that most persons killed in recent wars have been the victims of such weapons, not those of larger destructive capacity. The conference identified the problem but was stymied from concrete actions to prevent their manufacture, sale, distribution, and use. How does this situation contribute to conflict and the violations of human rights, and what should be done by the international community to correct the situation, and what should the United States do? [For General Assembly action on small arms, refer to the *Resolution on Small Arms—An Undressed Arms Control Issue from Cultures of Violence to Cultures of Peace?*, *Minutes*, 2001, Part I, pp. 55, 274–78.]

War and violence represent one of the major sources of the violations of the rights of women and children. The overwhelming number of victims of conflict situations is women and children. Both the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) address the rights of women and children in war and conflict. The United States has not ratified either convention. What reasons are given for this failure? What should the international community (including the United States) be doing to change these dynamics, and to provide greater protection for women and children? [For further information, refer to the General Assembly *Resolution on the Universal Declaration of Human Rights at Fifty: Hope for a Humane Future*, *Minutes*, 1998, Part I, pp. 77, 477–80.]

One of the ethical/moral dilemmas recurring following war, conflict, or circumstances where human rights have been massively violated, is what to do with persons responsible for the atrocities. Obviously special tribunals and the new International Criminal Court provide legal methods for punitive or retributive response. These courts, however, tend to deal only with senior military or political leaders. Sometimes the granting of immunity is a condition for the ending of the conflict. The result, the victimizers get off, the victims have no recourse to justice. Is the granting of immunity a violation of the rights of victims to justice or reparations? What can or should be done in such situations?

## SESSION FOUR

### **Religious Freedom and Religious Intolerance: Constant Themes in the Violation of Human Rights**

#### **PURPOSE OF SESSION:**

To examine for deeper understanding the numerous situations, ways that freedom of religion or belief is challenged around the world, both directly and as a factor in more comprehensive situations. [For background information, confer the 214th General Assembly (2002) document: *Guiding Principles for Ethical Decisions Concerning Religious Freedom Around the World, Minutes, 2002, Part I, pp. 51, 666–69*). This document can be located at <<http://www.pcusa.org/pcusa/wmd/eir/ifindex.htm>>.]

#### **SCRIPTURE READING:**

Galatians 6:13-14

#### **READINGS:**

*Article 18 of the Universal Declaration for Human Rights (UDHR):* “Every one has, the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

[See also the International Covenant on Civil and Political Rights (ICCPR), Appendix Three, Article 18, 1.; and the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, Appendix Two, Article 1, 1.]

#### **ISSUES FOR DISCUSSION AND LEARNING:**

The Special Rapporteur for Freedom of Religion or Belief and the Rapporteur on Racism of the Office of the UN High Commissioner for Human Rights has highlighted growing concerns relating to religious persecution and conflict, and associated problems. These include the use of the Internet in spreading hate; the resurgence of anti-Semitism and Islamaphobia; and the absence of guarantees and rights for indigenous peoples.

In earlier reports, the Special Rapporteur on Freedom of Religion and Belief classified six categories of violations. These included violations of:

- the principle of nondiscrimination in matters of religion and belief;
- the principle of tolerance in those same matters;
- freedom of thought, conscience, religion, or belief;
- the freedom to manifest one’s religion or belief;
- the freedom to dispose of religious property; and
- the physical integrity, health and well-being of individuals, and of women.

The *Human Rights Update 2003–2004* identifies a number of special situations in this arena. In examining the following situations, consider who the “parties” are and what category of violations is at issue. What is the dynamic at work? Are there other or similar situations of which participants are aware?

In the Sudan, what is the overlap of religious, ethnic, geographical, and economic issues that has made the conflict in that country so protracted and difficult? How has war exacerbated the religious conflict between Christians and Muslims? How has the tension between Muslims and Christians exacerbated the war? What solutions might be feasible? (See the Sudan regional update, p. 14.)

In Pakistan, evidence presented indicates religious conflict in several configurations, between Shiite and Sunni Muslims, and between Christians and Muslims. In the wider region, one also sees conflict between Muslims, Hindus, and Sikhs. How are these situations influenced by the political dynamics of the region, particularly in the aftermath of the wars against the Taliban and Iraq? (See the Pakistan regional update, p. 18.)

Both the Peoples Republic of China and the Democratic People’s Republic of Korea have had similar historic and political realities. Historically, both peoples were heavily influenced by Buddhism and Confucianism. Christianity was an imported religious tradition in both situations. Following World War II, both countries experienced significant isolation from the rest of the world. All religious traditions suffered. During this period, Christianity was identified with western political and cultural imperialism. What are the apparent results of this history, and what dynamics seem at play in the transitions that may be occurring within those two countries? How can/should the Christian communities of the west (and elsewhere) work to create positive climates for religious freedom for all traditions? (See the East Asia/Pacific regional update, pp. 20–22.)

Russia and Belarus have emerged from three-quarters of a century as part of the Soviet Union, in which region religion was suppressed and repressed. How do these two now independent countries appear to be adjusting to the presence and role of religious forces in society? A decade ago, Christians in the west saw countries of the former Soviet Union as a new ripe field of mission? How might that dynamic be seen in retrospect? What were the human rights imperatives then and now? (See the Europe regional update, pp. 22–27.)

The Middle East is the birthplace of three monotheistic religions that have had checkered, often tragic relations. In the Middle East regional update, it is stated: “religions in the Middle East suffer a crisis in dialogue, in which historical, social, and cultural elements, mingle. Religion is used to justify fanaticism or deep social traditions and authoritarian practice.” (See the Middle East regional update, pp. 27–40). Do you agree with these statements? State the reason(s) you agree or disagree with these statements.

In Indonesia there has been ethnic and religious conflict. Part of this is a reflection of a majority Muslim population with a small but influential Christian population. What are the prospects for resolving existing tensions and preventing further violent communal attacks? What is the responsibility or role of governmental forces in the prevention or instigation of inter-communal attacks? (See the Indonesia regional update, pp. 18–19.)

In Latin America, historically, Roman Catholicism has been a dominant force in law, culture, and tradition. That history has been marked by Catholic-Protestant tension. Though the situation has improved in recent decades, what evidence is there that tensions still exist? (See the Latin America and the Caribbean regional update, pp. 40–44.)

There is growing realization that some victims of persecution often face what is called “double” or “triple” jeopardy, for instance, where a woman may face discrimination or violence because she is a woman, because she may be a member of an oppressed ethnic or racial group, and because she may be a member of a minority repressed religion. What examples may be evident for such situations? What can and should be done to protect persons in such circumstances?

The United States State Department has an Advisory Panel on Religious Freedom Abroad, congressionally authorized, with authority to recommend diplomatic responses to violations of religious freedom where deemed appropriate. What should be the appropriate role for such a state-sponsored body in dealing with violations of religious freedom or belief? The United Nations has its Special Rapporteur. What is the most appropriate arena for dealing with the protection of freedom of religion or belief, the United Nations, or the United States? What are the pros and cons of the responsibility of each?

## SESSION FIVE

### The Right to Self-Determination

#### PURPOSE OF THE SESSION:

To analyze and compare five persistent situations identified in the Human Rights Update in which the rights of a “people” or “nation” are at issue, most fundamentally: the right of self-determination; to discuss the challenges of achieving civil, political, economic, social, cultural rights for peoples who are currently denied them; and to consider the responsibility of the international community, given international human rights law, of addressing the specific situations at hand.

#### SCRIPTURE READING:

Ephesians 2:19–22

#### READING:

*Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights:* “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

#### ISSUES FOR DISCUSSION AND LEARNING:

For centuries the Roma [Romani] people have been identified as the wanderers of Europe, hence the popular identification, generally derogatory, as the gypsies. Questions of citizenship, self-identity and rights, social security, political participation, rejection, discrimination, and persecution have been constant. What can be done to assure the preservation of the unique identity and history of the Roma people, and to provide them with the rights of participation and security? What are the challenges facing the European Union given the wide distribution of Roma through its European members? (See the Europe regional update on Roma, pp. 24–27.)

In the global arena, there is no area in the world where the influence of the United States policy and practice is more critical and influential than in the Middle East. This is particularly true in the Israel-Palestine conflict, where, for half a century the human rights of Palestinians have been denied, particularly the right to self-determination. The Israeli-Palestinian conflict has had at its core the conflict between two peoples seeking self-determination on the same piece of real estate. Palestinians believe that their land has been taken over and much of it is currently occupied by Israel. Israelis argue a religious-historic claim to the land, and the right of self-defense for what they believe is theirs. The United States has traditionally supported the claims of Israel, giving lip-service to those of the Palestinians. Have United States policy and practice helped or hindered the process of achieving justice, peace, and security in the region? What factors have been at play? What are the obstacles to a just resolution of the conflict? What are the prospects this conflict will be resolved justly? What should be the role and responsibility of the United States in the conflict? What should be the role and the responsibility of the United Nations? What are the forces at work making resolution more difficult? (See the Middle East regional update on Israel and Palestine, pp. 33–40.)

A long-standing challenge involving the human rights and self-determination of the indigenous peoples faces the United States and many countries around the world. In many countries indigenous peoples have long been victims of history. What are the issues at stake for indigenous peoples? What are some of the reasons that the claims of justice for indigenous peoples are so readily dismissed, and what steps might be made in achieving rights of self-determination and identity? What are the ways discrimination is manifest, in the United States, elsewhere? Why has it been so long for the international community to agree on the basic rights of these peoples? (See the Global Update—The United Nations (UN) and Human rights, “Human Rights as an International Issue in the Israel-Palestinian Conflict,” p. 9.)

Separatist movements exist in numerous places, Canada, Spain, Sri Lanka, Kashmir, etc. One location identified in the *Human Rights Update 2003–2004* where separatists’ movements are at work is in Indonesia. What are the human rights complications that exist? How can/should such situations be resolved? (See the Indonesia regional update, pp. 18–19.)

The residents of the island of Taiwan, including indigenous peoples and descendants of different generational immigrant streams who define their identities with variations, are seeking self-determination in relationship to the Peoples Republic of China (PRC). The government of the PRC claims jurisdiction over the island, but in fact has never exercised any jurisdiction, nor has there been control for almost a century. The PRC threatens to forcibly “reestablish” its jurisdiction over the country and its people. The Taiwanese are seeking recognition in the larger world community, and the right to participate as a country in the world arena as a viable nation-state, such as in the World Health Organization (WHO). Should the people of Taiwan be denied the right of self-determination? Why do different standards exist in international human rights law? What factors should be determinant in resolving questions of self-determination? Should force ever be an option in resolving questions of political autonomy or separation? (See the East Asia/Pacific regional update, pp. 20–22.)

## **APPENDIX ONE**

### **UNIVERSAL DECLARATION OF HUMAN RIGHTS**

[Adopted and Proclaimed by General Assembly of the United Nations Resolution 217 A (II) of 10 December 1948.]

#### Preamble

*Whereas* recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

*Whereas* disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

*Whereas* it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be projected by the rule of law,

*Whereas* it is essential to promote the development of friendly relations between nations,

*Whereas* the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

*Whereas* Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

*Whereas* a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

*Now, therefore, THE GENERAL ASSEMBLY proclaims*

This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

#### *Article 1*

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

#### *Article 2*

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

*Article 3*

Everyone has the right to life, liberty and security of person.

*Article 4*

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

*Article 5*

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

*Article 6*

Everyone has the right to recognition everywhere as a person before the law.

*Article 7*

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

*Article 8*

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

*Article 9*

No one shall be subjected to arbitrary arrest, detention or exile.

*Article 10*

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

*Article 11*

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

*Article 12*

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

*Article 13*

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

*Article 14*

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

*Article 15*

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

*Article 16*

1. Men and women of full age, without any limitations due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

*Article 17*

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

*Article 18*

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

*Article 19*

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

*Article 20*

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

*Article 21*

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access of public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

*Article 22*

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

*Article 23*

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

*Article 24*

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

*Article 25*

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

*Article 26*

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

*Article 27*

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

*Article 28*

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

*Article 29*

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

*Article 30*

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

[This information copied from *The International Bill of Human Rights*, Department of Public Information (United Nations: New York, 1985) pp. 4–9.]

## APPENDIX TWO

### **Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief**

[Adopted and Proclaimed by the General Assembly of the United Nations Resolution 36/55 of 25 November 1981.]

*The General Assembly,*

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of nondiscrimination and equality before the law and the right to freedom of thought, conscience, religion and belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations,

Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

Convinced that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

Noting with satisfaction the adoption of several, and the coming into force of some, conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

*Resolved* to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief,

*Proclaims* this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

#### *Article 1*

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

*Article 2*

1. No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.

2. For the purposes of the present Declaration, the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

*Article 3*

Discrimination between human being on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

*Article 4*

1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

2. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

*Article 5*

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.

2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.

5. Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

Article 6

In accordance with article I of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Article 7

The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

Article 8

Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

[This document can be found on the United Nations High Commissioner for Human Rights web page <[http://www.unhchr.ch/html/menu3/b/d\\_intole.htm](http://www.unhchr.ch/html/menu3/b/d_intole.htm)>.]

## **APPENDIX THREE**

### **International Covenant on Civil and Political Rights**

[Adopted and Opened for Signature, Ratification, and Accession by  
General Assembly Resolution 2200A (XXI) of 16 December 1966

#### *Preamble*

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant, Agree upon the following articles:

#### PART I

##### *Article 1*

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

#### PART II

##### *Article 2*

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

*Article 3*

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

*Article 4*

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

*Article 5*

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

*Article 6*

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

#### Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

#### Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3.

(a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

#### Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a

reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

*Article 10*

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

*Article 11*

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

*Article 12*

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

*Article 13*

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

*Article 14*

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special

circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

#### *Article 15*

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

#### *Article 16*

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others;
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

#### *Article 23*

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

#### *Article 24*

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

#### *Article 25*

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

#### *Article 26*

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

#### *Article 27*

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

*Article 28*

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

*Article 29*

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

*Article 30*

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

*Article 31*

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

*Article 32*

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election

shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

*Article 33*

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

*Article 34*

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

*Article 35*

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

*Article 36*

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

*Article 37*

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

*Article 38*

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:
  - (a) Twelve members shall constitute a quorum;
  - (b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:
  - (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
  - (b) Thereafter whenever the Committee so requests.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.
3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.
4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
  - (a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;
  - (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph I of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

#### *Article 42*

1.

(a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

#### *Article 43*

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

#### *Article 44*

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

*Article 45*

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

*Article 46*

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

*Article 47*

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

*Article 48*

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

*Article 49*

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

*Article 50*

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

*Article 51*

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon

communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

*Article 52*

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

*Article 53*

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

[This document can be found on the United Nations High Commission for Human Rights web page <[http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)>.]

## APPENDIX FOUR

### International Instruments on Human Rights

[List of Instruments in Chronological Order]

<b>Human Rights Instrument</b>	<b>Has the United States Signed?</b>	<b>Has the United States Ratified?</b>	<b>Year Entered into Force</b>
Convention for the Suppression of the Traffic of Persons and the Exploitation of the Prostitution of Others	No	No	1951
Convention on the Prevention and Punishment of the Crime of Genocide	Yes	Yes	1951
Protocol Amending the Slavery Convention signed at Geneva on September 25, 1926	Yes	Yes	1953
Convention on the Political Rights of Women	Yes	Yes	1954
Slavery Convention of September 25, 1926 as amended	Yes	Yes	1955
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	Yes	Yes	1957
Convention on the Nationality of Married Women	No	No	1958
Convention Relating to the Status of Stateless Persons	No	No	1960
Convention on the International Right of Correction	No	No	1962
Convention on the Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages	Yes	No	1964
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity	No	No	1970
International Convention on the Elimination of All Forms of Racial Discrimination	Yes	Yes	1970
Convention on the Reduction of Statelessness	No	No	1975
International Covenant on Economic, Social, and Cultural Rights	Yes	No	1976
International Covenant on Civil and Political Rights	Yes	Yes	1976
Optional Protocol to the International Covenant on Civil and Political Rights on Individual Claims	No	No	1976
International Convention on the Suppression and Punishment of the Crime of Apartheid	No	No	1976
Convention on the Elimination of All Forms of Discrimination Against Women	Yes	No	1981
Convention Against Torture and Other Cruel, Inhuman, or Degrading Punishment	Yes	Yes	1984
Convention on the Rights of the Child	Yes	No	1990
2 <sup>nd</sup> Optional Protocol to the International Covenant on Civil and Political Rights on the Death Penalty	No	No	1991

## APPENDIX FIVE

### The 216th General Assembly (2004) Actions on Human Rights

[All references can be found in the *Minutes*, 2004, Part I.]

#### REPORTS:

- “A Resolution and Confession on the Torture and Abuse of Prisoners,” Item 12-08. [Ibid., p.901]
- “Alpha—From a Reformed Perspective,” Item 09-06. [Ibid., p.650] [Note: *Alpha is a congregationally based program to introduce nonchurched persons to the Christian faith through a serious exploration of the basics of the Christian Faith*, Ibid., p.651]
- “Commitment to Peacemaking,” Item 12-07. [Ibid., 900]
- “Congregations and MGBs Study and Response to WCC Decade to Overcome Violence, Item 06-04. [Ibid., p. 422]
- “Instruct Presbyteries to Work on Diversity and Inclusiveness When Electing/Selecting Commissioners to GA,” Item 03-06. [Ibid., p. 170]
- “Iraq: Our Responsibility and the Future,” Item 12-05. [Ibid., p. 863]
- “Monitor Clergywomen’s Call Processes,” Item 05-04. [Ibid., p. 390]
- “Remove Talisman Energy from the GA Divestment List,” Item 13-06. [Ibid., p. 962]
- “Resolution on Violence, Religion, and Terrorism,” Item 12-06. [Ibid., p. 876]
- “Report on Creating a Climate for Change Within PC(USA),” Item 07-08. [Ibid., p. 54]
- “Report on Limited Water Resources and Takings,” Item 10-04. [Ibid., p. 720]
- “Report on the Review of the National Council of Churches of Christ in the U.S.A.,” Item 06-07. [Ibid., p. 429]
- “Research Programs and Support for Clergywomen in Ministries,” Item 05-03. [Ibid., p. 389]
- “Resolution on Allegations of Child Abuse Against Educators,” Item 10-12. [Ibid., p. 809]
- “Support for Ecumenical Formation,” Item 06-05. [Ibid., p. 423]
- “Task Force on Election Report and Recommendations,” Item 10-02. [Ibid., p. 686]
- “Task Force to Study Reparations Report,” Item 10-03.[Ibid., p. 701]
- “Transforming Families,” Item 10-06. [Ibid., p. 747]
- “Trinity Work Group Report: Invite Response and Comment on Current Draft,” Item 08-09. [Ibid., p. 617]

#### OVERTURES:

- Alternative Resolution On Authorizing the Inclusion of a Fund to Combat HIV/AIDS and Diseases of Poverty in Africa in the One Great Hour of Sharing Offering—From the Presbytery of New Castle*, Item 13-03. [Ibid., p. 90]

- Alternate Resolution on Directing GAC to Provide and Introduction to Anti-Racism Training for Assemblies in 2006, 2008, and 2010, and Making Recommendations in 2010 for Future Events —From the Presbytery of Detroit, Item 03-09. [Ibid., p. 45]*
- Alternative Resolution On Endorsing A Christian Declaration of Marriage—From the Presbytery of Santa Barbara, Item10-11.[Ibid., p. 58]*
- Alternative Resolution On Expressing Solidarity with the Presbyterian Church in Taiwan and with the Taiwanese People—From the Presbytery of the Pacific. Item 13-07. [Ibid. p. 90]*
- Alternative Resolution On Setting Compensation Standards—From the Presbytery of New Hope, Item 10-07.[Ibid., p. 60]*
- Alternate Resolution On Supporting the Geneva Accord, Urging Israel and Palestine to Implement the Accord—From the Presbytery of St. Augustine, Item 12-01. [Ibid., p. 64]*
- Alternate Resolution On Urging Churches to Affirm in Their Ministries the Protection of Babies in the Womb Who Are Viable, From the Presbytery of Charlotte, Item 11-02. [Ibid. p. 37]*
- Comment On Calling for the End of Abortion, and Inserting a Statement in the Book of Order Regarding Abortion—From the Presbytery of Upper Ohio Valley, Item 11-01. [Ibid., p. 835]*
- On Calling for an End to the Construction of a Wall by the State of Israel—From the Presbytery of Chicago, Item 12-02. [Ibid., p. 66]*
- On Confronting Christian Zionism—From the Presbytery of Chicago, Item 12-03. [Ibid., p. 67]*
- On Directing NMD to Develop a Plan for Resourcing and Funding Evangelism with Racial Ethnic Persons and Persons of Limited Economic Resources—From the Presbytery of Miami, Item 09-15.[Ibid., p. 668]*
- On Encouraging National, Presbytery, and Synod Leaders to Foster Evangelism—From the Presbytery of the Trinity. Item 09-07.[Ibid., p. 652]*
- On Improved Education for African American and Other Students Placed At-Risk for an Excellent Education—From the Presbytery of National Capital, Item 09-13, Recommendation 1. [Ibid., p. 43]*
- On Issuing and Authoritative Interpretation of Standards for Ordination—From the Presbytery of the Western Reserve, Concurrences: Presbytery of Albany, Presbytery of Long Island, Presbytery of Milwaukee, Presbytery of New York City, and Presbytery of Santa Fe, Item 05-07. [Ibid., p. 78]*
- On Opposing the Change in Requirements of Emission from Smoke Stack Industries—From the Presbytery of Savannah, Item 11-05. [Ibid., p. 847]*
- On Preparing a Policy Statement on Usury in the United States—From the Presbytery of Utah, Item. 10-09. [Ibid., p. 798]*
- On Reaffirming the Importance of Our Nation’s Social Security System (Social Security and Medicare) — From the Presbytery of Hudson River, Item, 10-10.[Ibid., p. 800]*
- On Re-Examining the Relationship Between Christians and Jews and the Implications for Our Evangelism and New Church Development—From the Presbytery of Hudson River, Item 06-09, Recommendation 1. [Ibid., p. 20]*
- On Supporting the Association of Presbyterian Schools (APS)—From the Presbytery of Mississippi, Item 09-11. [Ibid., p. 659]*

**COMMISSIONERS’ RESOLUTIONS:**

- Alternative Resolution on Establishing a Palestine Working Group, Item 12-09. [Ibid., p.75]*

*Alternative Resolution on Supporting the Federal Marriage Amendment*, Item 10-16. [Ibid., p. 59]

*Emphasizing the Importance of Scripture*, Item 03-26. [Ibid., p. 216]

*Denial of Civil Rights in Virginia*, Item 10-15. [Ibid., p. 822]

*On Celebrating the “Social Creed” of the Churches and Considering a 21st Century Social Creed*, Item 08-18. [Ibid., p. 627]

*On Cooperative Ecumenical Strategy*, Item 06-13. [Ibid., p. 445]

*On Directing the Board of Pensions to Revise Their Rules For The Calculation of Salary for Churches with a Clergy Couple Installed to One Position—From the Presbytery of Southeastern Illinois*, Item 14-09. [Ibid., p. 100]

*On Opposition to the Central America Trade Agreement (CAFTA)*, Item 13-09. [Ibid., p. 967]

*On Pastoral Resources for Women Who Have Experienced Abortion—From the Presbytery of Donegal. (Minutes, 2002, Part I, pp. 70, 654)*, Item 11-07. [Ibid., p. 38]

*On Providing Disability Awareness Training for Commissioners to the 217th General Assembly (2006)*, Item 03-25. [Ibid., p. 215]

*On Reaffirming Ethical Values of Fetal Tissue and Stem Cell Research*, Item 11-06. [Ibid., p. 849]

*On Rescinding Policies Regarding Cuba That Cause Hardship to Families*, Item 13-10. [Ibid., p. 971]

*On Seeking a Thorough, Calm, and Reasoned Review of the USA Patriot Act*, Item 10-13. [Ibid., p. 819]

*On the Murders of Women in Ciudad Juarez, Mexico*, Item 13-08. [Ibid., p. 965]

*Recognize Civil Rights for Same-Gender Couples*, Item 10-17. [Ibid., p. 59]

## APPENDIX SIX

### Human Rights—Presbyterian Church (U.S.A.) Groups

The following ministry areas can be contacted through the Presbyterian Church (U.S.A.) for information on action strategies and/or research on human rights violations.

#### **Jennifer Butler, Associate for Global Issues**

*Presbyterian United Nations Office*  
777 United Nations Plaza, 12th Floor  
New York, NY 10017  
Phone: (212) 697-4568  
Fax: (212) 986-3002  
E-mail: [jenbutler@presbyun.org](mailto:jenbutler@presbyun.org)

#### **Elenora Giddings Ivory, Director**

*Presbyterian Washington Office*  
110 Maryland Avenue NE  
Washington, DC 20002  
Phone: (202) 543-1126  
Fax: (202) 543-7755  
E-mail: [eivory@ctr.pcusa.org](mailto:eivory@ctr.pcusa.org)

#### **Vernon Broyles, Associate**

Corporate Witness  
*National Ministries Division*  
Presbyterian Church (U.S.A.)  
100 Witherspoon Street  
Louisville, KY 40202-1396  
Phone: 1-800-728-7228, ext. 5812  
Fax: 502-569-8116  
Email: [vbroyles@ctr.pcusa.org](mailto:vbroyles@ctr.pcusa.org)

#### **Belinda M. Curry, Associate**

Policy Development and Interpretation  
*Advisory Committee on Social Witness Policy*  
*Editor, Human Rights Update*  
Presbyterian Church (U.S.A.)  
100 Witherspoon Street  
Louisville, KY 40202-1396  
Phone: 1-800-728-7228, ext. 5813  
Fax: (502) 569-8041  
E-mail: [bcurry@ctr.pcusa.org](mailto:bcurry@ctr.pcusa.org)

#### **Ecumenical Partnership**

Worldwide Ministries Division  
Presbyterian Church (U.S.A.)  
100 Witherspoon Street  
Louisville, KY 40202-1396  
1-888-728-7228, ext. 5347

Area offices and coordinators include:

#### *Central/West Africa*

Doug Welch, ext. 5353  
[dwelch@ctr.pcusa.org](mailto:dwelch@ctr.pcusa.org)

#### *Latin America/Caribbean*

Maria Arroyo, ext. 5315  
[marroyo@ctr.pcusa.org](mailto:marroyo@ctr.pcusa.org)

#### *Southern/East Africa*

Jon Chapman, ext. 5352  
[jchapman@ctr.pcusa.org](mailto:jchapman@ctr.pcusa.org)

#### *Middle East/Europe*

Victor Makari, ext. 5314  
[vmakari@ctr.pcusa.org](mailto:vmakari@ctr.pcusa.org)

*Central/South/Southeast Asia*

Raafat L. Zaki, ext. 5973

[rzaki@ctr.pcusa.org](mailto:rzaki@ctr.pcusa.org)

*East Asia/Pacific*

Insik Kim, ext. 5354

[ikim@ctr.pcusa.org](mailto:ikim@ctr.pcusa.org)

## APPENDIX SEVEN

### Human Rights Organizations

The following organizations provide action strategies and/or research information on human rights violations. This list highlights a few of the best-known organizations, but it does not pretend to be exhaustive. Survey the members of your study group or congregation. You will probably discover that some of them are already affiliated with human rights organizations in your region or community. We encourage you to learn more about all those groups and consider which ones may be most helpful to you as you carry on your concerns of human rights.

#### **Amnesty International U.S.A. (AIUSA)**

The AIUSA is a volunteer organization that seeks to secure the release of prisoners of conscience, advocates for fair and prompt trials for all political prisoners, and opposes cruel, inhuman, and degrading punishment, particularly the use of torture and the death penalty.

For membership and community group information, contact the regional office for your state. For Urgent Action notices on cases about which you may write appeals, contact the Urgent Action Network Office in Nederland, Colorado. For information on national legislation and diplomatic contacts, contact the Washington Office.

For other information, contact the National Office in New York City. Annual national membership \$25 (\$15 for students, senior citizens, and low income).

Amnesty International. U.S.A.—National Office  
322-8th Ave.,  
10th Floor  
New York, NY 10001  
(212) 807-8400

<http://www.amnestyusa.org> and  
<http://www.amnesty.org/>

Community Action Bulletin  
(an action/information bulletin for  
the religious community)

#### **Center for Human Rights**

New York Liaison Office  
Room S-2914  
United Nations  
New York, NY 10017  
(212) 963-5931

<http://www.un.org/rights/dpil774e.htm>

This office is an excellent resource for information on a wide variety of human rights concerns and for information on United Nations' efforts to address human rights violations through investigations, conventions, etc. They publish occasional materials and have a series of fact sheets on various aspects of human rights. Most of their publications are free of charge.

#### **Department of State**

Country Reports on Human Rights Practices  
Superintendent of Documents  
P.O. Box 371954  
Pittsburgh, PA 15250  
(202) 512-1800

<http://www.state.gov/g/drl/hr/>

The U.S. Department of State submits an annual report on human rights practices around the world to the U.S. Senate Committee on Foreign Relations and the U.S. House of Representatives Committee on Foreign Affairs. The report is usually available at the end of January of the year following the year about which the report is made.

## **Human Rights Watch**

Africa Watch  
Americas Watch  
Asia Watch  
Helsinki Watch  
Middle East Watch

485-5th Ave.  
New York, NY 10017  
(212) 972-8400  
[www.hrw.org](http://www.hrw.org)

The Watch organizations conduct systematic investigations of human rights abuses in some sixty countries around the world, of all political stripes, of all geopolitical alignments. In wars—such as those in Afghanistan, Angola, Cambodia, and El Salvador—they document abuses by all parties. They defend freedom of thought and expression, due process of law, and equal protection of law. They denounce murders, disappearances, torture, arbitrary imprisonment, exile, psychiatric abuse, censorship, and other abuses of internationally recognized human rights.

The Watch organizations publish an annual report that is available free of charge. They also regularly publish reports on particular countries that are available for purchase from the publication office at the above address.

## **Human Rights First (formerly Lawyers' Committee on Human Rights)**

330-7th Ave., 10th Floor  
New York, NY 10001  
(212) 629-6170  
<http://www.humanrightsfirst.org/>

The Lawyers' Committee addresses international human rights violations and refugee law. They prepare reports on human rights violations around the world with particular reference to human rights violations and the legal system.

A publications catalogue of country and issue reports is available from the above address. They also publish an annual critique of the U.S. Department of State "Country Reports on Human Rights Practices."

## APPENDIX EIGHT

### ***Human Rights Updates 1989–2003***

[Copies of the 1989–2003 updates may be accessed via the *Minutes of the General Assembly* or you may purchase a copy from the Presbyterian Distribution Center (PDS) by calling 1-800-524-2612. Please specify the PDS order number when you place your order.]

*Human Rights Update 1989–90, Minutes, 1990, Part I, pp. 111, 119, 593–99; PDS order #OGA-90-014.*

*Human Rights Update 1990–91, Minutes, 1991, Part I, pp. 129, 133, 806–10; PDS order #OGA-91-020.*

*Human Rights Update 1991–92, Minutes, 1992, Part I, pp. 74, 78, 729–39; PDS order #OGA-92-019.*

*Human Rights Update 1992–93, Minutes, 1993, Part I, pp. 56, 57, 745–58; PDS order #OGA-93-018.*

*Human Rights Update 1993–94, Minutes, 1994, Part I, pp. 93, 96, 296–306; PDS order #OGA-94-015.*

*Human Rights Update 1994–95, Minutes, 1995, Part I, pp. 84, 89–91, 442–59; PDS order #OGA-95-13.*

*Human Rights Update 1995–96, Minutes, 1996, Part I, pp. 99–100, 497–521; PDS order #OGA-96-012.*

*Human Rights Update 1996–97, Minutes, 1997, Part I, pp. 42, 46, 592–616; PDS order #OGA-97-006.*

*Human Rights Update 1997–98, Minutes, 1998, Part I, pp. 77, 80, 480–501; PDS order #OGA-98-007.*

*Human Rights Update 1998–99, Minutes, 1999, Part I, pp. 51, 440–72.; PDS order #OGA-99-030.*

*Human Rights Update 1999–2000, Minutes, 2000, Part I, pp. 36, 281–315; PDS order #OGA-00-046.*

*Human Rights Update 2000–2001, Minutes, 2001, Part I, pp. 56, 292–331; PDS order #OGA-01-046;*  
World Wide Web [http://www.pcusa.org/oga/publications/human\\_rights2000-1.pdf](http://www.pcusa.org/oga/publications/human_rights2000-1.pdf).

*Human Rights Update 2001–2002, Minutes, 2002, Part I, pp. 51, 669–704; PDS order #OGA-02-046;*  
World Wide Web@ [http://www.pcusa.org/oga/publications/human\\_rights01-02.pdf](http://www.pcusa.org/oga/publications/human_rights01-02.pdf).

*Human Rights Update 2002–2003, Minutes, 2003, Part I, pp. 39, 613 for assembly action; PDS order #OGA-03-046; World Wide Web@[http://www.pcusa.org/oga/publications/human\\_rights02-03.pdf](http://www.pcusa.org/oga/publications/human_rights02-03.pdf).*

*Human Rights Update 2003–2004, Minutes, 2003, Part I, pp. 91, 918 for assembly action; PDS order #OGA-04-046; World Wide [Web@http://www.pcusa.org/publications/human\\_rights2003-04.pdf](http://www.pcusa.org/publications/human_rights2003-04.pdf).*

